ACTS

OF THE

One Hundred and Thirty-First Legislature

OF THE

STATE OF NEW JERSEY.

AND

Sixty-Third Under the New Constitution.

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

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

S. D. DICKINSON,

Secretary of State.

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OF THE

One Hundred and Thirty-First Legislature

OF NEW JERSEY.

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LAWS

ACTS

PASSED BY THE

One Hundred and Thirty-first Legislature.

CHAPTER 1.

A Supplement to an act entitled "An act relating to courts having criminal jursdiction, and regulating proceedings in criminal cases (Revision of 1898)," approved June fourteenth, eighteen hundred and ninety-eight.

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

1. In inflicting the punishment of death by hanging, an Under-sheriff, duly appointed and qualified, shall have the same power and authority as the Sheriff by whom he was appointed; but before such punishment shall be so inflicted by an Under-sheriff, an order of the Court of Oyer and Terminer to that effect shall be first obtained. Under-sheriff may inflict death penalty.

2. This act shall take effect immediately.

BLOOMFIELD H. MINCH,
President of the Senate.
EDGAR E. LETHBRIDGE,
Speaker of the House of Assembly.

Approved January 22, 1907.

E. C. STOKES,
Governor.

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CHAPTER 2.

An Act to repeal an act entitled "An act to provide for the summary investigation of county and municipal expenditures," approved February eighteenth, one thousand eight hundred and seventy-nine, and the supplement thereto approved March fifteenth, one thousand eight hundred and eighty-one.

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

Acts repealed.

1. The act entitled "An act to provide for the summary investigation of county and municipal expenditures," approved February eighteenth, one thousand eight hundred and seventy-nine, and the supplement thereto approved March fifteenth, one thousand eight hundred and eighty-one, are hereby repealed; *provided,* that this act shall not operate to affect any proceeding instituted under the provisions of the acts repealed which are now pending before the Supreme Court or the Court of Errors and Appeals.

Proviso.

2. This act shall take effect immediately.

Approved January 29, 1907.

CHAPTER 3.

An Act to provide for the summary investigation of county and municipal expenditures.

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

Application for investigation of county or municipal expenditures.

1. If twenty-five freeholders in any incorporated village, borough, town or city, or in any township or county in this State, shall present to any justice of the

Supreme Court an affidavit sworn to and subscribed by themselves, and setting forth that they are freeholders and have paid taxes on real estate within one year, and that they have cause to believe that the moneys of such incorporated village, borough, town or city, or of such township or county, are being, or have been, unlawfully or corruptly expended, said justice may, in his discretion, after ten days' notice to the disbursing officer and the legislative body of such village, borough, town, city, township or county to be heard, make a summary investigation into the affairs of such corporation, and at his discretion he may appoint experts to prosecute such investigation and may cause the results thereof to be published in such manner as he may deem proper. It shall be the duty of the officers and the legislative body of any such corporation to obey any orders of such justice for facilitating such investigation, and any refusal or failure to obey such orders may be punished by such justice as for contempt. The costs incurred under this act shall be taxed by said justice and upon his order by the disbursing officer of the corporation whose expenditures may have been investigated.

Investigation may be summary or by experts.

Expenses.

2. The said justice may, if he deem it advisable, require the applicants to furnish a bond to be filed with the county clerk in such sum as he may deem necessary for the payment of the costs and expenditures of such investigation.

Bond may be required from applicants.

3. This act shall take effect immediately.

Passed February 6, 1907.

CHAPTER 4.

An Act to validate and confirm any election heretofore or hereafter held in any city for the acceptance of any act authorized to be submitted at such election, as well as any election held for the adoption of a proposition under any such act, and to validate and confirm all bonds, contracts or other obligations issued, authorized or made under any such act or pursuant to any such proposition.

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

Validating result of elections held in cities on special propositions.

1. Whenever heretofore or hereafter an election has been called and held in any city of this State at which the question of the acceptance or adoption of any act of the Legislature of this State has been submitted to the qualified electors of such city, the provisions of which act by its terms do not take effect or become operative in any city until such act has been accepted or assented to by the affirmative vote of the majority of the qualified voters of such city voting at such election; or whenever heretofore, under authority of any such act, an election has been called and held for the adoption of a proposition authorized to be submitted thereunder, and a majority of votes cast on the acceptance of said act or adoption of any such proposition has been in favor of the acceptance of such act or adoption of said proposition, said election and the acceptance of such act and adoption of such proposition is hereby validated and legalized, notwithstanding any defect, omission or irregularity in the manner of the passage, approval or publication of the ordinance, resolution or other proceeding calling any such election, or in the publication of the notice of said election, or in the conduct of such election, or the canvass or filing of the result thereof.

All bonds, contracts or obligations issued, authorized, made or entered into under the authority of the provisions of the act so accepted or adopted, or of any such election held or proposition adopted thereunder, are hereby validated and legalized. Obligations legalized.

2. This act shall take effect immediately.

Approved February 19, 1907.

CHAPTER 5.

An Act to enable cities to erect a fire-house upon city lands, equip the same and issue bonds in payment therefor.

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

1. Whenever any city has purchased lands for the purpose of erecting a fire-house thereon, it shall be lawful for the governing body or other body in control of the finances of such city to issue bonds for the purpose of erecting a fire-house upon such land and of equipping the same with horses, fire engines and other necessaries for fire purposes, to the amount of not more than twenty thousand dollars. City may issue bonds for fire equipment. Amount.

2. Said bonds shall be issued after due advertisement and sold at public sale to the highest bidder therefor; shall run for a period of not less than ten nor more than thirty years from date of issue; shall bear interest at a rate of not more than five per cent. and shall pledge the faith, credit and property of such city for the payment thereof, with interest. Rate and time.

3. The proceeds of said bonds shall be used exclusively by the governing board or body in charge of the finances of said city exclusively, for the purpose of erecting said fire-house and of fully equipping the same for fire purposes as aforesaid; the said bonds shall be re- Use of proceeds.

Establish sinking fund.

tired by establishing a sinking fund for the purpose, and there shall be deposited each year to the credit of said fund, to be produced and collected by assessment upon the ratables of such city, a sum sufficient to retire the principal of said bonds at maturity.

4. This act shall take effect immediately.

Approved February 27, 1907.

CHAPTER 6.

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

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

Selection of new panels at alternate periods.

1. In every county of this State which has or may hereafter have within its territorial limits a population exceeding one hundred thousand inhabitants, it shall be the duty of the sheriff, or under-sheriff, of such county, or in case of the death of such sheriff, of the coroners of such county, or of elisors appointed by the court, on the second Monday of each regular term of any Circuit Court, Court of Oyer and Terminer, Common Pleas and Quarter Sessions, to be holden in such county, and on every alternate Monday thereafter during such term, to select in the manner provided by law, a new general panel of jurors to serve as jurors in the trial of all causes before said courts from the Monday following such selection for a period of two weeks, and when the jurors so summoned shall appear for service, the court shall have the power to discharge the panel before summoned and then serving; *provided, however,* that the judge of the Court of Common Pleas of such county may strike from or add to the names of jurors selected as now provided in an act supplementary to the act to

Proviso.

which this act is a supplement, which said supplementary act was approved April sixteenth, one thousand nine hundred and six.

Continuance of jurors.

2. In case any juror summoned on any panel shall be actually serving in the trial of a cause at the time when the panel of jurors in which he was summoned would otherwise be discharged, the term of service of such juror shall be and is extended until the completion of that service. The Court of Common Pleas of any such county may, by order, discharge the panels so summoned, or any part thereof, when, in its opinion, the service of the said jurors so summoned, or any part thereof, may not be further needed.

Discharge of panels.

When new panel not drawn.

3. Whenever the Court of Common Pleas in any such county shall be satisfied that the business of the several courts in any such county does not require a new panel to be selected for the remainder of such term in such county, it may, by order, direct the sheriff to refrain from selecting or summoning any other or further jurors to serve therein during such term, and may at any time order the continuance of the whole or any part of the existing panel, or may at any time discharge temporarily or for the term the whole or any part of the existing panel of jurors in such manner as the court may by order direct.

Fees for drawing panel.

4. The fees of the sheriff or other officers summoning the additional panel of jurors as herein required, shall be the sum of one dollar for each juror so summoned, and no more.

Attendance of jurors regulated by court.

5. The Court of Common Pleas may direct by rule that a part only of the general panel of jurors drawn to attend upon the several courts of any such county shall be summoned by the sheriff, under-sheriff, coroners or elisors, to serve at any one time, and may from time to time direct what number of jurors, or additional jurors so drawn on such general panel, shall be summoned for service in the courts of said county, as the necessities and convenience of the several courts may require. If a less number than the whole of the general panel of jurors shall be directed by the court to be summoned at any time after any general panel shall be drawn, at the time and in the manner required by law, such less number as

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may by rule of court be directed to be summoned shall be drawn from the box containing the whole general panel before the Court of Common Pleas, in open court, to the number so directed, and any future increase of jurors less than the whole general panel shall be drawn in like manner, and summoned from time to time as so drawn.

Reduction of jurors when not needed.

6. It shall be lawful for the Court of Common Pleas, at any time during any term of court, when it shall seem that the necessities or convenience of the court requires fewer jurors for service in the several courts of the county than are then in attendance upon said courts, to direct by rule that a certain number of jurors, less than the whole general panel, shall be discharged for a time, to be designated in such rule, or for the term, as may be determined, and in that event such number of jurors as shall be so directed by said rule to be discharged shall be drawn from the box containing the names of all the jurors then in attendance upon the courts of said county, and the jurors so drawn shall be discharged as said rule directs.

Repealer; when act operative.

7. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect immediately, and be operative as if in force at the commencement of a regular term of said courts.

Approved February 27, 1907.

CHAPTER 7.

A Supplement to an act entitled "An act to provide for the establishment of a course in practical and scientific instruction in the art of clay working and ceramics in the State agricultural college," approved March seventeenth, one thousand nine hundred and two.

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

Additional appropriation for ceramic course.

1. In addition to the amount now fixed by the act to which this is a supplement, a further sum of two thou-

sand five hundred dollars shall annually be appropriated out of the general revenues of the State for salaries, supplies and other expenses of maintenance of said course; *provided,* that such sum shall first be appropriated in the annual appropriation bill. Proviso.

2. This act shall take effect immediately.

Approved March 14, 1907.

CHAPTER 8.

A Supplement to an act entitled "An act to authorize cities in this State to purchase lands and erect suitable buildings for city purposes, and to sell lands and buildings now used for such purposes," approved April seventeenth, one thousand nine hundred and three.

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

1. Whenever any city in this State has proceeded, or shall proceed, under the act to which this is a supplement, and the commission appointed to carry out the contemplated objects of that act shall certify, in writing, to the body having charge of the finances of such city, that the sum of three hundred thousand dollars, together with the estimated proceeds of the sale of public property not needed for public use, is insufficient for the purpose of purchasing lands, erecting suitable buildings thereon and furnishing the same ready for occupancy, it shall be lawful for the common council, board of aldermen or other body having charge of the finances of such city, to appropriate, in addition to the amount now authorized by law, such sum or sums of money not exceeding the sum of three hundred thousand dollars, as they, in their discretion, shall determine, for the purpose aforesaid, and to issue and sell the bonds of Additional bond issue for city buildings. Amount.

such city to the amount so appropriated. Such bonds shall bear interest and be issued in conformity with the provisions of section four of the act to which this act is a supplement.

Issue of temporary loan bonds on 90 per cent. appraised value of grounds and buildings.

2. When in any city in this State the commission appointed under and by virtue of the act to which this is a supplement, and the governing body having charge of the finances of said city, have determined or may determine that any public ground or grounds, and building or or buildings that may be thereon, may safely be spared, or are not needed for public use, and said commission has determined that the same be sold at public sale by it, for the purposes specified in said act, it shall be lawful for said governing body, upon the request of said commission, to issue temporary loan bonds (bearing lawful interest) to an amount equal to ninety per centum of the appraised value of such public ground or grounds and building or buildings, or any part thereof, the proceeds from which shall be paid into the treasury of such city and carried to the credit of said commission, to be used by it as provided in section four of said act.

Ascertain value of grounds and buildings.

3. Before the issuing of any such bonds the said governing body shall ascertain the value of such ground or grounds and building or buildings, and shall fix the same by resolution, which value, when so fixed, shall be the appraised value of such ground or grounds and building or buildings, and when such value is so fixed the same shall not be changed, and upon such appraised valuation the said bonds shall be issued as aforesaid.

Bonds redeemed by proceeds of sale of property.

4. The proceeds arising from the sale of any such ground or grounds, building or buildings, shall be used for the redemption of the bonds issued as last herein provided, and no part of the money received from the sale of said ground or grounds and building or buildings shall be used for any other purposes than the redemption of such bonds until all of such bonds shall have been paid and retired.

5. This act shall take effect immediately.

Approved March 14, 1907.

CHAPTER 9.

A Supplement to an act entitled "An act for the appointment of fire wardens, the prevention of forest fires and the repeal of sundry acts relating thereto," approved April eighteenth, nineteen hundred and six.

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

Fire district may include several townships.

1. The State Board of Forest Park Reservation Commissioners may include parts of several townships in a single fire district and appoint a fire warden thereof, and the services of and expenses incurred by said warden shall be paid as provided in the act to which this act is a supplement, jointly by the State and by the township in which they were incurred. If such fire district shall include the right of way of any railroad company and the land adjacent thereto, the board may make such arrangement with said railroad company regarding compensation and expenses of such fire warden as it may deem best; *provided, however,* in no case shall the State pay a larger proportion of such expense than it would pay if such agreement were not made.

Proviso.

"Township" defined.

2. Wherever the word "township" is used in the act to which this act is a supplement, the said word shall be taken to mean and include a city, town, borough and village as well as a township.

3. This act shall take effect immediately.

Approved March 14, 1907.

CHAPTER 10.

An Act to provide for the purification of the waters of the Passaic river within the Passaic valley sewerage district, prohibiting the discharge of sewage or other polluting matter into said portion of said river after a fixed date, and authorizing municipalities lying in whole or in part within the Passaic valley sewerage district, from the territory of which sewage or other polluting matter is or may be discharged into said portion of said river, to enter into contracts with each other and with the Passaic Valley Sewerage Commissioners for the intercepting and disposal of such sewage and other polluting matter, and to provide the necessary funds therefor.

Preamble.

WHEREAS, A large number of municipalities and the inhabitants thereof are now discharging sewage and other polluting matter into the waters of the Passaic river within the Passaic valley sewerage district, between the Great falls at the city of Paterson and the mouth of the Passaic river at Newark bay, and said waters are thereby polluted; and

WHEREAS, In order to purify said portion of said river, it is necessary that power be granted to said municipalities to adopt some method to prevent the discharge of sewage and other polluting matter into said portion of said river by mutual co-operation, and that a reasonable time be granted within which to provide the necessary means for intercepting and disposing of said sewage and other polluting matter:

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

Discharge of sewage into certain portion of Passaic river prohibited.

1. Every municipality, corporation and individual is hereby prohibited and forbidden to discharge, directly

or indirectly, any sewage or other polluting matter into the waters of the Passaic river at any point between the Great falls in the city of Paterson and the mouth of the said river at Newark bay, or into any tributaries of the Passaic river which empty into the Passaic river between said points, after the twelfth day of December, in the year one thousand nine hundred and twelve; and the Passaic Valley Sewerage Commissioners are hereby authorized and empowered to enforce the provisions of this act over and throughout all municipalities which may, or the inhabitants of which may, directly or indirectly, discharge sewage or other polluting matter into the waters of the Passaic river between the points above designated, or into the tributaries aforesaid, after the said twelfth day of December, one thousand nine hundred and twelve.

Municipalities affected to be notified.

The Passaic Valley Sewerage Commissioners are hereby authorized and directed, within thirty days after the approval of this act, to notify each municipality from which sewage or other polluting matter is or may be discharged into the said river between said points, either directly or indirectly, and the inhabitants thereof, that the discharge of sewage and other polluting matter into the waters of the said river must be discontinued on or before the twelfth day of December, in the year one thousand nine hundred and twelve. Such notice shall be in writing, signed by the president and secretary of the Passaic Valley Sewerage Commissioners, and shall be served upon the clerk or the equivalent officer of every such municipality, and shall be published in one of the newspapers printed and circulating in the counties of Passaic, Bergen, Hudson and Essex, for two consecutive weeks, once in each week, such public notice to be in the following form:

How notice served.

Wording of notice.

TO WHOM IT MAY CONCERN: Public notice is hereby given that the discharge of sewage and other polluting matter into the waters of the Passaic river at any point between the Great falls, at the city of Paterson, and Newark bay, and into the tributaries of the said river emptying therein between said points, is prohibited and must cease and be discontinued after December twelfth, in the year one thousand nine hundred and twelve.

Bringing of suits; jurisdiction of court.

The Passaic Valley Sewerage Commissioners are further authorized and empowered to institute in their corporate name suits at law or in equity, as may be deemed necessary or appropriate to enforce the provisions of this section of the act after said twelfth day of December, in the year one thousand nine hundred and twelve; and the Court of Chancery of this State is hereby vested with special jurisdiction to enforce the provisions of this section of this act in a summary manner upon application of the Passaic Valley Sewerage Commissioners.

Acceptance of act by municipalities.

2. The governing body or board having charge of finances of any municipality or municipalities, lying in whole or in part within the Passaic valley sewerage district may, by resolution, determine that it is advisable and to the interest of such municipality or municipalities, in order to comply with the provisions of this act, to cause the sewage and other polluting matter discharging or which may be discharged into the waters of the Passaic river, from its or their territory, within the Passaic valley sewerage district, to be intercepted by a trunk or main intercepting sewer or sewers, and to be conducted to a safe and proper place for discharge and disposal, and there to be discharged and disposed of; and may further, by said resolution, request the Passaic Valley Sewerage Commissioners to prepare and submit maps, plans and specifications, for the construction of a joint trunk or main intercepting sewer or sewers, and of the necessary works for the discharge and disposal of sewage and other polluting matter, at some safe and proper place or places, together with an estimate of the probable cost of such construction and of the operation and maintenance thereof, and of obtaining the necessary property rights for the construction thereof, and also an estimate of the sewage capacity in said trunk sewer or sewers, required by each municipality lying in whole or in part within said sewerage district. Also, an estimate of the proportion of said cost of construction, as near as may be, which would be apportioned to each of said municipalities, upon the basis expressed in section four of this act. The municipality making such request shall, in and by said resolution, agree to pay the said Passaic

Action to secure plans, estimates, etc.

Agreement as to payment of preliminary expenses.

Valley Sewerage Commissioners the cost, not exceeding ten thousand dollars ($10,000), of preparing such maps, plans, specifications and estimates so requested.

Part payment.

And such municipality shall, at the time of making such request, pay as part of said expenses the sum of five thousand dollars ($5,000) to the Passaic Valley Sewerage Commissioners, which said moneys the said municipality is authorized to appropriate and pay from any fund or balance not otherwise appropriated; and it is also further authorized to raise by temporary loans, notes or bonds, said sums so to be advanced and paid by said municipality, which shall be repaid to it, with interest at the rate of five per centum per annum, when contract, as hereinafter provided, shall have been entered into for the building of said sewer, sewers, plant or works.

Balance.

Preparation of maps, specifications, etc.

3. Upon receiving a copy of such resolution or resolutions, authenticated by the clerk or other like officer of any one or more of such municipalities, the Passaic Valley Sewerage Commissioners shall forthwith prepare the said maps, plans and specifications and estimates, so requested, and copies thereof shall be delivered by the clerk of the Passaic Valley Sewerage Commissioners, to each of the clerks or other like officers of all the municipalities lying in whole or in part within the Passaic valley sewerage district.

Time and manner of delivering copies to be kept.

An accurate record of the time and manner of the delivering of said copies by the clerk of the Passaic Valley Sewerage Commissioners to the clerks of said municipalities shall be made by the clerk of the Passaic Valley Sewerage Commissioners, and entered upon the minutes of said boards, and a like record shall be kept by the clerks of the said municipalities and shall be entered upon the minutes of the boards or bodies having charge of the finances in said municipalities respectively.

Provisions to be considered in preparing plans, etc.

In preparing the maps, plans and specifications for the intercepting sewer or sewers, plant or works, to be made by the said commissioners as herein provided, and in making the estimate of the sewage capacity required for each municipality, regard shall be had by the said commissioners both to the area and population to be provided

for, making provision, however, for not more than ten per centum of the factory waste and excluding all waste from gas works, and all substances or discharges which may injuriously affect the integrity of the sewer or sewers when constructed.

Agreement for joint construction and operation of sewers.

4. Any two or more of said municipalities, at any time after the expiration of three months from the date of the said delivery of copies of said maps, plans, specifications and estimates to all of the said municipalities lying in whole or in part within the said sewerage district, are hereby authorized and empowered, by resolution of their governing bodies or boards having charge of their finances, to enter into a contract in writing with each other and with the Passaic Valley Sewerage Commissioners, in their corporate capacities, for the construction, maintenance and operation of said sewer or sewers, plant or works, with the appurtenances, or of so much thereof as may be necessary and appropriate for the contracting municipalities, together with works, machinery, appliances and other things requisite or useful for the purposes to be accomplished by such intercepting sewer or sewers, and for the purchase of lands, rights in lands and other property requisite or useful therefor.

What contract to describe.

The contract herein authorized shall generally describe the route, line, size and capacity of such intercepting sewer or sewers, and shall fix the percentage of the capacity therein, to the use of which each of the contracting municipalities shall be entitled, together with the percentage of the cost and expense of construction, repair, maintenance and operation of the same to be paid by each of the contracting municipalities. The cost of the construction of said sewer or sewers, plant and works shall in said contract be apportioned to the respective municipalities entering into the contract in such proportion as the taxable property, real and personal, within so much of said municipality so contracting as is embraced in said sewerage district bears to the total amount of taxable property, real and personal, within so much of all the municipalities so contracting as is embraced within said sewerage district, as returned and certified by the respective taxing boards and taxing offi-

Cost of construction apportioned.

cers of the said municipalities for the year one thousand nine hundred and seven.

Provided, however, that all taxable property, real and personal, for this purpose, be assessed at its true value, and it shall be the duty of each assessor, taxing board and taxing officer, for the several municipalities so contracting, for this purpose to examine, compute and determine, and certify to the said sewerage board on or before the first day of October, one thousand nine hundred and seven, the amount of taxable property, real and personal, assessed for the year one thousand nine hundred and seven, to and upon person and property within so much of the several municipalities so contracting as lie within the said sewerage district; and the books of each of said assessors, taxing boards and taxing officers shall at all times be open for examination to the Board of Sewerage Commissioners and to the contracting municipalities, its and their officers and agents, for the purpose of examining, checking and verifying said certificates.

Proviso.

Assessors' books open for inspection.

In case any contracting municipality shall request sewage capacity in excess of what would be allotted to it for sewage, including ten per centum of factory waste, provision may in said contract be made for the enlargement of said sewer or sewers, plant and works, in order to accommodate, take care and dispose of a larger quantity of factory waste, such increase in accommodation to be made at the expense of the municipality making requisition therefor.

Increase of sewage capacity.

The cost of maintenance, repair and operation of said sewer or sewers, plant and works shall, by the terms of said contract, be apportioned annually to the respective municipalities entering into said contract, according to the amount of sewage by them respectively delivered or discharged into any sewer or sewers or other receptacle provided or constructed by the said sewerage commissioners for the reception of the same.

Annual apportionment of operation expenses.

The said contract shall provide for the construction by the Passaic Valley Sewerage Commissioners of an intercepting sewer or sewers, plant and works, reasonably sufficient in size and capacity to intercept and dispose of sewage and other polluting matter of the con-

Intercepting sewers.

tracting municipalities for the present, and, so far as can be estimated and foreseen, for the future, and said sewer or sewers, plant and works may differ substantially in details from the preliminary maps, plans, specifications and estimates submitted to the municipalities as hereinbefore directed.

Absolute discretion vested in commissioners.

And the several contracting municipalities and the Passaic Valley Sewerage Commissioners are hereby vested with absolute discretion in the determination of the size and capacity of such intercepting sewer or sewers, plant and works.

Contract to include lands, etc.

Any contract made or entered into pursuant to the provisions of this act shall provide for the building, repairing, operating, maintaining and cleaning of any such intercepting sewer or sewers, plant and works, and for the purchase of the necessary lands, rights in land and other property by the Passaic Valley Sewerage Commissioners, and for the payment of the cost and expense thereof by the several contracting municipalities to the said commissioners.

Expenses of commissioners included in cost.

The total cost and expense of constructing said intercepting sewer or sewers, plant and works, shall include as a part thereof the expenses of the Passaic Valley Sewerage Commissioners heretofore incurred and not otherwise provided for, not exceeding the sum of twenty-five thousand dollars ($25,000), also the cost of preliminary maps, plans, specifications and estimates herein referred to; also, the salary or other compensation of the said commissioners up to the completion of said intercepting sewer or sewers, plant and works, together with all incidental expenses of maintaining their corporate organization and clerical and engineering services, and the reasonable compensation of counsel which they are hereby authorized to employ.

Sundry expenses included.

The cost and expense of maintaining, repairing and operating said intercepting sewer or sewers, works and plant, shall include as a part thereof the salaries or other compensation of the said commissioners, also charges for clerical and engineering services, compensation of counsel and incidental expenses of maintaining their corporate organization.

Power of eminent domain to be exercised.

In all the contracts to be made between the municipalities and the Passaic Valley Sewerage Commissioners, pursuant to the terms of this act, the several municipalities so contracting shall undertake and agree, upon the request of the Passaic Valley Sewerage Commissioners, to exercise and put in operation all their powers of eminent domain for the condemnation of lands, rights in lands and other property for the benefit of such joint enterprise, either within or outside the territory of such contracting municipalities.

Commissioners to acquire land in corporate name.

5. Upon the making of the contract hereby authorized the Passaic Valley Sewerage Commissioners shall have full power in their own corporate name to purchase and acquire all lands, rights and interest in lands, either within or outside the territory of the joint contracting municipalities, which may be necessary for the construction of such intercepting sewer or sewers, and its appurtenances, and for this purpose are authorized to condemn the same in the manner provided by the general laws of this State relating to the condemnation of lands for public use.

Condemnation.

Upon making contract, right to begin.

Upon the making of such contract the Passaic Valley Sewerage Commissioners are further authorized and empowered to erect, construct, maintain and operate such intercepting sewer or sewers and appurtenances, together with all works, machinery, appliances and other things requisite or useful for the purposes to be accomplished by the same.

Right to build sewer in other municipality.

It shall be lawful for the Passaic Valley Sewerage Commissioners, in the execution of said works, to build and construct said intercepting sewer or sewers and the necessary appurtenances thereto, to the point or points of discharge and disposal determined by said contract, and for this purpose to pass through or partly through territory situated within the bounds of any other municipality than those contracting with it for the construction of said work, and they shall have full power to construct such intercepting sewer or sewers, and its appurtenances, along, under and over any water course, or under or over or along or across any street, turnpike, road, railroad, highway or other way, or public park or

Right of way.

Not to obstruct business unduly.

grounds, and in or upon private or public land under water; in such way and manner, however, as not necessarily to obstruct or impede travel or navigation, and may enter upon and dig up any street, highway or private or public land, for the purpose of constructing said work and appurtenances and for repairing and maintaining the same, and in a general way to do all other acts and things necessary, convenient and proper in connection with the making and maintaining of the improvement contemplated by the provisions of this act. The highways dug up and disturbed shall be restored to their former condition as near as may be.

When work done by contract.

Whenever any work to be performed or material to be furnished shall involve an expenditure of any sum of money exceeding the sum of two thousand dollars ($2,000) the Passaic Valley Sewerage Commissioners shall designate the time when they will meet at their usual place of meeting to receive proposals in writing for doing the work and furnishing the material; and said commissioners shall order its clerk to give notice by advertisement, inserted in at least two newspapers printed and circulating, respectively, in two of the counties of said district, at least ten days before the time of such meeting, of the work to be done and material to be furnished, of which at the time of such order they shall cause to be filed in their office particular specifications.

Proposals invited.

Proposals publicly opened.

All proposals received shall be publicly opened by the said commissioners and the commissioners shall award the contract to the lowest responsible bidder; all contractors shall be required to give bond satisfactory in amount and security to the Passaic Valley Sewerage Commissioners.

Temporary obligations to meet expenses.

6. For the purpose of defraying the cost and expense of the construction of such intercepting sewer or sewers, plant and works, and appurtenances, and of making the payments which shall be designated and required to be made by such joint contract, the governing body or board in charge of the finances of each contracting municipality is hereby authorized and empowered to borrow the money necessary to make such payments upon the notes or other temporary obligations of such municipality,

which notes or obligations may be renewed from time to time until permanent bonds shall have been issued by such municipality to take up and pay for the same.

Bond issue.

And each contracting municipality shall have the power and is hereby authorized, from time to time, to issue its bonds for the purpose of raising money necessay to pay its notes or other temporary obligations, including interest, issued and outstanding for the purpose hereinbefore stated, or to make any of the payments required by the said contract, which said bonds shall be in such amounts and bear interest at such rate, not exceeding six per centum per annum, and shall be payable at such time and place as the governing body or board having charge of the finances of such municipality shall by resolution, duly adopted, determine.

Amount and rate.

Limit of indebtedness.

The total amount of indebtedness incurred and of bonds issued by any municipality under the authority of this act shall not exceed five per centum of the tax ratables within such municipality, as shown by its official books of the last assessment for taxes therein, but said indebtedness and bond shall be held to be authorized in addition to the amount of indebtedness and bonds fixed by the charter or general act as a limitation beyond which such municipality may not incur indebtedness or issue bonds, and said indebtedness and bonds authorized by this act shall not be taken to be included within or governed by any such limitation.

Commissioners may borrow money.

7. Upon the making of any such contract as is herein provided for the Passaic Valley Sewerage Commissioners are authorized and empowered to borrow upon their corporate notes, or other temporary obligations, any moneys which may be required by them in the performance of the said contract, for the payment of which moneys so borrowed said contract with the several municipalities executing the same shall be security.

May contract for use of sewers by other municipalities.

8. Any time after the making of a contract in accordance with the provisions hereof, the Passaic Valley Sewerage Commissioners may, with the consent of the municipalities which have contracted with them, enter into further contract or contracts, with any other municipality, or person or corporation, for the use of the said intercepting sewer or sewers and appurtenances,

and for participation in the benefits and in the cost of construction, operation and maintenance of the same, upon such terms and conditions as may be agreed upon in any such contract or contracts.

Contracting municipalities may borrow, etc.

And the said last-mentioned municipality or municipalities shall have like power to borrow money, make and issue notes or other temporary obligations and bonds, as is given by this act to the municipalities first entering into contract with the Passaic Valley Sewerage Commissioners.

Control and maintenance of sewers upon completion.

9. Upon the completion of such intercepting sewer or sewers, plant and works, and appurtenances, the Passaic Valley Sewerage Commissioners are authorized and directed to retain and have the sole control and charge of the said sewer or sewers, plant and works, and appurtenances, and every municipality using such intercepting sewer or sewers, plant and works, is hereby required to pay annually to the Passaic Valley Sewerage Commissioners, on demand, its proportion of the cost of maintenance and operation of the same, as the same may be certified to it from time to time by the Passaic Valley Sewerage Commissioners, pursuant to the terms of said contract, which said cost of maintenance and operation shall be raised and provided for by the said municipalities by taxation, or by the issue of temporary loan bonds in anticipation of taxation.

Time for non-contracting municipalities to cease sewering into excepted portion of river.

In case the sewer or sewers, plant or works, first contracted to be built under this act shall not be built and put in practical operation by the twelfth day of December, one thousand nine hundred and ten, then and in that case the municipalities lying in whole or in part within the Passaic valley sewerage district, and not entering into contract with the Passaic Valley Sewerage Commissioner for the construction of an intercepting sewer or sewers, plant or works, under this act, shall have two years from the time within which such sewer or sewers shall be put into practical operation within which to cease to discharge all sewage and other polluting matter into the said portion of the said river.

Keeping of accounts, auditing and publication.

It shall be the duty of the Comptroller of this State to cause the accounts of the Passaic Valley Sewerage Commissioners to be annually audited at the expense of

the Passaic Valley Sewerage Commissioners, and the result of such audit shall be printed with the financial report of the Passaic Valley Sewerage Commissioners. The said Board of Sewerage Commissioners shall at all times keep full and accurate account of its receipts and expenditures and liabilities, and shall annually cause a detailed statement thereof to be published and a copy thereof mailed to the clerk of each of the contracting municipalities. Said commissioners shall be liable for any unlawful act, as are now members or officers of any public body, and no commissioner shall be, directly or indirectly, interested in any contract awarded under the provisions of this act, or in furnishing material or supplies therefor to any contractor, or in furnishing security for the performance of any contract.

Liability of commissioners.

In case the city of Paterson shall, pursuant to the provisions of this act, enter into contract with the Passaic Valley Sewerage Commissioners for the construction of an intercepting sewer or sewers, plant and works, and appurtenances, then and in that case the said city shall turn over to the Passaic Valley Sewerage Commissioners all plans, maps, data and reports which it may have produced, purchased or secured, and which it may now own relating to the subject of sewage and sewage disposal, and the Passaic Valley Sewerage Commissioners shall credit to the city of Paterson therefor on said contract the sum of eight thousand dollars ($8,000), and the said sum shall be taken to be a part of the construction cost of said sewer or sewers, plant and works.

Use of plans, etc., belonging to Paterson.

Credit therefor.

10. In case, for any reason, any section or provision of this act shall be questioned in any court, and shall be held to be unconstitutional or invalid, the same shall not be held to affect any other section or provision of this act.

Validity of act.

11. For the purpose of removing any doubt which may exist as to the corporate power and authority of the Passaic Valley Sewerage Commissioners to enter into and perform the contracts herein and hereby authorized, and to execute and perform the duties herein imposed upon the said commissioners, the said Passaic Valley Sewerage Commissioners heretofore appointed,

Corporate rights, powers and name.

and their successors in office, are and shall continue to be a body politic and corporate, with perpetual succession under the name of Passaic Valley Sewerage Commissioners, with power to sue and be sued, with power to adopt and use a corporate seal, and with the right, power and authority to acquire, hold, use and dispose of all such property, real or personal, as may be proper or necessary, and with all other power or authority proper or necessary to carry out and effectuate the purposes for which the said board is created.

Repealer.

12. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

13. This act shall take effect immediately.

Approved March 18, 1907.

CHAPTER 11.

An Act to regulate the appointment and compensation of clerks and assistants in the offices of city clerks in the cities of the first class.

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

Appointment of clerical assistance and compensation.

1. It shall be lawful for the city clerk of any city of the first class in this State, by and with the consent of the board of aldermen or common council therein, to appoint such clerks and assistants in the office of such city clerk, and to increase or decrease the number thereof, as the public business may require, and to fix the salaries of such clerks and assistants, and the board of finance or body having control of the finances of such city shall provide the moneys necessary to pay the salaries of such clerks and assistants.

Repealer.

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

Approved March 26, 1907.

CHAPTER 12.

An Act to amend an act entitled "An act concerning corporations (Revision of 1896)," approved April twenty-first, eighteen hundred and ninety-six.

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

Section amended.

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

Association for business purposes lawful.

6. Upon executing, recording and filing a certificate pursuant to all the provisions of this act, three or more persons may become a corporation for any lawful purpose or purposes whatever, other than a savings bank, a building and loan association, an insurance company, a surety company, a railroad company, a telegraph company, a telephone company, a canal company, a turnpike company, or other company which shall need to possess the right of taking and condemning lands in this State, or other than a corporation provided for by "An act concerning banks and banking (Revision of 1899)," or by "An act concerning trust companies (Revision of 1899)," or by "An act concerning safe deposit companies (Revision of 1899)." It shall, however, be lawful to form a company hereunder for the purpose of constructing, maintaining and operating railroads, telephone or telegraph lines outside of this State; *provided,* that any company organized under the provisions of this act for cremation purposes shall, before beginning business, file a certified copy of its certificate of incorporation with the State Board of Health and obtain from said board a license to carry on said business, under such rules and regulations as said board may prescribe.

Proviso; cremation companies to file copy of certificate.

2. This act shall take effect immediately.

Approved March 26, 1907.

CHAPTER 13.

An Act to amend an act entitled "An act relative to the Princeton Battle Monument," approved April third, one thousand nine hundred and two.

Preamble.

WHEREAS, The United States Congress has appropriated the sum of thirty thousand dollars toward the erection of a monument or statue in commemoration of the Battle of Princeton; and

WHEREAS, The "Princeton Battle Monument Association," a corporation organized under the laws of this State for the purpose of erecting a monument or statue in commemoration of the Battle of Princeton has received by private subscriptions, and is now receiving from week to week private subscriptions for said purpose; therefore,

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

Section amended.

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

Appropriation.

1. The sum of thirty thousand dollars be and the same is hereby appropriated, when such sum shall be included in the annual appropriation bill, out of any moneys in the treasury, to be paid as hereinafter specified, towards the erection of a monument or statue of granite or marble on a tract of land in Princeton, New Jersey; *provided,* that before said money, or any part thereof, be paid to the commissioners hereinafter mentioned or simultaneously therewith, the said association shall convey their right in the premises on which said monument or statue is to be erected to the State of New Jersey, to be used for the said purpose only, and shall also pay to the said commissioners such a sum of money as will, together with the sum paid for the said land,

Proviso.

Premises vested in State.

Funds turned over to commission.

amount to at least fifteen thousand dollars, to be used, with the sum hereby appropriated by the State, for the erection of said monument or statue.

2. This act shall take effect immediately.

Approved March 27, 1907.

CHAPTER 14.

An Act regarding soldiers, sailors and marines honorably discharged from the United States service.

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

Permanency of veterans in office.

1. No person now holding a position or office under the government of this State, or the government of any county, city, town, township or other municipality of this State, or who may hereafter be appointed to any such position, whose term of office is not now fixed by law, and receiving a salary from such State, county, city, town, township or other municipality, who is a soldier, sailor or marine, who has served in any war of the United States and has been honorably discharged from the United States service, shall be removed from such position or office except for good cause shown after a fair and impartial hearing, but such soldier, sailor or marine, who has served in any war of the United States and who has been honorably discharged from the United States service, shall hold his position or office during good behavior, and shall not be removed for political reasons.

Before removal charges must be preferred.

2. Before any soldier, sailor or marine, who has served in any war of the United States and who has been honorably discharged from the United States service, shall be dismissed from any position or office held by him in any department of the government of this State, or of any department of the government of any

county, city, town, township or other municipality of this State, charges shall be preferred against him, a copy of which must be served upon him, and a time set for the hearing of the same, at which such soldier, sailor or marine, who has served in any war of the United States and who has been honorably discharged from the United States service, so accused, shall have the right to be represented by counsel, if he so elect, and to produce witnesses and testimony in his own behalf.

Unlawful to abolish position to effect removal.

3. It shall not be lawful for any board of commissioners, mayor, alderman, common council, or other governing body in any municipality in this State, or any county in this State or of any department of the State government, to abolish any position or office held by any soldier, sailor or marine, who has served in any war of the United States and who has been honorably discharged from the United States service, or to change the title of any such office or position, or to reduce the emoluments thereof for the purpose of terminating the service of any such employe.

Repealer.

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

Approved March 27, 1907.

CHAPTER 15.

Supplement to an act entitled "An act to regulate and license pawnbrokers," approved April twelfth, one thousand eight hundred and seventy-six.

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

Conditions for pawning mechanic's tools.

1. No pawnbroker, his agent, or attorney, shall receive by way of pledge or pawn from any person or persons any mechanic's tools used in the erection, addi-

tion or alteration of any building or structure, unless the said person or persons shall produce before said pawnbroker, his agent, or attorney, two reputable citizens who reside in the county in which said pawnbroker is doing business, and who shall respectively subscribe to an affidavit which shall contain the name, residence and occupation of such affiant, and set forth that said affiant verily believes that the person or persons desiring to pledge said mechanic's tools is or are the true owner or owners thereof.

Affidavit preserved.

2. Every affidavit taken in pursuance of the provisions of the preceding section shall be kept upon a file by the pawnbroker and a note thereof made in his book and be subject to the same inspection as the books of the pawnbroker are, and said pawnbroker shall furnish without charge a true copy of said affidavit to each person making such affidavit.

Violation a misdemeanor.

3. Any pawnbroker who shall violate any of the provisions of this act shall be guilty of a misdemeanor.

Repealer.

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

5. This act shall take effect immediately.

Approved March 29, 1907.

CHAPTER 16.

An Act to permit the retirement, on pension, from public office or position, after twenty-five years' continuous service therein, of widows of honorably discharged Union soldiers, sailors and marines who served in the War of the Rebellion.

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

Widows of veterans subject to retirement and pension.

1. Whenever the widow of any honorably discharged soldier, sailor or marine who has served in the War of

the Rebellion has or shall have been for twenty-five years continuously in public office or position in this State, county, city, township or municipal service, it shall be lawful, with her assent, for the body, board or officer having power to appoint her successor in case of vacancy to order her retirement from such service, and upon her application to the body, board or officer having power to appoint her successor in case of vacancy, such body, board or officer shall order her retirement from such service.

Rate of pension.

2. In case of such retirement the person so retired shall be entitled, for and during her natural life, to receive by way of pension one-half the compensation then being received by her for such service, the same to be paid in the same way and the same installments in which such compensation has heretofore been payable;

Proviso.

provided, that in case of the voluntary retirement with pension from office or position under any other law of this State the person retiring shall waive either her pension under such law or her pension under this act.

Provision for pension.

3. Provision for all pensions arising under this act shall be made in the appropriation or tax levy for the department of the public service from which such person shall be so retired.

4. This act shall take effect immediately.

Approved March 29, 1907.

CHAPTER 17.

An Act to amend an act entitled "Supplement to an act entitled 'An act regulating the age, employment, safety, health and work hours of persons, employes and operatives in factories, workshops, mills and all places where the manufacture of goods of any kind is carried on, and to establish a department for the enforcement thereof,' approved March twenty-fourth, one thousand nine hundred and four," approved April fifth, one thousand nine hundred and five.

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

Section amended.

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

Semi-annual inspection of bakeries.

8. The Commissioner of Labor shall be required to enforce compliance with all the provisions of this act, and for that purpose it shall be his duty to have all bakeries visited and inspected at least once in six months; and whenever a complaint in writing, signed by any employe in any such bakery or by any officer or representative of any labor union in the county wherein the same is located, shall be received by the said commissioner, stating that any provision of this act is being violated in any bakery, it shall be the duty of the said commissioner forthwith to have the said bakery concerning which complaint is made visited and inspected. The visits or inspection shall be made in the presence of those then working or employed in said bakery, and during the usual hours of employment therein. All bakeries shall be kept at all times in a clean and sanitary condition. If on inspection the Commissioner of Labor find any bakery to be so unclean, ill drained or ill

When inspected.

As to cleanliness.

ventilated as to be unsanitary, he may, after not less than forty-eight hours' notice in writing, to be served by affixing the notice on the inside of the main entrance door of said bakery, order the person found in charge thereof immediately to cease operating it until it be properly cleaned, drained or ventilated. If such bakery be thereupon continued in operation, or be thereafter operated before it be properly cleaned, drained or ventilated, the Commissioner of Labor may, after first making and filing in the public records of his office a written order stating the reasons therefor, at once and without further notice fasten up and seal the oven or other cooking apparatus of said bakery, and affix to all materials, receptacles, tools and instruments found therein, labels or conspicuous signs bearing the word "unclean." No one but the Commissioner of Labor shall remove any such seal, label or sign, and he may refuse to remove it until such bakery be properly cleaned, drained or ventilated.

Authority to close bakery and mark "unclean."

Approved March 29, 1907.

CHAPTER 18.

A Supplement to an act entitled "An act concerning the militia of the State," approved May sixteenth, one thousand nine hundred and six.

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

1. Paragraph forty of said act be and the same is hereby amended so as to read:

Paragraph amended.

40. The surgeon-general shall have two assistants, one of whom shall be commissioned assistant surgeon-general, with the rank of colonel; the other to be commissioned medical inspector, with the rank of lieutenant-colonel.

Assitants to surgeon-general.

Approved March 29, 1907.

CHAPTER 19.

An Act ceding to the United States jurisdiction over lands acquired for public purposes within this State.

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

Consent to acquisition of land by federal government.

1. The consent of the State of New Jersey is hereby given, pursuant to the provisions of article one, section eight, paragraph seventeen, of the constitution of the United States, to the acquisition by the United States, by purchase, condemnation or otherwise, of any land within this State, for the erection of dockyards, custom houses, court houses or post offices or other needful buildings.

Exclusive authority given.

2. Exclusive jurisdiction in and over any land so acquired by the United States is hereby ceded to the United States for all purposes except the service of process issued out of any of the courts of this State in any civil or criminal proceeding, but such jurisdiction shall continue only so long as the United States shall retain ownership of said lands.

Ownership and exemptions.

3. The jurisdiction hereby ceded shall not vest until the United States shall have actually acquired ownership of said lands, and so long as said lands shall remain in the ownership of the United States the same shall be exempt from any and all taxes, assessments or other charges leviable by this State or any of its municipalities.

4. This act shall take effect immediately.

Approved March 29, 1907.

CHAPTER 20.

An Act authorizing the Governor to cede to the United States certain lands under water in the Delaware river for the purpose of aiding in the improvement of said river.

Preamble.

WHEREAS, The Federal Government is engaged in dredging and otherwise improving the bed of the Delaware river under authority of Congress, and in the course of such improvement it has been found necessary for the government to construct a bulkhead around portions of what are known as "Dan Baker" and "Stony Point" shoals so as to form a basin within which to deposit the material dredged from the channel; and

WHEREAS, When completed this area will form an island which it is thought important to have in the possession and under the control of the Federal Government; and

WHEREAS, The Government of the United States desires to acquire title to that portion of the river bottom of the Delaware river in which the aforesaid island is to be constructed; therefore,

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

Jurisdiction ceded to United States of submerged land in Delaware river.

1. The Governor of this State be and he hereby is authorized and directed to cede jurisdiction over and convey to the United States all the right, title and interest of this State in and to certain submerged land in the Delaware river, between the States of Delaware and New Jersey, the location whereof with reference to the United States Engineer Department triangulation of the said river, is more particularly described as follows:

Description of ceded land.

Beginning at a point A in said land distant four thousand three hundred and fifteen feet from triangulation station Stony point on a line south, sixty-five (65) degrees forty-one (41) minutes west, therefrom; this point A being also north, sixty-two (62) degrees fifty (50) minutes and twenty-six (26) seconds west, ten thousand eight hundred and fifteen and nine-tenths (10,815.9) feet from triangulation station Hope; thence from A north, seven (7) degrees and thirty-three (33) minutes west, two thousand and six and two-tenths (2,006.2) feet to B; thence north, five (5) degrees and forty-seven (47) minutes west, three hundred eighty-two and six-tenths (382.6) feet to C; thence from C north, three (3) degrees fifty-three (53) minutes west, eight thousand one hundred and fifty-five (8,155) feet to D; thence from D north, seven (7) degrees forty-nine (49) minutes and twenty (20) seconds west, four thousand five hundred and nineteen (4,519) feet to E, the beginning of a curve the degree of which is thirty (30) degrees eleven (11) minutes and twenty-five (25) seconds, and which covers a central angle of one hundred and fifty-two (152) degrees four (4) minutes and ten (10) seconds to F. The bearing and length of the chord from E to F is north, eighty-three (83) degrees fifty-one (51) minutes and twenty-five (25) seconds west, three hundred and seventy-two and six-tenths (372.6) feet. Point E is also south, eighty-three (83) degrees fifty-two (52) minutes and forty-five (45) seconds west, two thousand eight hundred and twelve and seventy-six hundredths (2,812.76) feet from triangulation station Alloway creek; thence from F south, twenty (20) degrees six (6) minutes and thirty (30) seconds west, one thousand one hundred and five (1,105) feet to G; thence from G south, eleven (11) degrees thirty-one (31) minutes west, six hundred and eighty-three (683) feet to H; thence from H south, four (4) degrees twenty (20) minutes and ten (10) seconds west, six thousand seven hundred and forty-seven (6,747) feet to K; thence from K south, seven (7) degrees seventen (17) minutes and thirty (30) seconds east, two thousand nine

hundred and twenty-two and six-tenths (2,922.6) feet to M; thence from M along a fifty-nine (59) minute curve, covering a central angle of twenty-five (25) degrees and twenty-eight (28) minutes to N. The bearing and length of the chord from M to N is south, twenty (20) degrees and three (3) minutes east, two thousand five hundred and sixty-eight and four-tenths (2,568.4) feet; thence from N south, thirty-two (32) degrees forty-seven (47) minutes east, one thousand eight hundred and nine and eight-tenths (1,809.8) feet to O; thence from O along a sixteen (16) degree twenty-five (25) minute and thirty-six (36) seconds curve, covering a central angle of one hundred and fifty-four (154) degrees and forty-six (46) minutes to A, the place of beginning. The bearing and length of the chord from O to A, the place of beginning, is north, sixty-nine (69) degrees and fifty (50) minutes east, six hundred and eighty-three and one-tenth (683.1) feet.

Certain rights reserved to State.

2. The sovereignty and jurisdiction of this State over the land herein authorized to be conveyed is hereby retained so far as that all civil and criminal process issued under authority of any law of this State may be executed in any part of the premises so conveyed.

3. This act shall take effect immediately.

Approved March 29, 1907.

CHAPTER 21.

A Supplement to an act entitled "An act making appropriations for the support of the State government and for several public purposes for the fiscal year ending October thirty-first, one thousand nine hundred and seven," approved May twenty-first, one thousand nine hundred and six.

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

Appropriation for electrocution plant.

1. The following sum, or so much thereof as may be necessary, be and the same is hereby appropriated out

of the State fund for the purpose of carrying into effect the provisions of an act of the Legislature entitled "An act concerning the infliction of the penalty of death," approved April fourth, one thousand nine hundred and six, the sum of ten thousand dollars.

2. This act shall take effect immediately.

Approved March 29, 1907.

CHAPTER 22.

A Further Supplement to an act entitled "An act to provide for the formation, establishment and government of towns," approved March seventh, eighteen hundred and ninety-five.

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

1. It shall be lawful for the town council of any town governed by the provisions of the act to which this is a supplement, by ordinance, to vacate any street, road, alley or public place dedicated by the owner of any lands in such town, where such street, road, alley or public place shall not have been lawfully accepted by such town, and shall not have been actually opened, worked and used by the public; *provided,* that there shall first be presented to the town counsel a petition, signed by the owner or owners of all the lands fronting on such street, road, alley or public place so vacated, and upon the passage of such ordinance, all rights of the public in such street, road, alley or public place so vacated shall be forever extinguished.

Vacation of dedicated land.

Proviso.

2. This act shall take effect immediately.

Approved April 1, 1907.

CHAPTER 23.

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

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

Section amended.

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

Amount of bond issue.

41. Whenever in the judgment of the council it shall be necessary to issue bonds they may by resolution fix the amount thereof necessary to be issued, and shall in such resolution also set forth generally the object for which said bonds are to be issued; said council may, after ten days from the date of the adoption of such resolution, submit the question of such issue to the voters of the borough at an annual or special election, of which special election, and the object thereof, at least thirty days' notice shall be given by advertisements, signed by the borough clerk, posted in at least three public places in such borough, and printed once each week for at least three weeks in a newspaper published in the borough, if any such exists, or if none, then in a newspaper published in the county wherein the borough is situate, and circulating in the borough; at such special election the only question submitted shall be: "In favor of the issue of bonds according to resolution of council, dated " (inserting in said blank the date of such resolution), or "Against the issue of bonds according to resolution of council, dated " (inserting in said blank the date of such resolution); said election shall be

Question submitted to voters.

Special election.

Holding of election.

by ballot, shall be held by the election officers of the borough upon the day appointed by the council; the polls shall be kept open for the time provided by law for general elections in said borough, and such election shall be in all respects conducted and the vote canvassed in the manner provided by law for such general election; there shall be no registration for such election, but the board of elections shall procure and use at such special election a certified copy of the register of voters used at the last preceding general election, and no person shall be entitled to vote whose name does not appear on said register; unless such person shall appear before said board and satisfy said board by affidavit, which the said board hereby is authorized to take, that such person has acquired the right of suffrage in said election district since said registration was made; if a majority of the ballots cast at such election shall contain the words "In favor of bonds according to resolution of council, dated " (inserting in said blank the date of such resolution), it shall then be lawful for the council to issue such bonds; *provided, however,* that if within ten days after the adoption of such resolution a remonstrance or remonstrances against such issue of bonds, signed by the owners of one-half in value of the taxable property in said borough as shown by the latest assessment of valuations made by the assessor, be filed with the clerk, no such election shall be called or held, and no further proceedings taken based on such resolution and consent; *and provided further,* that no consent of property owners or vote by the people shall be necessary to the issue of bonds for the purpose of meeting and paying any bonds previously issued and about to become due; *and provided further,* in order that the bonds issued under this amendatory act may be paid and retired at maturity, the council of the borough shall provide a sinking fund, not exceeding in amount to be raised in any one year five per centum, or less than three per centum, of the face value of the bonds issued, which sum shall be raised annually, at the time and in the manner provided for the raising of other moneys to be used by said borough; the money so raised for sinking fund purposes shall be

Registration unnecessary.

Proviso.

Proviso.

Proviso.

Sinking fund.

paid to the commissioners of the sinking fund of said borough, to be used by them for the purposes herein mentioned.

2. This act shall take effect immediately.

Approved April 1, 1907.

CHAPTER 24.

An Act respecting police departments of towns, and regulating the tenure and terms of office of officers and men employed in said departments.

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

Tenure of police in towns.

1. In the several towns of the State the officers and men employed by municipal authority in the police department shall severally hold their respective offices and continue in their respective employment as such municipal officers and employes during good behavior, efficiency and residence in such town, and no person shall be removed from office or employment in the police department of any town, or from the police force of any town, for political reasons or for any other cause than incapacity, misconduct, non-residence or disobedience of just rules and regulations established or which may be established for the police force or police department of such town; *provided,* that any member of the police force of any town who shall be absent from duty without just cause for the term of five days shall, at the expiration of said five days, cease to be a member of such police force.

Proviso.

Requirements for police officer.

2. Each member and officer of the police force in towns shall be a citizen of the United States and a resident citizen for two years of the town in which he is appointed, able to read and write the English language understandingly, and he must be of good moral character, of good health and sound body.

Age limits.

3. No person shall be appointed an officer or member of the police force in any town who is less than twenty-one years or over fifty-five years of age at the time of his appointment.

Removal for cause; charges preferred.

4. No person, whether officer or employe, in the police department of any town shall be removed from office or employment therein, except for just cause, as provided in the first section of this act; then only after written charge or charges of the cause or causes of complaint shall have been preferred against any such officer or employe, signed by the person or persons making such charge or charges, and filed in the office of the municipal officer, officers or board having charge of the department in which the complaint arises, and after the said charge or charges have been publicly examined into by the appropriate board, officer or authority, upon reasonable notice to the person charged, it being the intent of this act to give every person against whom charges for any cause may be preferred under this act a fair trial upon said charges and every reasonable opportunity to make his defense, if any he has or chooses to make; and the officer, board or body having power to try such charges shall have the power to issue writs of subpœna to compel the attendance of witnesses, which writs shall be served in the same manner as subpœnas issued out of the Court for the Trial of Small Causes, and every person who neglects or refuses to obey the command of such writ shall be liable to a penalty of twenty-five dollars, to be sued for in the corporate name of the town in any court of competent jurisdiction, and the penalty, when collected, shall be paid into the treasury of such town.

Fair trial.

Witnesses.

Repealer.

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

Passed April 2, 1907.

CHAPTER 25.

An Act to annex to the borough of Belmar a part of the township of Wall, in the county of Monmouth.

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

Description of portion of Wall township annexed to Belmar.

1. All that portion of the township of Wall, in the county of Monmouth and State of New Jersey, lying within the following boundaries, to wit:

Beginning at the point formed by the intersection of the middle line of Twentieth avenue produced westerly with the westerly side of line of "B" street produced southerly; thence (1) northerly, along said westerly side or line of "B" street, two thousand and eighty feet, more or less, to a point distant sixty feet southerly from the northerly side or line of Twelfth avenue; thence (2) westerly, parallel to and sixty feet distant from the northerly side or line of Twelfth avenue, sixteen hundred and fifty feet to the middle line of "E" street produced southerly; thence (3) southwesterly, five hundred and forty feet, more or less, to the point in the middle line of Thirteenth avenue, distant one hundred and fifty feet easterly from the easterly side or line of "F" street; thence (4) southerly, parallel to the easterly side or line of "F" street, six hundred and ninety feet to the southerly side or line of Sixteenth avenue; thence (5) westerly, along the said southerly side or line of the county road known as Sixteenth avenue to its intersection with the westerly line of the right of way of the New York and Long Branch railroad; thence (6) southerly, along said westerly line of the right of way of said railroad, to its intersection with a line extending from a point formed by the intersection of the middle line of said right of way with the center line of its pipe or culvert, through which the waters of Pollypod Bog or Marsh are drained into Lake Como, at right

angles to said center line of the right of way of said railroad; thence (7) easterly, at right angles to the center line of the right of way of said railroad, to said point formed by the intersection of the middle line of said right of way with the center line of its pipe or culvert through which the waters of Pollypod Bog or Marsh are drained into Lake Como; thence (8) southwesterly and along the northerly line of the borough of Spring Lake, sixteen hundred feet, more or less, to a point in the east side of "F" street, one hundred and fifty feet north from the north line of North Boulevard; thence (9) easterly, on a line one hundred and fifty feet north from the north line of North Boulevard and parallel thereto, and continuing along the northerly line of said borough of Spring Lake until it intersects the present boundary line of the borough of Belmar; thence (10) northerly, along the present boundary line of the borough of Belmar to the point or place of beginning,

Is hereby set off from said township of Wall, in the county of Monmouth, and annexed to and made a part of the borough of Belmar, in said county.

Referendum.

2. This act shall take effect immediately; *provided, however,* it shall not operate to effect such annexation of the territory above described to the borough of Belmar until it shall have been accepted by both the territory above described and the borough of Belmar by majorities of the qualified voters thereof voting thereon at a special election to be held on the fifteenth day of April next. The clerk of the borough of Belmar shall cause public notice of the time and place of holding said election, to be given by advertisement signed by himself and set up in at least ten public places in said borough of Belmar, and published in one or more newspapers printed and circulating therein, at least ten days prior to such election, and said clerk shall provide for each elector voting at such election, ballots, to be printed or written, or partly printed or partly written, on which shall be printed the word "for" and the word "against," above and immediately preceding the title of this act, and if the word "for" be marked off or defaced upon the ballot, it shall be counted as a vote against the accept-

Notice of election in borough.

Ballots.

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

Election officers.

Statement of result.

Township notice.

Ballots.

Township election, how conducted.

Return of result to township committee.

of Wall, and thereupon and upon such adoption, but not otherwise, this act shall in all respects be operative.

Register used.

3. The register of voters used at the general election next preceding the holding of such special elections shall be used for the purpose of conducting such special election; it shall not be necessary for the boards of registry and elections in said borough and township to make a new register of voters for such special election, but only to revise and correct the register made for the last general election, and for that purpose the said boards shall meet at such places in their respective election districts as shall be designated by the clerks of said borough and township, respectively, one week next preceding the election in each of said municipalities, respectively, said meetings to begin at one o'clock in the afternoon and to continue until nine o'clock in the evening of that day for the purpose of revising and correcting the register, and of adding thereto the names of all persons entitled to vote in the respective election districts at said special election, who shall appear in person before them and establish to the satisfaction of the majority of the board that they are entitled to vote in that election district at said election, or who shall be shown by written affidavit of a voter residing in the same election district to be entitled so to vote; a separate affidavit shall be required for each person so registered, which shall contain the address of the affiant and shall be signed by him; and on the following day one copy thereof shall be delivered to the chairman of the county board of elections, to be filed by them, and one copy shall be retained by him for use by the district board of elections at such special election.

Revision of register.

Day for registration.

Copy of result furnished borough and township.

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

Proviso.

Approved April 3, 1907.

CHAPTER 26.

An Act concerning the publication of legal and official notices and advertisements.

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

Legal newspaper.

1. Any daily newspaper published in the State every day, Sunday excepted, for a period of not less than three months prior to the passage of this act, shall be deemed a newspaper qualified to publish all legal and official notices and advertisements of any kind whatsoever; *provided,* that such newspapers be issued by a firm, company or corporation which shall have been continuously engaged, and is now engaged, in the publication of newspapers in this State for not less than five years prior to the passage of this act. And any such legal and official notices or advertisements heretofore published in good faith in daily newspapers less than one year old shall be paid for in the regular manner.

Proviso.

Certain notices validated.

Repealer.

2. All acts and parts of acts inconsistent with this act are hereby repealed.

3. This act shall take effect immediately.

Approved April 4, 1907.

CHAPTER 27.

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

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

Illegal use of fraternal name or emblems.

1. Any person or persons who shall willfully use the designated name or title of any incorporated fraternal

organization of this State, or the insignia or emblem of such organization, for the purpose of advertising any public gathering or entertainment of any kind, without the consent of such organization, shall be guilty of a misdemeanor.

2. This act shall take effect immediately.

Approved April 4, 1907.

CHAPTER 28.

An Act to authorize cities having a public water-supply derived from sources beyond the city limits to protect the same from pollution by providing for any portion of the territory from which such water is derived or through which it flows a system of sewers or drains in order to take up, carry off and dispose of the sewage and other polluting matter, and providing also for the raising and expenditure of the money necessary for this purpose.

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

Protection of water-supply by sewerage system.

1. In cities of this State having a public water-supply derived from sources beyond the city limits it shall be lawful for the board or body having the control of such water-supply to construct, maintain and operate within the territory from which such water is derived or through which it flows, whenever it has become or may become necessary in order to protect such water from pollution, a system of drains and sewers for intercepting, taking off and disposing of all sewage or other polluting matter.

Proposed system approved by State Commission.

2. In no case shall the construction of such system of drains and sewers be commenced or entered upon unless and until the State Sewerage Commission shall approve the construction of such system of drains or sewers as

a sanitary measure, and shall define in a general way the limits of the district or territory within which and for which such system of drains and sewers shall be constructed.

Disposition of sewage.

3. Every system so constructed shall provide for the disposal of the sewage and other polluting matter taken up at a place and in a manner that shall render the same harmless, and before entering upon the construction of the same the plans prepared therefor shall have been presented to and approved by the State Sewerage Commission.

Outbuildings connected.

4. Whenever a sewer system shall be constructed as herein provided, the board or body having charge of the water-supply of such city shall have the power and authority at its own expense to connect such system with any outhouses or privy vaults along the line of the said sewer system or within the district indicated by the said State Sewerage Commission, and for this purpose may enter upon private or public lands and make the necessary excavations and connections and install proper appliances, at the expense of such city, for the flushing of outhouses and privy vaults. In all such cases the surface of the ground wherein such excavations are made shall be restored to its original condition as near as may be.

Private sewers connected.

5. Whenever any building or buildings along the line of the said sewer system or within the said district may at the time of the construction of the said system have been provided with a private drainage sewer, the board or body having charge of the water-supply, under whose authority the sewer system hereby authorized is constructed, is hereby authorized to connect such private sewer with the sewer system hereby authorized, and in the construction of the said connection shall have the right to enter upon all such lands and make the necessary excavations and constructions.

House connections.

6. If in any case the owners of property located along the line of said sewer system or within the district in and for which it is established shall desire to have water facilities for flushing and other purposes, and to have connections with the sewer system directly from their

dwellings or places of abode, the board or body having charge of the construction of such sewer system is hereby authorized and empowered to enter into contracts with such owner or owners for the furnishing of such sewerage and water facilities at some reasonable price to be agreed upon, to be collected as in such contracts provided.

Flushing sewers.

7. Whenever in the construction of the sewer system hereby authorized it becomes necessary to furnish a water-supply for the flushing of the said system, the board or body under whose direction the work is constructed may, as a part thereof, set hydrants, and may furnish surplus water for the extinguishment of fires and other public purposes, in order to provide in part for the expense incurred, and such board is hereby authorized to enter into contract with public bodies or private individuals for this purpose.

Hydrants.

Sanitary disposal of matter not discharged into sewer.

8. Whenever there shall be within the district designated and defined as aforesaid any outhouses, privy vaults or private drainage sewers so located that they cannot be connected with the sewer system hereby authorized and provided for, then it shall be lawful for the board or body having charge of the water-supply of such city to enter upon such lands and at its own expense make some sanitary arrangements for the disposal of the sewage and polluting matter therefrom; and it shall have the right from time to time to inspect the operation of such constructions, and to maintain, regulate and repair the same, and after such provision shall have been made, it shall be the duty of the owner of such lands to use the facilities thus provided for the disposal of sewage and house-drainage.

Use of sewer system enforced.

9. Whenever any system shall have been installed under the provisions of this act within the district defined as herein provided, it shall be the duty of every person owning or occupying premises therein to use the facilities afforded for drainage and sewerage, and to cease using any other method for the disposal of house-drainage, sewage or other polluting matter, and the State Sewerage Commission is hereby authorized and directed to enforce the provisions of this act in this respect by appropriate proceedings at law or equity.

New Jersey State Library

Acquire land for necessary purposes.

10. For the purpose of procuring the necessary property and rights of way for the construction of the sewer system herein provided for, the board or body having charge of the water-supply of such city under whose direction such sewer system is being built shall have the right to purchase or condemn lands and rights and interests in lands, to provide a right of way and necessary property for the construction of such sewer system, and it shall have the right to enter upon lands before such purchase or condemnation is made for the purpose of making necessary surveys and examinations; and shall also have the right, under proper regulations by local authorities, to construct such sewers under, over, across or along any street or highway or public place.

Bond issue.

11. In order to provide the moneys necessary for the construction of such sewer system, the common council or other governing body of such city having control of its finances may, at the request of the board or body having control of the water-supply, cause the bonds of

Amount.

such city to be issued to an amount not exceeding one hundred thousand dollars, and to negotiate and sell the same at not less than their par value.

Time; rate.

Such bonds may run for a period not exceeding fifty years from the date of their issue and be of such denomination and form, payable with interest not exceeding four per centum per annum, payable semi-annually, as the common council or other governing body may by resolution determine. Provision shall be made by the board having control of the water-supply in any city where such bonds are issued for the payment of the semi-annual interest on the bonds issued, and for the

Sinking fund.

payment to the sinking fund commissioners of such city of not less than one per centum of the face value of such bonds, to provide a sinking fund for the payment of the

Proviso.

principal when the same falls due; *provided, however,* that in case the funds under the control of such board not otherwise pledged or appropriated shall in any way be insufficient for this purpose, it shall be the duty of the common council or other governing body of such city to make provision for the whole or deficiency, as the case may be, in the annual tax levy of such city.

12. This act shall take effect immediately.

Approved April 4, 1907.

CHAPTER 29.

An Act to amend an act entitled "A further supplement to an act entitled 'An act to enable counties which have no county hospital to assist in maintaining hospitals located in such county,' approved April twenty-sixth, one thousand eight hundred and eighty-six," which said supplement was approved March twenty-eighth, one thousand nine hundred and four.

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

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

Section amended.

1. It shall and may be lawful for the Board of Chosen Freeholders of any county of this State which has no hospital located therein maintained by such county, other than the hospital or sick ward of the county poorhouse, to make an appropriation of a sum of money, not exceeding twenty thousand dollars each year, in the same manner that appropriations for other county purposes are made, which sum so appropriated shall be included in the annual tax levy of such county, and collected in the same manner and at the same time as other county taxes, and shall be applied to the purpose of supporting and maintaining such patients as may be sent to any hospital or hospitals supported by private charity and located in such county; *provided,* that the sum so appropriated be used and applied for the benefit, comfort and maintenance of such patients, inmates of such hospital, as are residents of said county at the time of being sent to said hospital.

Maintenance of county patients in hospitals.

Proviso.

2. This act shall take effect immediately.

Approved April 5, 1907.

CHAPTER 30.

An Act to repeal an act approved the twenty-second day of March, anno domini one thousand nine hundred and five, entitled "An act to authorize cities which have heretofore adopted or which shall hereafter adopt the provisions of an act entitled 'An act relating to, regulating and providing for the government of cities,' approved April third, anno domini one thousand nine hundred and two, to authorize the bridging of their streets under certain circumstances."

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

Act repealed.

1. An act approved the twenty-second day of March, anno domini one thousand nine hundred and five, entitled "An act to authorize cities which have heretofore adopted or which shall hereafter adopt the provisions of an act entitled 'An act relating to, regulating and providing for the government of cities,' approved April third, anno domini one thousand nine hundred and two, to authorize the bridging of their streets under certain circumstances," be and the same is hereby repealed;

Proviso.

provided, however, that nothing herein contained shall in anywise affect or impair any authority or permission heretofore given by any city in pursuance of the provisions of the act hereby repealed.

2. This act shall take effect immediately.

Approved April 5, 1907.

CHAPTER 31.

An Act to amend an act entitled "An act to enable the board of chosen freeholders of any county in this State to erect, construct and maintain a viaduct between two or more municipalities in such county, connecting streets or roads of such county or municipalities, and to extend roads to connect with such viaduct, and to acquire lands for the same, and to issue bonds for the payment of the cost of the erection, construction and acquisition thereof," approved March twenty-eighth, one thousand nine hundred and four.

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

Section amended.

1. Section two (2) of the act to which this is an amendment be and the same is hereby amended to read as follows:

Lawful to construct connecting roads.

2. If, in the judgment of such board, it is wise and expedient to erect such viaduct at a point where it does not connect at one or more ends with a public highway, then it shall and may be lawful for such board to construct and maintain a road or roads from either one or more ends of such viaduct, to connect with a street or streets, road or roads, of such county or municipalities; and such viaduct proper and the road or roads so constructed shall be considered and classed as a viaduct within the meaning of this act; and wherever in this act the word "viaduct" is used it shall be construed, treated and considered as referring to such viaduct proper as well as the road or roads which may be constructed at either one or more ends thereof as aforesaid.

Use of street for elevated structure.

If in the construction of such viaduct it becomes necessary to construct the elevated portion thereof through a portion of the length of any street or road of any mu-

nicipality, it shall be lawful for said board to take and use such portion of such street or road for such elevated structure, and divert and continue such street or road to and on either side of such elevated structure, and improve the portion so diverted and continued in the same manner that the said street or road was theretofore improved, and thereafter such portion of such street or road so diverted and continued shall become and be a road of the municipality, and under the care, custody and control thereof.

Care of diverted portion.

Section amended.

2. Section four (4) of the act to which this is an amendment be and the same is hereby amended to read as follows:

Freeholders may acquire lands.

4. If it shall become necessary to acquire lands for the building of such viaduct, or for the diversion and continuance of a street or road on either side of the elevated portion of such viaduct, the board of chosen freeholders of such county is authorized to acquire such lands by gift, grant, purchase, or in the manner set out under the act entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use," approved March twentieth, one thousand nine hundred (Revision of 1900), and the supplements thereto and amendments thereof, and the title to the lands shall be taken in the name of such board.

Section amended.

3. Section five (5) of the act to which this is an amendment be and the same is hereby amended to read as follows:

Total expenses allowable.

5. The total expense of viaducts contracted to be built under this act in any one year shall not exceed one-fourth of one per centum of the ratables of such county, as ascertained for the then current fiscal year; nor shall there be issued for the erection of viaducts under this act in any period of five years bonds in the aggregate to exceed one-fourth of one per centum of the ratables as aforesaid.

Section amended.

4. Section six (6) of the act to which this is an amendment be and the same is hereby amended to read as follows:

May issue bonds.

6. If, in the opinion of the board of chosen freeholders of such county, to place the entire cost of such

viaduct, including the acquisition of lands authorized hereunder and the improvement of any street or road diverted and continued as aforesaid, in the tax levy for any one fiscal year would be too burdensome to the taxpayers of such county, it shall and may be lawful for such board to issue the bonds of such county to defray the expense thereof, which said bonds shall be of the denomination of one thousand dollars each, and be registered or coupon, as such board may determine, and shall bear interest at a rate not exceeding four per centum per annum, payable semi-annually, and shall run for a period not exceeding thirty years, and shall be signed by the director and clerk of such board and countersigned by the county collector, and shall be sold at public sale to the highest bidder for not less than par; and said county shall annually thereafter place in the tax levy a sum sufficient to pay the interest on such bonds as they mature, and shall likewise create a sinking fund for the payment of said bonds at maturity, and place in the tax levy annually thereafter a sum sufficient, with the accumulations thereof, to pay off and discharge said bonds at maturity; or the board, in its judgment, may from time to time place part of such cost in the tax levy year by year, and raise part only of said cost by the issue of the bonds aforesaid. If the board should at any time, or from time to time, pass a resolution or resolutions to place in the tax levy a certain sum to be used for the purposes authorized and mentioned in this act and the act amended hereby, such moneys shall be available forthwith, and the board may raise such sum by the issue of temporary loan bond or bonds, to run not exceeding two years, and to bear interest not exceeding the rate of five per centum per annum, in anticipation of the collection of such taxes; and at the time of making up the next tax budget of such county after the passage of such resolution or resolutions said board shall, pursuant to said resolution or resolutions, place therein a sum sufficient to pay off and discharge said temporary loan bond or bonds at maturity, with the interest thereon, as it accrues.

Rate; time.

Sinking fund.

Temporary loan bond.

How met.

5. This act shall take effect immediately.

Approved April 9, 1907.

CHAPTER 32.

An Act to amend an act entitled "An act for the protection of certain kinds of birds, game and fish, to regulate their method of capture, and to provide open and close seasons for such capture and possession (Revision of 1903)," approved April fourteenth, one thousand nine hundred and three.

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

Section amended.

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

Reed birds.

10. It shall be unlawful to capture, kill, injure, or have in possession, any reed bird, excepting only from the first day of September to the thirty-first day of December, both dates inclusive, of each year, or to capture, kill, or injure, any reed bird at night, after sunset and before sunrise, under a penalty of twenty dollars for each reed bird so captured, killed, injured or had in possession.

2. This act shall take effect immediately.

Approved April 10, 1907.

CHAPTER 33.

An Act for extending the time for completing certain railroads.

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

Time for completing railroads extended.

1. Whenever the time limited for the completion of any railroad authorized to be constructed within this State, under any special or general act, has expired, or shall expire before the thirty-first day of December, one thousand nine hundred and seven, such time shall be and the same is hereby extended for the further period

of two years from the passage of this act; *provided, however,* that this act shall not apply unless money has actually been expended in surveys or location of route, or in acquisition of right of way or in construction since January first, one thousand eight hundred and eighty-six; *provided, further,* that this act shall not apply to any corporation unless such corporation shall first, and as the condition precedent to the exercise of any power granted by this act, file in the office of the Secretary of State an agreement, to be approved by the Governor and Attorney-General, waiving all right of exemption from taxation and from privileges and advantages arising from any law or contract, if any there be, establishing any special mode of taxation of any such corporation, and the further agreement to be bound by any general law of this State now in existence or that may be hereafter passed, taxing such corporations as are now authorized to be taxed by the Legislature of the State under any general law, and further agreeing that the exercise of any power granted by this act shall not in any way affect the rights of this State, if any there exist, to take the property of such corporations under any existing law of this State, and agreeing further that all laws affecting such corporations shall be subject to alteration or repeal by the Legislature.

Proviso.

Proviso.

Waiver.

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

Approved April 10, 1907.

CHAPTER 34.

A Further Supplement to an act entitled "An act for the punishment of crimes (Revision of 1898)," approved June fourteenth, eighteen hundred and ninety-eight.

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

1. No insurance corporation or association doing business in this State shall, directly or indirectly, pay or use, or offer, consent or agree to pay or use, any

Political contributions by insurance companies prohibited.

money or property for or in aid of any political party, committee, organization or corporation, or for or in aid of any candidate for political office, or for nomination for such office, or for any political purpose whatsoever, or for the reimbursement or indemnification of any person for money or property so used. Any officer, director, stockholder, attorney or agent of any corporation or association which violates any of the provisions of this act, who participates in, aids, abets, or advises or consents to any such violation, and any person who solicits or knowingly receives any money or property in violation of this act, shall be guilty of a misdemeanor.

Violation a misdemeanor.

Witnesses must testify.

2. No person shall be excused from attending and testifying, or producing any books, papers or other documents, before any court or magistrate upon any investigation, proceeding or trial, for a violation of any of the provisions of this act, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate or degrade him; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be used against him upon any criminal investigation or proceeding.

3. This act shall take effect immediately.

Approved April 10, 1907.

CHAPTER 35.

An Act prohibiting the transaction of business in this State by foreign banking, savings, trusts or safe deposit corporations.

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

Reciprocal insurance business.

1. Hereafter no banking, savings, trust or safe deposit corporation created by any other State or by any

foreign State, kingdom or government shall transact any business in this State, except to the extent that similar corporations of New Jersey are permitted to transact business in such State, kingdom or government; *provided,* every such foreign corporation shall comply with all the requirements of the laws of this State applicable to it in doing business therein. Proviso.

2. This act shall take effect immediately.

Approved April 10, 1907.

CHAPTER 36.

An Act providing for the establishment of evening schools for foreign-born residents in the State of New Jersey.

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

1. The Board of Education of any school district may establish and maintain a public evening school or evening schools for the instruction of foreign-born residents of said district over fourteen years of age in the English language and in the form of government and the laws of this State and of the United States. Every teacher employed in such a school shall hold a special teacher's certificate, valid as a license to teach in such schools. The State Board of Education shall prescribe rules for the proper control and management of such schools, for the inspection thereof, for the granting of certificates to teach therein, and for carrying into effect the purposes of this act. The course of study in each of such schools and any changes therein shall be submitted to and shall be approved by the State Board of Education. Evening schools for foreign-born residents. Teachers. Rules and regulations. Course of study.

2. Whenever in any school district there shall have been raised by special appropriation or special tax, or by subscription, or both, such sum as, in the judgment of the State Board of Education, shall be sufficient for the Appropriation.

maintenance in such district of an evening school or schools as aforesaid, there shall be paid for such purpose to the custodian of the school moneys of said district, on the order of the State Superintendent of Public Instruction, an amount equal to that raised therein as aforesaid, which amount shall be paid by the State Treasurer on the warrant of the State Comptroller; *provided*, said order shall not be issued until the course of study in such school or schools or any changes therein shall have been approved by the State Board of Education. The moneys appropriated by the State as aforesaid to any school district shall not exceed in any year the sum of five thousand dollars. The custodian of the school moneys of the school district shall be the legal custodian of any and all funds appropriated, raised or subscribed for the maintenance of such evening schools. He shall keep a separate and distinct account thereof, and shall disburse said moneys on orders signed by the president and district clerk or secretary of the Board of Education.

Proviso.

Limit to State appropriation.

Custodian of school moneys.

Special report to State Superintendent.

3. The Board of Education of any school district receiving an appropriation from the State for the purpose mentioned in this act shall annually, on or before the first day of August, making a special report to the State Superintendent of Public Instruction in the manner and form prescribed by him.

Assistance.

4. The State Board of Education may from time to time appoint suitable persons to assist in carrying out the provisions of this act and to encourage the establishment of such evening schools. The persons so appointed shall receive no compensation for their services, but shall be paid the necessary expenses incurred by them under the provisions of this act.

Expenses incurred met.

5. The expenses incurred in carrying out the provisions of this act shall be paid by the State Treasurer on the warrant of the State Comptroller, but no expense shall be incurred nor payment made for any of the purposes named in this act until an appropriation therefor shall have been made in a regular appropriation bill.

6. This act shall take effect immediately.

Approved April 11, 1907.

CHAPTER 37.

An Act to incorporate the borough of South Bound Brook.

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

Corporate name.

1. The inhabitants of the town of South Bound Brook, in the township of Franklin and county of Somerset, incorporated under an act of the legislature of this State entitled "An act for the improvement of South Bound Brook, and altering the name thereof," approved March sixteenth, one thousand eight hundred and sixty-nine, and now governed by a board of street commissioners, are hereby constituted and declared to be a body corporate in law and in fact, by the name of the borough of South Bound Brook, and as such shall be governed by the general laws of this State relating to boroughs.

Boundaries described.

The boundaries of said borough shall be the same as of said town, and are described as follows: Beginning at a point on the south bank of the Raritan river, and passing thence over the Delaware and Raritan canal, through a point sixteen and one-half feet west of the west end of the wing wall of a small stone bridge (and in line of the south side of the same) on the public road from Bound Brook to Weston, and between the end of the lane leading to the dwelling-house of the late Robert Van Duyn, deceased, and the dwelling now occupied by Field G. Garretson; from thence said line continues as an air line, about south, fifty-four degrees and thirty minutes east, passing through a point three hundred and ninety-six feet south of the dwelling-house lately owned by said Robert G. Van Duyn (now Howard's); thence through lands of (now or formerly) E. Van Syckle, the Emery estate, William H. Ayres, George Atz, estate of Benjamin Bonney, C. W. LaTourette, Isaac A. Brokaw and the Delaware and Raritan canal to the Raritan river, passing through a point three hun-

dred and ninety-eight feet south of the dwelling-house formerly owned by Myron W. Young (now Trotter's); thence up the Raritan river to the place of beginning.

Referendum.

2. This act shall not become operative until it shall have been accepted by a majority vote of the qualified voters of said town at a special election, to be held therein on the first day of May, one thousand nine hundred and seven, from six A. M. to seven P. M. of said day. The clerk of the board of street commissioners of said town shall provide a place in which said election shall be held, and shall cause public notice, in writing, signed by himself, of the time, place and object of such election, to be posted in at least ten public places in said town for at least ten days prior thereto, and also cause such notice to be published, once a week, for a like space of time, in at least one newspaper published or circulating in said town. Said election shall be by ballot and shall be conducted by the local board of registry and election for the election district in which said town is situated. The registry of voters used at the last general election shall be used at this election, and the said board of registry and election shall meet on Saturday preceding the said election at the place where the same is to be held, from one P. M. to nine P. M., for the purpose of revising and correcting the same in the manner provided under the general election laws. Notice of such meeting shall be given by the clerk of said board of street commissioners at the time and in the same manner as notice of said election. The said clerk shall also provide two forms of ballots, reading as follows: "For an act to incorporate the borough of South Bound Brook," "Against an act to incorporate the borough of South Bound Brook," and he shall provide a number of each of said ballots, at least double the number of that of the registered legal voters in said town. The officers holding said election shall immediately at its close certify, under their hands, in duplicate, the result thereof; one of such certificates shall be filed with the clerk of the township of Franklin and one copy with the clerk of the county of Somerset, who shall record the same in the records of incorporations in his office, and after said certificate is filed and recorded as afore-

Place and notice of election.

How election conducted.

Revision of registry.

Form of ballot.

Result certified.

said no proof of such election having been held, or of the result thereof, shall be necessary in any suit in law or equity. The said election officers shall receive the same compensation as for other elections, and shall be paid by the said board of street commissioners, or the borough of South Bound Brook, according to the result of such election.

All contracts, ordinances and actions binding.

3. All contracts heretofore entered in by the board of street commissioners of South Bound Brook shall be binding upon as well as inure to the benefit of "The Borough of South Bound Brook." All ordinances heretofore passed by the board of street commissioners shall remain in full force and virtue, subject to amendment or repeal by the council of said borough. In all actions in law or equity, or other legal proceedings concerning such contracts or ordinances, in which the board of street commissioners would in anywise be a party "The Borough of South Bound Brook" shall be substituted.

Records turned over to borough officers.

4. The officers of the board of street commissioners shall, within thirty days after the election or appointment of corresponding borough officers, turn over to such borough officers all papers, books, records, vouchers, money and other property in their possession as such officers.

5. This act shall take effect immediately.

Approved April 11, 1907.

CHAPTER 38.

An Act in relation to the expenditure of public moneys.

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

Accounting for county or municipal funds.

1. Any board, committee or commission which, by the laws of this State, is now vested with the power to expend public moneys other than by warrant upon the treasurer or collector of the municipality or counties, respectively, wherein such boards, committees or com-

missions may exist, shall, within ten days after the beginning of the fiscal year, in any county or municipality of this State, file with the treasurer, collector or other officer of such county or municipality a statement in detail, showing the items of moneys received and disbursed by such board, committee or commission during the then preceding fiscal year, and also showng the balance remaining in the hands of such board, committee or commission at the end of the fiscal year.

Annual statement.

2. This act shall take effect immediately.

Approved April 11, 1907.

CHAPTER 39.

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

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

Powers, etc., of trustees.

1. Every trustee appointed by the Court of Chancery or by any other court of competent jurisdiction, in addition to or in place of any trustee or trustees appointed by any last will and testament or other instrument creating or continuing a trust, shall have the same power, authority and discretion with respect to the investment, management, conversion, sale or other disposition of the trust estate as was given to or vested in the original trustee or trustees named in or appointed by such will or other instrument, notwithstanding such power may be directed by such will or other instrument to be exercised at the discretion of such original trustee or trustees unless such power, authority or discretion shall have been or shall be expressly prohibited by such will or other instrument to any additional or substituted trustee.

Application.

2. This act shall apply to trusts created as well before as after it shall take effect.

3. This act shall take effect immediately.

Approved April 11, 1907.

CHAPTER 40.

An Act relative to the payment of deposits made with any bank or trust company in the name of two persons.

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

Payment of deposits in two names.

1. When a deposit has been made, or shall hereafter be made in any bank or trust company transacting business in this State in the name of two persons, payable to either, or payable to either or the survivor, such deposit, or any part thereof, or any interest or dividend thereon, may be paid to either of said persons whether the other be living or not.

2. This act shall take effect immediately.

Approved April 11, 1907.

CHAPTER 41.

An Act to provide meeting places, necessary supplies and to defray the expenses of the boards of taxation in counties of this State.

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

Quarters and supplies.

1. The board of chosen freeholders of each county shall provide suitable meeting room or rooms for the transaction of the business of the county board of taxation and procure suitable furniture therefor, and such books, stationery, fuel and supplies as may be necessary.

Safes.

2. They shall provide a proper place for the safe-

keeping of the tax duplicates and papers of the said board of taxation.

Traveling expenses.

3. They shall defray the actual traveling expenses of the members of said boards of taxation and the secretaries thereof.

Bills attested.

4. The bills for such expenses shall be paid by the said boards of chosen freeholders when attested by the president and secretary of the said boards of taxation.

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

Approved April 11, 1907.

CHAPTER 42.

A Supplement to an act entitled "An act respecting the Court of Chancery (Revision of 1902)," approved April third, one thousand nine hundred and two.

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

Service upon corporations.

1. In any suit or proceeding heretofore or hereafter begun in the Court of Chancery against a corporation of this State, process of subpœna or other writ, notice, orders and papers of any nature whatsoever in such suit or proceedings served upon the president, vice president, a director or the designated agent of the corporation or other officer thereof, shall be good and effective service upon the corporation.

2. This act shall take effect immediately.

Approved April 11, 1907.

CHAPTER 43.

Supplement to an act entitled "An act to provide for short courses in practical and scientific agriculture in the State Agricultural College," approved March twenty-fifth, one thousand nine hundred and five.

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

1. There shall be appropriated out of the general revenues of the State the sum of fifty thousand dollars, to be expended for the further equipment of the short courses in practical and scientific agriculture in the State Agricultural College, as provided for in section three of the act to which this is a supplement, and an additional annual appropriation of ten thousand dollars for salaries, supplies and all other expenses for the maintenance of the short courses in agriculture; *provided,* that such sum or sums shall first be appropriated in the annual appropriation bill. Appropriations for short courses in agriculture. Proviso.

2. This act shall take effect immediately.

Approved April 12, 1907.

CHAPTER 44.

An Act amending an act entitled "An act relating to the Court of Common Pleas (Revision of 1900)," approved March twenty-third, one thousand nine hundred.

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

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

When judge may preside in another county.

7. The judge of the Court of Common Pleas in and for any county may, at the request of the judge of said court in and for any other county, preside during the absence or sickness or other inability of the judge making such request, or to assist such judge in disposing of the accumulated business of said court, in the courts or any of them for which the judge makng such request was specially appointed.

Separate sittings.

When such judge shall be so requested to sit for the purpose of assisting the judge making such request in disposing of the accumulated business of said courts, both of said judges may sit separately, at one and the same time, for the purposes of trying issues in said courts and of hearing and determining such other matters as said Court of Common Pleas, or any judge thereof, may be empowered by law to hear, try and determine.

Section amended.

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

Request, how made.

8. The request mentioned in the preceding section shall be in writing, and the judge to whom such request shall have been made, before presiding in the courts of any county other than that for which he was specially appointed, shall file such request in the office of the clerk of the county in which he shall have been so requested to preside.

Compensation.

When such judge shall be so requested to sit for the purpose of assisting the judge making such request in disposing of the accumulated business of said courts, the judge so requested shall while so sitting, in addition to his regular salary, be entitled to the sum of twenty dollars per day, which shall be paid by the county in which he shall be so requested to sit, upon the certificate of the judge making such request.

3. This act shall take effect immediately.

Approved April 12, 1907.

CHAPTER 45.

An Act concerning the government of certain cities in this State and constituting a municipal Board of Fire and Police Commissioners therein and defining the powers and duties of such board, and vesting in such board certain powers of management and appointment now vested in other departments or offices in such cities and providing for the maintenance of such board.

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

Board of fire and police commissioners appointed by mayor.

1. In all cities in this State, now or hereafter having within their territorial limits a population of not less than one hundred thousand nor more than two hundred thousand inhabitants, according to the United States or State census, there shall be established a Board of Fire and Police Commissioners, which shall be invested with the powers and duties hereinafter set forth. In all cities now having such population the mayor thereof shall appoint, within one month after this act shall take effect (and in all cities which may hereafter have such population, according to the census of the United States or the State of New Jersey, the mayor thereof shall appoint, within one month after the official promulgation of the census showing that such city has the population aforesaid), four suitable persons, residents of such city, to be known as the Board of Fire and Police Commissioners, not more than two of whom shall be members of the same political party; two of whom shall be appointed to serve until the first day of January next following such appointment, and two of whom shall be appointed to serve until the first day of January secondly following such appointment. On the first day of January next following such appointment, and on each succeeding first

Number.

Terms.

day of January thereafter, the said mayor shall appoint two suitable persons, residents of such city, for the term of two years, to take the place of those members whose term shall then expire; not more than two of said board shall at any time be members of the same political party.

Salary. The members of said board shall receive an annual salary of five hundred dollars, to be paid monthly in the same manner as provided by law for other city officers.

Vacancies. Any vacancy in such Board of Fire and Police Commissioners shall be forthwith reported by the clerk thereof to said mayor, who shall, within thirty days thereafter, appoint a person to fill such vacancy for the unexpired term only. Each of the members of said board shall devote such time and attention to the faithful performance of the duties of his office as the affairs under the government, control and management of such board may require.

Official title. The members of such board so appointed as aforesaid shall constitute and be called "The Board of Fire and Police Commissioners of the city of " (name of the city in and for which they are appointed).

Oath. Each member of such board shall within ten days after his appointment qualify by taking and subscribing, before some person authorized to administer oaths, an oath or affirmation to faithfully discharge the duties of his office to the best of his skill and understanding,

Bond. and also give bond to such city in the sum of five thousand dollars, to be approved as to form thereof by the city counsel of such city and as to the sufficiency thereof by the mayor of such city, for the faithful discharge of his official duties, which bond shall be filed in the office of the clerk of such city.

Powers and duties. 2. The said Board of Fire and Police Commissioners shall be in the place of and be substituted for, and shall be invested with all the powers and duties now vested in or exercised by any officer or officers, board of aldermen, common council, police board, commissioners of fire department or other governing body, by whatever name called, in any such city in this State, concerning and appertaining to the appointment, powers, government and other matters relating to the fire department and the police department of such cities, and they are also

hereby fully authorized and empowered to appoint such officers and members and employ such persons from time to time as they may deem necessary in said departments, and to fix their compensation; they shall also adopt such rules and regulations as to the appointment, control, duties and dismissals of the employes and the officers and the members of the fire and police department as to them shall seem expedient, and may alter the same at pleasure; *provided, however,* that no member of the said fire department or police department shall be removed except for cause and after trial therefor before said board in the manner provided by law. The police force of any such city shall not exceed one for every one thousand of population, according to the last State or United States census, unless said commissioners by unanimous vote shall determine that a greater number is required.

Proviso.

Total number of police.

3. Immediately after qualifying by taking and subscribing the official oath as herein provided, and filing their official bonds, the commissioners appointed under this act shall meet and proceed to organize said board, and shall elect by ballot, by a majority vote, one of the said commissioners to act as president of such board, and should they fail to elect a president at their first meeting, they may adjourn from time to time and continue to ballot until they elect a president, and the person so elected shall continue to act as president of such board up to the first day of the following January, and thereafter they shall, in the same manner, each year elect a president to hold office for the ensuing year, and in the case of a vacancy occurring in the office of president at any time during the year the said board is hereby authorized and empowered to fill the office for the rest of the year in the same manner as herein provided; a majority of the whole number of members of said board shall be necessary to constitute a quorum for the transaction of business, and the acts of three members of such board shall be the acts of the board. The said president shall have power to call a special meeting of such board whenever he shall deem it expedient.

Organization.

President.

4. The said board shall have power to appoint a clerk and to fix his compensation, which shall be paid monthly

Clerk of board; his compensation.

in the same manner as the salaries of other city officials are paid, and the said clerk shall first take and subscribe an oath of office, before some person authorized to administer oaths, faithfully and impartially to perform his duties, and he shall enter into bond in such city in such sum as the said board may direct, to be approved of in the same manner as the bonds of the said commissioners, and the said bond shall be filed in the office of the comptroller of such city. It shall be the duty of such clerk to keep a correct and accurate account of all the proceedings of the said board in a book or books, which the said board is hereby authorized to provide for the purpose, and he shall perform such other duties and keep such other books, records and accounts as the said board may from time to time direct, and he shall at all times have the minutes and books of the said board open for the inspection of the mayor, board of aldermen, common council, board of finance or other governing body having charge of the finances of such city, and shall at all times give such information to the members of the Board of Fire and Police Commissioners as they shall desire.

Keeping of records.

Board to have control of charities and corrections.

Appointment of poormaster, etc.

Continuance of present incumbents.

5. The said Board of Fire and Police Commissioners of such city be and it is hereby substituted for and invested with full power and authority to control and manage the department of charities and correction in any such city, and they shall possess all the powers and perform all the duties now performed by any board of aldermen, common council, police board or other governing body in any such city concerning and appertaining to the management and control of the said department of charities and correction. They shall also have the exclusive power to appoint the poormaster, the overseer of the poor, superintendent of outdoor relief, superintendent of indoor relief and all other officers and employes, by whatever name called, in any way connected with the relief of the poor in any such city at the expiration of the terms of the officers holding such offices when this act takes effect or becomes operative in any such city, but as to any officer now holding office in said department whose appointment by law continues

during good behavior, the said board shall have the power of appointment of such officer for the term prescribed by law when a vacancy occurs in such office, but no such officer shall be removed except for cause and after trial therefor before said board, and shall also have the power to fill any vacancy arising in any other office for the unexpired term, and any officers appointed by the said board shall be in lieu of and substituted for the officers existing in any such city, and they shall have the same powers and perform the same duties as now provided by law of such officers in any such city, and they shall be paid in the same manner as other city officers. Said board shall also have power to buy, sell, construct or repair such things as in their judgment they shall deem expedient and necessary for the proper management of the said department of charities and correction; they shall also have the exclusive power to relieve and pay for the relief of the poor in any workhouse or building and the expense of any such institution. Said board shall, at two specific times designated by them in each year, solicit proposals for the furnishing of supplies to the departments of in and outdoor relief for the poor, and shall in every instance award the contract to the lowest reseponsible bidder; *provided, however,* that the said board shall have the right at all times to reject any and all bids if deemed by them for the interest of the city.

Furnishing supplies.

Proposals invited.

Proviso.

6. The board appointed under this act shall have exclusive power and shall be substituted for and be vested with all the powers of appointment, management and control of the board of aldermen, common council or any other governing body in any such city, by whatsoever name called, in regard to the appointment of a city physician, an assistant city physician, a city pharmacist, a city veterinary surgeon, and recorder or police justice for such city, and upon the expiration of the terms of the said officers holding such offices in any such city when this act goes into effect therein, the said board shall appoint a city physician, an assistant city physician, a city pharmacist, a city veterinary surgeon and a recorder or police justice (who shall be an attorney-at-

Exclusive right to appoint sundry officers.

law), and who shall be commissioned in the manner provided by law in any such city, each to hold office for a term of three years from the first day of January in the year in which they are respectively appointed, and thereafter said officers as their terms expire shall each be appointed for a term of three years and to hold their offices until their successors are appointed and qualified; any vacancy arising in any of the offices herein provided for shall be filled by said board for the unexpired term only; the said officers holding said offices or hereafter appointed to the same shall be invested with and shall possess all the powers and duties that are now vested in or exercised by any such officers in such cities; and after the organization of said Board of Fire and Police Commissioners, said officers shall be governed by and be subject to the rules and regulations prescribed by the said board, provided the same be not contrary to existing law; and they shall receive the same compensation for their services as like officers are now receiving in such cities, and they shall be paid in the same manner as such officers are now paid.

Term of appointees.

How governed.

Compensation.

Existing boards abolished.

7. Any police board or fire board existing in any such city when this act takes effect and becomes operative therein as aforesaid, shall be and is hereby abolished from the time the Board of Fire and Police Commissioners herein provided and authorized shall be organized for the discharge of their duties.

Validity of act.

8. In case, for any reason, any section or provision of this act shall be questioned in any court or be held to be unconstitutional or invalid, the same shall not in anywise affect any other section or provision of this act.

Records, etc., turned over to new board.

9. All books and papers, matters and things in the possession of any police board, board of aldermen, common council or other governing body in any such city appertaining to or used by them or either of them in the discharge of their duties in the care and management of the respective departments and offices of which the board appointed under this act shall have the management and control, shall be delivered up to the said board pursuant to the provisions of this act immediately after demand therefor.

Unexpended moneys at disposal of new board.

10. Upon the organization of the said Board of Fire and Police Commissioners herein provided for in any such city, all the unexpended appropriation or moneys heretofore made or received by any municipal or corporate authority of any such city or by any board of aldermen, common council, board of finance, police board or any governing body in such city and at that time under the control or in the custody of any such board for or on account of or to the credit of such board or boards, department or official, on the books of such city for the purposes of the respective departments or offices over which the said Board of Fire and Police Commissioners appointed under this act are given control and management, shall thereupon, after the said organization of said board, immediately become subject to the sole and absolute control and power and disbursesement of such Board of Fire and Police Commissioners, and shall thereafter be expended and disbursed only by authority of said board for the purposes for which said unexpended balances or appropriations or receipts were assessed, collected, received or appropriated by such city or the municipal authorities thereof, and the same shall be paid out by such city or its municipal authorities in the manner hereinabove provided for payments to be made for obligations created by this board in such city.

License fees and fines for use of board.

11. The moneys received by any such city from fines and penalties for violations of the ordinances of such city, and all moneys received for licenses for the sale of liquors or licenses for any other purpose whatever, except theatre and show licenses, shall be and hereby are appropriated exclusively to the support and maintenance of the police department and the department of charities and correction, and for the payment for the other purposes or officials provided for by this act or necessary to carry out its provisions in respect to the said police department and the department of charities and correction, and if there should be an unexpended balance from any source, the same shall be placed to the credit of the department that the board having charge of the finances of such city may designate.

Power to subpœna witnesses.

12. The said Board of Fire and Police Commissioners shall have and are hereby given the power to issue sub-

pœnas, signed by the secretary of said board, or, in his absence, by one of the members thereof, to compel the attendance of witnesses, under the penalty of fifty dollars, upon any proceedings, investigations or trials had before it under the laws of this State or ordinances of such city, or by virtue of the rules and regulations of said board, and each member is hereby authorized and empowered to administer oaths or affirmations in any matter, trial or proceeding pending before said board; and any person who willfully and corruptly commits perjury in giving testimony under oath before the said board, or who shall procure or suborn any person to commit corrupt and willful perjury in giving testimony before said board, shall be deemed guilty of a high misdemeanor and shall be punishable in the same manner as is now prescribed by the statutes of this State in cases of perjury. In case any person who has been duly served with process of subpœna, and who has been paid or tendered the fees provided by law for the attendance of witnsses, neglects or refuses to obey the command of such subpœna, it shall be lawful for the judge of the Court of Common Pleas in any county in this State, on due proof by affidavit of the service of a subpœna on such witness, and of the payment of his legal fees or of the tender of the same to him and of his refusal or neglect to obey the command of such subpœna as aforesaid, to issue an attachment against such person to bring him before the said judge or before the bar of the said court, and the said court shall have power to proceed against said witness as for contempt of said court.

Perjury before board a misdemeanor.

Attachment to issue in case of refusal to answer subpœna.

Annual report.

13. The said board shall annually, in the month of April, submit a full report of the proceedings of said board to the mayor of such city, and the board having charge of the finances of such city shall set forth in said report the condition of the police department of such city and the fire department and the department of charities and correction, and other matters within their jurisdiction, which report shall be published in the same manner as the reports of other city officials and a copy thereof shall be filed in the office of the city clerk.

Pay-roll.

14. The said board shall cause to be prepared in the different departmnts over which it has control and man-

agement a monthly pay-roll, to be submitted to the board of aldermen, common council, board of finance or other governing body having charge of the finances of such city, whose duty it shall be to provide for the payment thereof in the same manner that the salaries of city officials and employes in such departments are now paid by law in any such city.

All bills to be itemized.

15. No money shall be drawn from the treasury of any such city for any obligation created by the said Board of Fire and Police Commissioners appointed under this act except upon the presentation of an itemized bill for the same, duly verified and approved by said Board of Fire and Police Commissioners, and by the board of finance or other governing body having charge of the finances of such city.

Estimate for year.

16. In the month of April in each year the said Board of Fire and Police Commissioners shall estimate in detail the expenses of the respective departments under their control and management for the ensuing year and transmit the same to the board of aldermen, common council, board of finance or other governing body having charge of the finances and of levying the taxes in such city, which body shall make provisions for the assessment of the same, or so much thereof as they shall deem proper, in the tax ordinance of such year, and that the said Board of Fire and Police Commissioners shall not make any contracts or create any obligations against the city in excess of such appropriations. The said board shall also have power to buy, sell, construct or repair such things as in their judgment they shall deem expedient and necessary for the proper maintenance and management of the said fire and police departments; and where the amount to be expended for supplies, appliances and other things that may be required for either the said fire department or the said police department exceeds the sum of five hundred dollars, they shall, when practicable, solicit proposals for the same by advertisement in two daily newspapers of said city for five days previous to the awarding of a contract for the same, and in every instance they shall award the contract to the lowest responsible bidder, who shall give satisfactory security

Provisions for assessment.

Right to purchase and repair.

Proposals advertised.

Proviso.

for the performance thereof; *provided, however,* that the said board shall have the right to reject any or all bids if deemed by them to be for the best interest of the said city.

Mayor to approve or disprove.

17. The mayor of any city subject to the provisions of this act shall have the right to veto the acts of the said Board of Fire and Police Commissioners involving the expenditure of money, with the exception of appointments authorized under this act, and copies of all the resolutions or other proceedings involving such expenditure of money shall be furnished to the mayor of every such city, and he shall have five days in which to consider them in each case before signing or returning them to the said board with his objections. In case the mayor does not sign and return the same with objections within the time above limited, the action or proceedings of the said board shall stand approved. The

May veto certain items.

mayor shall have the power to veto any item or items contained in any resolution involving the expenditure of money for any purpose other than appointments, and approve the residue. Said board may pass any resolution or other matter, notwithstanding such objections of the mayor, by a majority vote of all the members thereof.

One office only.

18. No member of the said Board of Fire and Police Commissioners shall hold or accept any other public office under the government of such city unless he shall first resign his office of commissioner under this act, and upon his acceptance of any such office his position as a member of said Board of Fire and Police Commissioners appointed under this act shall become vacant.

Business accommodations.

19. The board of aldermen, common council or other governing body, by whatever name called, of such cities where the said commissioners of fire and police are appointed under this act, shall provide suitable rooms for the transaction of the business of the said commissioners and shall procure suitable furniture therefor.

Repealers.

20. An act entitled "An act concerning the government of certain cities in this State, and constituting a board of finance and a police board and other officers therein, and defining the powers and duties of such board, and relating to the municipal affairs and depart-

ments of such cities placed under the control and management of such boards, and providing for the maintenance of said boards," approved April twenty-third, in the year of our Lord one thousand nine hundred and six, and all acts and parts of acts, general, special or local, and all charters or parts of charters of any city, inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately; *provided, however,* that until the said Board of Fire and Police Commissioners have qualified and have been organized, the present city authorities in any such city, to whom have been entrusted the powers and upon whom have heretofore been imposed the duties mentioned in this act, shall continue to exercise such powers and duties, so that there shall not be any inter-regnum when no authority exists for the government of such city in reference to the matters embraced in this act.

Proviso.

No inter-regnum.

Approved April 12, 1907.

CHAPTER 46.

An Act concerning the government of certain cities in this State and constituting a Board of Finance therein and defining the powers and duties of such boards and vesting in such boards certain powers of management and appointment.

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

1. In all cities in this State now or hereafter having a population of not less than one hundred thousand nor more than two hundred thousand inhabitants, there shall be established a Board of Finance, which shall be invested with the powers and duties hereinafter set forth. In all cities now having such population the mayor thereof shall appoint within one month after this

Board of finance appointed by mayor.

act shall take effect (and in all cities which may hereafter have such population the mayor thereof shall appoint within one month after the official promulgation of the census showing that such city has the population aforesaid) four suitable persons, residents of such city, to be known as the Board of Finance of such city, not more than two of whom shall be members of the same political party; two of whom shall be appointed to serve until the first day of January next following such appointment, and two of whom shall be appointed to serve until the first day of January secondly following such appointment. On the first day of January next following such appointments, and on each succeeding first day of January thereafter, the said mayor shall appoint two suitable persons, residents of such city, for the term of two years, to take the place of those members whose terms shall then expire; not more than two of said board shall at any time be members of the same political party. The members of said board shall receive an annual salary of five hundred dollars, to be paid monthly in the same manner as provided by law for other city officers. Any vacancy in such Board of Finance shall be forthwith reported by the clerk thereof to said mayor, who shall within thirty days thereafter appoint a person to fill such vacancy for the unexpired term only. Each of the members of said board shall devote such time and attention to the faithful performance of the duties of his office as the affairs under the government, control and management of such board may require. The members of such board so appointed as aforesaid shall constitute and be called "The Board of Finance of the City of ," (name of the city in and for which they are appointed). Each member of such board shall within ten days after his appointment qualify by taking and subscribing before some person authorized to administer oaths an oath or affirmation faithfully to discharge the duties of his office to the best of his skill and understanding, and also give bond to such city in the sum of ten thousand dollars, to be approved as to the form thereof by the city counsel of such city and as to the sufficiency thereof

Members.

Term.

Reappointments.

Salary.

Vacancies.

Official title.

Oath.

Bond.

by the mayor of such city, for the faithful discharge of his official duties, which bond shall be filed in the office of the clerk of such city.

Powers and duties.

2. The said board shall be in the place of and be substituted for, and shall be invested with all the powers and duties now exercised by any board of finance, finance committee of any board of aldermen or common council, or by any board of aldermen or common council in any such city in virtue of any law of this State in regard to the control and management of the finances of such city, the levying of taxes and fixing the annual tax or tax levy or tax ordinance of such city, and the collection of taxes and assessments. They shall on or before the second Monday in June of each year, by ordinance, declare the amount of money necessary for defraying the expenses of such city for the current year and for all other objects and purposes authorized by law, which sum shall be assessed and collected according to law. They may make temperoary loans in anticipation of taxes and assessments, but the amount thereof shall not exceed the anticipated taxes and assessments for such current year. They shall prescribe the forms of keeping all city accounts, the manner in which all salaries shall be drawn and the mode in which all creditors, officers and employes of such city shall be paid, and shall settle and adjust all claims in favor of or against such city and all accounts in which the city is concerned as debtor or creditor. No bill incurred by any department or officer under the direction and control of any other board, committee, department, board of aldermen or common council, except by the department of public instruction, shall be paid without the approval of the said Board of Finance hereby created. The intention of this provision is that there shall be a Board of Finance constituted as herein provided in place of any and every other board or authority in such city in the control, care and general management of the finances thereof, and that such Board of Finance in such city shall have the sole power to borrow money, issue bonds or scrip, provide for the payment of the interest and principal thereof, and to do and perform every

Annual estimate.

Forms of accounts, mode of payment, etc.

Approval of bills.

Intention of this provision.

Sole power to borrow, etc.

power and duty heretofore performed by any other board, department or authority in regard to the raising and borrowing of money, or any other of the financial affairs of such city.

All books, etc., delivered to board.

3. All books and papers, matters and things in the possession of any board of finance, board of aldermen, common council, or any committee or department thereof, or of any authority in such city, or used by them, or either of them, in the discharge of their duties in the care and management of the financial affairs of such city, shall be delivered up to the Board of Finance pursuant to the provisions of this act immediately after demand therefor.

Sinking fund.

4. The board shall receive and invest, reinvest and keep invested, and apply all moneys and securties heretofore set apart then or hereafter to be raised as a sinking fund in such city pursuant to any law or ordinance at any time in force therein. The persons, commission or board having charge thereof shall deliver to such Board of Finance, upon demand therefor made, all moneys and securities belonging to any sinking fund, together with the books and papers relating thereto.

Organization.

5. The members of such board first appointed hereunder shall meet immediately after the taking and subscribing of the required oaths or affirmations, and the execution and the approval of their official bonds for the faithful performance of the duties of their office, and they shall immediately select one of their members to

President.

act as president for the ensuing year, and thereafter they shall select a president each year on the first day of January; in case of a vacancy occurring at any time during the year in the office of the president, the board

Quorum.

shall fill the office for the unexpired term. A majority of the whole number of the members of such board shall be necessary to constitute a quorum for the transaction of business, and the acts of three members of such board shall be the acts of the board; the president shall have

Special meetings.

the power to call special meetings of such board whenever he shall deem it expedient; the members of such

By-laws.

board may make, establish, modify and repeal such by-laws, rules and regulations, and pass such resolutions

governing the proceedings of such board or its members, and the officers and employes over whom by the provisions of this act they shall have authority and control, as such board may deem proper and advisable; said board shall have the power to appoint a clerk and fix his compensation. They shall appoint a city treasurer, a comptroller, a receiver of taxes and assessments, by whatever name they may be called in said city, who, after their appointment by said board, shall have and possess the same power now vested in such officers in such city and be subject to the same duties. Such officers shall also be subject to the rules and regulations prescribed by said board for the more efficient government of the department of finance. Such appointment shall take place on the first day of January, upon the expiration of the term of such officers existing in any such city when this act goes into effect therein as aforesaid. The term of each of said officers shall be for three years.

Clerk.

City officers.

When appointed.

Term.

6. Such boards shall appoint the city counsel of such city and the city attorney. The city counsel shall perform all the duties now required by law or the ordinances of such city to be performed by the city counsel thereof, by whatsoever name he may be designated, and shall be the legal adviser and law officer of such city, and of the various boards, commissions, departments and officers in and of such city. It shall be the duty of the city attorney, under the direction and supervision of the city counsel, to draw and prepare all contracts in which the city is interested, ordered by any board, officer or department of the city government, to prosecute and defend actions in which the city or any of its boards, departments or officers are parties in relation to the interests of the city, to prepare all such cases for trial or argument and to perform such other duties as by law are now imposed, or may hereafter be imposed, upon such officer, and as shall pertain to the office of city attorney.

Legal officers; their duties.

7. Such board shall have the power to fix the salaries of the city counsel and city attorney; the salary of the city counsel not to exceed five thousand dollars per annum, and the salary of the city attorney not to exceed

Salary of law officers.

two thousand dollars per annum, such salaries to be paid monthly in the same manner as salaries of other city officers in such city are paid. The term of office of the city counsel and city attorney shall be three years and until the appointment and qualification of their successors; but this act shall not terminate or abridge the term of office of any such officer holding office in such city at the time this act becomes operative therein, but such officer shall serve out the term for which he was originally elected or appointed, and the said board shall have power only to appoint his successor at the end of the term for which he was originally elected or appointed, or to fill any vacancy that may occur. Any vacancy in said office shall be filled for the unexpired term only.

Term.

Mayor to have right of veto.

8. The mayor of such city shall have the right to veto the acts of such board, except the appointment of officers, and copies of all resolutions or other matters, duly certified, shall be furnished to the mayor, and he shall have ten days in which to consider them in each case before signing or returning them to said board with his objections. The mayor shall have the power to veto any item or items contained in any ordinance or resolution appropriating money for any purpose and to approve of the residue of such ordinance or resolution. Said board may pass any resolution or other matter, notwithstanding the objections of the mayor, by a vote of three members thereof.

Present board abolished.

9. Any board of finance existing in any such city when this act takes effect therein as aforesaid shall be and is hereby abolished from the time the Board of Finance herein provided and authorized shall be organized for the discharge of their duties.

Validity of act.

10. In case, for any reason, any section or provision of this act shall be questioned in any court, or to be held unconstitutional or invalid, the same shall not in anywise affect any other section or provision of this act.

Repealer.

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

Approved April 12, 1907.

CHAPTER 47.

An Act to further amend an act entitled "An act relative to the writ of certiorari (Revision of 1903)," proved April eighth, one thousand nine hundred and three.

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

Section amended.

1. The eleventh section of the act of which this is amendatory is hereby further amended so as to read as follows:

Court to determine questions of fact and law.

11. In all cases of writs of certiorari now pending or hereafter brought to remove any tax or assessment, or other order or proceeding touching any local or public improvement, or to review the proceedings of any special statutory tribunal, or to review the suspension, dismissal, retirement or reduction in rank of any person holding an office or position, State, county or municipal, from which he is removable only for cause and after trial, the court shall determine disputed questions of fact, as well as of law, and inquire into the facts by depositions taken on notice, or in such other manner as is according to the practice of the court; *provided,* either party may use the testimony taken before the tribunal, board or officer whose action is being reviewed, which testimony shall be considered by the court the same as if it had been taken by deposition on notice, and either party may take additional testimony. The court may reverse or affirm, in whole or in part, such tax or assessment, or other order or proceeding, finding or determination, suspension, dismissal, retirement or reduction in rank reviewed.

Proviso.

Court may reverse or affirm.

2. This act shall take effect immediately.

Approved April 12, 1907.

CHAPTER 48.

An Act to compel the determination of titles to riparian lands and lands under water in which the State claims an estate in remainder or reversion and to quiet the title to the same.

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

Action to determine title to riparian lands.

1. When a grant or conveyance in fee of riparian lands or lands under water, or both, has heretofore been made or shall hereafter be made by the State or by the Riparian Commission to any person or corporation who or which is in possession, or whose lessee or grantee is in possession, under a lease or an estate for years of the same lands, or any part thereof, which lease has not expired, or which estate for years has not terminated, and the State denies the validity of such grant or conveyance of the fee, and desires to contest it, the Attorney-General is hereby authorized and empowered to bring and maintain a suit in chancery on behalf of the State to settle the title to said lands and to clear up all doubts concerning the same. The bill of complaint or information in such suit shall describe the lands with reasonable certainty; shall set forth that the State denies that the fee has passed by such grant or conveyance to the grantee; that it still resides in the State; and shall name the corporation, person or persons who claim under said grant or conveyance in fee, and shall call upon such corporation, person or persons to set forth and specify its, his or their title, claim or encumbrance, and how and by what instrument or authority the same is derived or created.

Suit in chancery.

Bill to set forth.

Object of suit given with subpœna.

2. With the subpœna in such suit there shall be issued a ticket to each defendant, describing the lands, stating the subject of the suit, and that if the defendant claims any title or interest to or encumbrance upon said lands, he is required to answer said bill, but not otherwise.

As to costs.

3. No decree for costs shall be had in such suit against any defendant who suffers a decree pro confesso against him or who shall answer disclaiming all title to, interest in or encumbrance on said lands; but said court shall in such cases, without further proof, decree that such defendant or defendants have no estate or interest in or encumbrance on said lands, or any part thereof, by such grant or conveyance in fee; and any defendant who shall by answer duly verified by oath deny that he claims or ever has claimed or pretended to have any estate or interest in fee in or upon said lands, or any part thereof, shall be entitled to his costs in said suit.

Claim to be specified.

4. If any defendant shall answer claiming any interest or estate in fee in said lands, or any part thereof, he shall in such answer specify and set forth the estate or interest so claimed, and if not claimed in whole of said lands, he shall specify and describe the part in or upon which the same is claimed, and shall set out the manner in which and the sources through which such title or interest is claimed to be held and derived.

Issue at law to settle validity of claim.

5. Upon application of either party, an issue at law shall be directed to try the validity of such claim or to settle the facts or any specified portion of the facts upon which the same depends, and the Court of Chancery shall be bound by the result of such issue, but may, for sufficient reasons, order a new trial thereof according to the practice in such cases; and when such issue is not requested, or as to the facts for which the same is not requested, the Court of Chancery shall proceed to inquire into and determine such claims, interest or estate according to the course and practice of said court; and shall, upon the finding of such issue, or upon such inquiry and determination, finally settle and adjudge whether the said defendant has any estate, interest or right in said lands, or any part thereof, by virtue of said grant or conveyance in fee, and what such interest, estate or right is, and in and upon what part of said lands the same exists.

Final decree to settle rights.

6. The final determination and decree in such suit shall fix and settle the rights of the parties in said lands, and the same shall be binding and conclusive on all par-

ties to the suit. It shall not be necessary for the Attorney-General on behalf of the State to make or offer to make any tender or payment into court on or before the filing of the bill or information, but if the decree of the court shall be in favor of the State, the court shall determine and decree upon what equitable terms the said grant or conveyance in fee shall be set aside and declared void and of no effect.

7. This act shall take effect immediately.

Approved April 12, 1907.

CHAPTER 49.

An Act to authorize the board of education of any township in this State to transfer any unused school building to the township in which said board of education is located and to empower the township committee to use said building for municipal purposes.

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

Unused school buildings may be transferred to township.

1. It shall be lawful for any board of eduction of any township in this State, by resolution adopted by a two-thirds vote of the members of said board of education, to transfer any building not used by it for school purposes to the township in which said board and school building is located for use by said township for municipal purposes.

Remodeling and use of such building.

2. It shall be lawful for any township committee of any township to which any school building may be transferred, to alter and remodel said building, to remove the same to any suitable location upon lands belonging to the township, and do and perform any act which may be necessary to put such building in proper condition, to use the same for municipal purposes of such township, and any expense incurred thereby shall be paid out of

any unexpended balances or funds in the possession of the township committee.

3. This act shall take effect immediately.

Approved April 12, 1907.

CHAPTER 50.

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

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

False reports concerning banks a misdemeanor.

1. Any person who shall willfully or maliciously instigate, make, circulate or transmit to another or others any statement, untrue in fact, derogatory to the financial condition or affecting the solvency or financial standing of any bank, banking institution or trust company doing business in this State, or who shall counsel, aid, procure or induce another to start, transmit or circulate any such statement or rumor, shall be guilty of a misdemeanor.

2. This act shall take effect immediately.

Approved April 12, 1907.

CHAPTER 51.

An Act to provide for a suitable detail from the National Guard of New Jersey to participate at the dedication and unveiling of a monument erected at Washington, D. C., to the honor and memory of the late Major-General George B. McClellan.

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

Detail of veterans and militia at dedication of monument.

1. With the approval of the Governor and Commander-in-Chief, the Major-General Commanding Di-

New Jersey State Library

vision, National Guard, is hereby authorized to make a suitable detail from members of the organization known as the Grand Army of the Republic in this State, now residing in this State, and who served under the immediate command of General McClellan and from the National Guard of this State, to participate, representing the State of New Jersey, in the ceremonies of dedication of a monument at Washington, D. C., Thursday, May second, one thousand nine hundred and seven, to the honor and memory of the late Major-General George B. McClellan, United States Army, during the Civil War, and later Governor of New Jersey.

Appropriation.

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

3. This act shall take effect immediately.

Approved April 9, 1907.

CHAPTER 52.

A Supplement to an act entitled "An act to amend an act entitled 'An act to provide for assistant prosecutors in the several counties of this State,'" approved April third, one thousand nine hundred and two.

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

Assistant prosecutor in coast counties.

1. Wherever the population of any county bordering on the Atlantic ocean in this State, as ascertained by any State or federal census, is more than fifty thousand and not more than seventy-five thousand, it shall be lawful for the prosecutor of the pleas to appoint one assistant prosecutor, who, after having taken an oath of affirmation before the clerk of the Court of Common Pleas of the county wherein he is appointed to faithfully and justly perform the duties of the appointment to the best

of his ability, shall hold said appointment unless removed by the prosecutor of the pleas.

Salary.

2. The assistant prosecutor of the pleas, under this act, shall receive an annual salary of twelve hundred dollars; such salary shall be payable in monthly installments by the county collector out of the funds of such county, and such salary shall be in addition to the salary, fees and allowances received by the prosecutor of the pleas of such county.

Repealer.

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

Approved April 12, 1907.

CHAPTER 53.

An Act to authorize the change of name of any newspaper published in this State.

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

Method of changing name of newspaper.

1. The name of any newspaper published in this State may be changed by the proprietor or proprietors thereof by executing, recording and filing, pursuant to the provisions of this act, a certificate under the hand of the proprietor or proprietors if a natural person or persons, or under the corporate seal of the proprietor if a corporation, setting forth the name and proprietorship of such newspaper, the place of publication, the new name adopted, the date when the change of name shall take effect (which date shall be not less than one week after the filing of such certificate); the execution of said certificate shall be proved or acknowledged as required for deeds of real estate, and after being so acknowledged or proved, said certificate shall be recorded in a book to be kept for that purpose in the office of the clerk of

Record of change.

the county in which such newspaper is published, and after being so recorded shall be filed in the office of the Secretary of State; said certificate, or a copy thereof, duly certified by the Secretary of State, shall be in evidence in all courts and places.

Change not to invalidate legal notices.

2. No such change of name shall affect or in any way invalidate the publication of any legal or other notice or matter, or be deemed to be an interruption of the continuity of publication of the newspaper the name of which may have been changed.

Repealer.

3. The act entitled "An act to authorize the proprietor of any newspaper published in this State to change the name of such newspaper," approved April thirteenth, one thousand eight hundred and seventy-six, and all acts and parts of acts inconsistent with this act, are hereby repealed, and this act shall take effect immediately.

Approved April 12, 1907.

CHAPTER 54.

An Act to permit real estate belonging to any city of the first class, a portion or all of which is not required for the purposes for which it was acquired, to be used for a hospital for persons suffering from tuberculosis, and to provide for the maintenance and supervision of said hospital.

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

Use of city property for tubercular hospital.

1. When real estate, the property of any city of the first class, or any portion thereof, is not required for the purposes for which the said real estate was acquired, it shall be lawful for the common council, board of aldermen or other governing body of such city, by ordinance, to permit the use of such portion of said real

estate and the appurtenances thereto as is not necessary for the purposes for which it was acquired, for the purpose of erecting and maintaining a hospital for the treatment of persons suffering from tuberculosis.

Appropriation.

2. It shall be lawful for the common council, board of aldermen or other governing body of any city of the first class, to appropriate such sums of money as may be necessary for the erection, maintenance and operation of said hospital, to be used for the treatment of persons suffering from tuberculosis.

Consent of trustees of property necessary.

3. Where any real estate of the description referred to in section one of this act is under the custody or control of any board or board of trustees, such board or board of trustees shall first consent to the use of such portion of the real estate and appurtenances thereto, under their control and which is not necessary for the purposes for which it was acquired, to be used for a hospital for the treatment of persons suffering from tuberculosis.

Custody of hospital.

4. The board of health of any city of the first class, where a hospital for the treatment of persons suffering from tuberculosis has been or may be established, shall have the custody, care and maintenance of such hospital.

Repealer.

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

6. This act shall take effect immediately.

Approved April 12, 1907.

CHAPTER 55.

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

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

Section amended.

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

Penalty for kidnapping.

114. Any person who shall kidnap or steal, or forcibly take away any man, woman or child, and send or carry, or with intent to send or carry, such man, woman or child to any other point within this State, or into another State, territory or country, or shall force, persuade or entice any child within the age of fourteen years to leave his father, mother or guardian or other person or persons entrusted with the care of such child, and secrete or conceal the said child and his procurers, shall be guilty of a high misdemeanor and punished by imprisonment at hard labor for the term of his or her natural life, or for such other lesser term as the court shall deem proper, but such other term not to be less than five years.

Repealer.

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

Approved April 12, 1907.

CHAPTER 56.

An Act concerning the pay or salary of certain officers and other employes of paid fire departments in cities of the first class in this State.

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

Pay of firemen fixed.

1. It shall be lawful for the board or body having charge and control of the fire department in any first-class city of this State, wherein the annual pay or salaries of all the officers and employes of said fire department are now regulated by law, to fix and determine the annual pay or salaries of certain of said officers and employes as hereinafter provided.

Rate.

2. To captains or foremen of companies, each not less than fifteen hundred dollars ($1,500) per year; to assistant captains or assistant foremen of companies, each not less than fourteen hundred dollars ($1,400) per year;

to engineers, stokers, drivers, tillermen, hosemen, truckmen and telegraph linemen, each not less than one thousand dollars ($1,000) for the first year of service, not less than eleven hundred dollars ($1,100) for the second year of service, not less than twelve hundred dollars ($1,200) for the third year of service, and not less than thirteen hundred dollars ($1,300) for the fourth year of service; *provided, however,* that this act shall not be so construed as to reduce or diminish the annual pay or salaries of any officers or employes who are at present members of the fire department in any first-class city of this State.

Proviso.

3. This act shall take effect immediately, but its provisions shall remain inoperative in any city of the first class until the same shall be accepted by the voters of said city by a majority of the votes cast for or against such act at any general election hereinafter to be held in such city. If a majority of those voting for or against the acceptance of this act shall be in favor of its acceptance, the provisions thereof shall be deemed to be accepted by such city, and such city shall be bound by the terms thereof. When the question of the acceptance of this act shall be submitted to the voters, there shall be printed upon the official ballots for every election precinct, district or ward of the city the word "for" and the word "against" above and immediately preceding the words "the act to increase compensation of fire department." If the word "for" be marked off or defaced upon the ballot, it shall be counted as a vote against the acceptance of this act; if the word "against" be marked off or defaced upon the ballot, it shall be counted as a vote in favor of the acceptance of this act; and in case either the word "for" nor the word "against" be marked off or defaced upon the ballot, it shall not be counted as a vote either for or against such acceptance. There shall be a canvass and return of the votes upon the question of the acceptance of this act made by the election officers in the same way and manner as for officers voted for at such election, and if the majority of the votes cast for or against the acceptance of this act shall be found to be in favor of its acceptance, it shall then,

Referendum.

Majority to determine.

Wording of ballot.

Canvass of votes.

but not otherwise, become operative and binding upon the city wherein such vote shall have been taken.

When question voted on

4. In all cities the question of the acceptance of this act shall be submitted at the general election to be held in such city first after the passage of this act, and thereafter the question of the acceptance or rejection of this act may be submitted at any general election upon the order of the common council or other governing body of such city, expressed by resolution and voted for by a majority of all the members of said body.

When rate effective.

5. In any city 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

Funds.

authority having control of the finances of such city shall borrow a sufficient sum to cover such increase for the remainder of the current fiscal year of such city, or may permit the same to be paid out of any money of said city, and shall put such sum in the next tax levy raised in said city.

Repealer.

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

Approved April 12, 1907.

CHAPTER 57.

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

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

Section amended.

1. Section twenty-five of the act of which this is an amendment be amended to read as follows:

25. There shall be appointed by the Senate and General Assembly in joint meeting as many proper and fit persons (who may be either male or female) as they may deem necessary for each of the counties of this State to be styled and denominated commissioners of deeds.

Commissioners of deeds appointed by Legislature.

2. Section twenty-six of the act of which this is an amendment be amended to read as follows:

Section amended.

26. The commissioners appointed as aforesaid shall be commissioned by the Governor and hold their offices for five years; but in case any commissioner shall remove out of the city, town, township, borough or ward in which he shall reside at the time of his appointment, his commission shall thereupon become void; and further, all commssioners appointed as aforesaid may be removed from office by the Governor for malconduct during the time for which they were appointed to said office; and any commissioner of deeds desiring to resign his office during the recess of the Legislature may do so by sending his resignation to the Governor, who shall, upon accepting the same, file it with the Secretary of State.

Term five years.

Removal for malconduct.

Resignation.

3. Section twenty-seven of the act of which this is an amendment be amended to read as follows:

Section amended.

27. All commissions hereafter issued to commissioners of deeds shall bear date on the day of their appointment by the joint meeting, and the term of their office shall begin on the first day of May next following the date of said appointment. The term of office of all commissioners now in commission shall be extended from the first day of April to the first day of May of the year in which their commission expires. The secretary of the joint meeting of the Legislature shall, within three days after the date of appointment, notify the Secretary of State of all persons appointed commissioners of deeds by said joint meeting, together with the city, town, township, borough or ward in which the appointee shall reside. The Secretary of State shall, within three days after receiving said notice from the secretary of the joint meeting, notify the clerk of the Court of Common Pleas of the county where such appointee shall reside of all appointments made for his county, and the said clerk

Date of commission.

Term extended.

Secretary of State notified.

Notification of appointee.

shall, within three days after receipt of such notice, notify, by mail or otherwise, the respective appointees, advising them that if they desire to qualify as such commissioner of deeds they shall do so on or before the first day of May following the date of their appointment, by taking and subscribing an oath or affirmation before the clerk of the Court of Common Pleas for the county for which they shall be appointed to perform well and faithfully the duties required of him by law as such commissioner, and shall pay to the said clerk a fee of one dollar and fifty cents for the use of the county clerk and five dollars for the use of the State. They shall also affix to a copy of the oath to be filed with the Secretary of State, on blanks to be provided for that purpose, their personal signature and post-office address, which oath, signature and address shall be forwarded by the said clerk to the Secretary of State, together with the State fees, on or before the said fifth day of May. And the Secretary of State shall, on or before the twentieth day of said month of May, forward to the said clerks commissions duly issued as aforeprovided to all persons so qualified, and the said clerks shall deliver the same to the proper persons upon the proper request.

Fees.

Signature and address.

Commission issued.

Section amended.

4. Section twenty-eight of the act of which this is an amendment be amended to read as follows:

Additional commissioners.

28. Whenever in the opinion of the Governor, during the recess of any Legislature, it may be deemed desirable to have additional commissioners appointed for any city, town, township, borough or ward, he may appoint some proper and fit person to hold such position, whose commission shall expire on the first day of May following the date of his appointment, and who shall qualify as provided for in section twenty-seven of this act, except that the fee for the use of the State shall be two dollars.

Fee.

5. This act shall take effect immediately.

Approved April 13, 1907.

CHAPTER 58.

A Supplement to an act entitled "An act relative to the writ of certiorari (Revision of 1903)," approved April eighth, one thousand nine hundred and three.

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

Time for allowing certiorari limited.

1. No writ of certiorari shall hereafter be allowed or issued to review any assessment or assessments made upon the owner or owners of land or lands for benefits assessed in any street opening, flagging, grading, curbing or paving or for the construction or cost of construction of any drain or drains, sewer or sewers, ditch or ditches, unless application for such writ shall be made within sixty days after such assessment or assessments shall have been confirmed by a court of competent jurisdiction; *provided, however,* that this act shall not affect the right of any person or persons to apply for a writ of certiorari to review any assessment for any street opening, flagging, grading, curbing or paving or for the construction or cost of construction of any drain, drains, sewer or sewers, ditch or ditches, which said assessment has already been confirmed and more than sixty days has elapsed since such confirmation; *provided, however,* that application for a writ of certiorari shall be made to review any such last-mentioned assessment within sixty days from the passage of this act.

Proviso.

Proviso.

Repealer.

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

Approved April 13, 1907.

CHAPTER 59.

A Further Supplement to the act entitled "An act to establish public parks in certain counties in this State and to regulate the same," approved March fifth, one thousand eight hundred and ninety-five.

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

Freeholders may issue bonds.

1. To meet the further expenses to be incurred under the provisions of the act to which this is a further supplement for the acquisition, development and improvement of parks and parkways in any county in this State in which said act shall or may be in force and in which the sum limited in said act and in any supplement thereto shall have been already appropriated, the board of chosen freeholders of the said county shall, from time to time, on the requisition of the said board of park commissioners, in the name and on the credit of the said county, borrow money by issuing the bonds of the said

Amount.

county to a sum not exceeding, in the aggregate, two hundred thousand dollars over and above the total amount theretofore issued, such bonds to run for a term

Time; rate.

not exceeding fifty years, to bear interest at a rate not exceeding four per centum, payable semi-annually; such bonds shall not be sold or disposed of at less than their par value, and may be made payable at any place which the said board of chosen freeholders may determine, and they shall also determine the form of the bond; a sink-

Sinking fund.

ing fund shall be established by the said board of chosen freeholders on the issuing of any such bonds sufficient, with the accumulation thereof, to extinguish the principal of the said bonds so issued when due; the interest and principal of the bonds issued under the authority of this act shall be the debt or obligation of the county wherein they are issued, and the payment thereof shall

be provided for by taxation in the same manner that other debts and obligations of the county are provided for by taxation; the proceeds of the sale of said bonds, after deducting expenses for negotiating the same and for engraving and all other expenses connected with their issue and sale, shall be paid over to the said park commission.

Proceeds paid to park commission.

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

Repealer.

Approved April 13, 1907.

CHAPTER 60.

An Act to amend an act entitled "An act respecting sewers and sewer connectons in cities of this State," approved March twenty-sixth, one thousand eight hundred and ninety-six.

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

1. Section four of the act entitled "An act respecting sewers and sewer connections in cities of this State," approved March twenty-sixth, one thousand eight hundred and ninety-six, be amended so as to read as follows:

Section amended.

4. The Board of Street and Water Commissioners, Common Council, Board of Aldermen, or other municipal body, charged with the construction of sewers in cities of this State shall have power and authority, by resolution, and without notice, to cause house connections, of the number, character and location to be by them determined, to be constructed connecting sewers heretofore or hereafter built or constructed in any street or avenue in such city, and with which house connections were or shall not be made at the time of the construction of such sewers, with the curb line of such street or avenue.

House connections ordered by resolution.

Section Amended

2. Section six of the act entitled "An act respecting sewers and sewer connections in cities of this State," approved March twenty-sixth, one thousand eight hundred and ninety-six, be amended so as to read as follows:

Cost and expenses assessed against property.

6. The cost and expense of making such house connections connecting sewers heretofore built or constructed in any street or avenue in such city with the curb line of such street or avenue shall be determined by the city surveyor and charged and assessed against the property connected thereby with the sewer, and such determined and assessed cost and expense, when so made by such city surveyor, shall be filed by him with the officer of such city charged with the duty of collecting assessments for benefits in such city, and shall be and remain a lien against the property thereby connected with such sewer from the time of the filing thereof until paid, and shall be collectible as assessments for benefits are or may be collectible by the charter of and laws governing such city, and if not paid within sixty days from and after the said estimate and assessment is filed as aforesaid, interest shall be charged and collectible thereon at the same rate at which interest is or may be chargeable and collectible upon assessments for benefits on such city.

Assessment a lien.

3. This act shall take effect immediately.

Approved April 13, 1907.

CHAPTER 61.

An Act to authorize boards of street and water commissioners in cities of the first class in this State to open, widen, vacate, grade, regrade, curb, recurb, flag and reflag streets in such cities, without appropriations for the cost thereof being first made.

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

Open and improve streets in advance of appropriation.

1. It shall be lawful for the board of street and water commissioners in any city of the first class in this State

to open, widen, vacate, grade, regrade, curb, recurb, flag and reflag streets in such cities, without appropriations first being made for the cost thereof, by the body having the management of the finances in such city; *provided,* that not more than two hundred thousand dollars shall be spent by the board of street and water commissioners in any city, in any one year, under the authority of this act, and without appropriations first made for the purpose by the body having the management of the finances of the city.

Proviso.

2. The common council, or other body having the management of the finances in any such city, shall provide the moneys for any such improvement or improvements, so made by the board of street and water commissioners, by the issue, from time to time, and as the money is required, of the temporary loan bonds of the city, to bear interest at such rate, not exceeding four per centum per annum, and payable at such time, not exceeding five years, as the body issuing them shall determine.

Council to provide moneys.

3. It shall be the duty of the common council, or other body having the management of the finances in any such city, to incorporate in the annual tax levy in each year such amount of money as shall be required to be paid by such city at large on account of any such improvements made in the next preceding fiscal year, over and above the total amount of the assessments made against the lands and real estate peculiarly benefited, and the same shall be raised by general tax; and the moneys received from assessments and the moneys so raised by general tax, for the purpose aforesaid, shall be reserved for and exclusively applied to the payment of the temporary indebtedness incurred by the city therefor. Temporary loan bonds, so issued, may be renewed from time to time until the whole of the assessments for the improvement for which they are issued are paid and collected.

Amount placed in tax levy.

Temporary loan bonds.

4. This act shall take effect immediately.

Approved April 13, 1907.

CHAPTER 62.

An Act concerning the government of certain cities in this State and constituting a municipal board of public works and other officers therein, and defining the powers and duties of such boards and relating to the municipal affairs and departments of such cities placed under the control and management of such board, and providing for the maintenance of said board.

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

Board of public works appointed by mayor.

1. In all cities in this State, now or hereafter having within their territorial limits a population of not less than one hundred thousand nor more than two hundred thousand inhabitants, according to the United States or State census, there shall be established a Board of Public Works, which shall be invested with the powers and duties hereinafter set forth. In all cities now having such population the mayor thereof shall appoint within one month after this act shall take effect (and in all cities which may hereafter have such population, according to the census of the United States or the State of New Jersey, the mayor thereof shall appoint within one month after the official promulgation of the census, showing that such city has the population aforesaid), four suitable persons, residents of such city, to be known as the Board of Public Works, not more than two of whom shall be members of the same political party, two of whom shall be appointed to serve until the first day of January next following such appointment, and two of whom shall be appointed to serve until the first day of January secondly following such appointment. On the first day of January next following such appointment, and on each succeeding first day of January thereafter, the said mayor shall appoint two suitable persons, resi-

Members.

Term.

Reappointments.

dents of such city, for the term of two years, to take the place of those members whose terms shall then expire; not more than two of said board shall at any time be members of the same political party. When the first day of Janury falls on Sunday these appointments shall be made the next day. Each of the members of said board shall receive an annual salary of five hundred dollars, to be paid monthly in the same manner as provided by law for other city officers.

Salary.

Any vacancy in such Board of Public Works shall be forthwith reported by the clerk thereof to said mayor, who shall, within thirty days thereafter, appoint a person to fill such vacancy for the unexpired term only. Each of the members of said board shall devote such time and attention to the faithful performance of the duties of his office as the affairs under the government, control and management of such board may require. The members of such board so appointed as aforesaid shall constitute and be called "The Board of Public Works of the City of " (name of city in and for which they are appointed). Each member of such board shall, within ten days after his appointment, qualify by taking and subscribing, before some person authorized to administer oaths, an oath or affirmation faithfully to discharge the duties of his office to the best of his skill and understanding, and also give bond to such city in the sum of five thousand dollars, to be approved as to form thereof by the city counsel of such city, and as to the sufficiency thereof by the mayor of such city, for the faithful discharge of his official duties, which bond shall be filed in the office of the clerk of such city.

Vacancies.

Official title.

Oath.

Bonded.

2. The said Board of Public Works shall be in the place of and be substituted for, and shall be invested with all the powers and duties now vested in or exercised by any board of aldermen, common council or committee thereof, relating to and in respect of the management, control, maintenance and operations of the roads, streets, alleys and sewers and of the laying out construction of roads, streets, alleys and sewers within such city; and it shall also have the charge, control and manage-

Powers and duties.

ment of the construction and maintenance of lamps, wells, pumps, water works, and of the water-supply of such city, and of the distribution, sale and use of water therein, and also shall have the charge, control and management of the public buildings of such city, and the grounds contiguous thereto, except school buildings and buildings used in connection with the fire department, the police department and the department of charities and corrections, the board of health, and the library and park buildings.

Clerk of board to give notices.

Any notice required by existing law to be given by any city clerk in the course of any proceedings or work that shall or may be undertaken or done by said Board of Public Works as provided for in this act, shall hereafter be given by the clerk of said Board of Public Works exclusively, and any advertisement required to be given in the prosecution of any work or proceeding connected with any of the subject-matters of this act shall be made by said Board of Public Works; and all applications or petitions for the doing any public works in such city shall be made and addressed to said board, it being the intention of this act to entirely supersede the common council, board of aldermen or other governing bodies of such cities, or their power or authority thereunder in the several departments of streets, sewers and water-works, and to place the same under the power, authority and control of the Board of Public Works as herein provided for in the same manner and with like power and authority as the same are now vested in or under the authority or control of any such common council, board of aldermen or other governing body of such city, or their power or authority therein, and this act shall be so construed. All the powers now vested in any such city, either by its charter or by general law, for the construction, operation, maintenance and regulation of streets, sewers and public water-supply, including the power to make, alter and amend rules, regulations, resolutions and ordinances relating thereto, is hereby vested in said Board of Public Works. For greater certainty it is hereby specified that, in addition to the other powers hereby conferred upon said board, are the following:

Petitions addressed to board.

Council superseded by board.

All powers concerning streets, sewers, water-supply vested in board.

Powers enumerated.

To ascertain and establish the boundary lines of rivers and streams within such city. Boundaries.

To regulate the planting, rearing, trimming and preserving of ornamental and shade trees in the streets of the city. Trees.

To regulate the naming of streets, avenues and public places and the numbering of the houses and lots thereon. Streets and numbers.

To regulate and to prohibit advertising, ringing of bells in the streets and other noises in the streets and public places. Noises.

To regulate and prohibit the use of guns, pistols, firearms and fireworks of all descriptions within the city. Firearms.

To regulate the exhibition of placards or flags in, across or over the streets. Flags.

To regulate and prohibit the use of soft coal in factories, power-houses and locomotives. Soft coal.

To provide for lighting the streets and public places in such city with gas, electricity, oil or other illuminating substances. Lighting.

To regulate or prohibit the use of wells, pumps and cisterns in public streets and public places. Wells and pumps.

To regulate or prohibit swimming or bathing in the waters in or bounding the city. Bathing.

To regulate weights and measures; to cause weights and measures to be examined by some person appointed for that purpose. Weights and measures.

3. A majority of the whole number of members of such board shall be necessary to constitute a quorum for the transaction of business, and the acts of three members shall be the acts of the board. The president shall have power to call special meetings of the board whenever he shall deem it expedient in such manner as may be prescribed by standing rule or resolution of the board; and the board may make, establish, modify and repeal such orders, by-laws, rules and regulations governing the proceedings of the board and its members and the officers and employes over whom by the provisions of this act they shall have authority and control, as such board may deem proper and advisable; *provided,* the same be not contrary to existing law. The city clerk shall act as clerk of such board without additional compensation. Quorum. President. By-laws. Proviso. Clerk.

Board to elect certain officials.

4. Whenever a Board of Public Works shall be established in any city under the provisions of this act, such board shall have the sole power and authority to elect the street commissioner, the city engineer and surveyor, the inspector of buildings and the inspector of lamps, wells and pumps. Such board may also employ, from time to time, such assistant engineers or surveyors as the work of the city may require, and all necessary inspectors, supervisors, clerks and employes to aid in the execution or discharge of its duties under this act, and for the carrying out and performance of the work and labor of the public works or affairs of said city, which, by the provisions of this act, are placed or intended to be placed under the government, control and management of such board. The said board shall have power to fix the compensation or salary to be paid to such officers, and the compensation of such assistants and employes, and may, in their discretion, require satisfactory bonds for the faithful performance of their official duties. The salary of any officer appointed pursuant to the provisions of this section shall not be increased or diminished during the term for which he is appointed. The terms of the city officers in this section specified shall be three years and until the appointment and qualification of their respective successors; *provided, however,* this act shall not be construed to terminate or abridge the term of office of any officer holding office in said city at the time this act becomes operative therein, but all such officers shall serve out the term for which they were originally elected or appointed, and the said board shall have power only to appoint a successor at the end of such term for which any officer was originally elected or appointed, or to fill any vacancy that may occur. Any vacancy in any of the offices mentioned in this section shall be filled for the unexpired term only.

Assistants.

Their compensation.

Terms.

Proviso.

All funds to be in custody of board.

5. Upon the organization of the said Board of Public Works herein provided for in any such city, all the unexpended appropriations or moneys heretofore made or received by any municipal or corporate authority of such city, or by any board, department or official thereof, and at that time under the control or in the custody of

the same for or on account, or to the credit of such board, department or official on the books of such city, or any department or official thereof, for the purposes of constructions, erections, improvements, repairs, or the support, maintenance or expenses of the public works or municipal departments, or affairs of such city, by the provisions of this act, transferred, committed or placed under the management, control or government of such Board of Public Works of such city herein authorized, shall thereupon immediately become subject to the sole and absolute control and power and disbursement of such Board of Public Works, and shall thereafter be expended only by authority of such board for the purposes for which such unexpended balances or appropriations or receipts were assessed, collected or received by such city or the municipal authorities thereof, and the same shall be paid out by such city or its municipal authorities upon the warrants of such Board of Public Works, in the manner and form as the same are now disbursed and expended by the municipal authorities of such cities.

Board to have sole power to disburse moneys.

6. It shall be the duty of the comptroller, auditor, treasurer or other financial officer or officers, as the case may be, of such city having charge or control of the accounts of such city, to credit the Board of Public Works of such city with the amounts of the estimates so appropriated to such board in any tax levy, budget or ordinance, and thereafter the same shall be disbursed and paid by the financial officers of such city in the same manner as the expenses of other subordinate boards are paid in such city.

Duties of comptroller, treasurer, etc.

7. It shall be the duty of the common council, board of aldermen, finance commission or other governing body or board having charge of the finances of the cities subject to the provisions of this act, each and every year hereafter, as now provided by law therein, to cause such sum or sums as in their judgment may be necessary for the current and necessary expenses of the Board of Public Works in the various municipal departments, matters and things under the government, control, management and maintenance of such board for the year, to

Assessment made by council for necessary expenses of board.

be assessed and raised by making provision therefor in the tax ordinance or budget of the year.

Mayor to have right of veto.

8. The mayor of any such city, subject to the provisions of this act, shall have the right to veto the acts of the said Board of Public Works other than the appointment of officers; and copies of all ordinances, resolutions and other matters of said Board of Public Works, duly certified, shall be furnished to the mayor of every such city, and he shall have the same time in which to consider them in each case before signing and returning them to the said board with his objection, as he now has for the consideration of the ordinances and resolutions passed by the common council, board of aldermen or other governing body of any such city in which this act shall take effect, and become operative by the charter of any such city or its supplements, and all of the resolutions and other matters of the said Board of Public Works in any such city shall become operative and have full force and effect therein by publication or otherwise, as the ordinances, resolutions and matters of the common council, board of aldermen or other governing body therein do now by law become operative and have force and effect therein; the mayor shall have the power to veto any items contained in any ordinance or resolution appropriating money for any purpose, and to approve the residue of the ordinance or resolution; the board may pass any ordinance, resolution or other matter, notwithstanding the objections of the mayor thereto by a majority of the votes of all members of such board.

How actions made effective.

Any item in appropriations may be vetoed.

When acting mayor may appoint.

9. No appointment authorized by law to be made by the mayor of any such city under the provisions of this act shall be made by any officer acting in the absence, disability or place of the mayor thereof for the time being, unless such disability shall continue for the space of two months.

Fulfillment of contracts and obligations.

10. Such Board of Public Works shall have full power and authority in addition to all other powers granted by law to fulfill, perform and carry out according to law and all contracts, agreements and obligations theretofore lawfully made and entered into by

any governing body or board, department or municipal authority of any such city, in the name of such city or of any municipal authority therein or thereof, regarding the subject-matters contained in this act, and hereby transferred or transmitted to the government, control and management and directions of such Board of Public Works.

Suits or proceedings not abated.

11. No suit or proceeding by or against any city subject to the provisions of this act, and no proceedings or application for any public improvement shall abate or be discontinued by reason of any provisions in this act contained, but shall proceed and continue according to law, and not inconsistent with the provisions of this act, proper amendments thereto being made, if necessary.

Validity of act.

12. In case, for any reason, any section or provision of this act shall be questioned in any court or be held to be unconstitutional or invalid, the same shall not in anywise affect any other section or provision of this act.

Repealer.

13. All acts and parts of acts, general and special, public or local, inconsistent with the provisions of this act be and the same are hereby repealed.

14. This act shall take effect immediately.

Approved April 13, 1907.

CHAPTER 63.

An Act to provide for the election in incorporated towns of this State of a councilman-at-large, to be called mayor, and to regulate his duties and terms of office.

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

Election of councilman-at-large, called mayor.

1. In each of the incorporated towns of this State there shall be elected at the election at which other town officers are elected by the legal voters of such incorporated town a councilman-at-large, to be called mayor, who shall hold his office for the term of two years from the first day of January following the date of such election, and who shall be a resident of said incorporated

Powers.

town. The said mayor shall possess and exercise all the powers of a member of the Common Council or Board of Aldermen of such incorporated town, and shall, in addition thereto, by virtue of such election, be president of said Common Council or Board of Aldermen, and shall sign all ordinances, warrants, bonds, contracts, and all other official documents and instruments of such incorporated town by said title.

Existing council-man-at-large not affected.

2. Nothing in this act contained shall require the election of a councilman-at-large, to be called a mayor, in towns in which there has been elected by the legal voters of such a town a councilman-at-large, and whose term has not yet expired, possessing and exercising all the powers of a Common Councilman or Board of Aldermen of such incorporated town, and with the powers and duties set out in section one of this act, before or until the annual election preceding the expiration of the term of office for which said councilman-at-large was elected; nor shall this act be construed to affect any pending litigation.

Nor litigation.

3. This act shall take effect immediately.

Approved April 13, 1907.

CHAPTER 64.

An Act to amend an act entitled "An act to authorize the erection of a monument on the battlefield of Monocacy, in the State of Maryland, to commemorate the services of the Fourteenth Regiment, New Jersey Volunteer Infantry, in the battle of Monocacy and thirty other engagements of the Civil War, and to appropriate money to pay the expense of erecting the same," approved April sixth, one thousand nine hundred and six.

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

Section amended.

1. Section one of an act entitled "An act to authorize the erection of a monument on the battlefield of Mo-

nocacy, in the State of Maryland, to commemorate the services of the Fourteenth Regiment, New Jersey Volunteer Infantry, in the battle of Monocacy and thirty other engagements of the Civil War, and to appropriate money to pay the expense of erecting the same," approved April sixth, one thousand nine hundred and six, is hereby amended so as to read as follows:

Appropriation for Monocacy monument.

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

2. This act shall take effect immediately.

Approved April 15, 1907.

CHAPTER 65.

An Act to establish a school and to provide school facilities and accommodations in the State Prison.

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

School at State Prison.

1. The Board of Inspectors of the State Prison shall establish in said prison a school for the instruction of persons confined therein, and shall provide for said school a suitable school-room or school-rooms, together with proper furniture and equipment.

School board.

2. Said school shall be under the supervision and control of a board to be known as the State Prison School Board. Said board shall consist of the principal keeper of the prison, two members of the Board of Inspectors,

to be appointed annually by the board, and the moral instructors in said prison. The members of said board appointed by the Board of Inspectors shall hold office for the term of one year; *provided,* that the term of office of a member of such board so appointed shall not extend beyond his term of office as a member of the Board of Inspectors.

Proviso.

Rules.

3. The State Prison School Board shall make necessary rules for the proper conduct and management of said school, to be approved by the Board of Inspectors, shall appoint the teachers and fix their salaries and terms of employment, purchase the necessary text-books, apparatus and supplies, and prescribe the course of study to be pursued in said school. Said course of study shall provide an elementary education, equivalent to that provided by similar courses of study in the public schools in this State. The course of study and any changes therein shall be submitted to the State Board of Education for its approval, and no course of study shall be established until approved by said board.

Teachers and books.

Course of study.

Teachers' qualification.

4. No teacher receiving a salary for services shall be employed in such school who does not possess a certificate of qualification issued under rules prescribed by the State Board of Education.

Who may teach.

5. The head teacher shall not be an inmate of said prison. Inmates of said prison may, with the approval, in writing, of the principal keeper, be appointed as assistant teachers.

Keeper's consent.

6. No inmate of said prison shall be admitted as a pupil in said school except upon the written consent of the principal keeper.

Expenses met by State.

7. The expenses incurred by the Board of Inspectors in providing and maintaining a school-room or school-rooms, or for the purchase of school furniture and equipment, shall be certified to the State Comptroller by said board, and the expenses incurred by the State Prison School Board in carrying into effect the purposes of this act shall be certified to said Comptroller by said school board. All expenses incurred under the provisions of this act, when properly certified as aforesaid, shall be paid on the warrant of said Comptroller out of any moneys in the State treasury not otherwise appro-

priated; *provided,* that no expense shall be incurred under the provisions of this act until an appropriation therefor shall have been made in a regular appropriation bill. Proviso.

8. The State Prison School Board shall report to the Board of Inspectors annually, on or before the fifteenth day of November, in regard to all matters committed to its care, and shall transmit a copy of said report to the State Board of Education. Annual report.

9. This act shall take effect immediately.

Approved April 15, 1907.

CHAPTER 66.

An Act to set off territory from tthe township of Verona, in the county of Essex, and annex the same to the town of Montclair, in said county.

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

1. All that land and real estate lying and being in the township of Verona, in the county of Essex, bounded and described as follows: Beginning at a point in the northerly line of Bloomfield avenue at its point of intersection with the boundary line between the town of Montclair and township of Verona; thence (1) westerly, along the said northerly line of Bloomfield avenue and a prolongation thereof, to its intersection with the center line of Clairmont avenue; thence (2) north, forty-one degrees and forty-eight minutes west, about two hundred and sixty (260) feet, along the center line of Clairmont avenue, to its intersection with the center line of Crestmount road; thence (3) northeasterly, about seven hundred and forty (740) feet, along the center line of Crestmount road and following the curve thereof to the intersection thereof with the southerly line of lands of Arthur T. Stilson; thence (4) south, Description of portion of Verona township annexed to Montclair.

thirty-seven degrees and three minutes east, along the said southerly line of lands of said Stilson, about one hundred and eighty (180) feet, to its intersection with said boundary line between the town of Montclair and township of Verona; thence (5) southerly, along said boundary line between the town of Montclair and township of Verona, about seven hundred and sixty (760) feet, to its intersection with the northerly line of Bloomfield avenue at the point or place of beginning, be set off from the said township of Verona, in the county of Essex and State of New Jersey, and annexed to the town of Montclair, in said county, so that the same shall be hereafter a part of and within the territorial limits of the said town of Montclair.

2. This act shall take effect immediately.

Approved April 15, 1907.

CHAPTER 67.

An Act to amend an act entitled "An act to provide for a digest of the law and chancery reports of this State," approved April tenth, one thousand nine hundred and two.

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

Section amended.

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

Digest of law and chancery reports.

1. If Soney and Sage, law-book publishers, of Newark, New Jersey, shall cause to be prepared and published a digest of the cases in the complete set of law and chancery reports of this State, on the American digest plan of classification, as exemplified by the new Annotated Massachusetts Digest of the reports of that State, said digest to be approved by the Chancellor and Chief Justice, and to be issued in seven volumes of as near equal size as possible, the State House Commission,

Volumes; sets.

upon five hundred sets thereof being delivered to them, well bound in good law sheep, on or before the first day of January, one thousand nine hundred and nine, shall pay therefor six dollars for each volume; and the State Treasurer shall be and is hereby authorized to pay for the said copies, upon proper warrant of the State Comptroller. Price.

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

2. The said copies shall be distributed in the same manner as the law and equity reports are now required to be distributed, and one copy to each member of the present Legislature. Distribution.

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

Approved April 15, 1907.

CHAPTER 68.

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

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

1. Section one of "An act to provide for the regulation and incorporation of insurance companies and to regulate the transaction of insurance business in this State," approved April third, one thousand nine hundred and two, be and the same is hereby amended so as to read as follows: Section amended.

1. Ten or more persons may become a corporation for the purpose of making any of the following kinds of insurance, to wit: Association for purposes of insurance.

I. Against loss or damage to property by fire, lightning or tempest on land;

II. Upon vessels, freights, goods, moneys, effects, bottomry and respondentia interests, and every insurance appertaining to or connected with marine and inland risks of transportation and navigation;

III. Upon the lives or health of persons, and every insurance appertaining thereto, and to grant, purchase or dispose of annuities;

IV. Against bodily injury or death by accident and upon the health of persons;

V. Against loss or damage resulting from accident to or injury suffered by any person for which loss or damage the insured is liable;

VI. Against damage to property of the insured or loss of life or damage to the person or property of others for which the insured is liable, caused by the explosion of steam boilers, pipes, engines, motors and machinery connected therewith or operated thereby;

VII. Against loss from the defaults of persons in positions of trust, public or private, or against loss or damage on account of neglect or breaches of duty or obligations guaranteed by the insurer;

VIII. Against loss or damage on account of encumbrances upon or defects in titles to real property and against loss by reason of the non-payment of principal and interest of bonds and mortgages. A company organized under this act to transact the business authorized by this subdivision shall have the right, with its capital and surplus, to take, buy, sell and deal in first mortgages on real estate;

IX. Against loss from bad debts, commonly known as credit insurance;

X. Against loss by burglary or theft;

XI. Against the breakage of glass;

XII. Against loss or damage by water to any goods or premises arising from the breakage or leakage of sprinklers, pumps or other apparatus erected for extinguishing fires, and of water pipes, and against accidental injury to said sprinklers and other apparatus;

XIII. Against loss or damage to property by any other casualty which may lawfully be the subject of insurance.

Companies may be formed upon the stock plan to transact any kind of insurance authorized by this section, or upon the mutual plan to transact the kinds of insurance described in subdivisions first, third and fourth hereof. Stock plan.

2. Section two of "An act to provide for the regulation and incorporation of insurance companies and to regulate the transaction of insurance business in this State," approved April third, one thousand nine hundred and two, be and the same is hereby amended so as to read as follows: Section amended.

2. No company shall be formed for the purpose of engaging in any other kind of insurance than that specified in some one of the subdivisions of the preceding section, or more kinds of insurance than are specified in a single subdivision, except that a company may be formed (1) for the purposes specified in subdivisions first, second and twelfth; or (2) for the purposes specified in subdivisions third and fourth; or (3) for any or all of the purposes specified in subdivisions fourth to thirteenth, both inclusive; contracts for each of the kinds of insurance specified in the subdivisions of the preceding section shall be in separate and distinct policies, except that the same policy may embrace risks specified in subdivisions fourth and fifth. Must engage in insurance specified. Separate contract for each kind of insurance.

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

Approved April 15, 1907.

CHAPTER 69

An Act to provide additional accommodations for "The Manual Training and Industrial School for Colored Youth," located at Bordentown, in the county of Burlington.

WHEREAS, The buildings now upon the grounds of "The Manual Training and Industrial School for Colored Youth," located at Bordentown, in the county of Burlington, are insufficient and inadequate,

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

Dormitory and laundry at Bordentown School.

1. The State Board be and is hereby authorized, empowered and directed to erect upon the grounds of said "Manual Training and Industrial School for Colored Youth," belonging to the State and located at Bordentown, in the county of Burlington, an additional building or buildings, to be used as a dormitory and laundry, and to properly furnish and equip said building or buildings when completed.

Appropriation.

2. The sum of thirty thousand dollars, or so much thereof as shall be necessary, is hereby appropriated out of the funds of the State for erecting, completing, furnishing and equipping such building or buildings, all of which shall be done within the limit of said appropriation.

Payment.

3. For the payment of the expenditures herein authorized the Comptroller of the Treasury shall draw his warrant on the State Treasurer, and said State Treasurer shall pay the same from time to time, as the State Board of Education shall certify to the Comptroller to be necessary, and to such person or persons as it may designate.

Contracts approved by Governor.

4. No contract shall be entered into nor shall any money be drawn from the State treasury for erecting,

completing, equipping and furnishing said building or buildings until the amount therefor shall have been placed in the annual or supplemental appropriation bill, nor until the contract or contracts shall have been approved by the Governor.

5. This act shall take effect immediately.

Approved April 15, 1907.

CHAPTER 70.

An Act to limit the capital stock, dividends and distribution of assets of stock life insurance companies.

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

Dividends limited.

1. No domestic life insurance company, so long as it continues to issue participating policies, shall pay in any year to its stockholders, out of earnings hereafter made, dividends aggregating more than ten per centum of the par value of their stock.

Maximum capital.

2. No domestic life insurance company shall create or have shares of stock of a greater par value than two million dollars.

Division of assets after dissolution.

3. Upon the dissolution of any domestic life insurance company having a stock capital, the assets remaining after satisfying all debts and all lawful obligations to policyholders and others, shall be divided among the stockholders in proportion to their shares, but no stockholder shall receive from said assets more than double the par value of his shares, and the residue of the assets, if any, shall be paid into the State treasury for the use of the State; *provided,* that in cases where the assets of any such company have hertofore accumulated to such an extent that the net surplus belonging to stockholders is now in excess of double the par value of the stock, nothing in this act shall be construed to deprive the stockholders of any part of their share of such assets

Proviso.

heretofore accumulated, and in case of dissolution of the company they shall receive their full and lawful portion of such assets heretofore accumulated, notwithstanding that such portion may be more than double the par value of the shares; *and provided further,* that nothing herein contained shall prevent any such company from declaring any dividend it may deem proper to its policyholders out of its surplus earnings.

Proviso.

Approved April 15, 1907.

CHAPTER 71.

An Act to require an annual apportionment and accounting of surplus of life insurance companies.

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

Ascertain and apportion surplus annually.

1. Every domestic life insurance company doing business in this State, conducted on the mutual plan or in which policyholders are by the terms of their policies entitled to share in the profits or surplus shall, on all policies of life insurance heretofore or hereafter issued, under the conditions of which the distribution of surplus is deferred to a fixed or specified time and contingent upon the policy being in force and the insured living at that time, annually ascertain the amount of surplus to which all such policies as a separate class are entitled, and shall annually apportion to such policies as a class the amount of the surplus so ascertained, and carry the amount of such apportioned surplus, plus the actual interest earnings and accretions of such fund, as a distinct and separate liability to such class of policies on and for which the same was accumulated, and no company or any of its officers shall be permitted to use any part of such apportioned surplus fund for any purpose whatsoever other than for the express purpose for which the same was accumulated.

Express use of surplus fund.

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

Approved April 15, 1907.

CHAPTER 72.

A Supplement to an act entitled "An act to provide for the regulation and incorporation of insurance companies and to regulate the transaction of insurance business in this State," approved April third, nineteen hundred and two.

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

1. On and after the first day of January, nineteen hundred and eight, no policy of life insurance shall be issued by any domestic company or be issued or delivered within this State to any resident thereof by any foreign company, unless the same shall contain the following provisions: Policies must contain certain provisions.

First. A provision that all premiums shall be payable in advance at the home office of the company, or to an agent of the company, upon delivery of a receipt signed by one or more of the officers who shall be named in the policy and countersigned by the agent; any policy may contain a provision that the policy itself shall be a receipt for the first premium. Payment of premiums.

Second. A provision for one month's grace for the payment of each premium after the first, subject to an interest charge, during which month the insurance shall continue in force, provided the overdue premium shall be paid within the said month. Month's grace for payments.

Third. A provision that the policy shall constitute the entire contract between the parties and that after a specified time, not later than two years from its date, shall be incontestable, except for non-payment of premiums and for violation of its express conditions, if any, re- When policy incontestable.

lating to hazardous travel, residence or occupation, in which case the liability of the company may be limited to a definitely determinable reduced amount, which shall not be less than the full reserve for the policy and any dividend additions.

Special policy in hazardous cases.

A company may issue a special form of policy on the life of a person employed in an occupation or residing in a location classed by the company as hazardous or as liable to lead to hazardous employment or residence, which may provide that service in certain designated occupations or residence in certain designated localities shall reduce the company's liability under the policy to a definitely determinable amount not less than the full reserve for the policy and any dividend additions.

Policy to contain entire contract.

Fourth. A provision that the policy shall contain the entire contract between the parties, and nothing shall be incorporated therein by reference to any constitution, by-laws, rules, application or other writing, unless the same are endorsed upon or attached to the policy when issued, and all statements purporting to be made by the insured shall, in the absence of fraud, be deemed representations and not warranties. Any waiver of this provision shall be void.

If age understated.

Fifth. A provision that if the age of the insured has been understated the amount payable under the policy shall be such as the premium would have purchased at the correct age.

Policy to participate in surplus.

Sixth. A provision that the policy shall participate in the surplus of the company, and that, beginning not later than the fifth policy year, the company will, at uniform intervals, not less than one nor more than five years, to be specified in the policy, determine and account for the portion of the divisible surplus accruing on the policy, and that the owner of the policy shall have the right to have the dividend arising from such participation paid in cash at the end of the then current policy year, provided no other dividend option given in the policy or in the dividend notice shall have been duly elected, and provided that no part of any yearly premium on said policy for the ensuing policy year remains unpaid. (The use of the last above proviso is optional with the company.)

This sixth provision shall not be required in non-participating policies nor in policies issued on under-average or sub-standard lives, nor in insurances issued or granted in exchange for lapsed or surrendered policies. Exceptions.

Seventh. A provision which, in event of default in premium payments after premium shall have been paid for three years, shall secure to the owner of the policy a stipulated form of insurance, the net value of which shall be at least equal to the entire reserve held by the company on the policy (specifying the mortality table and rate of interest adopted for computing such reserve), less a specified percentage, not more than three (3) of the amount insured by the policy, including dividend additions thereto, if any, and less any outstanding indebtedness to the company on the policy. The specified percentage referred to above need not be stated for the policy years included in the table of surrender values required by this act. Paid-up policies.

This provision shall not be required in term policies of twenty years or less. Exception.

Eighth. A table showing in figures the loan value, if any, and the surrender values or options available under the policy each year upon default in premium payments, during at least the first twenty years of the policy, beginning with the year in which such values and options become available. Loan and surrender values.

Ninth. A provision that if, in event of default in premium payments, the value of the policy shall have been applied to the purchase of other insurance, and if such insurance shall be in force, and the original policy shall not have been surrendered to the company and canceled, the policy may be reinstated within three years from such default, upon evidence of insurability satisfactory to the company and payment of arrears of premiums together with compound interest on such premiums and on all liens, if any. Reinstatement of policy securing other insurance.

Tenth. A provision that when a policy shall become a claim by the death of the insured settlement shall be made either immediately upon, or within a specified period not more than two months after receipt of due proof of death. Settlement after death.

Table of installments.

Eleventh. A table showing the amounts of installments, if any, in which the proceeds of the policy may be payable.

Title.

Twelfth. A descriptive title on the first page of the policy.

Extension of provisions.

Any of the foregoing provisions or portions thereof relating to premiums not applicable to single premium policies, shall to that extent not be incorporated therein.

Provisions not allowed.

2. On and after the first day of January, nineteen hundred and eight, no policy of life insurance shall be issued by any domestic company, or be issued or delivered within this State to any resident thereof by any foreign company, if it contain any of the following provisions:

Forfeiture for non-payment of loans.

First. A provision for forfeiture of the policy for failure to repay any loan on the policy or to pay interest on such loan while the total indebtedness on the policy is less than the loan value thereof; or any provision for forfeiture for failure to repay any such loan or to pay interest thereon, unless such provision contain a stipulation that no such forfeitures shall occur until at least one month after notice shall have been mailed by the company to the last known address of the person to whom said loan was made.

Limiting time for commencing action.

Second. A provision limiting the time within which any action at law or in equity may be commenced to less than five years after the cause of action shall accrue.

Sections repealed.

3. Sections twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty and thirty-one of the act to which this is supplementary be and the same are hereby repealed.

Form of policy subject to approval by commissioner.

4. No form of policy of life insurance shall be issued by any domestic company, or be issued or delivered within this State to any resident thereof by a foreign life insurance company, until after such form shall have been filed with the Commissioner of Banking and Insurance. If the commissioner shall at any time notify any company of his disapproval of any such form, as contrary to law, specifying particulars, it shall be unlawful for such company thereafter to issue any policy in the form so disapproved. Such disapproval of the commissioner may be reviewed by a writ of certiorari.

Provisions of policy must conform to law of this and other States.

5. No provision of this act regarding the contents of policies shall apply to a policy of life insurance issued or delivered in this State by a company operating in this State but organized outside of this State when such provision is inconsistent with any law of the State, Territory or country in which such company was organized, and no such provision shall apply to a policy of life insurance issued by a company organized in this State and delivered in any other State, Territory or country when such provision is inconsistent with any law of such other State, Territory or country.

To whom this act applies.

6. This act shall not apply to annuities or to corporations or associations operating on the assessment or fraternal plan, and the first, second, sixth, eighth, ninth, eleventh and thirteenth provisions of section one of this act shall not apply to industrial policies.

Vouchers as evidence of disbursements.

7. No domestic life insurance company shall make any disbursement of one hundred dollars or more unless the same be evidenced by a voucher, signed by or on behalf of the person, firm or corporation receiving the money, and correctly describing the consideration for the payment. If the expenditure be for both services and disbursements the voucher shall set forth the services rendered and an itemized statement of the disbursements made. If the expenditure be in connection with any matter pending before any legislative or public body, or before any department or officer of any State or government, the voucher shall correctly describe, in addition, the nature of the matter and the interest of such company therein. When such voucher cannot be obtained, the expenditure shall be evidenced by an affidavit describing the character and object of the expenditure, and stating the reason for not obtaining such voucher.

Regarding legislative expenditure.

Salaries limited.

8. No domestic life insurance company shall pay any salary, compensation or emolument to any officer, trustee or director thereof, nor any salary, compensation or emolument amounting in any year to more than five thousand dollars to any person, firm or corporation unless such payment be first authorized by a vote of the board of directors of such life insurance company. No such life insurance company shall make any agreement with any of its officers, trustees or salaried employes

Annual agreements.

New Jersey State Library

whereby it agrees that for any service rendered or to be rendered he shall receive any salary, compensation or emolument that will extend beyond a period of twelve months from the date of such agreement; and no officer, director or trustee who receives for his services in such capacity a salary of more than one hundred dollars per month shall receive any other compensation or emolument for such services.

Proviso.

Provided, nothing herein shall be construed as preventing a life insurance company from entering into contracts with its agents for the payment of renewal commissions. No such company shall hereafter grant any pension to any officer, director or trustee thereof or to any member of his family after his death.

No pensions.

Penalty for misrepresentation.

9. Any officer or agent of any insurance company doing business in this State and issuing or circulating, or causing or permitting to be issued or circulated, any estimate, illustration, circular or statement of any sort misrepresenting the terms of any policy issued by such company, or the benefits or advantages promised thereby, or the dividends or shares of surplus to be received thereon, or using any name or title of any policy or class of policies misrepresenting the true nature thereof, shall suffer a penalty of five hundred dollars for each such offense, to be recovered by the Attorney-General for the use of the State.

Solicitors considered agents of company.

10. Any person who shall solicit an application for insurance upon the life of another shall, in any controversy relating thereto between the insured or his beneficiary and the company issuing any policy upon such application, be regarded as the agent of the company, and not as the agent of the insured.

Insurance of children.

11. A person liable for the support of a child of the age of one year and upward may take a policy of insurance theron, the amount payable under which may be made to increase with advancing age and which shall not exceed the sums specified in the following table, the ages wherein specified being the age at the time of death, for an amount not exceeding the sum specified in the table:

Maximum sums.

Between the ages of one and two years ..... thirty dollars;
Between the ages of two and three years ..... thirty-four dollars;
Between the ages of three and four years ..... forty dollars;
Between the ages of four and five years ..... forty-eight dollars;
Between the ages of five and six years ..... fifty-eight dollars;
Between the ages of six and seven years ..... one hundred and forty dollars;
Between the ages of seven and eight years ..... one hundred and sixty-eight dollars;
Between the ages of eight and nine years ..... two hundred dollars;
Between the ages of nine and ten years ..... two hundred and forty dollars;
Between the ages of ten and eleven years ..... three hundred dollars;
Between the ages of eleven and twelve years ..... three hundred and eighty dollars;
Between the ages of twelve and thirteen years ..... four hundred and sixty dollars;
Between the ages of thirteen and sixteen years ..... five hundred and twenty dollars;
Between the ages of sixteen and seventeen years, ... six hundred and twelve dollars;
Between the ages of seventeen and eighteen years, ... seven hundred dollars;
Between the ages of eighteen and nineteen years, ... seven hundred and eighty-four dollars;

Between the ages of nineteen and twenty years ..... eight hundred and fifty-five dollars;

Between the ages of twenty and twenty-one years, ... nine hundred and thirty dollars.

When minors may contract, etc., insurance.

In respect of insurance heretofore or hereafter issued upon the life of any person not of the full age of twenty-one years, but of the age of fifteen years or upwards, for the benefit of such minor, or for the benefit of the father, mother, husband, wife, child, brother or sister of such minor, the assured shall not, by reason only of such minority, be deemed incompetent to contract for such insurance, or for the surrender of such insurance, or to give a valid discharge for any benefit accruing, or for money payable under the contract.

Insurance companies to elect character of business.

12. On or before the first day of September, nineteen hundred and seven, every domestic stock life insurance company shall, by resolution of its board of directors, elect whether it will carry on its life insurance business in the form of participating or non-participating business, and shall file with the Commissioner of Banking and Insurance a duly attested copy of such resolution; and after the thirty-first day of December, nineteen hundred and seven, such company shall conduct only the kind of life insurance which it shall have so elected to do; and it shall not be lawful for such company to thereafter conduct both the participating and non-participating forms of life insurance.

Approved April 15, 1907.

CHAPTER 73.

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

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

Section 6 amended.

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

Capital necessary to begin business.

6. No stock insurance company organized under this act shall be entitled to commence business, unless it has a capital stock of at least one hundred thousand dollars, actually paid in cash, with an additional capital stock of fifty thousand dollars, actually paid in cash, for every kind of insurance more than one which it is authorized to transact as specified in section two of this act; no

If mutual fire company.

mutual fire insurance company so organized shall be entitled to commence business until engagements shall have been entered into for insurance with said company, the premiums on which shall amount to ten thousand dollars, and notes of solvent parties, based on bona fide applications for insurance upon property located within this State, shall have been received in advance therefor; such notes shall be considered the capital stock of such company, and shall be valid and collectible for paying any losses which may accrue, or for any other lawful use or purpose; no mutual life, health or accident insurance company so organized shall be entitled to commence business until engagements by not less than one hundred insurable persons shall have been entered into for insurance with said company, the premiums on which shall amount to at least thirty thousand dollars, and shall have been received by the proposed corporators of said company in cash.

If mutual life or accident company.

Temporary capital of mutual life companies.

A mutual life insurance company may be organized with a temporary capital stock of not less than one hundred thousand dollars, which shall be invested in the same manner as is provided for the investment of its other funds, and in such case the amount of premiums required to be engaged and collected before commencing business shall be ten thousand dollars. The holders of said stock shall elect such number of the directors of the company as shall constitute a bare majority of the entire board, and the rest of the directors shall be elected by the policyholders in such manner and with such representation as may be provided in its certificate of incorporation; and after the retirement of such capital stock all the directors shall be so elected by the policyholders.

Dividend.

Out of the net surplus of the company the holders of the temporary capital stock may receive a dividend of not more than ten per centum per annum, which may be cumulative. Such stock shall not be a liability of the company, except that it shall be retired when the surplus of the company becomes sufficient to pay the same at its par value and leave a surplus of not less than the amount of the temporary capital so retired.

Section 16 amended.

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

Investments, character of.

16. Any insurance company of this State, for the purpose of investing its capital, surplus and other funds, or any part thereof, may purchase, or hold as collateral security or otherwise, and sell and convey any bonds or public stock issued or created by the United States, or by this State, or by any of the other States of the United States, or the District of Columbia, or by any of the incorporated cities, counties, townships or other municipal corporations thereof or bonds authorized to be issued by any commission appointed by the Supreme Court of this State, or invest said capital, surplus and other funds, or any part thereof, in bonds or notes secured by mortgages or trust deeds on unencumbered real estate located within said States, or the District of Columbia, worth at least one-half more than the sum invested or loaned, or lend on or purchase mortgage bonds of railroad companies organized under the laws of said States, or the

District of Columbia, or of the Dominion of Canada, or operated wholly or partly in such States or country; or the capital stock, bonds, securities or evidences of indebtedness created by any corporation of the United States or of any State. No such life insurance company shall purchase or acquire more than twenty per centum of the stock of any one corporation, unless it be a municipal corporation, nor shall the amount so invested by any life insurance company in the stock of any one corporation exceed two per centum of the assets of said life insurance company, nor shall the amount invested in the bonds of any one corporation exceed ten per centum of said assets, except that nothing herein contained shall prevent any company from holding as much as fifty thousand dollars, par value, of the bonds of any corporation, when none of the stock of such corporation is held by said company. Any such life insurance company now holding a larger amount than above provided of the stock of any corporation shall divest itself of said excess within five years from the first day of July, one thousand nine hundred and seven, unless upon petition to the Chancellor, and notice to the Insurance Commissioner, the Chancellor shall for good cause shown allow further time for the disposal of such stock, and then within the time so allowed; *provided,* that no loan shall be made or retained on any of the above-mentioned securities, except the bonds or stock issued or created by the United States or this State, exceeding ninety per centum of the market value thereof; and no such life insurance company shall at any time lend in the aggregate more than two per centum of its assets upon the security of the stock of any one corporation, nor more than ten per centum of its assets upon the security of the bonds of any one corporation; *and further,* that no such life insurance company shall keep on deposit in any one bank or trust company for more than ten days consecutively a sum exceeding three per centum of the assets of the said life insurance company, but this provision shall not in any case limit the deposit to less than one hundred thousand dollars; *and provided further,* that no purchases of the stock of any company which has not regularly paid dividends for the past five years preceding the time of purchases shall be made; and that no

Amount in certain corporations limited.

Proviso.

Proviso.

Proviso.

loan shall be made by any such company on its own stock; and any life insurance company may purchase any policy of insurance, or other obligation of the company, and any claims of its policyholders, and may lend to the holder of any policy of the company a sum which shall not exceed the surrender value of the policy at the time the loan is made, which loan shall be a lien upon the policy and all additions or credits thereon; and any company organized for the purpose of marine insurance may, in addition to the foregoing, lend their funds on bottomry and respondentia bonds and change and reinvest the same as occasion may from time to time require.

Loans of marine companies.

Investments authorized by directors.

No investment shall be made by any life insurance company, unless the same shall first have been authorized by the board of directors, or by a committee thereof charged with the duty of supervising such investment. No such company shall underwrite or participate in any underwriting of the purchase or sale of securities or property, or enter into any transaction for such purchase or sale on account of such company jointly with any other person, firm or corporation, nor shall any such company enter into any agreement to withhold from sale any of its property, but the disposition of its property shall be at all times within the control of its board of directors; any company, however, shall be free to subscribe for any proposed issue of bonds of the United States, or of any other bonds of the character hereinbefore permitted, provided such subscription be made for a definite amount and at a definite price.

No joint transactions.

Section 18 amended.

3. Section eighteen of the act to which this is amendatory hereby is amended by striking out subdivision two, which reads as follows:

Subdivision II stricken out.

"Such as shall have been mortgaged to it in good faith by way of security for loans previously contracted, or for moneys due; or" and by changing the numbers of the next two subdivisions from three and four to two and three, respectively.

Section 24 amended.

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

Annual valuation of policies.

24. The Commissioner of Banking and Insurance shall annually make or cause to be made valuations of all outstanding policies of every life insurance company

doing business in this State. All valuations made by him or by his authority shall be upon a net premium basis, or such modification thereof as hereinafter expressly provided, and all policies issued prior to January first, one thousand nine hundred and one, shall be valued according to the actuaries' table of mortality, with compound interest at the rate of four per centum per annum, except in cases where any such policies were valued for the date of December thirty-first, one thousand nine hundred, according to the American experience table of mortality, with compound interest at the rate of either three or three and one-half per centum per annum; such latter policies and all policies issued on or after said first day of January, one thousand nine hundred and one, shall be valued according to the American experience table of mortality, with compound interest at the rate of three and one-half per centum per annum; except in cases where any life insurance company may elect or shall have elected to have its policies or any class thereof valued according to the American experience table of mortality with a lower rate of interest than three and one-half per centum per annum. The Commissioner of Banking and Insurance may vary the standards of interest and mortality in the case of annuities and industrial policies and of invalid lives and other extra hazards. When the actual premium charged for an insurance policy is less than the net premium for such insurance, computed according to the table of mortality and rate of interest prescribed herein, the value of such policy shall be increased by the value of an annuity, the amount of which shall equal the difference between such premiums, and the term of which in years shall equal the number of future annual payments receivable on such insurance after the date of valuation.

Basis of valuation.

Commissioners may vary standards of interest and mortality.

In the case of policies of life insurance issued on or after January first, one thousand nine hundred and seven, he shall, upon the request of any company, with the exceptions and under the conditions hereinafter provided, compute or direct the computation of the values of such policies of said company during their first four policy years upon a modified net reserve plan in the following manner:

Values of certain policies computed.

Manner of computing reserve.

In the case of any policy having a net premium equal to or greater than the net premium at the same age for a continuous level premium ordinary whole life policy, the reserve shall be computed in the following manner:

First year.

For the first year reduce the usual net reserve by the excess of the reserve for the aforesaid ordinary life policy over that for one-year term policy at the same age;

Second year.

For the reserve in the second policy year diminish the usual reserve by five-sixths of the aforesaid excess;

Third year.

For the reserve in the third policy year reduce the usual reserve by four-sixths the aforesaid excess; and

Fourth year.

For the reserve in the fourth policy year reduce the usual reserve by three-sixths of the aforesaid excess;

Fifth year.

For reserve in the fifth policy year reduce the usual reserve by two-sixths of the aforesaid excess;

Sixth year.

For reserve in the sixth policy year reduce the usual reserve by one-sixth of the aforesaid excess.

When to reduce reserve.

In the case of any policy having a net premium less than the aforesaid ordinary life policy, reduce the usual reserve for the first year by the excess of the usual reserve for the said low premium policy over that for a one-year term policy. For the second policy year reduce its usual reserve for the second policy year by three-fourths of the last-mentioned excess. For the third policy year reduce the usual reserve by one-half of the said excess, and for the fourth policy year reduce the usual reserve by one-fourth of the said excess.

Policies valued by net reserve plan so stated.

When a valuation of any of the policies of any company shall have been made upon the modified net reserve plan as herein provided, the Commissioner of Banking and Insurance, in certifying or publishing the results of the valuation of the policies of said company, shall state distinctly what classes of policy have been so valued.

Term insurance contracts.

Subject to the above provisions, no policies issued after the thirty-first day of December, one thousand nine hundred and seven, shall be valued as term insurance contracts if the premiums charged for such term insurance exceed those charged by the company for like term insurance under any other form of policy.

Acceptance of valuations of other States.

The Commissioner of Banking and Insurance may accept the valuation of the department of insurance of any other State or country when made upon a specified basis or bases, according to which the reserves would be at least as large as if they had been computed upon the basis or bases herein prescribed, if the insurance officer of such State or country accepts as sufficient and valid for all legal purposes the certificate of valuation of the Commissioner of Banking and Insurance of this State, when such certificate states the valuation to have been made in a specified manner according to which the reserves would be at least as large as if they had been computed in the manner prescribed by the law of such State or country; or if the insurance officer of such State or country, by express requirement of law, shall have made yearly for not less than thirty years past valuations of the policies of all companies issuing or delivering policies therein.

Modified net reserve plan not used in valuing industrial policies.

The modified net reserve plan shall not be employed in valuing industrial policies nor the policies of any company which has premium reserves amounting to four hundred millions of dollars or more, and as to other companies the application of the said modified net reserve plan shall, after the thirty-first of December, one thousand nine hundred and ten, be subject to the following limitations:

Limitations.

If the reserves of any company amount to twenty-five millions of dollars on the thirty-first of December, one thousand nine hundred and ten, or at the close of any year thereafter, the modified net reserve plan shall not be employed in tthe valuation of the endowment policies of such company issued in any succeeding year; and if the reserves of any company are found to amount to fifty millions of dollars on the thirty-first of December, one thousand nine hundred and ten, or at the close of any year thereafter, the modified net reserve plan shall not be applied to the valuation of any policies thereafter issued.

Conditions of applying plan to new policies.

The application of the modified net reserve plan to the valuation of the new policies of any life insurance company, issued in any calendar year and thereafter, shall be subject to the following conditions, viz.:

Application to insurance commissioner.

A request for such application of said mode of valuation shall be filed with the Commissioner of Banking and Insurance by the company not later than the thirty-first day of March in such year, if such company is doing business in this State at that date, otherwise at the time of applying for a license to begin business in this State. Such request once made shall be considered as continued also for succeeding years under the operation of this law, unless such company shall file a withdrawal of such request with the commissioner.

Agreement to accompany request.

Said request shall be accompanied by a duly executed agreement on the part of said company that the sum of the expenses incurred and payable wholly in connection with the first year's premiums on policies issued in said year, including commissions, agents' salaries or other compensation based on new business, agents' advances and medical fees and a proper share of other expenses, together with the modified mean net reserves to be held for such policies, shall not exceed the total amount of said first year's premiums, including premiums deferred or in course of transmission, and also that the aggregate expenses of such company in each calendar year shall be so regulated that the percentage of such expense upon premiums received in such year shall be less than when similarly computed for the calendar year next previous in case said company shall have been in operation during the whole of such previous year. In reckoning such

How expenses reckoned.

aggregate expenses, investment expenses, not exceeding one-fourth of one per centum of the mean invested assets at book value and taxes on real estate and other necessary outlays, exclusively connected with real estate, shall not be included. In reckoning a proper share of other expenses in connection with first year's premiums in the case of any stock company, the portion of such other expenses as shall be definitely paid out of surplus contributed by stockholders shall not be included.

Continuance of agreement.

When such an agreement has been filed by any company, it shall be considered as in force and as applying to succeeding years as long as the modified net reserve plan is employed in the valuation of its policies, and the company shall, not later than the first day of February on each succeeding year, file with the commissioner an

exhibit, showing how far it has fulfilled its agreement as to the calendar year next previous, and if the commissioner, after due notice and hearing, shall consider that said company has failed to make a reasonable and proper compliance with said agreement, he shall notify said company that said modified net reserve plan will not be applied to the valuation of the policies of said company issued during said previous year and in succeeding years.

Section 70 amended.

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

File annual statement of condition.

70. Every insurance company transacting business in this State shall annually, on or before the thirty-first day of January, file in the Department of Banking and Insurance a statement, subscribed and sworn to by its president and secretary, or, in their absence, by two of its principal officers, showing its financial condition at the close of business on the thirty-first day of December of the year last preceding, and its business for that year, which statement shall be in such form and contain such matters as the Commissioner of Banking and Insurance shall prescribe; said commissioner may also address any inquiries to any such company or its officers in relation to its condition or affairs, or any matter connected with its transactions, and it shall be the duty of the officers of such company to promptly reply in writing to all such inquiries; for good cause shown the commissioner may extend the time within which any such statement may be filed; the annual statement of a company of a foreign country shall embrace only its business and condition in the United States, and shall be subscribed and sworn to by its resident manager or principal representative in charge of its American business.

Commissioner may require information.

Matter to be stated in annual report.

In addition to any other matter which may be required by law or pursuant to law by the Commissioner of Banking and Insurance to be stated therein every annual report of every life insurance company doing business in this State shall contain an accurate, concise and complete statement of the following matters, to wit: (1) All the real property held by the company, the dates of acquisition, the names of the vendors, the actual cost, the value at which it is carried on the company's books, the market

Real estate.

value, the amounts expended during the year for repairs and improvements, the gross and net income from each parcel, and if any portion thereof be occupied by the company, the rental value thereof, a statement of any certificate issued by the commissioner extending the time for the disposition thereof, and all purchases and sales made since the last annual statement, with particulars as to dates, names of vendors and vendees, and the consideration.

Loans on real estate.

(2) The amount of existing loans upon the security of real property, stating the amount loaned upon

Loans on personal property.

property in each State and foreign country. (3) The outstanding sums loaned by the company other than loans upon the security of real property above mentioned and other than loans upon policies, the maturity and rate of interest of such loans, the securities held therefor, and all substitutions of securities during the past calendar year in connection therewith, and the same particulars with reference to any loans discharged since the last

Other property of company.

statement. (4) All other property owned by the company or in which it has any interest (including all securities, whether or not recognized by the law as proper investments), the dates of acquisition, from whom acquired, the actual cost, the value at which the property is carried upon the books, the market value, the interest or dividends received thereon during the year; also all purchases and sales of property other than real estate made since the last annual statement, with particulars as to dates, names of purchasers and sellers, and the consideration; and also the income received and the outlays made in connection with all such

Commissions paid.

property. (5) All commissions paid to any persons in connection with loans or purchases or sales of any property, and a statement of all payments for legal expenses, giving particulars as to dates, amounts and names and

Moneys expended on legislative business.

addresses of payees. (6) All moneys expended in connection with any matter pending before any legislative body or any officer or department of government, giving particulars as to dates, amounts, names and addresses of payees, the measure or proceeding in connection with which the payment was made and the interest of the

Officers and directors.

company therein. (7) The names of the officers and directors of the company, the proceedings at the last

annual election, giving the names of candidates and the number of votes cast for each and whether in person, by proxy or by mail. (8) The salary, compensation and emoluments received by officers or directors, without exception, and that received by any person, firm or corporation, where the same amounts to more than five thousand dollars, with particulars as to dates, amounts, payees and the authority by which the payment was made; also all salaries paid to any representative either at the home office, or at any branch office, or agency, for agency supervision. (9) The largest balances carried in each bank or trust company during each month of the year. (10) All death claims resisted or compromised during the year, with particulars as to sums insured, sums paid and reasons assigned for resisting or compromising the same in each case. (11) A complete statement of the profits and losses upon the business transacted during the year and the sources of such gains and losses, and a statement showing separately the margins upon premiums for the first year of insurance and the actual expenses chargeable to the procurement of new business incurred since the last annual statement. A company, issuing both participating and non-participating policies, shall make a separate statement of profits and losses, margins and expenses, as aforesaid, with reference to each of said kinds of business, and also showing the manner in which any general outlays of the company have been apportioned to each of such kinds of business. (12) The rates of annual dividends declared during the year for all plans of insurance and all durations and for ages at entry, twenty-five, thirty-five, forty-five and fifty-five, or as near as may be, and the precise method by which such dividends have been calculated. (13) A statement showing the rates of dividends declared upon deferred dividend policies completing their dividend periods for all plans of insurance, and for ages at entry, twenty-five, thirty-five, forty-five and fifty-five, or as near as may be, and the precise methods by which said dividends have been calculated. (14) A statement showing any and all amounts set apart or provisionally ascertained or calculated or held awaiting apportionment upon policies with deferred dividend periods longer than one year for all plans of insurance and all durations,

Salaries.

Bank balances.

Certain death claims.

Profits and losses.

Dividends.

Dividends on deferred dividend policies.

Amounts set apart.

together with the precise statements of the methods of calculation by which the same have been provisionally or otherwise determined. (15) A statement of any and all reserve or surplus funds held by the company and for what purpose they are claimed, respectively, to be held.

Reserve fund.

Final date of rendering statements.

The rendition of the statement or statements required under subdivision eleven may be postponed until not later than the thirtieth day of June following the year for which required, in all cases where a company shall state that it is unable to comply with the requirements of said subdivision satisfactorily at the time of making its statement of the other details required herein.

Section 72 amended.

6. Section seventy-two of the act to which this is an amendment is hereby amended to read as follows:

Examination into affairs of insurance companies.

72. The Commissioner of Banking and Insurance shall have the power, whenever he deems the same expedient, to make or cause to be made, an examination of the assets and liabilities, method of conducting business and all other affairs of every insurance company authorized to transact business in this State, and shall make such an examination of every domestic life insurance company at least once in three years. For the purpose of such an examination the commissioner may commission and employ such persons to conduct the same or to assist therein as he may deem advisable, which examination may be conducted in any State or country in which the company examined is incorporated or has an office, agent or place of business.

Expenses met by corporation examined.

The reasonable expenses of such examination shall be fixed and determined by the Commissioner of Banking and Insurance, and he shall collect the same from the corporation examined, which shall pay same on presentation of a detailed account of such expenses.

If company insolvent.

In case any company, after such examination, shall be declared by the Chancellor to be insolvent, the expense of such examination, if unpaid, shall be taxed in the costs of the proceeding in the Court of Chancery and paid out of the assets of the company.

No gratuities.

No insurance corporation shall, either directly or indirectly, pay, by way of gift, credit or otherwise, any other or further sum to the commissioner or to any

person in the employ of the insurance department, for extra service or for purposes of legislation, or for any other purpose whatsoever.

7. This act shall take effect immediately.

Approved April 15, 1907.

CHAPTER 74.

An Act to amend an act entitled "An act relating to life insurance companies doing business in the State of New Jersey and to the representatives of such companies," approved March nineteenth, eighteen hundred and ninety-five.

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

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

1. No life insurance company doing business in this State shall make or permit any distinction or discrimination in favor of individuals between the insured of the same class and equal expectation of life in the amount or payment of premiums or rates charged for policies of life or endowment insurance, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the contracts it makes; nor shall any such company or agent thereof make any contract of insurance or agreement as to such contract other than as plainly expressed in the policy issued thereon; nor shall any such company, or any officer, agent, solicitor or representative thereof, pay, allow or give, or offer to pay, allow or give, directly or indirectly, as inducement to insurance, any rebate of premium payable on the policy, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any paid employment or contract for services of any kind, or any No favoritism. No rebate.

valuable consideration or inducement whatever not specified in the policy contract of insurance.

Agent's commission uniform.

No life insurance company doing business in this State, and issuing policies both upon the participating and non-participating plan, shall, on or after the first day of January, nineteen hundred and eight, make any distinction in the rate of commission or in the compensation paid to an agent based upon the participating or non-participating character of any policy issued through said agent.

2. This act shall take effect immediately.

Approved April 15, 1907.

CHAPTER 75.

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

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

Section amended.

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

Commissioner of charities.

1. The office of Commissioner of Charities and Corrections is hereby established for this State. This office shall be filled by some suitable person who shall be nominated by the Governor and confirmed by the Senate;

Term.

he shall hold office for the term of three years from the date of his appointment and until his successor is appointed and has qualified; said commissioner shall re-

Salary.

ceive a salary of four thousand dollars per annum and shall have his office in the State House.

Section amended.

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

5. Said commissioner may appoint, subject to the approval of the Governor, an assistant, who shall be an architect by profession, at a salary not to exceed three thousand six hundred dollars per annum, who shall devote all his time to the duties of the office; said commissioner shall select and employ necessary clerical assistants, who shall receive such compensation as shall be approved by the Governor. The salaries of these assistants shall be paid monthly by the Treasurer upon the warrant of the Comptroller.

Assistant, salary.

Clerical help.

3. This act shall take effect immediately.

Approved April 15, 1907.

CHAPTER 76.

An Act to make the proceedings of the Department of New Jersey of the Grand Army of the Republic a part of the military archives of the State and to provide for the printing of the same.

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

1. Whenever the commander of the Department of New Jersey, Grand Army of the Republic, shall forward to the Adjutant-General of New Jersey a properly prepared and duly certified copy of the proceedings of their annual encampments, together with a complete series of the general and special orders, circulars and other data which may form a part of said proceedings, then the said proceedings, so reported, shall be considered part of the military archives of this State, and, in the discretion and under the direction of the Adjutant-General of New Jersey, such part of said proceedings as he shall approve shall be printed and bound; and a printed and bound copy thereof shall be sent to each Grand Army post, and to each public library, in the State of New Jersey, together with an additional fifty

Records and proceedings as part of military archives of State.

When to begin.

printed and bound copies for exchange under the direction of the Adjutant-General of New Jersey. It being provided, however, that such publication of the proceedings of the annual encampment, as aforesaid, shall commence with the proceedings of the annual encampment of the Department of New Jersey, Grand Army of the Republic, for the year one thousand nine hundred and seven, and continue annually thereafter during the existence of said organization, or so long as its commander shall continue to report such proceedings to the Adjutant-General of New Jersey.

Appropriation.

2. The sum of three hundred dollars, or so much thereof as may be necessary, is hereby annually appropriated to pay for the printing and distribution of the proceedings as set forth in the first section of this act.

3. This act shall take effect immediately.

Approved April 15, 1907.

CHAPTER 77.

An Act concerning roads.

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

Freeholders to regulate use of improved streets or roads.

1. The Board of Chosen Freeholders in any county in this State that shall have improved any roads or streets in such county, and shall be charged with the repair of such roads or streets, shall have power by resolution to regulate or prohibit the tearing up or excavating in any such roads or streets for the laying, replacing or repairing of water, gas or sewer pipes, for making any drain, or for any other purpose; to prevent the disturbing or tearing up of such roads or streets by the locking of wheels of any vehicle or attaching a drag to such vehicle; to prevent the filling up of gutters along such roads or streets, and to prevent obstruction and damage to such roads or streets by spilling or throwing stones, dirt or other materials on such roads or streets.

2. The Board of Chosen Freeholders of any such county may prescribe a penalty by a fine not exceeding one hundred dollars for the violation of any such resolution or any section thereof, and that the court of justice before whom proceedings shall be instituted shall determine the amount of the fine, not to exceed the sum of one hundred dollars, and may commit the defendant to the county jail until the fine is paid, with costs. Penalty for violation.

3. Complaint against any person violating said resolution, or any section thereof, may be made before a district court of any city in such county, or in case there shall not be any district court in such county, then before any justice of the peace of such county, and such court or justice shall issue process at the suit of such county in the nature of a summons, and the same procedure shall be had thereunder as is prescribed in the act entitled "An act concerning townships (Revision of 1899)," for the violation of any ordinance of a township. Procedure for complaint and process.

4. Such resolution before it shall take effect shall be published at least once a week for two weeks in two newspapers published and circulated in such county. Resolution advertised.

5. This act shall take effect immediately.

Approved April 16, 1907.

CHAPTER 78.

An Act to amend an act entitled "An act to authorize the improvement of streets and highways in cities of this State, and to provide for the payment of the expense of the same," approved June thirteenth, one thousand eight hundred and ninety-eight

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

1. Section ten (10) of the act to which this is an amendment is hereby amended to read as follows: Section amended.

Payment of annual interest charges.

10. For the purpose of discharging the said bonds as they mature and for the payment of the interest thereon, the board of aldermen, common council or other governing body as aforesaid may provide annually, by taxation, in the annual tax levy of such city, such sum as will be sufficient to pay the interest of the said bonds hereby authorized to be issued as it falls due and for the creation of a sinking fund for the payment of the principal of the said bonds when they shall mature, which sum so provided shall be collected annually by the collecting officer of said city, and such portion of said sum which shall have been collected for the interest on said bonds shall be paid by him into the treasury of said city, and such portion thereof which shall have been collected for said sinking fund shall be paid by him into the sinking fund of said city; or in lieu of providing for a sinking fund as aforesaid for the retirement of the said bonds at maturity, the bonds may be so issued that a stated equitable amount of them (in value), having regard to other outstanding bonds already issued, shall become payable in each year, beginning not more than five years from the date of the earliest issue and ending in not more than twenty years from such date, and in such case there shall be raised by tax in each year such sum of money as may be necessary to pay the interest on all outstanding bonds and the principal of such bonds as may mature during that year.

Sinking fund.

Bonds payable at stipulated period may be issued.

Repealer.

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

Approved April 16, 1907.

CHAPTER 79.

A Further Supplement to an act entitled "An act to authorize incorporated towns and townships to construct sewers, drains and a sewer disposal plant or plants and to provide for the payment and costs thereof," approved March thirty-first, one thousand nine hundred and five.

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

Additional sum for sewerage purposes.

1. Whenever the governing body of any town or township shall find that the said sum of one hundred thousand dollars provided for in the act of which this is a supplement, is insufficient for the purposes designated in and contemplated by said act, that then said governing body may order and appoint an election of the legal voters of said town or township, to be held in such town or township, to determine whether an additional sum shall be raised for said purposes, and if so, what sum, not exceeding, with the sum already appropriated, in the whole one hundred and fifty thousand dollars, of which election the town clerk of said town or township shall cause public notice of the time and place of holding the same to be given by advertisements, signed by himself, and set up in at least five public places in said town or township and published in one or more newspapers printed in said town or township, for two insertions, at least eight days previous to such election; and said clerk shall provide for each voter voting at such election ballots to be printed or written, or partly printed and partly written, on which shall be either the words "for an additional appropriation for a sewer system under the provisions of the act entitled 'An act to authorize incorporated towns and townships to construct

Amount.

Notice by clerk.

Ballots.

sewers, drains and a sewer disposal plant or plants, and to provide for the payment and costs thereof,' and the supplements to said act, $————," or "against an additional appropriation for a sewer system under the provisions of an act entitled 'An act to authorize incorporated towns and townships to construct sewers, drains and a sewer disposal plant or plants and to provide for the payment and costs thereof,' and the supplements to said act"; and that the polls for such election shall be held at the same places, and shall be opened and closed at the same hours, and such election shall be conducted by the same officers and in the same manner, and such officers shall return a statement of the result of such an election, which shall be entered in the same manner as is prescribed and provided for in the seventh section of the act to which this is a supplement.

Election.

2. This act shall take effect immediately.

Approved April 16, 1907.

CHAPTER 80.

An Act to amend an act entitled "An act to regulate the use of power vessels and boats navigating the waters within the jurisdiction of this State above tidewater, and to provide for the inspection and licensing of power vessels, their masters, pilots and engineers," approved April ninth, one thousand nine hundred and six.

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

Paragraph amended.

1. Paragraph four of section eleven of the act to which this is an amendment be and the same is hereby amended so as to read as follows:

Signal light at night.

IV. The master of every vessel other than a power vessel, while navigating between sunset and sunrise on

waters where power vessels are frequently navigating, shall carry a plain white light, visible at a distance of one-half mile on a clear night, so situated on the vessel that it can be seen from all points of the compass, and while anchored in the night time (if a sail boat) shall cause her peak to be lowered and a good and sufficient white light to be thrown from her taffrail in some part of her rigging and at least ten feet above her deck.

2. This act shall take effect immediately.

Approved April 16, 1907.

CHAPTER 81.

An Act to provide for the appointment of certain directors of stock life insurance companies from the policyholders thereof.

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

Directors appointed by chancellor.

1. To the board of directors of every life insurance company of this State organized as a stock company there shall be added three directors, who shall be policyholders of the company, but shall not be stockholders. Said directors shall be appointed by the Chancellor. Those first appointed shall hold their offices for one, two and three years, respectively, and all subsequent appointments shall be for three years. They shall be paid by the company their traveling expenses in attending meetings, and the same compensation that is paid to the other directors, but not less than ten dollars for each meeting of the board which they attend; their powers, privileges and duties shall be the same as those of the other directors.

Term.

Compensation.

Acquiring stock vacates office.

If any such director at any time acquires any interest in the capital stock of such company his office shall thereby be vacated.

2. This act shall take effect immediately.

Approved April 16, 1907.

CHAPTER 82.

An Act to amend an act entitled "An act to authorize towns and villages to construct sewers and drains and to provide for the payment of the cost thereof," approved May twelfth, eighteen hundred and ninety.

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

Section amended.

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

Authorized to maintain sewerage system.

1. It shall be lawful in any town or village in this State, whether the powers granted be vested in a board of commissioners having, among other powers, the charge and control of the public streets of such town or village, or in any other governing body or board, for the board of commissioners, or other governing body or board, of any such town or village, to order and cause, by contract or otherwise, sewers and drains to be constructed in any part of such town or village, and to provide, maintain and alter a general system of sewerage and drainage for such town or village, or any part thereof, conformably to which all sewers and drains shall be constructed, and to establish and maintain one or more outlets or places of deposit within or without such town or village for sewerage and drainage from such town or village, and to repair and cleanse such sewers and drains.

2. This act shall take effect immediately.

Approved April 17, 1907.

CHAPTER 83.

An Act to amend an act entitled "An act to provide for the purchase of sites for and the erection and equipment of armories in cities of the first and second class in this State, and cavalry armories in municipalities of this State wherein there is now or hereafter shall be located the headquarters of a troop of cavalry of the National Guard of this State which has been, or shall have been, in the service of this State not less than ten years, and making appropriations therefor, and to provide for the taking of real estate for such sites by commission in case the same cannot be purchased by agreement," approved March twenty-third, one thousand eight hundred and eighty-eight.

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

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

3. That the county collector in any county in which any such city, incorporated town, borough, township or other municipality of this State is located, whenever a written notice or notices shall be served upon him by the aforesaid commission, stating that lands suitable for the purpose of an armory for a regiment or battalion, or for a troop of cavalry of the National Guard of the State of New Jersey, have been contracted for or purchased, or the title or titles thereto has or have been acquired, shall forthwith notify the board of chosen freeholders of such county of the action of the commission, and the said board of chosen freeholders shall set apart for the use of the said commission out of any moneys in the county treasury the amount stated in said When collector to notify freeholders of action of commission. Funds provided.

notice or notices as required by said commission, not to exceed, however, the sum of twenty-five thousand dollars for each entire parcel of land thus acquired for armory purposes as aforesaid; and in case the said board of chosen freeholders shall not have moneys enough on hand to meet such appropriation or appropriations, then

Bond issue.

it shall be the duty of such board to issue bonds in an amount sufficient to meet such appropriation or appro-

Rate; time.

priations, as and when made, at a rate of interest not exceeding four per centum per annum, and payable in whole or in part not more than fifteen years from the date of issue thereof, and to sell the said bonds at public or private sale for an amount not less than the par value thereof; the said moneys when so appropriated, respectively as aforesaid or the proceeds of the sale of such bonds, shall be retained by the said county collector, and shall be

How moneys paid.

by him paid out upon the written requisition of the aforesaid commission, by which it shall be applied to the payment of the amount of the purchase price or cost of said land so acquired for armory purposes as aforesaid, and

What included in expenses.

any damage for awards or compensation which may be made under the proceedings to acquire said title or titles as aforesaid, and the costs and expenses of acquiring said title or titles, and the grading, filling, excavating, draining, paving and fencing of said lands so acquired, and the interior completion and also the equipping and furnishing of said armories, drill-rooms, company-rooms and store-rooms, or a suitable cavalry armory, as the case may be, with drill hall for mounted drills, pistol and rifle ranges, store-rooms for arms, horse equipments and accoutrements, officers' rooms and necessary rooms, fixtures and appurtenances, including suitable apparatus for heating and lighting the same when built, and any expenses incident to the carrying out of the provisions of this act, the entire cost of which in each city, incorporated town, borough, township or other

Total cost.

municipality of this State shall not exceed the sum of twenty-five thousand dollars for each of such armories.

2. This act shall take effect immediately.

Approved April 17, 1907.

CHAPTER 84.

An Act to encourage the celebration of Flag Day in the public schools of this State.

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

1. It shall be the duty of the principals and teachers in the public schools of this State to make suitable arrangements for the celebration, by appropriate exercises among the pupils in said schools, on the fourteenth day of June in each year, as the day of the adoption of the American flag by the Continental Congress. Oservance of flag day in schools.

2. This act shall take effect immediately.

Approved April 17, 1907.

CHAPTER 85.

A Supplement to an act entitled "An act relating to the Court of Common Pleas (Revision of 1900)," approved March twenty-third, one thousand nine hundred.

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

1. The eighteenth section of the act entitled "An act relating to the Court of Common Pleas (Revision of 1900)," approved March twenty-third, one thousand nine hundred, is hereby amended so as to read as follows: Section 18 amended.

Where judges may practice.

18. The judges of the Court of Common Pleas may practice as attorneys or counsellors-at-law in any of the courts of this State, except in the Courts of Common Pleas, or any courts of inferior jurisdiction thereto of the county in and for which they are judges; *provided, however,* that no judge of the Court of Common Pleas in and for any county shall personally appear as such attorney or counsellor-at-law in the trial of any cause before a jury in any of the courts of the county in and for which he is such judge.

Proviso.

2. This act shall take effect immediately.

Approved April 17, 1907.

CHAPTER 86.

An Act to repeal an act entitled "A supplement to an act entitled 'An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof,' approved October nineteenth, one thousand nine hundred and three," approved May eighteenth, one thousand nine hundred and six.

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

Act repealed.

1. The act entitled "A supplement to an act entitled 'An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof,' approved October nineteenth, one thousand nine hundred and three," approved May eighteenth, one thousand nine hundred and six, be and the same is hereby repealed.

2. This act shall take effect immediately.

Approved April 17, 1907.

CHAPTER 87.

An Act amendatory of and supplementary to the act entitled "An act relating to paving, flagging, maintaining, repairing and otherwise improving sidewalks in municipalities in this State," approved May fifteenth, one thousand nine hundred and six, and to amend the title of said act.

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

1. The title to said act to which this act is amendatory and supplemental, approved May fifteenth, one thousand nine hundred and six, which said title to said act reads as follows: "An act relating to paving, flagging, maintaining, repairing and otherwise improving sidewalks in municipalities in this State," be amended so as to read as follows: "An act relating to paving, flagging, maintaining, repairing and otherwise improving sidewalks in cities of the first class in this State." Title amended.

2. This act shall take effect immediately.

Approved April 17, 1907.

CHAPTER 88.

An Act to amend an act entitled "An act to provide for drainage and sewerage in the cities of this State," approved April seventh, one thousand eight hundred and ninety.

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

1. Section five of the act to which this act is an amendment be and the same is hereby amended so as to read as follows: Section 5 amended.

Cities may contract with other municipalities for construction of sewers and disposal of sewage.

5. In case the common council or other governing body of such city shall deem it expedient to contract with the authorities of any other city or cities, borough or boroughs, township or townships, or other municipality or municipalities, (*a*) to construct sewers or drains or sewage disposal plant at their joint cost within or without the territorial limits of the contracting parties in such manner and on such terms as may be agreed upon, or (*b*) to contract with the authorities of any such municipality or municipalities in such manner and on such terms as may be agreed upon to receive and care for or dispose of the sewage of such other municipality or municipalities, or (*c*) to permit such other municipality or municipalities in such manner and on such terms as may be agreed upon to connect their sewers or drains or system of sewers and drains constructed or to be constructed with the sewers or drains or system of sewers and drains or sewage disposal works of such city, or (*d*) to contract in such manner and on such terms as may be agreed upon for the privilege of connecting its sewers and drains or system of sewers and drains with those of such other municipality or municipalities constructed or to be constructed, or (*e*) to contract in such manner and upon such terms as may be agreed upon to have its sewage received and disposed of by any other such municipality or municipalities, it shall be lawful for the common council or other governing bodies of the corporations concerned to enter into a contract in writing for any one or more of such purposes upon such terms and for such consideration and length of time as may be mutually agreed upon.

Repealer.

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

Approved April 17, 1907.

CHAPTER 89.

An Act for the relief of Frank O. Briggs, former State Treasurer.

Preamble.

WHEREAS, In the month of February, one thousand eight hundred and ninety-five, there was deposited by the then State Treasurer in the First National Bank, of Asbury Park, New Jersey, the sum of four thousand ($4,000) of the funds of this State, which there remained until the said bank failed, in the year one thousand nine hundred and two; and

WHEREAS, There has been paid to the State in dividends by the receiver of said bank the sum of three thousand eight hundred and sixty dollars ($3,860), leaving a deficit or loss of one hundred and forty dollars, for which Frank O. Briggs, late Treasurer of this State, is responsible, because of the failure of such bank during his tenure of office; therefore,

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

Liability removed.

1. Said Frank O. Briggs be and he is relieved of and released from all and every liability for or on account of the loss of such sum of one hundred and forty dollars, and of any obligation to pay the same into the State Treasury.

2. This act shall take effect immediately.

Approved April 17, 1907.

CHAPTER 90.

A Further Supplement to an act entitled "A general act relating to boroughs (Revision of 1897)."

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

Time for paying bonds.

1. Bonds hereafter issued by any borough under the authority of the act to which this act is a further supplement, for the purchase or construction of sewers or drains or of a system of sewers or drains, shall be payable at such time or times, not more than forty years from the date thereof, as the council of such borough may decide.

Sinking fund established to meet payment.

2. In order that such bonds may be paid at maturity the council of such borough shall provide a sinking fund sufficient to pay such bonds at maturity, but not less than one per centum per annum of the face value of the bonds shall be raised annually, and at the time and in the manner provided for the raising of other moneys to be raised by taxation in said borough. The moneys so raised for sinking fund purposes shall be paid to the commissioners of the sinking fund of said borough, to be used by them for the purposes herein mentioned.

Boroughs may contract with other municipalities for building sewers and disposal of sewage.

3. It shall be lawful for the council of any borough in which there shall have been or may hereafter be presented to the council the consent in writing that sewers or a system of sewers or drainage for such borough shall be constructed or purchased, signed by the owners of a majority of the real estate in said borough according to its assessed valuation as contained in the latest assessment for the purpose of taxation made in said borough preceding the presentation of such written consent, to contract with the authorities of any other municipality or municipalities, without regard to the form of its incorporation, (*a*) to contruct any outlet sewer or drain or sewage disposal plant at their joint cost within

or without the territorial limits of the contracting parties; or (*b*) to contract for the privilege of connecting its sewers and drains or system of sewers or drains with those of such other municipality or municipalities constructed or to be constructed; or (*c*) to contract to have its sewage received and disposed of by any other municipality or municipalities; or (*d*) to receive and dispose of the sewage of any other municipality or municipalities; and any such contract for any one or more of such purposes shall be in writing and may be made upon such terms and for such length of time and consideration as may be mutually agreed upon.

4. This act shall take effect immediately.

Approved April 17, 1907.

CHAPTER 91.

An Act to authorize the Bushkill-Delaware Bridge Company to build a bridge across the Delaware river, near the village of Flatbrookville, in the county of Sussex.

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

Bridge at Flatbrookville.

1. It shall be lawful for the Bushkill-Delaware Bridge Company, and said company is hereby authorized, and by and with the consent of the Commonwealth of Pennsylvania, or in conjunction with any company that has obtained or may obtain the consent of said Commonwealth, to construct a toll bridge across the Delaware river at the village of Bushkill, in the county of Pike, in the State of Pennsylvania, and to connect that place with the village of Flatbrookville, in the county of Sussex, State of New Jersey; the particular location of said bridge to be determined upon by the directors of the said Bushkill-Delaware Bridge Company; to enable vehicles of all classes (whether operated by muscular or motor power, or operated on rails or tracks), animals and pedestrians to cross said river, which bridge shall be so constructed with reference to the position and

Purposes of bridge.

form of the piers and the height of the bridge above the water of said river as to cause the least practicable obstruction to the navigation of said river.

Rates of toll.

2. When a good and complete bridge is erected over the said Delaware river at the place aforesaid, the property of said bridge shall be vested in the said company, their successors and assigns, forever, and the said company, their successors and assigns, may demand and receive toll from said travelers and others, in amounts not exceeding the following rates, namely: For every stage, wagon, motor vehicle, carriage, hack, sleigh, or vehicle drawn by two horses, mules or oxen, twenty-five cents; for every additional horse, mule or oxen, ten cents; for every carriage, wagon, sleigh, vehicle, cart or sulky, drawn by one horse, mule or ox, fifteen cents; for every horse, mule, ox or cow, five cents; for every hog, sheep, calf, goat, three cents; for every horse or mule, ridden or led, ten cents; for every person crossing said bridge, on foot, three cents.

Period.

3. This act shall continue in force for seventy-five years.

4. This act shall take effect immediately.

Approved April 17, 1907.

CHAPTER 92.

An Act to validate and confirm any election and all other proceedings heretofore held or taken in any borough for the issuance of bonds to pay for the cost of construction or purchase of a sewerage system, and to validate and confirm all bonds or obligations issued in conformity with the proposition adopted at any such election, and to authorize the issuance of bonds to the amount and as provided in any such proposition.

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

Validating election and issuance of bonds.

1. Whenever heretofore in any borough of this State any resolution of the council of said borough calling for

an election of the legal voters of such borough upon the question of the construction of a sewerage system for such borough, or upon any proposition of issuing bonds of said borough for the cost of construction of such sewerage system, shall not have been presented to the mayor within five days after the passage of said resolution (Sundays excepted), all resolutions and other proceedings adopted or taken, or attempted to be adopted or taken, in relation to the issuance of such bonds, and any such election and the adoption of such proposition for the issuance of bonds, are hereby validated and confirmed, and all bonds or obligations issued or to be issued in conformity with such proposition are validated and confirmed, and the issuance of bonds or obligations of such borough, to the amount and as provided in such proposition, are hereby authorized, notwithstanding that the resolution or resolutions calling for such election or such elections were not presented to the mayor within five days (Sundays excepted) after the passage thereof; *provided, however,* that in no case shall the amount of bonds issued or to be issued, together with all other outstanding bonds of such borough, exceed fifteen per centum of the amount of the assessed value of the property in such borough, as shown by the last assessment of the valuation thereof.

Proviso.

Bond limit.

2. This act shall take effect immediately.

Approved April 17, 1907.

CHAPTER 93.

An Act to incorporate the borough of Verona, in the County of Essex.

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

1. The inhabitants of that portion of the township of Verona, in the county of Essex, contained within the

Corporate name.

limits hereinafter set forth, are hereby constituted and declared a body politic and corporate in fact and in law by the name of "The Borough of Verona," and shall be governed by the general laws of this State relating to boroughs.

2. The territorial limits of the said borough shall be as follows, to wit:

Boundaries defined.

Beginning at a stone monument at the southwest corner of Verona township and in the easterly line of Essex Fells borough; thence, along Essex Fells borough and North Caldwell borough, northerly, to the southerly boundary of Overbrook Insane Asylum property; thence easterly, along the southerly boundary of Overbrook Insane Asylum property, to the center line of Grove avenue; thence southerly, to the center line of Grosch avenue; thence easterly, along the center line of Grosch avenue, to the easterly boundary of the American Bronze Powder Manufacturing Company; thence along said easterly boundary and a southerly prolongation thereof southerly, to the northerly boundary of land of George Gould; thence along said boundary of said George Gould and an easterly prolongation thereof easterly, to the center of the Newark and Pompton turnpike; thence northerly, along the center of the Newark and Pompton turnpike, to the northerly boundary of land of Solomon Wright, Jr., and the southerly boundary of Beno Levi; thence easterly, along said boundary lines, to the westerly boundary line of the town of Montclair; thence southerly, along said boundary of the town of Montclair, to the northeast corner of the town of West Orange; thence westerly, along the northerly boundary of West Orange, to the Essex Fells borough line at the place of beginning.

Referendum.

3. This act shall take effect immediately; *provided, however,* that it shall not operate to effect the incorporation of the said borough until this act shall have been accepted by a vote of a majority of the qualified voters of the said township of Verona voting thereon at a special election, to be held within said township on the thirtieth day of April, in the year one thousand nine hundred and seven, between the hours of six o'clock

Special election.

in the forenoon and six o'clock in the afternoon of the said day at a place within the said township, to be fixed by the clerk of the said township. The clerk of said township shall cause public notice of the time and place of holding said election, to be given by advertisements, signed by himself and set up in at least ten public places within the said township and published in at least one newspaper printed and circulating therein at least ten days prior to such election; and the said clerk shall provide for each elector voting at such election ballots on which shall be printed the word "for" and the word "against" above and immediately preceding the title of this act; and if the word "for" be marked off or defaced upon the ballot, it shall be counted as a vote against the acceptance of this act; if the word "against" is marked off or defaced upon the ballot, it shall be counted as a vote in favor of the acceptance thereof; and in case neither the word "for" nor the word "against" be marked off or defaced upon the ballot, it shall not be counted either as a vote for or against such acceptance. Such election shall be held at the time and place so appointed, and be conducted by the same election officers and in the same manner as the general election is conducted, except that no special form of ballot or envelope need be used. The officers holding such election shall make return to the township committee of the said township of Verona of the result thereof by a statement in writing under their hands, and the same shall be entered at length on the minutes of the said township committee.

Notice of election.

Ballots.

When and where held.

4. The register of the voters within said described territory used at the general election next preceding the holding of such special election shall be used for the purpose of conducting such special election, subject to revision and correction therein to be made by the board of registry and election of the said township, which shall meet at such place within the said township as shall be designated by the clerk of the township one week next preceding such election. Notice of the place so designated shall be given by the clerk by posting in at least five of the most public places in the township. Such meeting of the board of registry and elections shall

Registry list.

Revision of register.

begin at one o'clock in the afternoon and continue until nine o'clock in the evening of that day, for the purpose of revising and correcting the register and adding thereto the names of all persons entitled to vote wthin said township at such special election who shall appear in person before them and establish to the satisfaction of the majority of the board that they are entitled to vote at such election, or who shall be sworn by a written affidavit of a voter residing in the said township to be entitled so to vote; and a separate affidavit shall be required for each person so registered, which shall contain the address of the affiant and shall be signed by him; and on the following day a copy thereof shall be delivered to the County Board of Elections of Essex County, to be filed by said board and a copy shall be retained for use by the said board of elections at such special election.

Result of election filed with county clerk.

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

Approved April 18, 1907.

CHAPTER 94.

An Act to incorporate the borough of Sea Isle City, in the county of Cape May, as a city, and fix the boundaries thereof.

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

Borough of Sea Isle City incorporated as city.

1. All that land or real estate in the county of Cape May, this State, on Ludlam's Beach or Island, south of the center line of Polk avenue extended, as laid out on a plan of Whale Beach tract, on file in the clerk's office of Cape May county, at Cape May Court House, this

State, now the borough of Sea Isle City, be and the same is hereby constituted a city of this State, and all the inhabitants of this State residing within the limits aforesaid be and they are hereby ordained, constituted and declared to be, from time to time, forever hereafter one body politic and corporate, under and by the name of Sea Isle City.

Referendum.

2. This act shall take effect immediately; *provided,* it shall not operate to effect the incorporation of the territory above described as a city of this State until it shall have been accepted by a vote of a majority of the qualified voters of the said described territory voting thereon, at a special election to be held within said territory on the thirtieth day of April, one thousand nine hundred and seven, within the hours of six A. M. and seven P. M. of said day, at a place within said territory to be fixed by the clerk of said borough of Sea Isle City. The clerk of said borough shall cause public notice of the time and place of holding said election to be given by advertisement signed by himself and set up in at least ten public places within the described territory and published in one or more newspapers printed or published or circulating therein at least ten days prior to such election; and the said clerk shall provide for each elector voting at such election ballots to be printed or written, or partly printed and partly written, on which shall be printed the word "for" and the word "against" above and immediately preceding the title of this act; and if the word "for" be marked off or defaced upon the ballot it shall be counted as a vote against the acceptance of said act; if the word "against" is marked off or defaced it shall be counted as a vote in favor of the acceptance thereof; and in case neither the word "for" or the word "against" be marked off or defaced upon the ballot it shall not be counted either as a vote for or against such acceptance. Such election shall be held at the time and place appointed, and be conducted by the officers of the borough of Sea Isle City. The officers holding such election shall make return to the council of the borough of Sea Isle City the result thereof by a statement, in writing, under their hands, and

Special election.

Notice of election.

Ballots.

How election conducted.

Result.

the same shall be entered on the minutes of said council; and thereupon and upon such acceptance by the voters as aforesaid, but not otherwise, this act shall in all respects be operative.

Registry list.

3. The register of voters of the voters within said described territory used at the general election next preceding the holding of such special election shall be used for the purpose of conducting such special election. It shall not be necessary for the Board of Registry and Election in said described territory to make a new registry of voters for such special election, but only to revise and correct the register made for the last general election, and for that purpose the said board shall meet at such place within said described territory as shall be designated by the clerk of said borough of Sea Isle City one week next preceding said election. Notice of the place so designated shall be given by the clerk by posting it in at least five of the most public places in said described territory. Said meetings of the Board of Registry and Elections shall begin at one o'clock in the afternoon and continue until nine o'clock in the evening of that day, for the purpose of revising and correcting the register and adding thereto the names of all persons entitled to vote within said territory at said special election, who shall appear in person before them and establish to the satisfaction of the majority of the board that they are entitled to vote at said election, or who shall be sworn by a written affidavit of a voter residing in said described territory to be entitled so to vote; a separate affidavit shall be required for each person so registered, which shall contain the address of the affiant and shall be signed by him, and on the following day one copy thereof shall be delivered to the chairman of the County Board of Elections of Cape May county to be filed by said board, and one copy shall be retained for use by the said board of election at such special election.

Revise register.

Meeting of board of registration.

Result of election filed with county clerk.

4. Immediately after the statement of the result of such election shall be made to the council of the borough of Sea Isle City a copy thereof, certified by its clerk, shall be forthwith filed in the office of the county clerk of said county of Cape May.

Approved April 20, 1907.

CHAPTER 95.

An Act to amend an act entitled "An act to establish public parks in certain counties of this State and to regulate the same," approved March fifth, one thousand eight hundred and ninety-five.

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

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

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

1. In any county of this State containing a population of more than two hundred thousand it shall be the duty of the Justice of the Supreme Court presiding in the courts of such county, as hereinafter provided, to appoint five persons a board of commissioners to be known as "The County Park Commission" (inserting the name of the county in and for which such commissioners are appointed). The commissioners first appointed under the provisions of this act in any county shall hold office respectively for the term of one, two, three, four and five years, as indicated and fixed in the order of appointment, and all such commissioners, after the first appointment, shall be so appointed for the full term of five years. Vacancies in the said board, happening by resignation or otherwise, shall be filled by such justice, and the persons appointed to fill such vacancies shall be appointed for the unexpired term only. Such persons so appointed, when duly qualified, constituting such board of park commissioners, and their successors, are hereby created a body politic, with power to sue and be sued, to use a common seal and to make by-laws. The members of any such board shall serve without compensation; their necessary expenses shall be allowed and paid, and no person employed by the said board shall be a member thereof. Before entering upon the duties of his office, each of the members of said

Justice of Supreme Court to appoint county park commission.

Term.

Vacancies.

No compensation; expenses.

Oath.

board shall take and subscribe an oath or affirmation faithfully and impartially to perform the duties of his office, which oath or affirmation shall be filed in the office of the clerk of the county wherein the board of which

Organization.

he is a member is appointed. Every such board shall annually choose from among its members a president, vice president and treasurer, and appoint a clerk or secretary and such other officers and employes as it may deem necessary to carry out the purposes of this act. It may also determine the duties and compensation of such appointees and remove them at pleasure, and make all reasonable rules and regulations respecting the same.

Rules and regulations.

The said board shall have full power and authority and is hereby empowered to pass and enact, alter, amend and repeal rules and regulations for the protection, regulation and control of such parks and parkways and the roads, driveways, sidewalks, paths, lakes, pools, ponds, fountains, trees, flowers, shrubs, statuary, buildings, tools, implements and other things contained therein, and to prescribe fines and penalties for the violation of such rules and regulations and to fix the amount of the same. Such rules and regulations shall take effect ten days after their passage by said board, and after their publication once a week for four weeks in at least five newspapers circulating in said county.

Police system.

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

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

Powers of officers.

Office.

2. Section two (2) of the act of which this is an amendment shall be amended so as to read as follows:

Section amended.

2. That every such board shall have power to acquire, maintain and make available to the inhabitants of the county wherein it is appointed, and to the public parks and open spaces for public resort and recreation, and shall have power to locate within the limits of said county such public parks and places, and for these purposes shall have power to take in fee or otherwise, by purchase, gift, devise or eminent domain, lands and rights in lands for public parks and open spaces within said county; and said lands and rights in land when so taken and all buildings and improvements which may be placed thereon shall be exempt from all taxes, assessments and municipal liens of every kind whatever; deeds of conveyance therefor shall be made to the said board by its corporate name, and it shall be the duty of such board to preserve and care for, lay out and improve any such parks and places, and to make rules for the use and government of the same; such board shall have power also to connect any road, park or public open space with any other park or public open space, and also with any city or municipality of the said county by a suitable roadway or boulevard, and for such purpose shall have power to exercise any of the rights and powers granted

Board may locate parks, acquire lands and title.

Deed.

Improvements.

Boulevard.

by this act in the manner herein prescribed, and also to take or acquire in fee or otherwise, in the corporate name of the said board for the benefit of the said county, by purchase, gift, devise or eminent domain, any lands or rights in lands, and easements or interests in lands within the said county, although the lands so taken, or any part thereof, be already a street or way, and said lands, rights in land and easements or interests in land when so taken, and all buildings and improvements which may be placed thereon, shall be exempt from all taxes, assessments and municipal liens of every kind whatever; and to construct and maintain along, across and upon and over the same, or any other land acquired by the said board under this act, roadways, parkways or boulevards, and to grade and improve the same, to regulate the width thereon of sidewalks, roadways, service ways bridle paths, bicycle paths or roads, to plant within the same trees and shrubbery, to construct such sidewalks, roadways, service ways, bridle paths, bicycle paths or roads, to pave the same, or any part thereof, in such manner and of such material as said board may deem advisable, which said grading, construction and improvement may proceed simultaneously, or from time to time, and in and upon such parts or sections of said parkways or boulevards as may be determined and prescribed by said board from time to time; such board also shall have power and authority to determine and to prescribe in the case of any new parkway or boulevard laid out and opened by such board, the lines for the frontage of any and all buildings to be located on the lands fronting on such new parkway or boulevard; *provided, however*, that the concurrence of the common council or other body having authority over highways shall be necessary to take or appropriate any portion of an existing street or road.

Tax exemptions.

Other roadways.

Building restrictions.

Proviso.

3. This act shall take effect immediately.

Approved April 22, 1907.

CHAPTER 96.

An Act to provide for the protection of improved streets in cities of this State, to authorize cities to require water, sewer and gas connections to be made before the improvement of any street, and empowering such city to make water, sewer and gas connections and the cost thereof a lien upon lands.

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

Providing for house service pipes previous to paving streets.

1. Whenever any city of this State shall have determined to improve any street or avenue with asphalt, macadam, paving or wood block, and the proceedings respecting the proposed improvement have sufficiently advanced to permit the city to advertise for bids for said improvement, it shall be lawful for the Board of Aldermen, Common Council or other municipal body having power to pass ordinances in respect thereto in said city, by ordinance, to order and direct, in all cases where the sewer, gas or water mains are so located that in order to make private connections therewith it will thereafter be necessary to excavate and tear up the proposed improved portion of said street or avenue, the owner of any and all lands on the line of said proposed improvement to make all necessary excavations and connections with the sewer, gas or water mains in said street or avenue for all lots not already connected with said sewer, gas or water main in the street before the work upon said improvement shall be begun, and to prescribe the time, which shall not be less than thirty days after the passage of said ordinance, within which the said excavations and connections shall be made, and it shall thereupon be the duty of all owners of any lot or lots on the line of said improvement to, within the period prescribed in said ordinance, make said excavations and

connections. It shall also be lawful for said ordinance to provide the width of the lot or lots for which connections shall be made, according to the character of the locality, and when so fixed, all connections shall be made in conformity with said ordinance.

If owner fail to lay pipes, city to do so and charge property therewith.

2. In case the owner or owners of any lands for which said connections shall be ordered to be made shall not comply with the order or direction contained in said ordinance within the time therein specified, or shall make connections in a manner other than that specified therein, or in any other ordinance or rule of any department of said city respecting said works, the Board of Aldermen, Common Council or other legislative body of said city may, by resolution, direct the street commissioner, or other department or board having charge of its streets, to make or cause said excavations or connections made, at a reasonable price, without public advertisement for bids therefor, and pay the expenses and costs thereof, which expenses and costs shall be added to the assessment for said street improvement and become a lien, as a part of the cost of said improvement, upon the lands chargeable therewith.

Referendum.

3. This act shall take effect immediately, but its provisions shall not become operative in any city until assented to by a majority of the votes cast upon the question of the adoption hereof at any general election at which the terms hereof shall be submitted, nor shall the acceptance of this act be submitted unless a petition for the same, signed by at least one hundred taxpayers of such city, shall be filed with the city clerk at least thirty days before said election. The clerk of such city shall cause public notice of the time and place of such election and the purpose thereof to be given by advertisements published for at least one insertion in one or more of the official newspapers of such city at least ten days previous to such election. Said clerk shall in such case print upon the official printed ballots, or have placed upon the voting machines, if used in such city, the title of this act, with the words "for" and "against" printed upon the ballot or placed upon the voting machine in such manner that the voter may vote for or against the

Notice of election.

Ballots.

adoption hereof, and in case of a voting machine, each vote recorded "for" shall be counted in favor of, and each vote recorded "against" shall be counted against the adoption hereof. In case of voting by ballot, each ballot upon which the word "for" shall be stricken out shall be recorded against, and where the word "against" shall be stricken out, shall be recorded in favor of the adoption hereof; and if a majority of the votes recorded as having voted upon the question submitted be in favor of the adoption of this act, its provisions shall forthwith be considered binding upon said city. Result of election.

Approved April 22, 1907.

CHAPTER 97.

A Further Supplement to an act entitled "A supplement to an act entitled 'An act for the better regulation and control of the taking, planting and cultivating of oysters on lands lying under the tidal waters of the Delaware bay and Maurice river cove, in the State of New Jersey,' approved March twenty-fourth, one thousand eight hundred and ninety-nine," which said supplemental act was approved March twenty-first, one thousand nine hundred and five, and which supplement thereto was approved May twenty-fifth, one thousand nine hundred and five, and extending the provisions of said supplemental act, and extending the provisions of said original act, to certain lands under the tidal waters in Raritan bay, in the State of New Jersey, to wit: lands comprehended by the following lines: Beginning at the watch-house at Canaskonk point, on the shore of Raritan bay; thence, in a straight line to the government buoy, known as

New Jersey State Library

East Point Buoy; thence, on a true course west southwest, to the point where said course intersects a line drawn on a course due north from Cliffwood point; thence, on a true course south, to Cliffwood point; thence along the shore line to the place of beginning.

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

Act for protection of oysters extended to Raritan bay and Cheesequake creek.

1. The provisions of the act to which this act is a supplement, and also the provisions of an act entitled "An act for the better regulation and control of the taking, planting and cultivating of oysters on lands lying under the tidal waters of the Delaware bay and Maurice river cove, in the State of New Jersey," approved March twenty-fourth, one thousand eight hundred and ninety-nine, be and the same hereby are extended to certain lands lying under the tidal waters of Raritan bay and Cheesequake creek, in the State of New Jersey, to wit: lands comprehended by the following lines: Beginning at the watch-house at Canaskonk point, on the shore of Raritan bay; thence, in a straight line, to the government buoy, known as East Point Buoy; thence on a true course west southwest to the south side of the boundary beacon; thence, on a true course west northwest, to the south side of the Great Beds light; thence to Conover's point on the shore of Raritan bay; thence along the shore line to Cheesequake creek, including all of Cheesequake creek and its tributaries, Travis creek and Flat creek; thence from the government jetty at Cheesequake creek along the shore line to the place of beginning.

Repealer.

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

Approved April 22, 1907.

CHAPTER 98.

An Act to amend an act entitled "An act concerning railroads," approved April fourteenth, one thousand nine hundred and three.

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

1. Section forty be and the same is hereby amended to read as follows:

Section 40 amended.

State officials entitled to free transportation.

40. The Governor, Chancellor, Vice Chancellors, the Justices of the Supreme Court and the Judges of the Court of Errors and Appeals, Judges of the Circuit Court, Attorney-General, Secretary of State, State Treasurer, State Comptroller, Clerk in Chancery, Clerk of the Supreme Court, Adjutant-General, Quartermaster-General, the Secretary to the Governor, State Librarian, Custodian of the State Capitol, State Prison Keeper, State Superintendent of Public Schools, Commissioner of Banking and Insurance, Commissioner of Charities and Corrections, State Geologist, Commissioner of Public Roads, Commissioner of Motor Vehicles, Chief of the Bureau of Labor Statistics, Commissioner of Labor, the members and clerk of the State Board of Equalization of Taxes, the members and secretary of the State Board of Assessors, and the Board of Railroad Commissioners, its secretary and inspectors (when appointed the members of the Civil Service Commission (when appointed), the members and officers of both Houses of the Legislature of this State, and the members of Congress and United States Senators, during their various respective terms of office, shall pass and repass free of charge on all railroads now or hereafter operated in this State.

2. This act shall take effect immediately.

Approved April 23, 1907.

CHAPTER 99.

An Act relating to, regulating and providing for the government of cities of the second class which now have or may hereafter have a population of less than twenty thousand.

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

Cities affected.

1. All cities of the second class of this State which now have or may hereafter have a population of less than twenty thousand that may adopt the provisions of this act shall have the officers and be vested with the powers and charged with the duties herein set forth.

City council.

Number and terms.

2. At the first municipal election held in such cities next after the adoption of the provisions of this act, there shall be elected in such cities by the duly authorized voters therein seven persons, to be members of the city council of such city, each of whom shall have been a citizen and resident of such city for at least three years immediately preceding his election to such council, the three of whom having respectively the largest, the second largest and the third largest number of votes shall serve as such members for the term of three years; and the two of whom having respectively the fourth largest and the fifth largest number of votes shall serve as such members for the term of two years and the remaining two of whom shall serve as such members for the term of one year, and until their successors are elected and shall have duly qualified; and every year thereafter, at the regular municipal election in such city, there shall be elected two members of such city council, from such city, with like qualifications, to serve for the term of three years and until their successors shall have been elected and duly qualified, except in such years as the terms of office of three members of city council shall expire, in which year there shall be three such members of such

city council elected from such city, with like qualifications, to serve for the term of three years and until their successors shall have been elected and duly qualified. Should any vacancy occur in the membership of such city council, the remaining members of said council shall, within thirty days thereafter, elect a properly qualified person to fill such vacancy to serve until the first of January following the next succeeding municipal election in such city, at which election a member shall be elected to serve for the unexpired term. The term of office of a member of said city council shall begin at twelve o'clock noon, on the first day of January next succeeding his election, which shall be the date of the annual meeting and of the organization of the city council in any such city. Upon the organization of the city council in any such city elected under this act, the city council, or other governing body, theretofore acting as the governing body in such city, and having no other functions, shall be ipso facto abolished. There shall also be elected in each and for each of the wards of such city, at said first election held in such city after the adoption of this act, such number of constables, justices of the peace, and chosen freeholders, with such duties and for such terms as is now or may hereafter be provided by law; and also such other officers, and for such terms as is now or may hereafter be provided by law, or as are herein otherwise provided by this act, except a mayor and city treasurer, who shall be elected as provided under section three of this act.

Vacancies.

Organization.

Other officials.

3. The following officers shall be elected in such city after the acceptance of the provisions of this act and at the municipal election held in such city immediately prior to the expiration of their then respective terms of office, namely, one mayor and one city treasurer; the term of office of both such officers shall be three years and until their successors shall have been elected and duly qualified, and each of said officers shall be a citizen and resident of such city, and shall have been such citizen and resident for at least three years immediately preceding his election.

Elective officers.

Term.

4. The term of office of all officers hereafter elected by the people or appointed by the mayor or city council

When term of office to begin.

in such city shall, except as herein otherwise provided, commence on the first day of January next ensuing their election, at twelve o'clock noon; *provided, however,* that this shall not apply to the justices of the peace.

Proviso.

Vacated offices.

5. If any person who shall be elected or appointed to any office in such city shall not qualify according to law for the space of sixty days after such election, or if any person who shall be elected or appointed to fill any vacancy in any office shall not qualify according to law for the space of thirty days after such election or appointment, or if any such person shall remove from such city, or in case of a ward officer from the ward from which he was elected, his office shall become vacant.

Filling of vacancies.

6. In case of vacancy by death, resignation, disability, disqualification, removal from office, neglect or refusal to act, removal out of the city or ward from which any such officer is appointed, or from any other cause in any appointive city or ward office, such vacancy shall be filled by appointment for the unexpired term only and until the appointment and qualification of a successor. If any vacancy shall occur in any elective city or ward office, except mayor, the city council shall fill the same by appointment; and should such vacancy occur in any appointive city or ward office, the mayor shall fill the same by appointment unless the original appointment was made by the city council, in which case the city council shall fill such vacancy; such appointment shall be made in the case of elective offices only until the election and qualification of their successors, and at the next election such vacancy shall be filled by election for the remainder of the unexpired term or terms; and if at any such election in any such city there shall be one or more vacancies to be supplied in any office at the same time any person is to be elected for the full term of said office, or if two or more are to be elected at the same time to serve for different terms, the term for which each person is to be voted for for said office shall be designated on the ballot; such appointees or persons elected to fill such vacancies shall, during said term, perform like service, be entitled to the same remuneration by way of salary or other compensation, and be

subject to the same responsibilities as though elected at the annual election or appointed at the regular time for the full term; *provided*, that all resignations shall be sent to the mayor, and he shall report the same to the city council at its next regular meeting thereafter. Proviso.

7. Every person elected or appointed to any office in pursuance of this act or of any law or ordinance of the city council shall, before entering upon the duties of such office, take and subscribe, before the mayor or city clerk, or other officer authorized by law to administer oaths, an oath or affirmation faithfully and impartially to execute the duties of his office to the best of his knowledge, skill and ability, and such other oaths as may be required by the law of this State; all such oaths or affirmations shall be filed with the city clerk and by him filed in his office; the city treasurer, city collector, city comptroller, constables, overseer of the poor, and such other officers as the city council may require, shall also, before entering upon their duties, each give bond to the city in its corporate name, in such sum and with such sureties as the city council shall by ordinance prescribe, or as may be required by any act of the Legislature of this State, conditioned for the faithful performance of the duties of their respective offices; and if at any time the city council shall deem the sureties of any officers insufficient, the said city council shall require him to give additional sureties; the city council of any such city shall have the power to contract with a surety company authorized to do business in this State to become surety for any or all officers required to give bonds as aforesaid, and to provide for the payment of the premiums for such bonds. Oaths and bonds of officials.

8. Any city or ward officer, including officers of the police and fire department and other civil service employes of such city, may be removed from office by resolution of city council for incapacity, disability, misbehavior or other just cause shown upon complaint in writing, setting forth such cause, supported by one or more affidavits of the truth of the facts therein alleged; *provided, however,* that no such removal shall take place until the person sought to be removed has had five days' Renewal for cause. Proviso; hearing granted.

notice of such complaint, and an opportunity to be heard in his defence, nor unless a majority of all the members of the city council shall vote for such removal; but no member of the police or fire departments shall be removed from office except in the manner provided by the general statutes of this State.

Officers and meetings of council.

9. The city council shall choose its officers, and, in the absence of the president, elect a president pro tempore, fix its hours and place of meeting, adjourn from time to time, determine the rules of its own proceedings and may punish or expel a member from office for misconduct or a violation of its rules; but no expulsion shall take place except by vote of a majority of all the members of city council, nor until the member sought to be expelled shall have had five days' notice of the complaint against him and an opportunity to be heard in his defense. The regular meetings of city council shall be held on the first and third Tuesday of each month, unless any such day shall be a legal holiday, in which case the meeting shall be held on the preceding Monday.

Commissioners of streets and public safety.

10. At the annual meeting of city council, or within twenty days thereafter, said city council shall, by a call of the roll, elect one competent person as commissioner of public works and buildings, one as commissioner of streets, highways and parks, and one as commissioner of public safety; but no such commissioner shall be elected except by the majority vote of all the members of city council. Each commissioner so elected shall hold office for the term of one year and until his successor shall have been elected and qualified, and shall have such powers and perform such duties, not by this act vested in or imposed upon other officers of said city, as city council may, by ordinance, prescribe.

Term and duties.

City clerk.

11. There shall be in every such city a city clerk, who shall be appointed by the city council for the term of three years; he shall be the clerk of the city council, and shall keep accurate minutes of its proceedings. It shall be the duty of the city clerk, whenever any motion or resolution shall have been passed by the city council and upon the first publication of any ordinance, to immediately transmit a certified copy of such motion, reso-

lution or ordinance to each and every officer or department that may be affected thereby, and it shall be the duty of every officer receiving such certified copies to file the same in their respective offices. The city clerk shall perform such other duties and receive such salary as may be provided by law or by city council.

Records, etc., kept by clerk.

12. The city clerk shall keep all the records, books, papers and documents of the city, countersign all licenses which are signed by the mayor, and keep the records of the proceedings of city council. He shall record all the ordinances of city council in a book provided for that purpose with a proper index, which book shall be deemed a public record of such ordinances; and every ordinance shall be signed in said book by the president, or president pro tempore, of said city council, and by the said city clerk, and approved therein by the mayor; and copies of all papers duly filed in the office of the said city clerk, and transcripts thereof, and of the records and proceedings of city council, and copies of the laws or ordinances of said city, certified by him under the corporate seal, shall be evidence in all courts and places. Said city clerk shall also receive and pay over to the treasurer of such city all moneys which by any law, ordinance or usage are paid to him.

Printing and supplies.

All printing, advertising and supplies shall be ordered through the office of the said city clerk, according to such rules and regulations as city council may from time to time prescribe. City council shall have power to appoint such assistants to the city clerk as they may from time to time deem necessary.

Assistant to clerk.

Quorum of council.

13. A majority of the whole number of the members of city council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time; the president of city council shall be authorized to call special meetings thereof when the public good shall, in his opinion, render it necessary; it shall also be the duty of the president, or, in his absence, of the city clerk, to call a special meeting of city council on the written request of three of the members of city council.

Special meetings.

Passage or repeal of ordinances.

14. No ordinance shall be passed or repealed by the city council except with the concurrence of a majority

of all the members of such city council, and no ordinance shall be altered or repealed save by ordinance to that effect. Every ordinance shall be read three times before its final passage, except when there has been no amendment made thereto, when the reading of the title of any ordinance may by unanimous consent be considered as the third reading thereof. No ordinance shall be finally passed and adopted unless at least one week has intervened between the second and third reading thereof.

Mayor's consideration.

Every ordinance shall, after its final passage as above provided, be presented by the city clerk to the mayor for his consideration, and if the mayor shall approve it he

Sign or veto.

shall sign it, and if he shall disapprove it, he shall file his objections thereto with the city clerk within ten days after the same was presented to him. It shall be the duty of the city clerk to report such objections to the city council at its next stated meeting, and enter the same in full upon the journal. The city council shall

Consideration of veto.

thereupon proceed to reconsider the passage of such ordinance. Every ordinance which shall have been passed by city council and shall have been approved by the mayor, as above provided, or if not so approved by the mayor, shall have remained without objections filed, as above provided, for ten days after the same was presented to him, or if disapproved by the mayor shall have been passed by a vote of five-sevenths of all the members of the city council upon a reconsideration, as above provided, notwithstanding his objections filed, shall be published at least once in at least one newspaper published in such city, and upon the day of the first publi-

Mayor must act in ten days.

cation thereof shall take effect. It shall be the duty of the mayor to return any such ordinance to the city clerk within ten days after the same shall have been presented to him, either with or without his signature. The votes upon the third reading and final passage of any ordinance and upon the reconsideration of any ordinance after objections filed by the mayor as aforesaid, shall be taken by ayes and nays, and shall be entered in full upon the journal of city council, and it shall be lawful for the city council to insert in any ordinance a condition to the effect that such ordinance, when passed or

As to publishing private ordinances.

approved as required by law, shall not be published until an amount of money sufficient to pay the expenses of the printing and publication thereof shall have been paid to the city clerk by or on account of such person or corporation as said city council shall deem to be especially or peculiarly benefited thereby.

Annual appropriations.

15. The city council in every such city shall annually, during the month immediately preceding the beginning of the fiscal year or as soon thereafter as possible, pass the annual appropriation ordinance for the different departments of the city, and no appropriation shall be exceeded, nor work contracted for, nor materials ordered, unless the cost of such work and materials can be paid for out of the appropriation of the year, except in case of extreme emergency, and then only by a vote of five-sevenths of the members of the entire city council and with the approval of the mayor.

Comptroller's monthly statement.

16. It shall be the duty of the city comptroller to furnish monthly to the president of city council a statement of the total receipts and expenditures during the preceding month, and a statement of the amounts deposited by the city treasurer in any bank or in any city safe or vault or other place; also a statement of the total amount expended of each appropriation, which statements shall be signed by the said city comptroller. Said statement shall then be reported at the next regular meeting of city council by the president of city council, and it shall not be lawful for the city comptroller to draw or countersign any warrants for any order for work done or materials furnished in excess of the annual appropriation, unless said city council, by a five-sevenths vote thereof, shall order such city comptroller so to do.

Enacting clause.

17. The enacting clause of all ordinances shall be, "Be it ordained by the city council of ," (inserting herein the name of the city in which this act shall take effect.)

Corporate name of council.

18. The councilmen of such city, duly elected therein as provided in section two of this act, shall constitute and be called "The city council of " (inserting herein the name of the city in which this act shall take effect)

Councilmen to receive no salary or transportation.

19. It shall be unlawful for any councilman elected under the provisions of this act to take or receive any salary, fee, compensation or reward from such city, except when the acting president of city council shall act as the mayor of such city under the provisions of this act, or from any person, firm or corporation for any service or duty to be performed under this act, or to accept, take or receive for his personal use, or the use of any member of his family, any pass, free transportation or a ticket authorizing such free transportation for himself or any member of his family from any steam, electric or street railroad company, or other transportation company using or crossing the streets of any such city.

Council sole judge of its members.

20. The city council shall be the sole judge of the election returns and the qualification of its own members, and shall keep a journal of its own proceedings.

Council's powers.

21. The city council of such city shall have power to make, establish, publish, modify, amend or repeal ordinances for the following purposes:

Financial.

I. To manage, regulate and control the finances and property, real and personal, of the city; to borrow money and negotiate temporary loans in anticipation of taxes or other revenues for any current year, not exceeding twenty-five per centum of such taxes or revenues in any one year, and for payments for any public improvement, not exceeding the amount of the specific assessment for such improvement, and to secure the payment thereof by notes or temporary certificates of indebtedness.

Vice and crime.

II. To prevent vice, drunkenness and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages.

Gambling.

III. To restrain and suppress disorderly and gaming houses, houses of ill-fame, and opium joints, and take and confiscate any and all gambling machines and paraphernalia, and to prohibit all gaming and fraudulent devices.

License or prohibit exhibitions.

IV. To prohibit, restrain, regulate or license for revenue all parades on or along the streets or highways, all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other public performances, amusements and exhibitions

for money, and to fix the sums to be paid for such licenses to the city.

Lay out streets.

V. To ascertain, establish and monument the boundaries of all streets, avenues, highways, lanes, alleys and public places in such city, and prevent and remove all encroachments upon streets, avenues, highways, lanes, alleys and public places and to regulate the use thereof, and to prescribe the manner in which public streets and highways before accepted by the city as such shall be laid out.

Care of streets, bridges, sewers, etc.

VI. To regulate, clean and keep in repair the streets, highways, avenues, lanes, alleys, parks, public places, bridges, wharves, docks and piers in such city, and to prevent and remove obstructions and encumbrances in and upon all streets, highways, sidewalks, crosswalks, bridges, sewers, drains, aqueducts, water-courses, docks and other public places in any manner whatever; to prescribe and regulate the manner in which corporations or persons shall exercise any privileges granted to them by said city in the use of any street, highway, avenue, alley or public place in such city, for laying railway tracks, gas or other pipes, telegraph, telephone, electric light or other wires or poles, or in digging up any street, avenue, highway, alley or public place for the purpose of laying down pipes, conduits or for any other purposes whatever, and to prohibit and prevent any such use or work at such times and seasons of the year as city council may designate; to require all telegraph, telephone, electric light or other wires to be placed underground, after such reasonable notice and on such terms as it may prescribe; to direct and regulate the planting, rearing, trimming, preserving and protecting of ornamental or shade trees in the streets, avenues, parks and grounds of the city and to designate the location thereof, and to authorize or prohibit the removal or destruction of such trees; to name the streets and number the houses of such city, and to change such names or numbers, and to enforce the removal of snow, ice, weeds or dirt from the sidewalks of such city by the owners or occupants of the premises fronting thereon.

Tracks, pipes, wires, etc.

Trees.

Naming and numbering streets.

Sidewalks, poles, etc.

VII. To establish the width of sidewalks and driveways of the public streets and highways and to alter

or change the same; to compel abutting property owners to pave, repave and repair sidewalks and to curb or recurb the same; to determine and direct what portions of such sidewalks or driveways shall be devoted to grass plots or park purposes, and to regulate the use of sidewalks by merchants and other persons for business purposes, and also for signs, sign posts, awnings, awning posts, horse troughs, telegraph and telephone poles, trolley poles, electric light or other poles, and to license and prohibit such use or uses, and to compel the removal of any such posts, poles, wires or other obstruction or encumbrances thereon, and generally to regulate and control the same.

Dangerous or unhealthy premises.

VIII. To direct the digging down, draining, filling up or fencing of lots, pieces or parcels of ground in said city which shall be deemed dangerous, unhealthy, unwholesome or necessary to carry out any improvement authorized by this act; to prescribe the manner in which said work shall be performed and to cause the expense thereof to be assessed in just, equitable and suitable proportions on the lots, pieces or parcels of ground, whether improved or unimproved, benefited thereby to the extent of the peculiar benefits conferred.

House and stoop lines.

IX. To prevent or regulate the erection or construction of any stoop, step, platform, bay-window, oriole-window, cellarway, area, descent into a cellar or basement, sign or any post or erection, or any projection or otherwise, in, over or upon any street, avenue, highway or public place, and to specify under what conditions such erections and constructions may be made and to remove the same where unlawfully erected, at the expense of the owner or occupant of the premises.

Riding and driving.

X. To prevent and punish persons for horse-racing and immoderate riding and driving of horses, bicycles, automobiles, or other vehicles and devices made to run on the streets, or riding in any street, highway or public place, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street, highway or public place, and to regulate the speed and running of locomotive engines and railroad cars, and all other vehicles propelled by

mechanical device through said city, and designate the crossings at which any railroad company shall be required to place safety gates, to station flagmen or to place and maintain signals to warn travelers of the approach of locomotive engines or railroad cars; to designate the points or places in the streets or highways at which cars shall stop to take on or let off passengers, and to compel the equipment of motor, electric and other cars running through the city with fenders and other devices for the safety of the public. Grade crossings. Fenders.

XI. To prohibit the driving of cattle through any of the streets of the city on the first day of the week, commonly called Sunday, and to regulate the same at other times. Driving cattle.

XII. To regulate, protect and improve the parks, public burial grounds and other public grounds in said city. Parks and cemeteries.

XIII. To provide for and regulate the lighting of all streets, parks and public places of such city; to construct and equip or purchase, subject to the provisions of this act, a suitable plant or plants, works and machinery for supplying light, heat and power for public, private or commercial use, and to provide for the maintenance and operation thereof. Light streets.

XIV. To prohibit or regulate the construction and use of wells, pumps, aqueducts and cisterns in public streets and places. Pumps and cisterns.

XV. To regulate and prescribe the conditions under which horses and other animals may be left standing upon the public streets or highways. Animals standing upon streets.

XVI. To establish and regulate one or more pounds, and to prohibit, restrain and regulate the running at large of horses, cattle, swine, goats and other animals, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping, impounding and sale, and to regulate or prohibit the keeping of swine, goats, cattle and other animals in any part of such city. Pounds.

XVII. To regulate and prevent the running at large of dogs; to authorize the destruction of dogs running at large and to impose taxes on the owners of dogs. Dogs.

XVIII. To prescribe and regulate the place of vend- Peddling.

ing or exposing for sale wood, hay, straw and other articles from wagons or other vehicles.

Noises.

XIX. To regulate and prohibit noises and any practice having a tendency to frighten animals or to annoy persons passing in the streets or on the sidewalks of such city.

Drunkards and vagrants.

XX. To restrain and punish drunkards, vagrants, mendicants, street walkers and street beggars; to prevent loitering, lounging or sleeping in the streets, parks or public places.

Contracts.

XXI. To prescribe the manner in which all contracts for performing work or furnishing materials for the city shall be made and executed, subject, however, to the provisions of this act.

Issue licenses for sundry purposes.

XXII. To license and regulate cartmen, porters, hacks, street cars, omnibuses, automobiles, stages and all other carriages and vehicles used for transportation of passengers, baggage, merchandise or goods and chattels of any kind, and the owners and drivers of vehicles and means of transportation; also auctioneers, common criers, hawkers, peddlers, pawnbrokers, junk shop keepers, keepers of bath-houses, boarding-houses and newsstands, sweeps, scavengers, traveling and all other shows, circuses, theatrical performances, plays, billiard tables, pool tables, organ grinders, exhibitions, concerts, public places of amusement for gain, skating rinks, itinerant venders of merchandise, medicines and remedies, lumber and coal yards, stores for the sale of groceries, dry goods and merchandise or goods and chattels of every kind, bucket shops or places for the sale on margin or for cash, or for future delivery of stocks, bonds, produce or other commodities, and all other kinds of business conducted in such city; the place or places or premises in which or at which the different kinds of business or occupations are to be carried on or conducted, and to fix the amount of fees to be paid for such licenses and to prohibit all persons and places and all vehicles unlicensed from acting or being used in said capacities or for such uses and purposes, and that the fees for such licenses may be imposed for revenue; *provided,* that no person or persons shall be required to

Proviso.

take out a license in order to sell the product of his or her farm.

XXIII. To regulate the ringing of bells and blowing of steam whistles and the crying of goods and other commodities at auction or otherwise, and to prevent disturbing noises in the streets. Bells and whistles.

XXIV. To regulate or prohibit swimming or bathing in the waters of or bounding the city, and to regulate and to prohibit persons from appearing in any or all the public streets and places clad in bathing robes or other costumes of similar character. Bathing.

XXV. To regulate weights and measures in conformity with the standard of weights and measures established by law, and to require, under proper penalties prescribed by ordinance, every merchant, retailer, trader or dealer in merchandise, or property of any description which is sold by weight or measure, to cause his or her weights and measures to be sealed by the city sealer of weights and measures, and to be subject to inspection, the fees for such inspection to be fixed by the ordinance. Weights and measures.

To provide by ordinance for the appointment by the mayor of a sealer of weights and measures, who shall, from time to time, test the weights and measures in use in any city by the merchants or other dealers in goods, wares or merchandise, for such fees as may be fixed by ordinance; *provided, however,* that all such fees shall be turned into the city treasury; to provide that the sealer of weights and measures shall also inspect all coal furnished to any of the city departments, and to see that the kind and quantity of coal ordered by any such department is duly delivered, and to give him authority to order and compel any person delivering coal in the city to drive upon a public or private scale for the purpose of ascertaining whether the weight of the coal is correct; to prescribe, from time to time, other duties of such sealer of weights and measures, fix his term of office and provide for his compensation. Sealer of weights and measures. Proviso.

XXVI. To establish a day and night police force and prescribe the duties and fix and determine the number and the compensation of the officers and members thereof. Police.

Fire department.

XXVII. To establish or re-establish, organize or reorganize, any fire department; to regulate and define the number of the officers and members of such fire department, their duties and compensation; to provide fire engines and other apparatus, and engine-houses and other places for keeping and preserving the same, and to provide water for extinguishing fires.

Pensions.

XXVIII. To establish a police and firemen's pension fund, and by ordinance provide ways and means, rules and regulations for the conduct and administration of said fund for the pensioning of police and firemen.

Buildings.

XXIX. To regulate and control the manner of building dwelling-houses and other buildings, and to prohibit, within certain limits, to be from time to time prescribed by ordinance, the building or erection of any dwelling-house, store, stable or other building of wood or other combustible material; to prescribe, by ordinance, the kind of materials to be used in such construction; to regulate and require the construction of fire-

Furnaces.

escapes; to prevent the setting up or the construction of furnaces, stoves, boilers, ovens or other things in such manner as to be dangerous; to prohibit the deposit of ashes in unsafe places or in any of the streets or alleys of the city; to regulate the manner in which conduits, wires and other constructions for conducting or conveying electricity shall be constructed and protected; to license for revenue, regulate or prohibit the manufac-

Explosives.

ture, sale, keeping, storage or use of fireworks and the use of firearms in such city; to license for revenue, regulate or prohibit in such city the manufacture, sale, storage, keeping or conveying of gunpowder, kerosene, benzine, gasoline, burning fluid, nitro-glycerine, dynamite, camphene, coal oil, spirit gas, petroleum and other dangerous or explosive materials, and the use of candles and lights in barns, stables and other buildings; to raze or demolish any building or erection which, by reason of fire, contagion or any other cause may become dangerous to human life or health, or tend to extend a conflagration; to prevent the occupation or of continuance of work upon any building in such city which has been condemned by the building inspector of such city, and

to remove, tear down or wholly or partially destroy such building at the expense of the owner thereof; to require all such further or other acts to be done and to regulate and to prohibit the doing of all such further acts as they may deem proper to prevent the occurrence of fires and provide for the extinguishment of fires in such cities. Condemned buildings.

XXX. To regulate or prohibit the deposit of hay, straw, paper, boxes or other rubbish upon any yard, lot or parcel of land, or in or under any building or within or upon any street, highway or public park in such city. Rubbish.

XXXI. To provide for the levying and collecting of taxes, municipal liens, fines, penalties and all assessments for public improvements. Taxes, fines, etc.

XXXII. To prescribe and define, except as by law or as herein otherwise may be provided, the duties and terms of office of all city, ward and department officers, and to fix and determine their salaries or compensation; whenever city council shall deem it necessary to provide a clerk or clerks, or other assistants, in any of the departments of said city, they shall have power, subject to the provisions of this act and the laws of this State, to pass, alter, amend and repeal all ordinances necessary to fix or determine the number and character of such clerks or assistants and other employes as may be necessary to carry into effect the powers and duties hereby created or otherwise conferred or imposed, and to fix and determine their compensation, duties and terms of office or employment; but no officer under such government, or employed in any department in such city, either elected or appointed, shall have his salary, fees or emoluments of office increased or diminished during the term for which he was elected or appointed; *provided,* that this section shall not apply to the wages, salaries or compensation to be paid to mechanics working at their regular trades, or day laborers in the various departments, or to firemen, policemen or other (civil service) employes of such city who have no fixed terms of office. Terms, duties of various city officers. Compensation. Proviso.

XXXIII. To abolish any office not created or authorized by this act, and end the term and authority of any Abolish offices.

Proviso.

officer serving therein; *provided,* that this section shall not authorize the abolishment of any court in such city established by any law of this State.

Compensation of officers.

XXXIV. To fix and determine a reasonable fee or compensation to be paid any officer of such city or other person employed by such city for any service required of him by this act, or by any other act not inconsistent with this act or by any ordinance or resolution passed by city council for which no specific fee or compensation is provided, to be paid by the person or persons for whom such service shall be performed, and which said fee or compensation shall, in the case of all salaried city officers, be paid into the treasury of such city.

Water supply.

XXXV. To provide a supply of water for the city and its inhabitants, and to equip, construct or purchase a suitable water works, plant or plants, or an additional water works, plant or plants, in case such city already has a water plant, and to equip, construct or purchase water works and machinery for supplying water to such city and the inhabitants thereof, as well as to the outlying or adjoining districts for public, private or commercial use, and to provide for the maintenance and operation of such water works, plants or plants; to regulate the rate or price of supplying citizens and others with water, and to provide and regulate the collection of water rents due the city; to provide for the laying and relaying of water pipes in said city, and to fix and collect a charge of assessment for the same as provided by law; to purchase and hold in fee-simple, or lease for a term of years, in connection with such water plant or plants, any land, real estate, spring, brook, water plant or plants, any water basin or shed or water rights.

Street railways.

XXXVI. To regulate the use of the streets of such city by any street railway company or companies operating a street railway, and to prescribe the location, character and form of the construction which may hereafter be placed therein; to establish the grade and crown of such streets and to require that the tracks of such railway companies shall conform thereto.

Sell unused land.

XXXVII. To provide for and authorize the sales of any lands belonging to such city that, in the opinion of

the city council, are not needed for the use of such city (subject, however, to the provisions of section ninety-three of this act).

Moving buildings.

XXXVIII. To regulate, prescribe, control or prohibit the removal or passage of buildings and other structures through, along or across the streets and public places, and to fix and charge, for the purpose of revenue, a fee for the permission of such removal or passage of buildings.

Sewer system.

XXXIX. To cause common sewers or culverts or drains to be constructed and to regulate the use of the same, and to provide for the purchase, construction, operation and maintenance of a sewerage system or systems for the disposal of wastes and storm water, separately or combined.

Wards.

XL. To increase the number of wards in such city and to change, readjust and define the boundary lines of each ward, and to divide each of the wards in such city into voting precincts as provided by law, and to define, establish and readjust the boundary lines of such precincts.

Conduits.

XLI. To provide a series of conduits under the streets, lanes, alleys and other public places of such city, or any part or parts thereof, for the use of telephone, telegraph, electric light and other wires, either by constructing said conduits itself or authorizing their construction by such person or corporation, and upon such terms as may be agreed upon and such city council shall deem expedient; to appoint a city electrician or other officer, or an electrical board or commission, with such powers and duties as it may deem proper or appropriate for carrying out the provisions of this section relating to such conduits; to require all such wires or any part thereof, and the posts or poles carrying the same, to be removed from the surface of the streets, lanes, alleys or public places of said city, or any part thereof, and to require such wires to be placed and maintained in such conduits, all under such penalty or penalties and according to such regulations as it may prescribe; to prescribe and establish reasonable rentals to be paid by any corporation, firm or persons using said conduits, or any

Electrician.

Use of conduits.

part or portion thereof, by whomsoever the same may be constructed, for the use thereof; to provide for the collection of such rentals, in addition to the ordinary process, by such summary methods as it may deem appropriate.

Pure water. XLII. To prevent the city water from being obstructed or contaminated, and to prohibit the meddling, waste or destruction of or tampering with the water works, or any other works, property or plant, with their appurtenances, owned and operated by said city, and to provide for fines and penalties for the violation of all ordinances relating thereto.

Cemeteries. XLIII. To purchase lands for and maintain, control and manage a cemetery, cemeteries or other public burial place or places, and to provide for the appointment of trustees or other officers to manage and control the same.

Chimneys. XLIV. To license and regulate the sweeping of chimneys and to fix the rates to be charged therefor, and to regulate the sweeping by the neglect of which the property of the city or any inhabitant of such city may be endangered, and to ascertain, fix, determine and regulate the width and height of chimneys to be built, erected and constructed in such city.

Docks and wharves. XLV. To make such regulations as it may deem proper respecting the public docks and wharves of such city and the keeping of the same in repair, and the management and control of the same, and to prevent vessels from casting filth or ballast into the same, and to prevent filth, earth or stones, refuse or soil from being thrown from such wharves or docks into the river, basin, creek or harbor alongside of the same; to provide for

Dock master. the appointment of such officers or agents as may be necessary to manage and control such public wharves or docks; to fix the time during which vessels, boats or scows docking thereat or discharging thereon goods, wares or merchandise shall remain at such wharves or

Wharfage. docks; to regulate, establish and collect such wharfage rates or rents for the use of said docks or wharves as it may think reasonable from all boats, scows or other vessels resorting to, lying at, depositing or transporting

goods or articles to or from any such public wharf or dock.

Fenders.

XLVI. To require any street railway company to provide proper fenders for their cars for the protection of the lives and limbs of pedestrians and others in such city, and to lessen the danger to such lives and limbs arising from collisions with such cars, and to enforce said requirements by such fines and penalties as may be prescribed by ordinance, and, generally, to regulate the use of all streets and highways by street railway companies.

Janitors.

XLVII. To provide by ordinance for the appointment of janitors and other caretakers for the city hall, public bath and other public buildings or property of the city, whose term, compensation and duties shall be fixed and determined in such ordinances, and who shall be under the supervision of the commissioner of public works and buildings.

Rules, by-laws, ordinances.

XLVIII. To make and establish such other ordinances, regulations, rules and by-laws not contrary to the laws of the State or of the United States, as they may deem necessary and proper for good government, order, protection of persons and property, and for the preservation of the public health, safety and prosperity of said city and its inhabitants, and as they may deem necessary to carry into effect the powers and duties conferred and imposed by them by this act, or by any law of this State, and the same to alter, modify, amend and repeal.

Sale of liquors.

XLIX. To prohibit the sale of intoxicating liquors within said city except under the authority of licenses granted by the Court of Common Pleas of the county in which said city is situate.

Penalties for violations of ordinances prescribed.

22. In all cases where by the provisions of this act the city council shall have authority to pass ordinances on any subject, they may prescribe a penalty or penalties for the violation thereof, either by imprisonment in the city or county jail not exceeding ninety days, or by a fine not exceeding two hundred dollars, and imprisonment in the work-house, city or county jail not exceeding ninety days in default of the payment of such fine; and it shall be lawful for the city council to author-

ize and empower the officer before whom any person or persons offending may be tried, on conviction, to impose any fine, in the discretion of such officer, not exceeding the maximum fixed in such ordinance, or to imprisonment for any term not exceeding the term fixed therein. The book or books of record of the ordinances and by-laws of the said city council shall be taken and received as evidence of the due passage by said city council of ordinances recorded therein; and any printed volume of ordinances published by authority of the city council, and also a copy of any such ordinance or ordinances, duly certified by the city clerk of such city, shall in like manner be taken and received as evidence in all courts of this State of the ordinances of the said city council; and the publication of said ordinances in a public newspaper or newspapers according to law shall in all cases be presumed to have been made until the contrary be proved.

Records as evidence in all courts.

Borrow money by resolution.

23. The city council shall have power, notwithstanding the provisions of subdivision one of section twenty-one of this act, to borrow money and negotiate temporary loans in anticipation of taxes or otherwise to an amount not exceeding the sum of ten thousand dollars at any one time outstanding, by resolution, and not by ordinance.

Neglect after conviction a separate offense.

24. When, in any case, a penalty is imposed upon any person or persons for failure, neglect or refusal to perform any requirement of any ordinance of such city, continued failure, neglect or refusal, after conviction, shall, in every case, be deemed and taken as a new offense.

City buildings.

25. The city council shall have power to build, acquire and maintain a city hall, one or more hospitals, and such other public buildings as they may deem necessary, and such as may be required for the accommodation of the city officers and the day and night police and fire department of such city.

The mayor.

26. The mayor shall be the chief executive officer of such city, and shall possess the powers and privileges, and shall perform the duties which are specified in this act, or which may be prescribed by the laws of the State

or the ordinances of such city, and shall receive such annual compensation for his services as the city council shall by ordinance fix and determine, and he shall receive no fees or other compensation whatever. He may appoint such person or persons to aid him in the discharge of his duties as may be prescribed by ordinance.

Mayor to examine departments.

27. The mayor elected in any such city adopting the provisions of this act shall have power and authority to examine into the condition of any of the departments authorized by the provisions of this act or provided for by any ordinance or resolution of city council, and for the purpose of such examination he may employ such assistant or assistants as may be necessary to conduct the aforesaid examination, and in order that he may fulfill his duties and make complete audit of the accounts he shall have power, whenever he shall see fit, to examine all books, papers and vouchers pertaining to any and all departments of the city's business and shall have free and unrestricted access to them for the purposes aforesaid.

Commissioner of safety; appointments.

28. The commissioner of public safety shall be the head of the police and fire departments, and shall have exclusive power to appoint all policemen and firemen and all subordinates in such departments, including a superintendent or a chief of police and a chief of the fire department and such captains and sergeants of the police or other police officials and such fire department officials as may be authorized by ordinance subject to the provisions of the New Jersey statutes; he shall see that all such are prompt and faithful in the discharge of their duties, and shall, from time to time, make rules for the government of the police and fire departments, and take such measures as he shall deem necessary for the preservation of the peace and good order and the enforcement of the laws and ordinances of the city.

Make rules.

Annual message of mayor.

29. The mayor shall have the power and it shall be his duty to recommend to the city council at least once each year all such measures connected with the security, health, cleanliness and ornament of the city and the protection and improvement of its government and

Mayor to keep seal and supervise subordinates.

finances as he shall deem expedient; to keep the corporate seal of the city, to cause the laws of the State and the city ordinances to be fully executed and enforced in such city, and to exercise a general supervision over the official acts of all the subordinate officers of the city, and to report any dereliction of duty of any official or to recommend his dismissal to the city council, and generally to perform all such duties as may be required of him by law or the ordinances of such city; he may, under the direction of the city council, offer rewards (to be paid out of an emergency appropriation) for the detection and apprehension of the perpetrator of any offense against any city ordinance or any high crime or misdemeanor committed within the city, to be paid out of the city treasury on the conviction of the criminal; he may also, from time to time, call on any officer in such city, except the city comptroller, for a written detailed report on the work of such officer's department.

Rewards.

Require reports.

Mayor to have powers of recorder.

30. The mayor is hereby vested with all the powers and duties with which the recorder of such city is now or may hereafter be invested, or in cities adopting the provisions of this act in which there is no recorder with all the powers of a recorder in other cities of a like class, and shall also have the power of a commissioner of deeds under the laws of this State, and he is hereby invested with all the powers and duties of a justice of the peace, and for the purpose of quelling any insurrection, riot, disturbance or disorderly assemblage, he shall have the control of the constables, watchmen and other police force of such city and the power to call upon the citizens for aid in all such cases, and when he shall deem it proper to call upon the sheriff of the county; and when he shall deem it necessary to preserve the public peace and good order, he may appoint, for the occasion, such special policemen as he may deem necessary; every regular police officer of such city shall have all the powers and privileges that constables of the wards of said city now have or may be hereafter conferred by statute.

Riots.

Appointments confirmed.

31. All appointments to office made by the mayor under this act shall be made subject to confirmation by city council.

Acting mayor.

32. Whenever there shall be a vacancy in the office of mayor or whenever the mayor shall be prevented by absence from the city, sickness or any other cause from attending to the duties of his office, the acting president of city council shall act as mayor and shall possess all the rights and powers of the mayor during such vacancy and until such disability is removed; *provided, however,* that in case of the death, resignation or removal from office of such mayor, the president of city council shall fill such vacancy only until the first day of January next after the municipal election following such vacancy, at which election said vacancy shall be filled for the unexpired term of such office; *and provided further,* that in case of the death, resignation or removal from office of the mayor within such a short time previous to any such election as to prevent a lawful nomination or nominations to fill such vacancy at such election, the president of city council shall continue to fill such vacancy until the first day of January following the next succeeding municipal election.

Proviso.

Proviso.

Powers of overseer of poor and constables.

33. The overseer of the poor and constables appointed or elected as herein provided shall respectively possess the powers and perform the duties of the like officers of any township of this State so far as such powers and duties shall be consistent with the provisions of this act.

Building inspector.

34. There may be in every such city a building inspector, who shall be a practical builder, and who shall be appointed by the Commissioner of Public Works and Buildings for a term of one year; his special duty shall be to enforce the laws and ordinances in effect in such city relative to the erection or construction, removal or demolition of buildings or other structures and fire escapes; and to this end said building inspector and his assistants, to be appointed by the Commissioner of Public Works and Buildings and confirmed by city council, shall have authority to enter upon and inspect any place, building or structure for the purpose of ascertaining

Assistants.

whether such building or structure is safe and is erected or is being erected in conformity to such laws and ordinances; and if said building inspector shall find that such building or structure, or any part thereof, is unsafe, or that it has been or is being erected in violation of such laws and ordinances, he shall report the facts to the said Commissioner of Public Works and Buildings, who shall condemn the same, or such part thereof, and shall notify the owner, occupant, contractor or workmen engaged thereon of such condemnation, and thereupon such defective building or structure shall be immediately made safe or put in conformity with such laws and ordinances, and after the service of such notice such unsafe building or structure shall be immediately vacated; and all work on such building or structure shall cease, if the said commissioner shall so direct, until the defects have been remedied and corrected; *provided,* that if in the opinon of such commissioner such building or structure, or any part thereof, is in such a condition that it cannot be made safe or in conformity with said laws or ordinances, and he shall so declare in such notice of condemnation, then, in such case, such building or structure, or defective part thereof, shall be immediately torn down or removed.

Right to condemn.

Proviso.

Condemned property made safe or razed.

35. The city council may by ordinance provide that any building or structure, or any part thereof, which shall be condemned by the Commissioner of Public Works and Buildings, shall be made safe, and made to conform with the laws and ordinances relating thereto in effect in such city, and if the said commissioner shall declare that such building or structure, or any part thereof, cannot be made safe or in conformity with such laws and ordinances, may provide that the same, or such defective part thereof, be torn down and removed, and may further provide that the cost and expense of making the same safe and in conformity with such laws and ordinances, or of tearing down or removal, be made a lien upon and a charge against the lands upon which such building or structure is or shall be erected, and may provide for the enforcement of the collection of such cost and expense in the manner

Expenses a lien.

herein provided for the collection of assessments for benefits.

City attorney.

36. There shall be in every such city a corporation counsel, who shall be head of the law department of such city, and who shall be an attorney-at-law of the New Jersey bar, in good standing, and who shall be appointed by the mayor for a term of three years, subject to confirmation by city council; he shall, by direction of city council, annually proceed to advertise and sell, according to law, all lands, tenements and real estate in such city to enforce the payment of any taxes, municipal liens or assessments which may be a lien thereon by virtue of this act or of the laws of this State; and he shall act as counsel to the mayor and city council and the several city departments under the mayor or council of such city; shall prosecute, appear for and defend all suits brought by or on behalf of or against such city, and shall perform such other duties as may be required by law or by the ordinances of such city; he shall receive such salary as may be provided by ordinance; his assistant or assistants shall be appointed by the mayor upon his recommendation, subject to confirmation by city council.

Term.

Duties; sales of property for taxes, etc.

Prosecute suits.

Comptroller.

37. There shall be in every such city a city comptroller, who shall be appointed by the mayor of such city for the term of three years.

Duties of comptroller.

38. It shall be the duty of the city comptroller to sign all warrants on the city treasurer, to superintend all fiscal concerns of the city in such manner and to report thereon at such times as the city council shall by ordinance direct; to keep separate accounts of appropriations made by the city council to each and every department of the city government, and to require each warrant on the treasurer to state particularly against which appropriation the said warrant is drawn; the said officer, on receiving a bill or claim against the city, shall examine the same, and if it be for any purpose for which there is no appropriation, or the appropriation for which is exhausted, or to which for any cause he cannot give his approval, he shall report the fact to

the city council and the warrant in such case shall not be signed except by special authority from or direction of the city council; he shall, upon the death, resignation, removal or expiration of the term of office of any officer or person, who by law, may be authorized to receive or disburse the moneys of such city for which said comptroller is acting as aforesaid, audit and examine the accounts of such officer or person and report the condition of his business to the city council; he

Audit bills.

shall, before signing any warrant on the treasurer in payment of any claim against such city, first audit the bill containing or making up such claim with a view to ascertain whether the items and calculations are correct, and after so auditing shall deliver said bill to the officer or department having control of the appropriation against which said claim is made and against which the warrant is to be drawn; if the said officer or department after examining said bill or claim shall find the same correct and that the supplies charged to said city, or the services alleged to have been rendered have been furnished and rendered as stated, and that the sum or sums demanded therefor are proper, the said officer or department shall approve the said bill or claim and return the same to the comptroller for payment in the manner herein provided; the said comptroller shall, as often as he may deem necessary, or as the city council may require, suggest plans to the said city council for the improvement, advantage and better management of

Control of fiscal matters.

the finances of such city; he shall have control, under the direction and supervision of the city council, of the fiscal concerns of all departments and officers of the city, and may require at any time and from any and all of its departments and officers a full exhibit of their business and a statement and account in writing of any or all moneys and property of said city within the control or in the hands of said department and officers, and the said comptroller shall immediately in case of any default, delinquency or official misconduct report

Free to examine all records.

the same to the city council; and in order that he may fulfill his duties and make complete audits of the accounts he shall have power, whenever he shall see fit,

to examine all books, papers and vouchers pertaining to any and all departments of the city business, and shall have free and unrestricted access to them for the purposes aforesaid; and said officer shall also be authorized whenever, in his judgment, the interests of the city shall require, to examine under oath any person presenting a bill or claim against such city for the payment of moneys, and also to examine witnesses and to investigate by other evidence and inquiry all facts relating to such claim which, in his opinion, are necessary to establish the accuracy and good faith of such claim and to ascertain the city's liability therefor; and it shall be deemed a misdemeanor for such officer to sign any warrant or order or otherwise procure the payment of any money from the city treasury not authorized by law.

Itemized claims against city.

It shall be unlawful to pay out any of the funds of said city for fuel or supplies to any of the city departments, or for enlarging, repairing, furnishing or improving any city property, or to pay any other claim against or debt due by said city, unless the person claiming the money so due shall first present to and file with the city clerk of said city an itemized bill or claim showing the name of the person to whom the sum is due and the name of the department receiving the supplies or ordering the work done for which the claim is made or under whose jurisdiction such debt or claim shall arise; every person presenting any such bill or claim shall make an affidavit that the supplies, goods or services, itemized in said bill or claim have been duly and properly delivered or rendered to such city, and that no bonus, fee or reward has been given or received by any person with the knowledge of deponent in connection with the said bill or claim, and that the said bill or claim is in all respects correct and true; the city clerk, city comptroller, city treasurer or any of their assistants are hereby authorized to take such affidavit without cost.

Affidavit.

City engineer.

39. There may be in every such city a city engineer, who shall be elected by city council and who shall hold office for the term of three years, and whose compensation shall be fixed by ordinance.

Duties of engineer.

40. It shall be the duty of the city engineer to prepare, keep, renew and have the custody of a city atlas, wherein shall be shown the streets and highways, and the lots, plots and tracts of land situate within such city, and shall distinguish said lots, plots or tracts by numbers; he shall keep in his office a record of each and every deed or conveyance of lands, tenements and hereditaments, situate within such city, lodged for record after his appointment in the county clerk's or register's office of the county in which such city is located, and shall cause said record to be properly indexed; he shall perform such other duties as may from time to time be prescribed by city council; the duties, term of office and compensation of his assistants shall be fixed and determined by city council.

Overseer of poor.

41. There may be elected by the city council in every such city one overseer of the poor, who shall be the head of the department of charities, and a superintendent of the water department, and the term of office of said officers shall each be one year, and they shall perform such duties and receive such compensation as city council may from time to time prescribe by ordinance.

Department assistants.

City council may, upon the recommendation of the commissioner of any department of any such city, provide for assistants in the several departments. All such assistants shall be appointed by city council, and shall receive such compensation and serve for such terms as city council may prescribe.

Officials to engage in no other business.

42. City council may, by ordinance, prescribe that any person holding an office yielding pecuniary compensation to be paid from the treasury of such city, shall not engage in any other business or hold other office during such term of office.

Treasurer's office.

43. The office of the city treasurer shall be in the city hall of such city, or such other place as city council shall designate, and the city treasurer or his deputy or deputies, clerks or assistants, shall always be present therein during such hours of the day as council may direct.

Duties of treasurer.

The city treasurer shall be the head of the city treasury, and shall receive all moneys belonging to the city, and shall disburse the same as directed by law, and

shall keep an account of all the receipts and expenditures in such manner as the city council shall direct, and shall perform such other duties appertaining to his office as may be required of him by law or by any ordinance or resolution of city council. He shall, at the close of the fiscal year, make out a true and full account of the receipts and expenditures during the year and also the state of the treasury, and within twenty days thereafter deliver said account to the city clerk, who shall lay the same before the city council at its next meeting, and said report may be published in pamphlet form for free distribution at least two weeks before the next election.

Annual report.

44. There shall be in every such city a city collector who shall be elected by city council for the term of three years and until his successor shall have been elected and duly qualified; his compensation shall be fixed by ordinance. It shall be his duty to receive all taxes which may be paid, and preserve in his office all duplicate assessment books which shall from time to time be delivered to him by the board of city assessors or his predecessors in office. He shall collect all assessments, current and delinquent taxes, and water rents due to the city, and such proceedings shall be had by him as are now or may be hereafter prescribed by law, or the provisions of this act, for the collection of such taxes and assessments, and on the first day of January following the election of his successor in office, or as soon thereafter as such successor shall have duly qualified, the rights and duties of the person or persons intrusted with the collection of the taxes, assessments and water rents in such city shall cease and determine, and any and all persons having custody of any of the books, records, certificates or other documents of such city pertaining to such taxes, assessments and water rents, or the collection thereof, shall on said date deliver all such books, records, certificates and documents to the city collector then duly qualified. It shall also be his duty, on demand, to make searches for all taxes, assessments, certificates of sale, and tax deeds or conveyances for delinquent taxes, or assessments affecting any property

Collector of taxes.

Duties, etc.

Searches.

in such city, and to deliver forthwith to the applicant therefor a written certificate, signed by him, certifying that there are no unpaid taxes, assessments, certificates of sale or deeds of conveyance for delinquent taxes or assessments, or water rents in arrears, for the year or years applied for, affecting such land, except such as are shown upon such certificates. He shall charge, for the benefit of the city, the following fees for such certificates of search and no more: For each property as assessed and as shown upon the books in his possesion when the application is for the taxes and assessments of one year, twenty-five cents; when the application is for all taxes and assessments against said property or for the taxes and assessments of two or more years, one dollar.

Charges for searches.

Deputy collectors.

45. The city collector shall have power to appoint one or more deputies, subject to confirmation by city council; they shall hold office for one year and shall have power to do all and every act or acts which it may be lawful for the said collector to do in connection with the collection of taxes, assessments or water rents; and the said deputy or deputies shall give such security for the faithful performance of the duties of their respective offices as the city council shall direct.

Fiscal year.

46. The city council shall have the power by ordinance to fix and to change, from time to time, the date of the beginning and ending of the fiscal year, and for the purpose of effecting such change the fiscal year may cover a longer or shorter period of time than one calendar year.

No gratuities.

47. No salaried officer or employe in any such city elected or appointed under this act shall receive any fee or other emolument for any service performed by him as such officer or employe, except the salary provided by law or this act; and it shall be unlawful for any officer or employe, except firemen and policemen, to accept, take or receive for his personal use, or for the use of any member of his family, any pass, free transportation or a ticket authorizing such free transportation for himself or any member of his family, from any steam, electric or street railway company or other transportation company using or crossing any of the streets of such city.

Salaries fixed.

48. The city council, at the meeting preceding the expiration of the term of office of any city, ward or department officer or officers, either elected or appointed, shall fix the salary of such office or offices for the ensuing term or terms by ordinance; and in case of the neglect or refusal of the said city council to fix the salary of any such office or offices as aforesaid, then the salary or compensation theretofore paid for similar services shall be considered the salary or compensation of such office or offices for such ensuing term or terms of office; *provided,* that the salary or compensation of all officers of any such city as now existing shall be and remain as the salary or compensation to be paid to such officers after the adoption of this act until the termination of their respective terms of office and until the same shall be changed by the city council under the provisions of this act.

Proviso.

Corporate title.

49. The corporate title of such city shall be "The City of (here inserting the name of the city in which this act shall take effect);" and by such corporate title it shall be vested with all the municipal property of such city; and by such corporate name or title shall sue or be sued, purchase, lease, receive, hold and sell property, real and personal, take and condemn lands and other property for municipal purposes in the manner provided by the laws of this State.

Records, etc., delivered to successor.

50. It shall be the duty of every officer in such city, upon the expiration of his term of office or his removal therefrom, to immediately deliver to his successor in office, or such other person as the city council may designate, all books, records, papers, receipts, vouchers and property of every kind in his possession or under his control belonging to said city, and for a willful refusal to do so he shall be guilty of a misdemeanor.

Purposes of tax levy.

51. The city council shall have power, by ordinance, to raise, by tax, in each year, such sum or sums of money as may be fixed and determined, as herein set forth, by the board of estimates, for the following purposes:

Lighting.

I. For lighting the streets, public buildings, parks and other places of the city, either by contract with

some person, firm or corporation, or by the maintenance and operation of light, heat and power plants owned or to be owned by such city;

Poor and hospital. II. For the maintenance and support of the poor, and for the support or partial support of any public hospital;

Streets. III. For regulating, cleaning, sprinkling and keeping in repair the streets, sidewalks and highways;

Public grounds, docks, etc. IV. For acquiring public grounds, parks, public docks, piers or other property for such city, and for maintaining, regulating and protecting the same;

Improve streets. V. For paving, repaving, graveling, macadamizing or telfordizing or otherwise improving the streets of the city and the laying of cross walks therein;

Schools. VI. For the support of public schools and for erecting and maintaining public school-houses; *provided, however,* that the sum to be raised for school purposes shall be first fixed and determined by the board of school estimates as provided by law, and not by the board of estimates appointed under this act;

Proviso.

Police. VII. For the support of the police department;

Firemen. VIII. For the maintenance of a paid fire department, or for the support of volunteer fire companies;

Water. IX. For supplying the city and the inhabitants thereof with water, and the maintenance and operation of a water works plant or plants;

Sinking fund X. For the payment of interest upon the city debt and upon temporary loans and such part of the principal thereof as may be due and payable, and to provide a sinking fund therefor;

Sewer system. XI. For purchasing all necessary real estate, and providing for the construction, maintenance and operation of a system or systems of sewerage and drainage;

Anticipate collection of assessments. XII. For the payment of the cost of any public improvement in anticipation of the collection of assessments upon the property benefited, and so much of the cost of any public improvement as shall not be covered by the assessments upon the lands benefited by such improvement;

Music. XIII. For the purpose of providing music for the public parks and other places to which the public may resort for recreation;

XIV. For the protection and maintenance of the health of the city, and for the collection and disposition of offal, garbage, wastes and all refuse matter; Health.

XV. For the establishment and maintenance of a public library; Library.

XVI. For the general, incidental and contingent expenses of the city, and for all other objects and purposes whatsoever authorized by law or by this act. Incidental expenses.

52. There shall be in every such city a board of city assessors consisting of three persons, not more than two of whom may be members of the same political party, to be appointed by the mayor on the first day of January next following the date of the adoption of this act by any such city; the first appointment of city assessors hereunder shall be one for one year, one for two years and one for three years, and thereafter one each year in place of the one whose term expires, so that the terms of office shall be three years, these appointments to be subject to confirmation by city council. Board of assessors. Terms.

53. The board of city assessors first appointed hereunder shall meet as soon as practicable thereafter and shall elect one of their number to act as president for the ensuing year, and thereafter they shall so elect a president each year; the acts of two members shall be the acts of the board; they shall make such rules and regulations for the transaction of their business as are not inconsistent with this act or any ordinance of such city, or with any law of this State; the salary of such assessors shall be fixed by ordinance by city council; city council may provide a secretary for such board, define his duties and fix his compensation. Organization. Rules and regulations.

54. The board of assessors shall have charge of the assessment department, and shall make a full and fair valuation, enumeration and assessment of all the real and personal property in said city according to law, and for the purpose of such assessment they shall use the city atlas as prepared by the city engineer, and designate the property so assessed by lot and block numbers as shown upon said atlas, but in the absence of such atlas they shall make their assessments as heretofore. Duties of assessors.

55. In case in any such city a board of health has been established or shall hereafter be established, mem- Board of health.

bers of such board shall be appointed by the mayor, from time to time, subject to confirmation by city council; *provided, however,* that all members of any board of health in any such city now acting as such shall continue to act as such members of such board of health until the expiration of their present terms of office.

Proviso.

Board of estimate.

56. In every such city there shall be a board of estimates consisting of the city comptroller and two members of city council, who shall be elected by city council at their annual meeting to serve for one year.

Estimates for ensuing year.

57. In each year, on or before the fifteenth day of the month immediately preceding the beginning of the next fiscal year, the commissioners of the several departments of such city shall prepare and deliver to each member of said board of estimates an itemized statement, in writing, of the amount of money estimated to be necessary for the current expenses of the respective departments of such city, and for repairing, furnishing, maintaining and operating the city hall, city water works and all other works and buildings and property of such city, and of the other moneys to be raised under section fifty-one of this act; the city treasurer shall also furnish to each member of said board of estimates a written statement of the amount of unappropriated cash on hand belonging to the said city on the fifteenth day of such month in each year; and the city comptroller shall furnish on or before the same day in each year to said board of estimates an itemized statement of the probable receipts from the coming fiscal year of such city outside of the receipts for moneys to be raised by taxation.

Unappropriated funds.

Board of estimate to determine annually amount necessary.

58. In each year, between the fifteenth and twentieth day of the month mentioned in the preceding section, said board of estimates shall fix and determine the amount of money necessary to be appropriated for the current expenses of the several departments of such city, and for repairing, furnishing, maintaining and operating the city hall, city water works and all other works and buildings and property of such city, and for all purposes mentioned in section fifty-one of this act, except the public school appropriation provided for in

paragraph six of said section fifty-one. The said board of estimates shall, in such month in each year, on or before the stated meeting of city council for the said month, make two certificates of said amount, signed by at least two members of the said board, one of which certificates shall be delivered to the city clerk, who shall present the same to the city council of such city, and the other to the board of assessors of said city; said city council may, upon receipt of said notice, appropriate by ordinance the amount so certified as aforesaid, and said amount may be assessed, levied and collected according to the laws of this State.

Statements presented to council and assessors.

59. Whenever the city council shall decide that it is necessary to raise money for the purchase of lands for municipal purposes, or for erecting, equipping, enlarging, repairing or furnishing its water works, light, heat or power plants, firehouses, or for other public works or improvements, it shall prepare and deliver to each member of the board of estimates of such city a statement of the amount of money estimated to be necessary for such purpose or purposes. Said board of estimates shall thereupon fix and determine the amount necessary for such purpose or purposes, and shall make two certificates of such amount, one of which certificates shall be delivered to the city council and the other to the city treasurer of such city. Said city council of such city may appropriate such sum or sums for such purpose or purposes, or any portion of such sum or sums as it may deem expedient, in the same manner as other appropriations are made by it, and the said sum or sums shall thereupon be raised, assessed, levied and collected at the same time and in the same manner as moneys appropriated for other purposes in such city are raised, assessed, levied and collected; or said city council of such city may appropriate and borrow such sum or sums for the purpose or purposes aforesaid, and may secure the repayment of the sum or sums so borrowed, together with interest thereon at a rate to be named therein, by the issue of bonds in the corporate name of such city. Bonds so issued shall be designated "improvement bonds of (here insert the

Fixing money necessary for municipal purposes.

Action of board of estimate.

Appropriations.

Bond issue.

name of the city adopting this act);" shall be of such denomination as said council of such city by ordinance may determine, and shall be made payable in not more than thirty years from the date thereof. Such bonds may be registered coupon bonds or may be registered and coupon bonds combined, at the option of such city council of such city. The proceeds of the sale of such bonds shall be deposited with the treasurer of such city, and shall be paid out only on the warrants or orders of the city comptroller; *provided*, that the total amount of bonds for the purposes named in this section, including bonds theretofore issued for such purposes and not redeemed, shall not exceed at any one time a sum equal to fifteen per centum of the taxable valuation of the real and personal property in such city.

Time.

Proceeds.

Proviso.

Public improvements.

60. It shall be lawful for the city council of such city, whenever in their opinion the public good requires it, by ordinance:

Open or close streets, etc.

I. To lay out and open any street, road, highway, alley, public park or public square within such city; and to order and to cause any street, road, highway or alley already laid out to be vacated, straightened, altered or widened, and to purchase or condemn for any such purpose, when necessary, any lands and real estate upon making compensation to the owner or owners thereof as is hereinafter mentioned and provided; and such power shall belong exclusively to the city council; and to cause to be assessed upon all the owners of lands and real estate peculiarly benefited by any such improvement, such proportion of the cost thereof as represents the special and peculiar benefits which such owners shall receive by reason of the improvement, in proportion to the benefits received by each;

Sewers or drains.

II. To order and cause sewers or drains to be constructed, and, if necessary, to purchase or condemn, for the purpose of constructing such drains or sewers, any lands and real estate, upon making compensation to the owner or owners thereof, and to cause to be made a just and equitable assessment upon all the owners of lands and real estate peculiarly benefited by such construction, and acquiring of lands and real estate, in proportion to

the benefit each shall be deemed to acquire of the costs, damages and expenses so incurred; all such assessments shall be entered by the city engineer in a book or books in the city treasurer's office to be provided for that purpose;

Street improvements.

III. To order or cause any street or section of a street to be graded, graveled, paved, repaved, flagged or otherwise improved and regulated in such manner as they deem advisable, and to cause to be assessed to costs and expenses of such improvements upon the owner or owners of property benefited thereby; in no case, however, shall any assessment of benefits made under the authority of this section exceed the special and peculiar benefits which the owner or owners of said property shall receive by reason of the improvements; all such assessments shall be entered by the city engineer in a book or books in the city treasurer's office provided for that purpose;

Curbing and paving.

IV. To provide for the grading, construction, curbing, paving or otherwise improving or repairing the sidewalks, and for renewing, reconstructing, recurbing and repaving the same.

Assessments for sidewalk improvements.

61. It shall be lawful for the city council, by resolution, to be prepared by the city engineer, to assess the costs of grading or repairing, constructing or reconstructing, curbing or recurbing, paving or repaving, or otherwise improving, repairing or renewing of sidewalks, upon the lot or lots of land in front of which such sidewalks shall have been so constructed, improved or repaired; such resolution shall state the name of the owner of each lot, as nearly as can be ascertained, the number of the lot as the same appears upon the city atlas, and the amount assessed thereon; it shall be the duty of the city engineer to at once enter the same in an orderly manner in a book or books in the city treasurer's office to be provided for that purpose, to be labeled "sidewalk assessments;" such assessments shall, from the date of the passage of such resolution, be and remain a first lien upon the lots or property upon which they are laid, until paid, and shall be enforced in the manner herein provided for the enforcement and col-

lection of assessments of benefits for other public improvements.

Proceedings under ordinance may be by resolution.

62. Whenever any ordinance shall be passed by the city council for making any improvement or performing any work under and by virtue of the provisions of this act, all further acts and proceedings which it may be necessary for the said city council to take to carry out said improvement or work to completion, and all orders relating thereto, may be by resolution and not by ordinance.

Acquire property by condemnation.

63. Whenever the city council of any such city shall have determined to acquire land or other property pursuant to authority conferred by law, and cannot acquire such land or other property by agreement with the owner, whether by reason of disagreement as to the price or legal incapacity of the owner, or his inability to convey a valid title, or the lack of authority of such city to do so by agreement, or by reason of any other cause, the compensation shall be ascertained and paid by condemnation proceedings in the manner directed by the laws of this State; *provided, however,* that it shall be unlawful except under and according to the provisions of the condemnation laws of this State, for such city and to purchase any lands or real estate for park purposes, or for street openings or extensions, or for the purchase, equipment, enlargement or extension of any municipal light, heat, power or water plant, where the price or consideration asked by the owner of the land, plant or other property so to be purchased shall exceed the sum of five thousand dollars.

Proviso.

Commission to assess benefits appointed by justice of Supreme Court.

64. Whenever, in pursuance of authority conferred by law, the city council of any such city shall have determined that so much of the costs, damages and expenses of any improvement, including the costs, damages and expenses of purchasing or acquiring by condemnation any lands or other property, as represents the special and peculiar benefits conferred upon the owners of land and real estate benefited thereby, shall be assessed thereon in proportion to the benefits each shall be deemed to acquire, it shall cause to be presented a petition to one of the justices of the Supreme Court for

the appointment of three commissioners to estimate and assess such benefits, of the time and place of which presentation notice shall be given by ten days' publication in two or more newspapers published or circulating in such city, at which time and place, or at such other time and place as said justice shall designate, said justice shall appoint three disinterested freeholders, residents of such city, commissioners to estimate and assess the said benefits; and the said justice shall, in the order of appointment, fix the date on or before which the commissioners must file their report, and the said justice may by order for good cause extend the time, and the report shall be made on or before the day limited by said justice; the petition and order shall be filed in the county clerk's office; *provided,* that nothing herein contained shall be construed as affecting the method of assessing the costs of sidewalk improvements by the city council, as hereinbefore provided, or water pipe assessments for which liens are imposed according to some other law of this State.

Proviso.

65. The commissioners having first taken or subscribed an oath or affirmation faithfully and impartially to examine the matter in question and to make a true report according to the best of their skill and understanding, shall, in such manner as shall be directed by the said justice, give at least six days' notice of the time and place when and where they will hear any persons who may present themselves to specifying in such assessment the lots or parcels of land so benefited, designating they may adjourn for that purpose, the said commissioners shall attend and shall give a public hearing to those persons who may desire to be heard; the said commissioners shall have power to examine witnesses under oath, to be administered by any one of them, and to enter upon and view any premises they may deem necessary, and to adjourn, from time to time, at their discretion, or as directed by said justice.

Oath and notice of hearing.

66. After having given opportunity as aforesaid for a public hearing of the persons interested, the said commissioners shall view and examine the lands and real estate benefited and make a just and equitable assessment of the amount of such benefits upon all the owners

Property viewed and benefits assessed.

of the land and real estate in such city specially and peculiarly benefited, in proportion to the benefit each shall be deemed to acquire, specifying in such assessment the lots or parcels of land so benefited, designating the same by the letters or numbers by which they are distinguished in the city atlas, together with the names of the respective owners thereof, and the amount assessed on each lot, and shall make a report of such assessment in writing under the hands of said commissioners, or any two of them, to the said justice, within the time hereinbefore limited; and if the report is not made within the time limited, the powers of the commissioners shall cease and an application may be made to a justice of the Supreme Court for new commissioners on notice as above provided; in case any commissioner shall die pending the proceedings, or is disqualified, or is unable to act, or shall fail or refuse to act and perform the duties of the appointment, the other two commissioners shall proceed to perform the duties of their appointment with the same powers as if all were acting. The city engineer shall furnish such maps and data to said commissioners as they may require, and he, or one of his assistants to be named by him, shall act as clerk of the commission and keep an accurate account of the benefits so assesed.

Report to court.

Vacancy in commission.

Maps furnished by engineer.

Ascertain owners of property.

67. The said commissioners shall make diligent effort to ascertain the names of the owners of the lands and real estate so benefited as aforesaid, but the failure to so ascertain the name of any such owner, or to state the same correctly, or to enter the same upon the assessment and report, shall not invalidate the said assessment nor bar the collection thereof.

Hearing objections.

68. Upon the receipt of such report, the justice shall cause such notice to be given as he shall deem proper of the time and place when and where he will attend to hear any objections that may be made to such assessment; after such hearing said justice may by order confirm said report or may refer the same to said commissioners for revision and correction, and the said commissioners shall return the same so corrected and revised within such time as said justice shall direct, and the

May confirm or refer report.

same being so returned shall be confirmed or again referred by said justice in the manner aforesaid, as right and justice may require, and so from time to time, until a report shall be made or returned which said justice shall confirm. Such report, when so confirmed, shall be final and conclusive, as well upon such city as upon the owners of any land or real estate affected thereby, and shall be filed in the office of the county clerk. The said justice shall thereupon cause a certified copy of such report to be transmitted to the city collector of such city. All such assessments shall be and remain a first lien upon the lands and real estate affected thereby, as of the date of the confirmation of the report, and shall be due and payable to such city upon the expiration of thirty days from and after the date of said confirmation, and shall draw interest from the date they are due at the rate of twelve per centum per annum.

Confirmed report final.

Assessments a lien.

69. The city council shall cause to be paid to each of the said commissioners the sum of five dollars for each day they are actually employed in and about assessing the benefits of improvements, as provided in this act, together with the expenses incurred by them in the performance of their duties.

Per diem to commissioners.

70. It shall be the duty of the city collector to whom such assessments have been returned forthwith to cause a notice of the assessment and the account thereof to be given to each person assessed, either personally or by mail; service on the agent or representative of the owner shall be by letter postpaid, directed to the person assessed at his or her last-known place of abode; and if for any reason such notice is not given to or received by the person assessed, or his or her representative, it shall in no way impair the lien or the right of the city to collect the assessments so made and the interest thereon from the day they become due and payable.

Notice of assessment.

71. It shall be lawful for the city council in every case to cause so much of the cost, damage and expense of any public improvement authorized by and made under the authority of this act as represents the special and peculiar benefits conferred upon the owners of land and real estate benefited thereby to be assessed thereon

Portion of assessments borne by city.

in the manner herein provided in proportion to the benefit each shall be deemed to acquire, the balance of such cost, damage and expense to be imposed upon and borne by the city and provided for by general taxation; or the said city council may, at its option, provide that the entire expense of any such improvement shall be borne by the city at large, and shall have power, within the limitations herein imposed, to provide therefor by taxation.

All taxes, etc., a first lien.

72. All taxes and assessments heretofore or hereafter levied, assessed or made upon any lands, tenements or real estate situate in such city shall be and remain a first lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other encumbrance thereof; and if the full amount of any such tax or assessment shall not be paid and satisfied, it shall and may be lawful for the city council to cause such lands, tenements or real estate to be sold by the corporation counsel under and in accordance with the laws of this State providing for the collection of delinquent or unpaid taxes and assessments, and to authorize such corporation counsel to prepare and execute declarations of such sales, and to deliver the same to the purchaser or purchasers.

Fees.

73. The fees to be collected by the city collector, corporation counsel and other officers for performing any service specified by law or this act in relation to the sale of lands, tenements and real estate for unpaid taxes and assessments and for the recording and canceling of declarations of sales shall be made the same as are now or may hereafter be provided by law; *provided, however,* that all such fees shall be turned into the city treasury except in the case of the delinquent personal tax collector or his deputy, whose office need not be a salaried one.

Proviso.

Street grades.

74. It shall be the duty of the city council to establish, if not already established, by ordinance, the grades of the several streets and alleys in such city, and it shall not be lawful, after the same shall have been established, to alter the grade of any street or alley except by ordinance.

Regulations for use of drains, gas or water pipes.

75. The city council is hereby authorized and empowered to pass and adopt such ordinances and regulations as to said council may seem proper for regulating, controlling and prescribing the manner in which any sewer or drain, water or gas mains or pipes, or other pipes and conduits, constructed by order of said council shall be used, and the manner in which connections therewith from any house, building, yard or other place shall be made, and for the keeping of the same in proper repair and providing for the cost thereof.

City atlas as record for assessments.

76. All assessments or taxes upon lot owners in such city, which may be made for any purpose authorized by this act or to be authorized by law, shall be made upon the lots as they shall stand recorded in the city atlas; and in advertising the sale of the same for such assessments or for taxes, or in entering liens thereon, it shall be sufficient to describe said lots by the letters and numbers by which they are designated on the city atlas, together with the name or names of the owner or owners thereof as the same appear in the tax duplicate or records of assessments; in case the name of the owner or owners is unknown and cannot be ascertained, such assessments and taxes shall be made against the lots so designated with the declaration that the owner's name is unknown.

Reinstituting proceedings set aside by court.

77. Whenever, by reason of any informality or illegality, any proceedings relative to the condemnation of lands or other property, or relative to the making of assessments for benefits, shall be set aside by judicial authority, it shall be lawful for the city council to reinstitute the proceedings set aside and proceed therein the same as though the former proceedings had not been had, or the said city council may reinstitute said proceedings from the point where such informality or illegality may have been so decreed; and whenever the city council shall discover that any such proceedings shall be liable to be set aside by judicial authority, they may reinstitute proceedings from the point where such informality or illegality commences, and no condemnation or assessment shall be deemed invalid in consequence thereof, but no writ of certiorari shall be allowed or issued to set aside any proceedings taken for condem-

nation of any land or of any interest, right, title, easement or estate in any land, or of any other property or franchise, or to set aside any proceedings taken in making any assessment for benefits, unless the same be applied for within sixty days after the happening of the irregularity or act complained of, or within sixty days after the confirmation of any such assessment.

City hall.

78. If in such city there are not public buildings or constructions, the property of the city, suitable, proper and sufficient, in the opinion of city council, to accommodate the different officers and departments of the municipal government, or for other public and municipal uses, it shall and may be lawful for the city council of such city, by ordinance, to provide for additions to or the erection and construction of any and all such buildings, and to purchase, appropriate and condemn suitable lands and real estate therefor, and to suitably furnish and equip the same, subject, however, to the provisions of section sixty-four this act.

Acquire lands for city buildings or public utilities.

79. It shall be lawful, whenever the city council shall deem it necessary and for the public good, to purchase or condemn any lands for any of the purposes mentioned in the preceding section of this act, or to purchase or condemn, in whole or in part, the plant, property or franchise of any person or corporation for the purpose of supplying such city or the inhabitants thereof with gas, electric or other light, heat or power, or with water, or for the removal and disposition of the sewage or for the purpose of owning, controlling or operating any public utility franchise or business on the municipal ownership plan, or in furtherance of any public utility, franchise or business owned, controlled or operated, or to be owned, controlled or operated by such city, subject, however, to the provisions of section sixty-four of this act.

Bond issue.

80. It shall be lawful for the city council, in the name of the city under authority of this act, and as provided in section fifty-nine hereof, to issue its corporate bonds

Amount.

for any sum not exceeding fifteen per centum of the taxable value of the property as lastly rated for assessment; and obligations shall be issued in the name of the

city and under its corporate seal and shall be signed by the mayor and attested by the city clerk, signed by the city treasurer and countersigned by the city comptroller; they shall be of such denomination and bear interest at such rate as may be fixed by ordinance, and be payable at such times and places, not exceeding thirty years from the date of issue, as the city council may determine; they shall be disposed of at not less than their par value and the accrued interest thereon; the proceeds of such securities may be used for the purpose of making any of the improvements authorized by this act and for other lawful purposes; *provided,* that in every instance the issue of bonds shall be authorized by ordinance and the purpose for which the bonds are to be used shall be expressed therein, and the proceeds thereof shall be used for no other purpose, except that the accrued interest received in all such sales shall be turned in and added to the annual interest appropriation in such city; whenever bonds are issued to provide funds for any of the purposes authorized by this act, any part of the costs and expenses of which is authorized to be assessed upon the property benefited, the assessments for benefits in every such case shall be exclusively appropriated for the redemption of the bonds so issued and shall be kept separate from the other funds of such city and devoted exclusively to this use; and it shall be the duty of city council to provide by taxation in the annual tax levy of such city such sum in addition to the benefits so assessed as will be sufficient in every case to provide for the annual interest of the bonds so issued and a sinking fund for the redemption thereof, which sinking fund shall not be less than two per centum of the amount of bonds so issued for thirty year bonds, and three per centum for all bonds to be paid in less than thirty years from the date of issue.

Rate and time.

Proviso.

Redemption of bonds.

Sinking fund.

81. All sinking fund moneys, and all sinking fund securities, now or hereafter belonging to any such city, shall be under the custody and control of a sinking fund commission, to consist of the mayor, president of city council and city treasurer, and the city comptroller shall be the secretary thereof; city council may by ordinance,

Sinking fund commission.

from time to time, prescribe the mode and manner in which said sinking fund commissioners shall invest and keep invested the funds coming into their custody or control, and otherwise regulate the management of the sinking fund of any such city; *provided, however,* that the city treasurer of such city shall be treasurer of said sinking fund, and all moneys received or disbursed by said sinking fund commissioners shall be received and paid through the city treasurer.

Proviso.

Temporary loans.

82. It shall be lawful for the city council of such city, by ordinance, subject to the provisions of paragraph one in section twenty-one of this act, to negotiate temporary loans for a period not exceeding, with any renewals thereof, three years, which loans shall only be in anticipation of city taxes and of assessments for laying out and opening, straightening, altering or widening any street, road, highway or alley, and for the construction of sewers and drains, and the regulating, grading and paving of streets and sidewalks, and fees imposed for licenses, and shall not exceed thirty per centum of the amount of such anticipated assessments, taxes and license fees; and all such temporary loans shall be retired and paid when the revenues anticipated are received; and it shall be lawful to appropriate and use the moneys so obtained on temporary loans in anticipation of revenues for city purposes, and all moneys so appropriated and used shall be provided for in the annual tax levy.

Record of bonds.

83. Whenever any bonds shall be issued under the authority of this act, it shall be the duty of the city comptroller to keep an account of all such bonds in proper books, with the numbers, dates and amounts thereof, when redeemable, the place of redemption, the place where interest shall be paid and when payable, with the title of the ordinance authorizing the same and the names of the person or persons to whom the same shall be issued; and he shall make report thereof to the city council from time to time and whenever required to do so; and it shall be the duty of the city comptroller to furnish to the commissioners of the sinking fund a statement showing the amount of every such issue and all the particulars herein required to be re-

corded as soon as the bonds authorized in any case shall have been issued.

Recorder's court created by ordinance.

84. There may be in every such city a court to be called "Recorder's Court of ————" (inserting the name of such city). Such court shall be created by ordinance only, and shall be held by a recorder, who shall be appointed by the mayor of such city, by and with the consent of city council. The said court shall have, possess and exercise all the jurisdiction, powers and authority in civil and criminal matters which are or may be conferred upon justices of the peace in and for the several counties of this State, excepting such as are conferred upon the justices by the following acts: An act entitled "An act constituting courts for the trial of small causes (Revision of 1903)," an act entitled "An act concerning landlords and tenants," approved March twenty-seventh, one thousand eight hundred and seventy-four; an act entitled "An act for the relief of creditors against absent and absconding debtors (Revision of 1901)," approved March twentieth, one thousand nine hundred and one, and the various supplements thereto; an act entitled "An act concerning forcible entries and detainers," approved April sixteenth, one thousand eight hundred and forty-six, and the various supplements thereto; and the said court shall have exclusive jurisdiction for the purpose of enforcing and recovering any penalty for the violation of any ordinance or regulation of said city, or any board or department thereof, and is hereby empowered, on oath or affirmation made according to law, that any person or persons has or have been guilty of any violation of any of the ordinances or regulations of said city, or any board or department thereof, to issue process at the suit of such city, board or department, either in the nature of a summons or warrant, as to the recorder thereof shall seem most advisable, against the person or persons, corporation or corporations so violating such ordinances or regulations, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in not less than two nor more than fifteen days. Such process shall state what or-

Powers of court.

Exceptions.

Exclusive jurisdiction.

Process issued.

dinance or regulation has been violated by the defendant or defendants named therein, and on the return day of such process, or at the time to which the matter shall have been adjourned, the said court shall proceed to hear testimony, and to determine and give judgment in the matter, without the filing of any pleadings; and such court shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels or body of the defendant or defendants, which execution shall be executed and returned as near as may be in the manner in which executions are now by law issued and returned in courts for the trial of small causes. Such recorder is further empowered to inflict and impose fines, in his discretion, not exceeding the sum of two hundred dollars, on such person as shall be brought before him charged with disorderly conduct or breach of the peace, if found guilty; or, in his discretion, to order such person committed to the city prison, workhouse or county jail for any period not exceeding ninety days; and such recorder is hereby empowered to cause any person or persons who shall be found guilty of the violation of any ordinance or regulation of said city, or any board or department thereof, and any person or persons found guilty of disorderly conduct, breach of the peace or any other offense within his jurisdiction, and who may refuse to pay any fine or penalty imposed by him by reason of the same, to be sent to the city prison, workhouse or county jail for a term consisting of one day for every dollar of such fine or penalty, not exceeding a term of ninety days, and each day's imprisonment of the defendant or defendants shall be taken to satisfy one dollar of such fine or penalty; and at any time upon the payment to such court of such fine, or the amount remaining due thereon, the recorder shall issue a warrant for the discharge of said prisoner; *provided, however,* that nothing in this act contained shall be held to repeal or alter any law of this State concerning any misdemeanor or crime.

Hearing.

Execution issued.

Penalties.

Proviso.

Salary and term of recorder.

85. Said recorder, when so created, shall receive an annual salary of not more than one thousand dollars and shall be appointed for the term of three years. He

shall be an attorney-at-law of the New Jersey bar and must have been a resident of such city for at least three years. All fines imposed by him and all fees allowed by any statute of this State shall be deposited by him with the city treasurer and he shall make a monthly statement thereof to the city comptroller. In case of the absence, sickness or other temporary disability of the recorder, the mayor of such city shall have power to designate a justice of the peace elected in such city to act in his place and stead until such disability is removed or a new recorder appointed.

Fines deposited in city treasury.

86. The said recorder shall keep a docket of the proceedings of such court, which docket shall contain the names of the parties and a record of the proceedings in every case; said docket shall be the property of the city and shall be kept in the court-room subject to the inspection of all persons lawfully entitled thereto, and all papers in every case (excepting complaints and recognizances required by law to be delivered to the prosecutor of the pleas of the county or the grand jury) shall be filed and remain in said court, and no conviction other than the record in said docket shall be necessary in any case.

Recorder to keep docket.

87. The officers empowered to serve any process issued by such court shall be, besides the constables elected or appointed in such city, the officers or members of the police force of such city, and such process shall be returned in the same manner, as far as circumstances shall permit, as other similar processes shall be out of courts for the trial of small causes or before a justice of the peace; and such defendant or defendants shall, if such recorder see fit to adjourn the hearing of the cause and so order, enter into recognizance, as near as may be, in the same manner as directed in courts for the trial of small causes or before a justice of the peace, in such sum and with such surety as may be approved by such recorder, such recognizance to be given to such city for the appearance of the said defendant or defendants, on the day to which said hearing may be adjourned, and in default of appearance the said recognizance may be then collected in the same manner as

Officers of court.

New Jersey State Library

when taken in a proceeding in a court for the trial of small causes or before a justice of the peace; if a commitment shall be issued in any case when the defendant is not in custody, it shall be lawful for such defendant to be taken into custody under such commitment in the same manner as under a warrant and delivered to the keeper of the workhouse, city or county jail, as directed in such commitment; and the policemen of such city shall, in addition to the authority conferred upon them by the ordinances of such city, possess and have all the powers of constables within such city, for the purpose of preserving the peace and enforcing the ordinances of such city, and it shall be the duty of the said policemen, on witnessing any breach of the peace or violation of any of the city ordinances or laws of the State, to forthwith arrest such offender or offenders without a warrant or process, and take such offender or offenders before the recorder for a hearing.

Police to have powers of constables.

Sole jurisdiction.

Proviso.

88. Said recorder, when so created, shall have sole jurisdiction of violations of city ordinances; *provided, however,* if city council shall fail to establish such court, pursuant to the provisions of the eighty-fourth section of this act, then and until such court be established, the mayor of said city shall have, possess and exercise all the jurisdiction, powers and authority in civil and criminal offenses which are by this act vested in said recorder's court, if established pursuant to the provisions hereof, and shall have sole jurisdiction of violations of city ordinances.

Suitable court room.

89. The city council of such city shall provide a suitable room or rooms for the transaction of the business of the said recorder's court and procure suitable furniture therefor, and such books and stationery as may be necessary, and such city council shall designate the place in such city where such court shall sit for the transaction of business, and the time during which said court shall be open on each day, to the end that the administration of justice by such court throughout such city may be facilitated and made convenient; and it is hereby made the official duty of such recorder to be in attendance at the time and place so designated; and the mayor

shall designate and provide a police officer or officers to attend the sittings of such court and preserve order therein.

A court of record; seal.

90. Such court shall be a court of record and shall have an official seal, and all persons shall be amenable to punishment for contempt of said court in the same manner as in other courts of record in this State having power to punish for contempt of court, and such recorder may make such rules as may be necessary for the orderly conduct of business and proceedings in such court; such rules shall be approved and be subject to revision by the judge of the Court of Common Pleas of the county in which such city is situate.

Arrest without warrant for violation of city ordinances.

91. The police officers and constables of such city are hereby empowered to arrest and take into custody, without warrant, any offenders against the law and ordinances of the said city, or any person or persons disturbing the peace or quiet of said city; and to carry such offenders before the recorder of said city, who is hereby empowered and authorized to take cognizance of such offenders; or in case the said arrest shall be made during the night, or on the Sabbath day, or when such recorder cannot hear the same or hold his court, to confine such offenders in a jail, or in some other safe and convenient place in said city until the day following or until such time as the same can be heard, and then without unnecessary delay to carry such offender or offenders before the said recorder, as provided in this act.

Committed to county jail.

92. The sheriff or jailer of the county in which such city is located, for the time being shall receive and safely keep all such offenders as shall be committed to the county jail for the term of his, her or their imprisonment.

Titles inalienable.

93. The title of such city in and to its water front, wharf property, land under water, public lands, wharves, docks, highways, avenues, streets, lanes, alleys and parks as well as all other city property is hereby declared to be inalienable; *provided, however,* that nothing in this section contained shall prevent such city from disposing of any building or pracel of land no longer needed for public use, but such disposition shall be made

Proviso.

at public sale and be provided for by ordinance, passed by a five-sevenths vote of council and approved by the mayor; *provided, further,* that nothing herein contained shall prevent such city from renting or leasing for fixed and limited terms any of its property not needed for public purposes, such renting or leasing to be provided for by ordinance; *provided, also,* that neither the water works plant or plants, nor the municipal light, heat and power plant or plants, nor any other public utility plant or plants shall be sold or leased by such city until such sale or lease is assented to by a majority of the legal voters of such city voting at an election to be held in such city at a time to be fixed by the city council or other legislative body of such city, which election shall be conducted as near as may be according to the provisions of the last section of this act, and the question to be submitted to the voters of such city at any such election shall be "for" or "against the sale" or "lease" (as the case may be) "of" (here insert the name or a short description of the plant or other property so to be sold or leased); *provided, also,* that nothing in this section contained shall be construed to modify any of the provisions of section forty-nine of this act.

Proviso.

Proviso.

Proposals invited for work or supplies.

94. In contracting for any public work or the purchase of any supplies or materials involving an expenditure of one thousand dollars or more, for such city or by or for any of the city departments, sub-departments or municipal officers not embraced in a department, or by or for special commissions or boards, unless otherwise provided for in this act, proposals for the same shall be first advertised for in two or more daily or weekly newspapers published in such city, for not less than three nor more than twenty days and for not less than three insertions of such advertisement. Contracts for expenditures of the city moneys for any public work or for the purchase of supplies or materials for any department of less than one thousand dollars and more than two hundred dollars, shall be made by city council either at a regular or special session thereof in such manner as it may prescribe either by resolution or ordinance, but every such contract shall be approved by the mayor, or,

Contracts for small expenditures.

if disapproved by him, by five-sevenths of the entire members of city council. Contracts for public work or for the purchase of supplies or materials for any department involving two hundred dollars or less may be entered into by the commissioner of any department, and such contract, upon the signing of a memorandum thereof by any such commissioner, shall in all respects be binding upon such city.

Individual expenditures by heads of departments.

95. All bids made to such city for supplies or work for any purpose whatever, unless otherwise provided in this act, shall be addressed to the city clerk and be opened by him at a regular or special meeting of city council, duly called to consider the same, and the said city council shall, after opening said bids as required by law, if such expenditures shall be deemed necessary by such city council, award the contract thereon to the lowest responsible bidder. The successful bidder shall promptly, within the time mentioned in the advertisement soliciting such bid, execute a formal contract to be approved as to its form, terms and conditions by the corporation counsel, which contract shall be signed on behalf of the city by the mayor and attested by the city clerk, and such bidder shall also execute and deliver to the city clerk of such city a good and sufficient bond, to be approved by the corporation counsel, in double the amount of the contract price for which the award is made. To all such bids there shall be attached a certified check of the bidder, or a cash equivalent, and the bidder who has had the contract awarded to him and fails to promptly execute the required contract and bond shall forfeit said check or cash. The said check or cash shall be taken and considered as liquidated damages, and not a penalty, for the failure of the said bidder to execute said contract and bond. The amount of said check or cash shall not be less than one hundred dollars, unless otherwise provided by the ordinance, or by an order or regulation of the department for whose use the bids are made and the contract entered into. The check or cash deposits of the successful bidders shall be returned to them by the city treasurer in whose custody they shall be placed by the city clerk after opening

Receipt of bids.

Contract made; bidder's bond.

Bid accompanied by certified check.

the bids and awarding the contract to the successful bidder.

Procedure in opening, laying out, or vacating streets, etc.

96. Hereafter, when the city council of such city shall determine to lay out and open any street, road, highway or alley in any part of said city, or to cause any street, road, highway or alley already laid out in any part of said city to be vacated, opened, altered or widened, as authorized by this act, the said city council shall give notice to the owner or owners of any lands or real estate, with the appurtenances necessary to be taken for either of said purposes, as well as to the owner or owners of lands which in the judgment of said city council may be benefited thereby, or to his, her or their agent or legal representative, of their intention to lay out and open such street, road, highway or alley, or to cause any such street, road, highway or alley already laid out to be vacated, opened, altered or widened, and of their intention to take such land or other real estate and appurtenances and appropriate it for such street, road, highway or alley, or such part thereof as may be necessary for either of said purposes, and shall treat with the owner or owners of such land, his, her or their agent or legal representative, for the same, and if any such person or persons shall refuse to treat for any such land or real estate with the appurtenances, or if the city council, or person delegated by them to so treat, cannot agree with such person or persons for the same, then it shall be lawful for the city council to appoint five disinterested freeholders of said city as commissioners to make an estimate and assessment of the damages that any such owner or owners will sustain by laying out, opening, vacating, altering or widening any such street, road, highway or alley; and in estimating and assessing the damages that any such owner or owners of any lands or real estate, with the appurtenances necessary to be taken for either of said purposes, will sustain by reason of such taking, said commissioners shall have due regard both to the value of the land and real estate with the appurtenances so to be taken, and to the injury or benefit to the owner or owners thereof, by laying out, opening, vacating, altering or widening any such

In case terms not made, a commission appointed by council.

street, road, highway or alley, and shall assess against the owner or owners of any lands or real estate necessary to be taken for either of said purposes, the amount that such owner or owners will be benefited by the laying out, opening, vacating, altering or widening any such street, road, highway or alley, over and above the damages they shall assess in favor of such owner or owners by reason thereof; and if in any case said commissioners shall estimate the benefit of such owner or owners to be greater than the damages, they shall so certify in the certificate which they shall make, and shall especially estimate and assess the value of the lands and real estate which will be so taken, and after such award shall be made the remaining lands and real estate of any such owner or owners shall be liable for the amount by said commissioners assessed as benefits; and such assessment shall be collected as set forth in the next section of this act; *provided, always,* that nothing in this section contained shall be construed to authorize the said city council to take and appropriate any graveyard, burying ground, or place used for burying the dead, for streets, roads, highways or alleys, without the consent of the owners or proprietors thereof.

Assessment for benefits.

Proviso.

97. Said commissioners shall also assess against the owner or owners of any land or real estate in the vicinity or fronting on any such street, road, highway or alley, so determined by said city council to be laid out, opened, widened or altered, the amount that such owner or owners will be benefited by laying out, opening, widening or altering any such street, road, highway or alley, and shall state such amount in such certificate; and said assessment shall be and remain a lien on the said lands and real estate of such owner or owners respectively from the time of the ratification of the said certificate by said city council until the same be paid and satisfied, and the amount of all such assessments for benefits may be collected by said city council from the owners and lands so liable in the same manner as taxes and other assessments in said city are authorized to be collected.

Other assessments for street openings, etc.

98. In case the owner or owners of any land or real estate necessary to be taken, or which may be benefited

If owner incapable to transact affairs.

by the laying out, opening, altering or widening any street, road, highway or alley in said city, shall be non compos mentis, or out of the State, or cannot be ascertained on reasonable inquiry, and no agent or legal representatives of such owner or owners can, on like inquiry, be found in this State, then it shall be lawful for the city council of the said city to proceed to the appointment of the commissioners mentioned and provided for in section ninety-six of this act, after publishing in at least two newspapers published in said city, for the space of four weeks, at least once in each week, a notice of the intention of the city council to take such land or real estate and appropriate it for such street, road, highway or alley.

Commissioners to take oath.

99. The said commissioners, before they enter upon the execution of the duties required of them, shall be sworn or affirmed before the mayor, recorder or city clerk of said city to make the estimate and assessment submitted to them fairly and impartially, according to the best of their skill and judgment.

Notice of meeting of commission.

100. The city council shall appoint a time and place within the said city for the said commissioners to meet, notice whereof shall be given by putting up an advertisement in eight public places in said city, one whereof shall be in each of the wards of said city, at least twenty days before the time of the meeting, which advertisement shall specify the street, road, highway or alley proposed to be laid out, altered or widened, the alteration proposed to be made, and the lands or other real estate, with the appurtenances, intended to be taken for such purposes, and also cause a written notice thereof to be served upon each of the owners whose property is to be taken or benefited who reside in said city or whose place of residence is known; and if the place of residence of any such owner that is known be not in said city, a notice placed in the post-office, directed to him or her at his or her last-known post-office address or place of residence, shall be a sufficient notice, and the said commissioners, or a majority of them, when met, shall have power to swear and examine witnesses, and

Contents of notice.

Notice to owners.

shall view the premises, if necessary, and shall make a just and true estimate and assessment as herein provided, and make and sign a certificate of such estimates and assessments and file the same with the clerk of said city, and the same, being ratified by the city council, shall be binding and conclusive upon the owner or owners of any such land or other real estate, with the appurtenances, subject only to the appeal hereafter given; and upon payment of the damages so awarded, or a tender and refusal thereof, it shall be lawful for the commissioners to cause the said land or other real estate, with the appurtenances, to be converted and used for the purposes aforesaid; *provided, however,* that any person or persons conceiving himself, herself or themselves aggrieved by the proceedings of the city council or the said commissioners may appeal therefrom to the supreme Court of this State, within thirty days from the time of making the final order of the city council; and the said Supreme Court shall order a trial by jury to assess the damages sustained by the party aggrieved and the amount such party will be benefited, the trial whereof shall be conducted as in other cases of trial by jury.

View premises.

Assessment ratified by council.

Proviso.

101. In case of the resignation, death, or disability of any of the commissioners to be appointed under the ninety-sixth section of this act, it shall be lawful for the said city council to supply by appointment the vacancy or vacancies caused by such death, resignation or disability.

Vacancies in commission filled.

102. In case of non-payment on demand of any damages assessed as aforesaid, with interest from the date of assessment, in case of no appeal to the Supreme Court aforesaid, the person or persons entitled thereto may sue for and recover the same from the said city in an action on contract, with costs, in any court having cognizance thereof; and the said proceedings of the commissioners and city council, or award of said jury, shall be conclusive evidence against the defendants.

Persons benefited may sue for award.

103. The said city council shall have power, and may, from time to time, cause the said city, or such parts

City mapped.

thereof as they may think proper, to be surveyed and mapped, and may survey and make maps of all such roads, streets, alleys and public passageways as have been dedicated to the public, as they may think proper; and all such streets, roads, alleys and ways, when surveyed, and such surveys approved by the city council and filed, shall be deemed and taken to be public streets or highways, and be treated as such in all respects; also,

Proposed streets.

to cause to be made within said city, surveys and maps of the said city, or run any part thereof, which has not yet been laid off or run into streets, and to determine where the new streets and thoroughfares shall run, and to mark the lines and establish the grade thereof, which said grades and lines so established, and the surveys and maps made thereof, and approved by the city council, shall be binding upon the owner or owners of said land or real estate so surveyed and mapped as aforesaid; and whenever the owner or owners thereof sees proper to open streets and lay out his, her or their property in lots, he, she or they shall open streets, or thoroughfares as they shall have been laid out, surveyed and marked, and according to the lines and grades established as aforesaid, and the said streets and thoroughfares, when so opened by the owner or owners thereof, shall be public streets and highways and shall be treated as such in all respects.

Appropriation by ordinance.

104. All appropriations for money for any purpose above the sum of one thousand dollars shall be by ordinance, and it shall require a majority of the entire council to pass an ordinance for the appropriation of money.

Local option.

105. At the first election for members of the General Assembly next after the adoption of this act by any city, and at every third election for members of the General Assembly after the adoption of this act by any city, and not oftener, the question of the granting of licenses to keep inns and taverns, and to sell spirituous, vinous, malt or brewed liquors in said city shall be submitted to a vote of the properly registered voters thereof in the following manner:

Ballots.

The city clerk shall have printed or written, or partly printed and partly written, upon the regular

ballot to be used at such election, the words "For license" and "Against license," said propositions to be upon separate lines of said ballot. Any marking off or defacing in any manner whatsoever of the words "For license" shall be counted as a ballot in the negative. Any marking off or defacing in any manner whatever of the words "Against license" shall be counted as a vote in the affirmative. In case voting machines are used at such election in any election district in any such city, the city clerk shall place on such machines the question to be voted for under this section, as required by the provisions of the act of Legislature entitled "An act to authorize the use of voting machines at elections hereafter to be held in this State, or in any subdivision thereof, and providing that the votes cast at any such election may be registered or recorded and counted and the results of such elections ascertained by such machines," approved April ninth, one thousand nine hundred and two, and the several supplements and amendments thereto.

If for license, court may grant.

If the result of the vote cast upon such question at any such election shall be "For license," then for a term of three years, beginning on the first day of January next succeeding such election, license to keep inns and taverns, and to sell vinous, spirituous, malt or brewed liquors in said city may be granted by the Court of Common Pleas of the county in which said city is situate, in the manner prescribed by law for the granting of licenses for inns and taverns in townships and under such rules as may be from time to time promulgated by said court.

If against license, no grant.

If the result of the vote cast upon such question at any such election shall be "Against license," then for the term of three years, beginning on the first day of January next succeeding such election, no license shall be granted to keep an inn and tavern, or to sell vinous, spirituous, malt or brewed liquors in said city.

License fees.

And the money received for all such licenses shall be paid over by the collector of said county to the treasurer of said city.

Revocation of license.

The said court shall have power to revoke any license granted as aforesaid upon complaint of city council or in the manner now provided by law, after

proper notice to the licensee and a hearing upon the merits of the case.

Appointments by ordinance.

106. All appointments to office in the various departments of said city (except mechanics working at their regular trade, and ordinary day laborers, and the chief of police, police officers and night watchmen, firemen, and appointments made by the mayor) shall be by ordinance passed by a majority of the members of city council, unless otherwise provided herein.

Parks under control of street commissioner.

107. The park commission of any such city shall, upon the adoption of this act, be ipso facto abolished, and thereafter all public parks shall be under the management and direction of the commissioner of streets, highways and parks, subject to such ordinances, rules and regulations as may be adopted by the city council.

Councilmen not hold other city offices or be interested in contracts.

108. No member of the city council of such city shall be appointed to or competent to hold any other office the salary or emoluments of which are paid from the city treasury, nor shall such member or any officer of such city be directly or indirectly interested in any contract the expense of which is to be paid from the city treasury, or become security for any officer appointed by the mayor or said council, or for any contractor under the city government, under the penalty of five hundred dollars for each offense, to be recoverable by suit in the name of such city, and the said penalties, when recovered, shall be paid into the city treasury.

Trustees of cemetery.

109. The trustees of any cemetery owned by such city shall be appointed by the mayor of such city, and shall report to city council, which body shall from time to time, by ordinance, make such rules and regulations as may be necessary or proper for the management of said cemetery and all matters pertaining thereto.

Present officials to complete terms.

110. The mayor, city treasurer, city comptroller, corporation counsel or city solicitor, street or highway commissioners, city engineer, city clerk, recorder, recorder's clerk, chief engineer of the water department, collector of taxes, who are now acting in such official capacities, as well as all clerks, assistants and other officers and employes of such city now holding office in such city, shall continue to serve for the full term or terms for which

they were severally elected or appointed, as though they had been elected or appointed under the provisions of this act, except as in this act otherwise provided; *provided, however*, that at the expiration of their several terms of office their successors in office shall be elected or appointed under and according to the provisions of this act. Proviso.

111. All laws, general or special, in such city, except where the particular subject-matter thereby regulated is otherwise provided for in this act, or where the provisions of such laws are inconsistent with or repugnant to the provisions of this act, shall remain and continue in force, and all powers conferred and duties imposed thereby upon the governing body or any municipal officer or board or department thereof shall apply to and be conferred upon all officers, boards, departments and bodies created and officers, boards, bodies or departments to be elected or appointed under the authority of this act having like or corresponding powers or duties. Certain laws to continue in force, and powers and duties conferred on new officials.

112. Whenever the city council shall cause a revision of the ordinances of the city to be made, and shall direct the same to be published in a printed volume, it shall not be necessary to publish such revised ordinances in any newspaper or newspapers. Printed volume of ordinances.

113. Any city adopting the provisions of this act shall hold, possess, enjoy and be absolutely vested with all the rights and property now belonging to such city, and shall be responsible for and liable to all contracts, debts and obligations heretofore issued or executed on behalf of such city. Rights of city adopting this act.

114. All ordinances heretofore passed in any such city and not repealed, and which are in full force and effect in such city at the time of the adoption of the provisions of this act by any such city, shall remain in full force and effect in such city, except as they may be altered, amended or modified by this act, until repealed, altered or amended according to the provisions of this act. Effectiveness of ordinances.

115. In case for any reason any section or any provision of this act shall be questioned in any court, and shall be held to be unconstitutional or invalid, the same shall not be held to affect any other section or provision of this act. Invalidity of a section not to affect act.

Referendum.

116. This act shall take effect immediately, but its provisions shall remain inoperative in any city of this State until assented to by a majority of the legal voters thereof voting at any general or municipal election to be held in such city. Whenever at least twenty per centum of the legal voters of such city as shown by the election returns of the last general or municipal election in such city, shall, by their petition, duly signed and delivered to the clerk of such city, have requested that such question shall be submitted, of which election the city clerk of such city shall cause public notice of the time and place of holding the same to be given by advertisements signed by himself and set up in at least twenty public places in such city and published in two or more daily newspapers printed or circulating therein for at least six days previous to the time of such election, the county clerk of the county in which such city shall be situate, or such other officer authorized by the laws of this State, shall cause to be printed on each ballot beneath the list of candidates thereon the words, "For the adoption for this city of the provisions of an act of one thousand nine hundred and seven, entitled 'An act relating to, regulating and providing for the government of cities of the second class which now have or may hereafter have a population of less than twenty thousand,'" and no separate ballot shall be necessary; if said words or proposition be marked off or defaced upon the ballot it shall be counted as a vote against the adoption of this act; if not marked off or defaced the ballot shall be counted in favor thereof; such balloting or voting in election districts where voting machines are placed, shall be done and carried on in accordance with the provisions of an act of the Legislature of this State, entitled "An act to authorize the use of voting machines at elections hereafter to be held in this State or in any subdivision thereof, and providing that the votes cast at any such election may be registered or recorded and counted and the result of such elections ascertained by such machines," approved April ninth, one thousand nine hundred and two, and the several supplements and amendments thereto; and

Petition to submit question.

Notice.

Ballots.

the city clerk shall, in case voting machines are used at such elections in any such election district of such city, place on such machines the question to be voted for under this section, as required by the provisions of the aforesaid voting machine act of the Legislature of this State; every such election shall be conducted by the proper election officers of such city for the time being and in the manner prescribed by law regulating elections therein; and such officers shall return to the city clerk of such city a true and correct statement, in writing, under their hands, of the result of such election, and it shall be the duty of the city clerk to certify and report the same to the city council or other legislative body of such city or municipality at its first meeting thereafter, and the same shall be entered at large upon the minutes of said body; if it is found that a majority of the votes cast at any such general or municipal election are in favor of the adoption of this act, the next municipal or general election for such city shall be held under the provisions of this act, and on the first day of January following such last-named municipal or general election, the provisions of this act in all respects shall become operative in such city and binding on the inhabitants thereof, and upon all persons and property to be affected thereby, and shall abrogate, repeal and annul all acts and parts of acts then existing, whether general or special, in anywise affecting the government of such city which are contrary to or inconsistent with the provisions of this act; *provided, however,* that this act shall not abrogate, repeal or annul an act entitled "An act concerning District Courts (Revision of 1898)," approved June fourteenth, one thousand eight hundred and ninety-eight, or any supplements thereto or amendments thereof.

How election conducted.

Result of election reported to council.

When act operative in city.

Proviso.

Approved April 23, 1907.

CHAPTER 100.

An Act to amend an act entitled "A supplement to an act entitled 'An act to provide for the permanent improvement of public roads in this State (Revision of 1905),' approved March twenty-seventh, one thousand nine hundred and five," which supplement was approved May second, one thousand nine hundred and six.

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

Section 7 amended.

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

By whom road maintained.

7. After the completion of the said improvement, the said road or portion thereof shall be maintained by the municipalities abutting said road or portion thereof so improved, unless the Board of Chosen Freeholders of either county, by resolution, passed by a majority of the whole board, shall accept and adopt said road or the portion thereof so improved as a county road, in which case the duty of maintaining that part of said road or portion thereof so improved lying in such county shall thereafter be upon such Board of Chosen Freeholders.

2. This act shall take effect immediately.

Approved April 23, 1907.

CHAPTER 101.

An Act to amend an act entitled "An act to amend an act entitled 'An act authorizing the incorporated cities, towns, townships and boroughs of this State to fund their floating indebtedness and their matured and maturing bonds,' approved March twenty-third, one thousand eight hundred and ninety-nine," and which said amendment was approved February eleventh, one thousand nine hundred and one.

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

1. Section one of the act entitled "An act to amend an act entitled 'An act authorizing the incorporated cities, towns, townships and boroughs of this State to fund their floating indebtedness and their matured and maturing bonds, approved March twenty-third, one thousand eight hundred and ninety-nine," be and the same is hereby amended to read as follows: Section amended.

1. Whenever any incorporated city, town, township or borough of this State shall have incurred or shall incur indebtedness, commonly known as floating indebtedness, of any kind whatsoever, whether incurred as hereinafter stated or in any other manner, that is to say, by reason of the setting aside of assessments, or by reason of the removal from the State of persons taxed before the payment of their taxes, or by reason of a portion of the cost of any public improvement having been assessed upon such municipality, or by reason of the reduction or cancellation of taxes, real or personal, or by reason of money borrowed to meet payments required by law to be made but not included in any assessment or tax levy, or by reason of more than one of the above causes, or otherwise, it being the intent hereof Incurrence of floating indebtedness enumerated.

to include floating indebtedness of every kind and howsoever incurred; or whenever any such city, town, township or borough shall have purchased, or may hereafter purchase, real estate and buildings subject to mortgage and has assumed the payment thereof, and the sum secured by such mortgage is payable; or whenever any such city, town, township or borough shall have borrowed, or shall hereafter borrow money to enable it to pay, and shall have paid or shall hereafter pay any of the interest or principal of any matured bonds with the money so borrowed and shall not have theretofore included the amount, or any part of the amount of the money so borrowed in any tax levy or levies, assessment or assessments; and whenever any such city, town, township or borough shall have issued, or shall hereafter issue, any bonds, improvement certificates, certificates of indebtedness, or other obligations for money honestly loaned to it in good faith, or for work performed or materials furnished, or has become lawfully chargeable with bonds or other obligations issued by the board of education or any other local board, and such bonds or other obligations are due or are to fall due within one year, and such city, town, township or borough is without funds to meet the same, it shall be lawful for, and the power is hereby expressly conferred upon, the governing body of any such city, town, township or borough to issue bonds or other obligations for the purpose of paying off said floating indebtedness and extending the time when the several amounts thereof shall be discharged, by virtue of any proper ordinance, to be passed at a regular meeting of such governing body, to the amount of ninety-six and two-thirds per centum, or to any less part of the amount of the said floating indebtedness, matured bonds not included in any tax levy, other bonds, improvement certificates, certificates of indebtedness or obligations due or to become due as aforesaid, issued for money honestly loaned to such municipality in good faith, or for work performed or materials furnished, or such bonds or other obligations lawfully chargeable thereto (within the time aforesaid), issued by any board of education or other local board, which

Lawful to issue bonds.

Amount.

bonds shall be made payable at periods of time not exceeding thirty years from the date of issuing the same, and shall draw interest at a rate not exceeding five per centum per annum; which bonds shall be for not less than one hundred dollars nor more than ten thousand dollars each and shall be executed under the corporate seal of said city, town, township or borough, and shall be signed by the mayor, chairman or other head executive officer or officers thereof, and by the principal financial officer thereof (if any), and attested by the clerk; and which said bonds shall have coupons attached for every half year's interest until due, or may be registered, at the option of the holder; which coupons, if attached, shall bear the names of the said head executive officer, principal financial officer (if any) and clerk of the said city, town, township or borough, and shall be numbered to correspond with the bond to which they shall be respectively attached; and all the bonds issued under this act shall be numbered, and a register of such numbers, the date of said bonds, the date of issuing and the time of payment shall be made by or under the direction of the principal financial officer (if any), otherwise by or under the direction of the clerk of such municipality, in a book provided for that purpose; all such bonds shall recite that they are issued in pursuance of this act and of the aforesaid ordinance, and shall set forth the date upon which such ordinance was adopted, which recital shall be conclusive evidence of their validity and the regularity of their issue; *provided,* that in order to redeem the bonds issued in pursuance of this act at their maturity, it shall be the duty of the governing body of such city, town, township or borough to establish a sinking fund, which shall be created by a special tax of not less than three per centum upon the issue herein provided for, to be raised in the annual tax levy, or from the collections of assessments for improvements in cases where the indebtedness was originally incurred to pay for local improvements assessable upon lands particularly benefited, or both, at the option of the governing body thereof; *and provided further,* that the coupons attached to the said bonds may, at the option of

Time; rate.

Denomination.

How executed.

Bond to set forth authority of issue.

Proviso.

Proviso.

the governing body of any such city, town, township or borough, bear the name of the treasurer or principal financial officer only without the name of any other officer.

Repealer.

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

3. This act shall take effect immediately.

Approved April 25, 1907.

CHAPTER 102.

A Further Supplement to "An act to provide for the appointment of a commission to revise and codify the law relating to master and servant," approved April third, one thousand nine hundred and five.

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

Time for reporting extended.

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

Appropriation.

2. This act shall take effect immediately.

Approved April 25, 1907.

CHAPTER 103.

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

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

1. Section seventy-three of the act entitled "An act relating to, regulating and providing for the government of cities," approved April eighth, one thousand nine hundred and three, be and is hereby amended so as to read as follows:

Section 73 amended.

73. Bonds or obligations, funds for the liquidation and discharge of which are not provided for in the current tax levy of the year in which they are issued, may be issued upon the faith and credit of the city only as hereinafter provided; all such bonds, when authorized as herein provided, shall be signed by the city treasurer and countersigned by the mayor, attested by the signature of the city clerk and the seal of the city; such bonds may run for any period fixed by the city council, not to exceed a period of thirty years from the date of issue, and be of such denomination and payable at such place in gold coin, and bearing such rate of interest, payable semi-annually, not to exceed four and one-half per centum per annum, as the city council may by ordinance or resolution determine; before any such bonds shall be issued, however, and before any resolution of the city council shall be passed authorizing the same, the said city council shall, by resolution, recommend such issue, stating therein the amount proposed and the purpose or purposes for which such bonds or the proceeds thereof are to be used; upon the passage of such resolution the question of the approval of such resolution

Issuance of bonds.

Time and rate.

Bond issue recommended by council.

Question of bonding city submitted to voters.

and the authorization of such issue to the amount and for the purpose or purposes stated, shall be submitted to the legal voters of such city at the next municipal election held therein after the adoption of such resolution by printing upon the ballots used at such election for the choice of municipal officers, at the foot of the ballot and after the names of the officers to be voted for, the words "for the issue of bonds as recommended," and also immediately beneath the said words the words, "against the issue of bonds as recommended," and if the said words "for the issue of bonds as recommended" are marked off or defaced on any ballot it shall be counted as a ballot against such issue, and if the words "against the issue of bonds as recommended" are marked off or defaced on any ballot, it shall be counted as a ballot in favor of such issue, and it shall be the duty of the election officers holding such election to ascertain and report the number of ballots cast at such election in favor of issuing bonds as recommended and against issuing such bonds, and forthwith report the same to the city clerk of such city by a statement in writing signed by them, and it shall be the duty of the said city clerk to report the same to the city council of such city at its next meeting thereafter.

Ballots.

Result of election ascertained.

Notice of election.

The city council may submit the question of such bond issue to the voters of the city at a special election, of which special election, and the object thereof, at least thirty days' notice shall be given by advertisements, signed by the city clerk, posted in at least three public places in each ward of such city and printed once each week for at least three weeks in a newspaper published and circulating in the city; at such special election the only question submitted shall be: "In favor of the issue of bonds according to resolution of council, dated ———" (inserting in said blank the date of such resolution), or "Against the issue of bonds according to resolution of council, dated ———" (inserting in said blank the date of such resolution); said election shall be by ballot, shall be held by the election officers of the city upon the day appointed by the council; the polls shall be kept open for the time provided by law for gen-

Election, how conducted.

eral elections in said city, and such election shall be in all respects conducted and the vote canvassed in the manner provided by law for such general elections; there shall be no registration for such election, but the board of election shall procure and use at such special election a certified copy of the register of voters used at the last preceding general election, and no person shall be entitled to vote whose name does not appear on said register. If a majority of the ballots cast at such election shall contain the words "In favor of bonds according to resolution of council dated ———" (inserting in said blank the date of such resolution), it shall then be lawful for the council to issue such bonds.

Register.

And whereupon, if it shall be found that the resolution of the said city council has been approved by a majority of the voters voting at such general or special election, it shall be so declared by the said city council, and the result of such election shall be entered upon its minutes, and the said city council may thereafter proceed to authorize the issue of bonds so recommended and approved, and when so issued, the said bonds and the proceeds thereof shall be used exclusively for the purpose or purposes designated in such resolution recommending the issue thereof, and the adoption of the resolution by the city council declaring the said result shall be deemed and taken as final and conclusive evidence of the result of the said general or special election. The limit of the bonding power in such city is fixed at fifteen per centum of the value of property thereon as rated for taxation, as shown by the last duplicates of assessment for taxes made therein, and such limitation shall in no case be exceeded.

If approved.

Limit of bonding power.

2. This act shall take effect immediately.

Approved April 25, 1907.

CHAPTER 104.

An Act to amend an act entitled "An act concerning the infliction of the penalty of death," approved April fourth, one thousand nine hundred and six.

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

Section amended.

1. Section six of an act entitled "An act concerning the infliction of the penalty of death" be and the same is hereby amended to read as follows:

Attendance at electrocution.

6. It is the duty of the principal keeper of the State prison to be present at the execution and to select and invite the presence, by at least three days' previous notice, of twelve reputable citizens of full age, of whom at least two shall be physicians. Such principal keeper must also, at the request of the criminal, permit such ministers of the gospel, priests or clergymen of any religious denomination, not exceeding two, to be present at the execution. He shall, in addition to the persons hereinbefore designated, appoint four assistants, who shall attend the execution. He shall also authorize and permit the duly-accredited representatives of daily newspapers and the Associated Press and the Standard News Association, not exceeding one from each, and the total number not to exceed six, to be present at such execution for the purpose of giving to such newspapers and associations correct and authentic accounts of such execution. He shall permit no other person to be present at such execution except those designated in this section.

2. This act shall take effect immediately.

Approved April 25, 1907.

CHAPTER 105.

An Act to amend an act entitled "An act concerning the infliction of the penalty of death," approved April fourth, one thousand nine hundred and six.

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

Section amended.

1. Amend section three of an act entitled "An act concerning the infliction of the penalty of death," approved April fourth, one thousand nine hundred and six, to read as follows:

Building and apparatus for electrocution.

3. The Board of Inspectors of the State Prison shall, immediately upon the passage of this act, provide a suitable place by the erection of a building or otherwise within the State Prison enclosure, which shall be under the control and supervision of said Board of Inspectors, who shall provide for the care and management thereof, and shall cause an electrical apparatus, suitable and sufficient for the infliction of the punishment of death, to be constructed and placed in such place, together with the necessary machinery and appliances for the execution of convicted criminals, in accordance with this act.

2. This act shall take effect immediately.

Approved April 25, 1907.

CHAPTER 106.

An Act relating to persons or corporations engaged in the business of transmitting money to foreign countries, or of buying or selling foreign money, or of receiving money on deposit to be transmitted to foreign countries.

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

Certificate of authority necessary.

1. Hereafter no person or corporation shall engage in the business of transmitting money to foreign coun-

tries, or buying or selling foreign money, or receiving money on deposit to be transmitted to foreign countries, without a certificate of authority to transact said business granted by the Commissioner of Banking and Insurance of this State. Said certificate of authority shall be renewed annually, and the person or corporation receiving the same shall pay to the Commissioner of Banking and Insurance a fee of ten dollars; *provided, however,* nothing in this act contained shall be construed to authorize any person or corporation to whom such certificate is issued to receive money on deposit on any other terms than that it shall be forwarded to a foreign country forthwith, or not later than five days from the receipt thereof.

Proviso.

Application to banking department.

2. Every applicant for such certificate shall present to the Commissioner of Banking and Insurance an application in writing, upon a blank furnished or approved by him, setting forth the location of the office where said business is to be carried on and the country or countries to which money is proposed to be transmitted. Said application shall be verified by the oath of the applicant.

Applicant to give bond.

3. Before receiving such certificate of authority the applicant shall make, execute and deliver a bond to the Commissioner of Banking and Insurance in the sum of twenty thousand dollars, conditioned for the faithful holding and transmission of any money or equivalent thereof, which shall be delivered to the applicant for transmission to foreign countries. Said bond shall be executed by the applicant as principal, with at least two good and sufficient securities, who shall be residents of this State and together possessed of property to the value of forty thousand dollars over and above all debts and liabilities. The bond shall not be accepted unless approved by the Commissioner of Banking and Insurance, and upon such approval it shall be filed in his office. The bond of a surety company may be received if said surety company shall have complied with the requirements of the laws of this State relating to the giving of bonds by surety companies.

Sureties.

Additional bond for each place of business.

4. If the said applicant shall carry on the said business mentioned in section one of this act at more than

one place throughout this State, such applicant shall furnish an additional bond in the sum of five thousand dollars for each and every additional place of business he conducts.

Commissioners to keep record of certificates and bonds.

5. The Commssioner of Banking and Insurance shall keep a record of the certificates of authority issued by him and of such bonds filed with him, with the names and addresses of the principals and sureties on said bonds, and such records shall be open to public inspection. Any person who suffers by the default of the principal named in said bond in the transmission of money to foreign countries may sue upon said bond in any court of competent jurisdiction and recover thereon the amount that it shall be proven he has lost or suffered by such default; *provided, however,* that suit shall be begun upon said bond within one year after the date of such default.

Proviso.

Penalty for violations.

6. Any person or corporation who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and shall on conviction be punished by a fine of not less than fifty or more than one thousand dollars, or by prisonment for not less than thirty days or more than one year, or by both such fine and imprisonment.

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

Approved April 25, 1907.

CHAPTER 107.

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

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

Dynamiting buildings unlawful.

1. Any person who shall willfully or maliciously break or enter any church, meeting-house, dwelling-

house, shop, banking-house, warehouse, mill, barn, stable, out-house, railway car, canal boat, ship or vessel, or other building whatever, with intent to kill, rob or steal, and who, for the purpose of effectuating such intent, uses, or attempts to use, nitro-glycerine, dynamite, powder or any other high explosive, and his counselors, procurers, aiders and abettors, shall be guilty of a high misdemeanor and punished by imprisonment at hard labor for a period not exceeding forty years or a fine not exceeding five thousand dollars, or both, at the discretion of the court.

Penalty.

2. This act shall take effect immediately.

Approved April 25, 1907.

CHAPTER 108.

A Supplement to an act entitled "An act providing for the formation, establishment and government of towns," approved March seventh, one thousand eight hundred and ninety-five.

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

May increase salaries of police.

1. Whenever in any town formed under the provisions of the act to which this is a supplement it shall have been provided by law or ordinance that the chief of police, police officers and policemen of the town, or any of them, shall hold office during good behavior, it shall be lawful for the town council to increase the salaries or compensation of such chief of police, police officers and policemen, or any of them, at any time, any provision in this or any other act to the contrary notwithstanding.

2. This act shall take effect immediately.

Approved April 25, 1907.

CHAPTER 109.

An Act to authorize the city council or other governing body of any city in this State bordering on an arm of the sea or other navigable stream, or through which a navigable stream shall run, to purchase lands thereon, or to use and devote such lands already acquired on such arm of the sea or other navigable stream for the purpose of erecting, constructing and maintaining one or more public docks, wharves or piers, to be used in whole or in part for recreation purposes; to issue bonds for the purpose of securing money to pay for the lands purchased and for the construction of said docks, wharves or piers.

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

Land for recreation piers.

1. The city council or other governing body having control of the finances of any city of this State bordering on an arm of the sea or other navigable stream, or through which a navigable stream shall run, may purchase lands bordering on such arm of the sea or other navigable stream, including lands under water in front thereof, for the erection, construction and maintenance of one or more public docks, wharves or piers to be used in whole or in part for recreation purposes, and such lands lying contiguous thereto as shall be necessary, to make said lands, docks, wharves and piers accessible, and in case any such city shall have purchased lands on such arm of the sea or other navigable stream, for the purpose specified in this act, it may issue bonds to pay for the same, and for the purpose of reimbursing any fund of such city used to buy and acquire said lands, as specified in section three of this act.

Bond issue.

Character of piers.

2. Any city which has or shall purchase or condemn lands for the purposes mentioned in the preceding sec-

tion of this act, may build and construct such docks, wharves or piers of such size, height and dimensions as may be deemed proper, to be so constructed as to be used in whole or in part as recreation docks, wharves or piers, and the city council or other governing body of such city shall, in all cases, award the contract or contracts for constructing the same to the lowest responsible bidder.

Work done by contract.

Amount of bonds.

3. For the purpose of acquiring and paying for such lands, or reimbursing any fund which may have been used for acquiring such lands and the construction of said docks, wharves or piers, and the improvements made thereon, the city council or other body having control of the finances of such city is hereby authorized and empowered to issue bonds of said city to an amount not exceeding one hundred thousand dollars, said bonds to run for such period as said governing body shall determine; to be sold at not less than the par value thereof, and to bear interest at a rate not exceeding four per centum per annum, payable semi-annually, and said bonds shall be of such denomination as said governing body may designate, and may be either registered or coupon bonds, and shall be signed by the mayor, comptroller and city clerk under the corporate seal of the city issuing the same, and there shall be placed in the tax levy of any city issuing such bonds, each year after their issue, and raised by taxation, a sum of money sufficient to pay the annual interest thereon, and such further sum for a sinking fund as will meet and pay said bonds at maturity.

Rate.

Sinking fund.

4. This act shall take effect immediately.

Approved April 25, 1907.

CHAPTER 110.

An Act to authorize cities of this State through which any river, stream or creek runs, and into which the sewage of any city empties, to build and construct intercepting sewers to receive all such sewage to be disposed of in such manner as shall be deemed proper, and to provide for the alteration of a general system of sewerage and drainage in cities, and to cleanse and otherwise improve such rivers, streams or creeks, and to issue bonds to meet the expense of such work.

Preamble.

WHEREAS, Many of the cities of this State are so situated that they are traversed by rivers, streams or creeks, into which such cities drain all or part of their sewage, thereby rendering such rivers, streams or creeks foul, noxious and detrimental to health; therefore,

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

Build intercepting sewers.

1. It shall be lawful for the City Council, Board of Aldermen, or board or body having control of the finances of any city through which any river, stream or creek runs, and into which the sewage or part of the sewage of such city is emptied, by such number of votes as may be required by the charter of such city or the rules of the governing body thereof for the expenditure of money for other purposes, to order and cause an intercepting sewer or sewers, or a system of sewerage, to be built and constructed in such city, or any part thereof, and to alter a general system of sewerage for such city, or any part thereof, so that all sewers within the district intended to be drained by such intercepting sewer, and now emptying into such river, stream or creek, shall thereafter be connected with such intercepting sewer or sewers into which all sewage matter from such connecting

sewers shall thereafter be discharged; and to establish one or more oulets or places of deposit, within or without such city, for sewerage and drainage, and to provide for the disposal of such sewage and drainage in such manner as said City Council, Board of Aldermen, or board or body having control of the finances of such city, may deem proper.

Cleanse water courses.

2. It shall be lawful for the City Council, Board of Aldermen, or board or body having the control of the finances of any city aforesaid, upon adopting and carrying into effect a plan for an intercepting sewer or general system of sewerage and drainage, in accordance with the first section of this act, to cause any river, stream or creek theretofore used for the purpose of receiving the sewage of such city, or any part thereof, to be cleansed and otherwise improved, so as to render the same healthful and free from deleterious matter.

Assess property benefited.

3. The City Council, Board of Aldermen, or board or body having control of the finances in any city aforesaid, may order and cause such work, or such part thereof as it may deem proper, to be paid for by the city, and may assess upon any property specially benefited thereby its just proportion of the cost of such work, and such benefits shall be assessed in the manner now provided by law for the assessment of municipal benefits.

Issue bonds to pay for sewer.

4. It shall be lawful for the City Council, Board of Aldermen, or board or body having the control of the finances in any city aforesaid, to issue bonds for the purpose of paying for the cost of building and constructing an intercepting sewer or a general system of sewerage and drainage, in pursuance of the provisions of this act, on the general credit of the city, to an amount not exceeding two hundred and fifty thousand dollars, to be made payable in fifty years from the time of issuing the same, and to bear interest at a rate not exceeding four per centum per annum, said bonds to be signed by the mayor and comptroller, and countersigned by the city clerk, under the seal of such city, and there shall be placed in the tax levy of any city issuing such bonds, each year after their issue, and raised by taxation, a

Amount.

Time; rate.

sum of money sufficient to pay the annual interest thereon, and such further sum for a sinking fund as will meet and pay said bonds at maturity. Sinking fund.

5. This act shall take effect immediately.

Approved April 25, 1907.

CHAPTER 111.

An Act to enable cities to widen, deepen and improve the streams, creeks or rivers which are the outlets of the natural drainage or storm or surface water therein, and to erect retaining walls on the banks of the same, and to condemn lands along such streams, creeks or rivers necessary to carry into effect the provisions of this act, and to issue bonds for the cost of such improvement.

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

1. It shall be lawful for any city in this State to widen, deepen and improve any stream, creek or river which is the outlet of the natural drainage or storm or surface-water flow of such city and the territory through which it runs, and to erect retaining walls on the banks or upon the sides thereof; and it shall be lawful for such city to acquire land along such stream, creek or river, in order to enable it to carry into operation the provisions of this act, and to pay any owner of such property such price as may be agreed upon between the City Council, Board of Aldermen, or other board or body having control of the finances of such city and such owner. Improve water courses.

2. In all cases where the City Council, Board of Aldermen or other governing body shall be unable to agree with the owner of lands lying along any stream, creek or river aforesaid necessary to be taken in order to Acquire land by condemnation.

carry out the improvements provided for in the first section of this act, it shall be lawful for such City Council, Board of Aldermen, or other legislative body having control of the finances in such city, to institute proceedings by condemnation to acquire such land, such proceedings to be conducted in the same manner as proceedings are conducted under the city charter of the city (condemning such lands) for the condemnation of lands for street purposes, or under the general laws of this State enacted for that purpose; and it shall be the duty of the said city to cause an assessment to be made upon the owner of land abutting upon said stream, creek or river for the special benefits conferred upon such abutting owners, and said assessment shall be made in the same manner as other assessments for municipal benefits.

Expenses met by bond issue.

3. It shall be lawful for the City Council, Board of Aldermen, or other municipal body having control of the finances in such city, to issue bonds for the purpose of defraying the expenses of making the improvements provided for in this act to an amount not exceeding fifty thousand dollars, which bonds shall be made to run for a period not exceeding fifty years, and to bear interest at a rate not exceeding four per centum per annum, said bonds to be executed by the mayor and comptroller and other financial officer of such city, and countersigned by the city clerk, under the corporate seal of such city, and there shall be placed in the tax levy of any city issuing such bonds, each year after their issue, and raised by taxation, a sum of money sufficient to pay the annual interest thereon, and such further sum for a sinking fund as will meet and pay said bonds at maturity.

Time; rate.

Sinking fund.

Penalties for misuse of stream.

4. It shall be lawful for the City Council, Board of Aldermen, or other governing body of any city aforesaid, to pass an ordinance or ordinances providing for penalties against persons convicted of injuring or damaging the retaining walls built along the banks of any river, stream or creek aforesaid, or of throwing or placing any article or thing in said river, stream or creek.

5. This act shall take effect immediately.

Approved April 25, 1907.

CHAPTER 112.

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

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

Salaries of board of taxation in counties of first class.

1. In counties having, according to the next preceding State or National census, more than two hundred and fifty thousand inhabitants, the annual salary of each member of the County Board of Taxation shall be three thousand five hundred dollars, payable in the manner now provided by law. In said counties it shall be the duty of the Board of Chosen Freeholders to provide said County Board of Taxation with a permanent office for the transaction of its business and the preservation of its records, which records shall, during ordinary business hours, be open to the inspection of the public.

2. This act shall take effect immediately.

Approved April 29, 1907.

CHAPTER 113.

An Act to amend an act entitled "An act creating a bureau of shell fisheries" approved April 14, in the year of our Lord, one thousand nine hundred and three.

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

Section amended.

1. Section 1 of the act entitled An act creating a bureau of shell fisheries approved April 14, in the year

of our Lord one thousand nine hundred and three, be amended so as to read as follows:

Bureau of shell fisheries; chief, salary, etc.

1. A State bureau of shell fisheries is hereby established. The chief of said bureau shall be appointed by the Governor for the term of four years and thereafter a successor shall be appointed for a like period of four years whenever said office shall become vacant by death, resignation or expiration of the current term; his salary shall be twelve hundred dollars per annum, payable monthly by the treasurer on the warrant of the comptroller; the chief of such bureau may employ such clerical assistance as may be necessary from time to time; the several oyster commissions of the State shall file with such bureau a statement in detail, quarterly and oftener if required, of the receipts and disbursements of their several commissions, and such commissions shall further report annually to the said bureau on the first day of November a summary of the work of the said commissions for the preceding year; the shell commissioners shall in like manner report in detail all transactions of their several commissions; the director of the New Jersey college experiment station, at New Brunswick, shall annually file with said bureau a report of his experiments in the scientific investigation of oyster and clam propagation; all recommendations and reports of said commissions shall be made to the chief of said bureau; the said commissions shall forthwith on the granting of any lease or license transmit a memorandum or copy thereof to said bureau; a copy of all maps and surveys of any oyster lands heretofore or hereafter to be leased or surveyed by said commissions for any purpose and a copy of all maps and surveys of any grounds set apart for clamming grounds shall be filed forthwith with such bureau; the several oyster commissions, oyster superintendents and shell commissioners shall also file with said bureau, when required by the chief thereof, or any record, papers, writings or data pertaining to their several offices; an office for said bureau shall permanently be maintained at the state house and there shall be kept at all times on file therein all the reports surveys, papers

Oyster commissions to report to bureau.

Report of director of experiment station.

Copies of maps, etc., filed.

Office.

and records aforesaid; it shall be the duty of the chief of said bureau to procure and compile certificates and information relative to the progress and development of the oyster and clamming industry in this and in other states and countries, and to secure and keep on file the laws of other states regulating such industries; the chief of said bureau shall make a report to the Governor annually as of November first, each year, and not later than December first, annually of the general condition of the oyster and clamming industry of the State and the transactions of the various commissioners aforesaid during the preceding year, and shall transmit therewith the reports and recommendations of the oyster commissioners and the report of the director of the experiment station, together with such recommendations as said bureau may deem advisable to make.

Duties of chief.

Annual report.

2. This act shall take effect immediately.

Approved April 30, 1907.

CHAPTER 114.

An Act to amend an act entitled "An act to regulate the practice of courts of law (Revision of 1903)," approved April fourteenth, one thousand nine hundred and three.

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

1. Section eighty-four of an act entitled "An act to regulate the practice of courts of law (Revision of 1903)," approved April fourteenth, one thousand nine hundred and three, be and the same is hereby amended to read as follows:

Section 84 amended.

84. An action may be commenced by attachment against the property, real and personal, of any person, corporation or organization against whom a writ of

Action commenced by attachment.

summons might issue, upon proof by affidavit or otherwise to the satisfaction of the court in which an action is about to be commenced or to a judge or Supreme Court commissioner, establishing:

Establish facts.

First. The facts on which the plaintiff would be entitled to an order to hold a defendant to bail under the provisions of this act; if the defendant be a female, a corporation or an organization, an attachment may issue as if such defendant were liable to arrest in a civil action; but in actions in tort no attachment shall issue hereunder against a corporation upon which a summons can be served; or,

Plaintiff to specify cause.

Second. That the plaintiff has a cause of action the nature and particulars of which he shall specify, and that the defendant absconds from his creditors or is not a resident of this State, and that summons cannot be served; but no attachment shall issue hereunder against the rolling stock of a common carrier of another State or against the goods of a non-resident in transit in the custody of a common carrier of this or another State; or,

Cause existed against decedent.

Third. That a cause of action existed against a decedent which survives against his heirs or devisees and that such heirs or devisees, or some of them, are unknown or non-resident, and that there is property in this State which is by law liable to answer such cause of action.

Approved April 30, 1907.

CHAPTER 115.

An Act providing for the reimprovement of any street, avenue, road or highway, or the portion of such street, avenue, road or highway, lying in whole or in part only in one town, township or borough which has heretofore been improved and for which improvement assessments for benefits have been heretofore levied and imposed, and for the issue of bonds to pay for said reimprovement.

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

Reimprovement of streets and roads by paving.

1. Whenever any street, avenue, road or highway lying in whole or in part only in one town, township or borough has been heretofore improved, and an assessment for benefits for making such improvement has been heretofore levied and imposed upon the property specially benefited by said improvement, and such street, avenue, road or highway, or the portion thereof lying in such town, township or borough has become out of repair, and has fallen into such condition that in the opinion of the governing body of such town, township or borough it would be of greater advantage to such town, township or borough to remake and improve said street, avenue, road or highway, or the portion thereof lying within said town, township or borough, it shall be lawful for the said governing body of said town, township or borough, instead of repairing said street, avenue, road or highway, or the portion thereof lying within said town, township or borough, to cause the same to be paved with stone, brick, asphalt, macadam or other suitable material, and to cause the sidewalks thereof to be relaid and the curbs thereof to be reset with some proper material.

Sidewalks relaid.

Proposals invited and work done by contract.

2. The governing body of any such town, township or borough may at any time after deciding upon the necessity of such an improvement cause plans and specifications for the work to be done to be drawn, and shall thereafter advertise for proposals for the doing of the work and for the furnishing of the materials for the same. Upon receiving the proposals for the making of the said improvement they shall let the contract for said improvement to such responsible bidder or bidders as shall furnish satisfactory security for the proper performance of the work, and whose terms shall be considered most advantageous to the town, township or borough.

Bond issue.

3. The cost and expense of making such improvement shall be paid by the town, township or borough authorizing the same, and for the purpose of procuring funds wherewith to meet the cost and expense of making such improvement it shall be the duty of such town, township or borough to issue bonds of such town, township or borough as soon after the award of contract for said work as may be possible; said bonds shall be issued for full contract price and all expenses incident to the making of said improvement and said bond issue; said bonds may be issued either as registered or coupon bonds, and shall be due and payable at such time or times as the governing body of such town, township or borough may fix, but in no case or event shall any of said bonds run for a longer period than thirty years. The rate of interest on said bonds shall not exceed five per centum per annum, the denomination of the same shall be fixed by the governing body of the town, township or borough issuing the same, and said bonds may be sold at public or private sale, but for not less than par.

Time.

Rate.

Referendum.

4. This act shall take effect immediately, but its provisions shall remain inoperative in any town, township or borough in the State until assented to by a majority of the legal voters of such town, township or borough who shall vote either for or against the adoption of its provisions, as hereinafter provided, at an election to be held in such town, township or borough at any time to be fixed by the governing body of such town, township

or borough, when it shall go into full force and effect in any such town, township or borough.

Election. If the time fixed for holding such election shall be the time for holding any general election, the former shall be consolidated with the latter and conducted in the manner required by law governing such general election. Public notice of the time, place and purpose of holding the election shall be given by the clerk of such town, township or borough by advertisement set up at least ten days prior to and within thirty days next preceding the day of such election, in at least five of the most public places within such town, township or borough, and published in one or more newspapers circulating in such town, township or borough, within the time specified for posting the said public notices. And the clerk whose duty it shall be by law to provide ballots for such election, whether he be the clerk of such town, township or borough, or the clerk of the county in which said town, township or borough is located, shall cause to be provided for each voter voting at such election, ballots upon which (beneath the list of candidates thereon, if any candidates are to be voted for at such election), there shall be printed the following words:

Notice given by clerk.

Ballots.

How worded. "For an act providing for the reimprovement of any street, avenue, road or highway, or the portion of such street, avenue, road or highway lying in whole or in part only in one town, township or borough, which has heretofore been improved and for which improvement assessments for benefits have been heretofore levied and imposed, and for the issue of bonds to pay for said reimprovement," and immediately thereunder the proposition "Against an act providing for the reimprovement of any street, avenue, road or highway, or the portion of such street, avenue, road or highway lying in whole or in part only in one town, township or borough, which has heretofore been improved and for which improvement assessments for benefits have been heretofore levied and imposed, and for the issue of bonds to pay for said reimprovement," and the voter may vote to adopt this act by obliterating the second proposition on such ballot or may vote to reject this act by obliterating the first propo-

sition on such ballot; and in case neither of such propositions shall be marked off, obliterated or defaced from any ballot, such ballot shall not be counted as a vote either for or against such proposition, nor shall such ballot or the voter casting same be counted as a ballot or a voter in respect to determining the question of adopting or rejecting this act. If voting machines shall be used at any such election, all voting by means thereof shall be conducted in the manner specified by the statute in such case made and provided. Whether the election at which this act is submitted to the voters of any town, township or borough be a general election in which the question of adopting or rejecting this act shall have been consolidated or a special election held for the purpose of accepting or rejecting this act only, the method, the time and the place or places of holding any such election, and making the canvass and return of the votes thereat, shall be the same as now required by the statutes governing and regulating the general annual election in any town, township or borough; the election officers conducting said election shall make a return to the governing body of any such town, township or borough of a true and correct statement in writing, signed by them, of the result of said election, and same shall be entered at large upon the minutes of such governing body.

How and by whom election conducted.

Returns.

Approved May 6, 1907.

CHAPTER 116.

An Act concerning the paving and repaving of streets, avenues and public highways in cities of this State, and permitting the use of wood block pavement on such streets and highways.

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

1. The board, body or other public authority having control and supervision of the streets, avenues and pub-

Paving with wooden blocks.

lic highways of any city in this State, and having power to pave, repave or otherwise improve any such street or highway, in addition to the powers now vested in said board or body, shall have power and authority to pave or repave any such street or highway with wood block pavement.

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

Approved May 6, 1907.

CHAPTER 117.

An Act to provide for the establishment of public playgrounds in cities of this State and for the maintenance, control and management thereof.

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

1. In any city of this State the mayor of such city may, in his discretion, appoint three fit and suitable persons, citizens and residents of such city, who shall be confirmed by the common council or other governing body of such city, as commissioners of playgrounds, and who shall constitute and be known as the Board of Playground Commissioners of such city. The commissioners first appointed under this act in any city shall hold office for the terms of one, two and three years, respectively, as fixed and designated by the mayor in their respective appointments, and after the first appointments such commissioners shall be appointed for the full term of three years; vacancies shall be filled for the unexpired term only. They shall not receive any salary or other compensation for their services. Playground commission. Term. Vacancies; no salary.

2. It shall be the duty of such board, from time to time, to select, in different parts and sections of the Select and acquire lands suitable for playgrounds.

city for which they are appointed, lands for public playgrounds and recreation places for the children of such city, of such size and dimensions as they shall think suitable, regard being had to the population of the neighborhood, and to cause surveys and maps to be made thereof, together with a careful estimate, as nearly accurate as may be, of the probable cost of acquiring said lands, if it is proposed to purchase or condemn the same, and a statement of the annual rental and duration of term, if it is proposed to lease the same, together with an estimate of the cost of preparing and suitably equipping said lands for playgrounds and recreation places, which surveys, maps and estimates shall be submitted to the common council or other body of such city having control of the finances with a request that an appropriation be made for the purpose of acquiring or leasing said lands and preparing and suitably equipping the same. If the common council or other body of such city, by resolution, authorize the acquisition of the said lands and appropriate a sum for the purchase and equipment thereof, or authorize the leasing thereof and appropriate a sum for the equipment thereof, the said board shall proceed to acquire said lands by purchase or condemnation, or lease the same, as the case may be, and suitably to prepare and equip the same for a playground and recreation ground for children. If the land is condemned and the award exceeds the amount appropriated for its acquisition, the commissioners shall immediately submit the award to the common council or body having control of the finances, and unless they approve the same, shall within twenty days from the filing of the report of the commissioners abandon the condemnation proceedings. In case of condemnation proceedings, either party thereto shall have the right of appeal from the award of the commissioners. The title to all lands so purchased or taken shall vest in the city, and all leases of lands for the purposes of this act shall be in the name of the city.

Council to authorize acquisition.

3. The Board of Playground Commissioners shall have full control over all lands, playgrounds and recreation places for children acquired or leased under

Control and regulation of grounds.

the provisions of this act, and the maintenance and custody thereof, and the policing and preservation of order therein, and may adopt suitable rules, regulations and by-laws for the use thereof, and the conduct of children and other persons while on and using the same, and may enforce the same by suitable penalties. The custodians and assistants appointed by the board shall, while on duty and for the purpose of preserving order and the observance of the rules, regulations and by-laws of the board, have all the powers and authority of police officers of the respective cities in and for which they are severally appointed. The said board may appoint a secretary or clerk and such number of custodians and assistants for the several playgrounds and recreation places as they shall think necessary, but the salaries of all such officers, custodians and assistants shall be fixed and determined by the common council or other body having control of the finances of the city, by ordinance.

Custodians.

Secretary, etc.

4. The common council or body having control of the finances of each city having such playgrounds, shall annually fix, determine and appropriate a sum sufficient for the care, custody, policing and maintenance of such playgrounds and recreation places for children, and for the expenses of the several boards of commissioners, which sum shall be raised by taxation as other taxes are raised in such city. The common council or other body having control of the finances shall provide a suitable office or offices for said boards of commissioners of playgrounds.

Funds provided by council.

5. The sum or sums of money necessary to pay for lands purchased or condemned for such playgrounds and recreation places for children may be raised and provided by the common council or body having control of the finances by general taxation, as other taxes are raised and levied, or by the issue of temporary loan bonds, or by the issue of permanent bonds of the particular city. If permanent bonds are issued, they shall be for not less than thirty nor more than fifty years, shall bear interest not exceeding four per centum per annum, and shall be sold at not less than their par value. If permanent bonds are issued, there shall be

May issue bonds to acquire land.

Time; rate.

raised each year by general taxation, by the city issuing the same, as other taxes are raised and levied, a sum sufficient to pay the annual interest and also a sum for a sinking fund for such bonds, sufficient to meet, pay and retire the same at maturity. If temporary loan bonds are issued, they shall be so issued that at least one-fifth thereof shall be due and payable each year, and there shall be raised each year by general taxation a sum sufficient to pay and retire the temporary loan bonds falling due that year.

Sinking fund.

Retirement of temporary bonds.

6. This act shall take effect immediately.

Approved May 7, 1907.

CHAPTER 118.

A Supplement to an act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

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

School census in districts.

1. The board of education of any school district may cause to be taken an exact census of all children residing in such district between the ages of five and eighteen years, including such other information as said board may deem necessary or proper; *provided,* that such census shall not be taken more often than once in five years, and shall not be taken in any year in which a United States or a State census shall be taken. The board of education of the school district may appoint as many suitable persons as may be necessary to act as enumerators in taking the said census, and may fix the compensation to be paid to said enumerators, not exceeding four cents for each name in said census, which compensation shall be paid as a current expense of the district.

Proviso.

Enumeration.

2. This act shall take effect immediately.

Approved May 7, 1907.

CHAPTER 119.

An Act to amend an act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

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

1. Section eighty-five of the act to which this is an amendment is hereby amended to read as follows: Section 85 amended.

85. Each Board of Education created under the provisions of this article shall organize annually on the first Monday in April by the election of one of its members as president and another as vice president. A president or vice president who refuses to perform any duty imposed upon him by this act may be removed by the majority vote of all the members of the board. If said board shall fail to organize on said day, the county superintendent of schools shall appoint, from among said members, a president and a vice president. In case the office of president or vice president shall become vacant, the Board of Education shall, within thirty days thereafter, fill such vacancy for the unexpired term; and if it shall fail to fill said vacancy within the said thirty days, the county superintendent of schools shall fill such vacancy for the unexpired term. A member of such Board of Education shall, before entering upon the duties of his office, take and subscribe an oath, before any officer authorized by law to administer oaths, that he possesses the qualifications to be a member of said board prescribed therefor in this article, and that he will faithfully discharge the duties of his said office. Said oath shall be filed with the district clerk of said board.

Organization of school board.

Failure to organize.

Vacancies.

Oath.

Section 91 amended.

2. Section ninety-one of the act to which this is an amendment is hereby amended to read as follows:

District clerk.

91. Every Board of Education organized under the provisions of this article shall, by the majority vote of all the members of such board, appoint a district clerk, and shall fix his compensation and term of employment. Said district clerk may be removed by a majority vote of all the members of said board. He shall, before entering upon the duties of his office, execute and deliver

Bond.

to said board a bond in a sum to be fixed by said board, with surety or sureties to be approved by said board, conditioned for the faithful performance of the duties of his office. Said board may accept the bond or undertaking of a trust company or surety or indemnity company, and may pay the annual premium or fee therefor as a current expense of said board. He shall record in a suitable book all proceedings of the board of education, of the annual school meetings, and of special school meetings. He shall pay out by orders on the custodian of the school moneys of the school district, and in the manner prescribed by law, all school moneys

Records, duties, etc.

of the district. He shall keep a correct and detailed account of all the expenditures of school moneys in the district, and shall report to the board at each regular meeting the amount for which warrants shall have been drawn since the date of his last report, the accounts against which said warrants shall have been drawn, and the balance to the credit of each account. At each annual school meeting he shall present his record books and his accounts for public inspection, and shall make a statement of the financial condition of the district. He shall post notices of the annual and of any special meeting of the legal voters, and shall insert in said notices the object or objects for which said meeting shall be called; shall notify all members of the Board of Education of all regular and special meetings of the board, and during the month of July in each year he

Annual report.

shall present to the Board of Education a detailed report of the financial transactions of the board during the preceding school year, and file a copy thereof with the county superintendent of schools. The warrant or

order for the balance of salary due a district clerk at the close of the school year shall not be delivered to him until written notice has been received from the county superintendent that such district clerk has filed with him such annual report.

Extension of term of trustees and clerk.

3. The members of the boards of education now in office shall continue in office until the first Monday in April next succeeding the dates on which their terms would otherwise expire, and the term of office of the district clerks now in office shall continue until the first day of July next, after the passage of this act.

4. This act shall take effect immediately.

Approved May 7, 1907.

CHAPTER 120.

An Act to amend an act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

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

Section 203 amended.

1. Section two hundred and three of the act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three, be and the same is hereby amended to read as follows:

Annual appropriation to Bordentown school.

203. In lieu of all claims, rights and title that the "Manual Training and Industrial School for Colored Youth" has or may hereafter have upon the annual appropriation coming to this State from Congress under the provision of the supplement to the act of Congress of August thirteenth, one thousand eight hundred and ninety, a sum not to exceed twelve thousand dollars may be annually appropriated for the maintenance of said

school out of any money in the State treasury not otherwise appropriated.

2. This act shall take effect immediately.

Approved May 7, 1907.

CHAPTER 121.

An Act to amend an act entitled "An act to amend an act entitled 'An act providing for the pensioning of school teachers in this State,' approved March fifth, one thousand nine hundred and three," approved April twelfth, one thousand nine hundred and six.

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

Section amended.

1. Section one of an act entitled "An act to amend an act entitled 'An act providing for the pensioning of school teachers in this State,' approved March fifth, one thousand nine hundred and three," approved April twelfth, one thousand nine hundred and six, is hereby amended so as to read as follows:

Retirement on half pay.

1. Any teacher, principal or superintendent who shall have been employed in the public school system of this State not less than thirty-five years shall, upon application to the board of education or other body, or by resolution of the board of education or other body by which such teacher, principal or superintendent shall be employed, be retired from duty on half the average annual salary during the last five years of service; *provided,* such teacher, principal or superintendent shall have been employed at least twenty years by the board of education or other body by which he or she shall be retired, and the payments to such person shall be made at the same time and in the same manner as to teachers regularly employed.

Proviso.

Repealer.

2. Section two of said act is hereby repealed.

3. This act shall take effect immediately.

Approved May 7, 1907.

CHAPTER 122.

An Act to amend an act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

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

Section 182 amended.

1. Amend section one hundred and eighty-two of the act to which this is an amendment so that it shall read as follows:

District boards to report to county superintendent.

182. The board of education of each school district shall, on or before the fifteenth day of March in each year, certify to the county superintendent of schools for the county in which such school district shall be situate, and on the blanks furnished for that purpose by the State Superintendent of Public Instruction, the number of teachers who shall have been employed in the schools of such district for the full time the schools therein shall have been kept open during the then current school year, and the number of teachers who shall have been employed in said schools for a portion of said year, but for a period of not less than four months, specifying the grade in which each of such teachers shall have been employed. There shall also be certified as aforesaid the number of pupils who shall have attended a public school in a district other than that in which they reside, and for whom tuition fees shall have been paid by the board of education, specifying the grade in which each of such pupils shall have been enrolled during said year, and also the number of such pupils for whom transportation has been provided, and the cost thereof.

School attendance.

Apportionment of school moneys.

The said county superintendent of schools shall, on or before the first day of April in each year, apportion

to the several school districts of said county the State school moneys, and the interest of the surplus revenue in the following manner:

Amount per supervisor or city superintendent.

I. (*a*) The sum of six hundred dollars to each district in which there shall have been employed a supervising principal or city superintendent of schools, who shall have devoted his entire time to the supervision of the schools in such district, but if two or more districts shall have united in employing a supervising principal as aforesaid, the six hundred dollars apportioned for such principal shall be apportioned among said districts in the proportion that the number of teachers employed in each of said districts shall bear to the total number of teachers employed in all of the districts uniting in employing said supervising principal.

Per assistant supervisor or superintendent.

(*b*) The sum of four hundred dollars for each assistant superintendent and supervisor, other than the supervising principal, employed in the district, and permanent teacher employed in a high school or high school department having a full four years' course of study, which shall have been approved by the State Board of Education.

Per teacher.

(*c*) The sum of three hundred dollars for each permanent teacher employed in a high school or high school department having a full three years' course of study, which shall have been approved by the State Board of Education.

Per teacher in ungraded school, or less than three years' course.

(*d*) The sum of two hundred dollars for each permanent teacher employed in an ungraded school, or in a kindergarten, primary or grammar department or in a high school department having a course of study of less than three full years, which course of study shall have been approved by the State Board of Education.

Per temporary teacher.

(*e*) The sum of eighty dollars for each temporary teacher who shall have been employed for a period of not less than four months.

Per night school teacher.

(*f*) The sum of eighty dollars for each teacher employed in an evening school for the full time such school shall have been maintained; *provided,* the board of education shall certify that said evening school has been maintained at least four months during the school year

Proviso.

preceding that for which the apportionment shall be made; *provided further,* if any such teacher shall have been also employed in the day schools of the same district, the apportionment aforesaid shall be made for such teacher in addition to any amount apportioned for him as teacher in such day schools. Proviso.

(*g*) The sum of twenty-five dollars for each pupil who shall have attended a high school or a high school department in a district other than that in which he resides, and for whom a tuition fee shall be paid by the board of education. Per high school pupil in other district.

(*h*) The sum of five dollars for each pupil who shall have attended an ungraded school or a kindergarten, primary or grammar school department, in a district other than that in which he resides, and for whom a tuition fee shall have been paid by the board of education. Per pupil in other district.

(*i*) The sum of two hundred dollars to each district in which the board of education shall have provided proper means for the transportation of pupils in accordance with the provisions of this act, so long as proper transportation shall be provided; *provided,* that no appropriation shall be made for transportation unless the services of a teacher shall have been dispensed with by reason of substituting transportation for the services of such teacher. Per transported pupil. Proviso.

(*k*) Seventy-five per centum of the cost of transportation of pupils to a public school or schools in a district other than that in which such pupils reside; *provided,* that such apportionment shall not be made to any district in which a school-house shall be closed by reason of providing such transportation. 75 per cent. of transportation. Proviso.

In making such apportionment teachers employed in a manual training school or department in a district receiving an appropriation from the State for such manual training school or department, and who shall have devoted at least one-half of the time the schools in said district shall have been kept open to school work other than manual training, shall be regarded as temporary teachers only, but no apportionment shall be made for teachers who shall have devoted their entire As to manual training teachers.

time to teaching in such manual training school or department.

Apportionment of balance of school moneys.

II. He shall apportion to the several school districts of the county the remainder of said moneys on the basis of the total days' attendance of all pupils enrolled in the public schools thereof as ascertained from the last published report of the State Superintendent of Public Instruction. For the purpose of such apportionment an attendance upon an evening school shall be counted as one-half day's attendance. If a school in any district shall, on account of contagious disease, destruction of the school-house by fire or otherwise, or for other good reason, be closed, for the purpose of this apportionment, such school shall be deemed to have been in session, and the total days' attendance upon such school for the time it shall have been closed as aforesaid shall be determined by dividing the actual total days' attendance of the pupils enrolled in such school by the number of days such school shall have been actually in session, and multiplying the quotient thus obtained by the number of school days such school shall have been closed.

In case of evening and closed schools.

2. This act shall take effect immediately.

Approved May 7, 1907.

CHAPTER 123.

An Act to amend an act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

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

Title of article X amended.

1. Amend the title of article ten of the act to which this is an amendment so that it shall read as follows:

SCHOOLHOUSES, FACILITIES AND ACCOMMODATIONS.

Section 126 amended.

2. Amend section one hundred and twenty-six of the act to which this is an amendment so that it shall read as follows:

Suitable accommodations must be furnished.

126. Each school district shall provide suitable school facilities and accommodations for all children residing in the district and desiring to attend the public schools therein. Such facilities and accommodations shall include proper school buildings, together with furniture and equipment, convenience of access thereto, and courses of study suited to the ages and attainments of all pupils between the ages of five and twenty years. Such facilities and accommodations may be provided either in schools within the district convenient of access to the pupils or as provided in sections one hundred and seventeen, one hundred and eighteen and one hundred and nineteen of the act to which this act is an amendment. Whenever any school district shall fail to provide such facilities or accommodations, the county superintendent of schools shall transmit to the custodian of the school moneys of the school district an order directing him to withhold from such district all moneys in his hands, or which shall thereafter come into his hands, to the credit of such school district received from the State appropriation or from the State school tax until such suitable facilities or accommodations shall be provided, and shall notify the board of education of such district of his action with the reasons therefor. Such order shall not take effect until approved in writing by the State Superintendent of Public Instruction, and said approval shall state when said order shall take effect.

School moneys withheld upon failure to comply.

3. This act shall take effect immediately.

Approved May 7, 1907.

CHAPTER 124.

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

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

Section 32 amended.

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

Officials not to be interested in contracts for buildings or supplies.

32. Any member of any board of chosen freeholders, or any township committee, or any board of education in any school district, or any board of aldermen or common council in any city, or any board of commissioners of any county, township, city, town or borough in this State, who shall be directly or indirectly concerned in any agreement or contract for the construction of any bridge or building of any kind whatsoever, or any improvement whatever to be constructed or made for the public use or at the public expense, or shall be a party to any contract or agreement, either as principal or surety, between the county, township, city, town, borough or school district, as the case may be, and any other party, or who shall be directly or indirectly interested in furnishing any goods, chattels, supplies or property of any kind whatsoever to or for the county, township, city, town, borough or school district, the contract or agreement for which is made or the expense or consideration of which is paid by the board, council or committee of which such member is a part, shall be guilty of a misdemeanor.

2. This act shall take effect immediately.

Approved May 7, 1907.

CHAPTER 125.

A Supplement to an act entitled "An act respecting the Orphans' Court and relating to the powers and duties of the ordinary and the Orphans' Court and surrogates (Revision of 1898)," approved June fourteenth, one thousand eight hundred and ninety-eight.

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

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

9. The masters and examiners of the Court of Chancery shall be ex-officio masters and examiners of the Orphans' Court of this State. Ex-officio masters and examiners of Orphans' Court.

2. The Orphans' Court may refer to any master in chancery who shall be an attorney-at-law of at least five years' standing, any cause or other matter which may at any time be pending in such court, to hear the same for the Orphans' Court and report thereon to it, and advise what order or decree should be made therein. Reference to master by Orphans' Court.

3. When any cause or matter shall be so referred to a master, it shall be lawful for him to take and hear the evidence of any or all witnesses in said cause or matter orally in the same manner as the evidence is now taken and heard in courts of law in this State on trials before a jury. And it shall be lawful for such master, when any cause or matter is so referred to him, to employ a competent stenographic reporter to take down the evidence of such witnesses as may be examined before him for the use of the court and parties in such cause or matter. Lawful to take testimony. Stenographer.

4. The Orphans' Court may, by rule of court, fix and determine to what masters the references provided for by this act shall be made, and such masters may be removed and changed at the pleasure of the court. The To whom references made.

Compensation. Orphans' Court shall fix the compensation to be paid to such masters and stenographers for their services, which said compensation shall be paid by the county collector on the certificate of the said Orphans' Court.

5. This act shall take effect immediately.

Approved May 7, 1907.

CHAPTER 126.

An Act to remove police departments in the townships of this State from political control and to regulate the tenure and terms of office of the officers and men employed in such departments.

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

Township committee to control police. 1. In each of the townships in this State, the township committee shall be entrusted with the entire government, control and management of the police department therein, according to such just rules and regulations as may be established and adopted by such township committee.

Permanency of police. 2. The officers and men employed in the police department of each township accepting the provisions of this act and the officers and members of the police department of any township that may hereafter be appointed to such police department, shall hold their respective offices and places in the police department of such township during good behavior, and shall not be removed from their respective offices and places in said police department for political reasons, or on any ground except incapacity, non-residence or disobedience of the just rules and regulations that may be adopted by such township committee for the regulation of the said police department, and then only after written charges and a fair and impartial hearing upon such charges.

Preferring charges. 3. All charges preferred against any officer or member of such police department shall be in writing and

filed with the township clerk, and shall thereupon be examined into by the township committee, and the person against whom such charges are made shall be given a fair and reasonable opportunity to respond to same if he so desires, and, for the purpose of according any and all persons against whom charges shall be filed as aforesaid a fair and impartial hearing and trial, the township committee of such township shall have the power to issue subpœnas in the name of the chairman of the township committee and compel the attendance of witnesses at the time and place specified for such trial or hearing, which writs shall be served in the same manner as subpœnas issuing out of the Small Cause Court of this State, and every person who neglects or refuses to obey the command of such writ shall be liable to a penalty of twenty-five dollars, which said penalty may be recovered in an action to be brought in the name of the township, and the penalty when so recovered shall be paid into the police fund of such township; and the township clerk of such township shall act as clerk of such township committee at such trial or hearing, and he is hereby authorized to administer oaths or affirmations in any matter or proceeding under the provisions of this act, and any willful or corrupt swearing by any person when taking such oath or affirmation shall be deemed perjury, and shall be punishable in the same manner as now prescribed by the statutes of this State in cases of perjury.

Hearing granted.

Subpœna witnesses.

Clerk.

4. In case any member of the township committee, acting under the provisions of this act shall take or receive any reward, compensation or emolument for or in respect of any service under this act, or for or in respect to any appointment to be made or voted on, or for or in respect of any vote to be given by him in any proceedings taken under this act, he shall be deemed guilty of a misdemeanor.

Receiving reward by committeeman a misdemeanor.

5. All acts and parts of acts, both general and special, inconsistent with this act be and the same are hereby repealed; *provided, however,* that none of the foregoing provsions shall take effect in any township of this State until the same shall have been adopted by a vote of the legal voters of such township.

Repealer.

Proviso.

Referendum.

The adoption of this act shall be submitted to vote in any township of this State at any election for any township official, hereafter to be held, when a petition therefor, signed by at least five per centum of the qualified electors of such township, as evidenced by the total number of votes cast at the then next preceding election for officials of such township shall have been filed with the clerk of said township at least ten days prior to such election, of which submission the same notice shall be given as is now or may be required to be given of the said election of township officials, and the legal voters of said township may, at such election, decide upon the acceptance or rejection of this act in the following manner:

Ballots.

There shall be printed on each ballot for any such township official or officials, next under the party heading of such ballot, the proposition "For an act to remove police departments in the townships of this State from political control and to regulate the tenure and terms of office of the officers and men employed in such departments," and immediately thereunder the proposition "Against an act to remove police departments in the townships of this State from political control and to regulate the tenure and terms of office of the officers and men employed in such departments," and the voter may vote to accept this act by obliterating the said second proposition on such ballot, or may vote to reject this act by obliterating the said first proposition on such ballot; and the said ballots so cast for or against this act shall be counted and the result thereof returned by the election officers and a canvass of such election had in the same manner and at the same time as in case of ballot for any candidate for any township office voted for at such election, and the acceptance or rejection of this act, so determined, shall be declared in the same manner as the result of said election for any such candidate for office.

Result determined and declared.

If voting machines should be used at such election all voting by means thereof shall be conducted in the manner in such case made and provided by statute.

When act effective.

And if there shall be a majority of votes so cast in favor of the acceptance of this act, but not otherwise,

this act shall take effect immediately in such township, and such township shall be bound by all the terms of this act.

Submission.

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

Approved May 7, 1907.

CHAPTER 127.

An Act to amend an act entitled "An act for the assessment and collection of taxes (Revision of 1903)," approved April eighth, one thousand nine hundred and three.

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

Section 22 amended.

1. Section twenty-two of an act entitled "An act for the assessment and collection of taxes (Revision of 1903)," approved April eighth, one thousand nine hundred and three, be and the same is hereby amended so as to read as follows:

County board of taxation to prepare table of aggregates.

22. The County Board of Taxation, immediately upon the correction and completion of the various tax lists and duplicates, and not later than the third Tuesday in September, shall fill out a table of aggregates copied from the duplicates of the several assessors and enumerating the following items: (1) The total number of acres or lots assessed; (2) the value of the land assessed; (3) the value of the improvements thereon assesed; (4) the total value of the land and improvement assessed; (5) the value of personal estate assessed; (6) the total amount of deductions for debts claimed and allowed in each taxing district; (7) total net valuation taxable; (8) the number of polls assessed; (9) the total valuation of property exempt from taxation in each taxing district, specifying particularly and by separate items: (*a*) The amount of public school property; (*b*) the amount of

other school property; (*c*) the amount of public property other than school property; (*d*) the amount of church and charitable property; (*e*) the amount of cemetery property and graveyards; (*f*) the total value of exempt property in each taxing district; (10) the amount apportioned to each taxing district for State school tax; (11) the amount apportioned to each taxing district for county expenses; (12) the total amount to be raised in each taxing district for local purposes; (13) the tax rate per one hundred dollars of valuation in each taxing district. The blanks for filling out these tables of aggregates shall be provided by the Board of Equalization of Taxes of New Jersey, and sent by the said board to the county collectors of the several counties, to be by them transmitted to the county Boards of Taxation at their annual meetings. Such table of aggregates shall be correctly added by columns, and shall be signed by the members of the County Board of Taxation and by the assesors of the several taxing districts, and shall, within three days thereafter, be transmitted to the county collector, who shall file the same and forthwith cause it to be printed in its entirety, and shall transmit a certified copy of such printed table of aggregates to the State Comptroller, the Board of Equalization of Taxes of New Jersey, and the clerk of each municipality in such county.

Blanks furnished by State Board.

To whom tables furnished.

2. This act shall take effect immediately.

Approved May 7, 1907.

CHAPTER 128.

An Act to authorize cities owning their own water mains to lay or extend new or additional water mains, and to issue bonds in payment therefor.

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

Extension of water-supply.

1. It shall be lawful for the common council, board of aldermen or other governing body of any city in this

State, which owns its own water plant or water mains, upon the written request submitted to it by the board, department or other authority in charge of the water-supply of such city, setting forth that there is a public necessity for the laying of new or additional water mains in the streets, for the purpose of supplying the inhabitants of such city with a proper supply of pure and wholesome water, and estimating the cost of such mains, and the laying and construction thereof in the streets of such city, to order by ordinance passed and approved, according to the provisions of the city charter, that bonds of such city be issued to the amount so required and estimated, not to exceed one hundred thousand dollars, which bonds shall be denominated "water bonds"; shall bear interest at a rate not to exceed five per centum per annum; shall run for a period not less than ten years or more than fifty years; shall be in the usual form of city bonds, coupon or registered, as such governing body may elect, and shall pledge the faith, credit and property of such city for the payment thereof.

Mains.

Water bonds.

Rate; time.

2. The said bonds, after due advertisement in accordance with the requirements of such city charter, shall be sold at public sale to the highest bidder, and the proceeds thereof shall be applied exclusively by the board, department or other authority in charge of the water-supply of such city, to the laying of the new or additional water mains, as specified by the said board in its written application to such governing body.

Sale of bonds.

3. For the purpose of retiring said bonds at maturity, the assessors of such city shall assess annually such sum upon the ratables of said city as will, at the maturity of said bonds, be sufficient to retire the same, which sum, when collected, shall be placed in a sinking fund to be maintained by such city for the purpose of such retirement.

Sinking fund.

4. This act shall take effect immediately.

Approved May 7, 1907.

CHAPTER 129.

An Act concerning the making and collecting of assessments for benefits conferred by the construction of sewers.

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

Assessment of lands benefited but omitted in making assessment.

1. Where in any city, town, township or other municipality sewers have been constructed, forming part of a general system of sewerage for such city, town, township or other municipality, and an assessment of a part of the cost and expense incurred by the construction of such sewer system has been levied and imposed upon the lands specially benefited thereby at the time of making and levying such assessment, but not upon the lands and real estate fronting or abutting upon the line of such sewers prospectively benefited thereby, and such assessment has been confirmed, it shall be lawful at any time for the governing body of the city, town, township or other municipality in which such sewer system may lie to cause such of the lands and real estate fronting or abutting upon the line of such sewers upon which no assessment has been levied or imposed as aforesaid as have come to be specially benefited thereby to be assessed for a part of the cost and expense of constructing such sewer system, in proportion to the special benefits actually conferred thereby; and such assessments shall be made, completed and collected under the laws in force at the time the original assessment of the cost and expense of such sewer system was made, and that notwithstanding the form of government of the municipality may have been changed since the making of such original assessment.

Additional legislation.

2. This act shall not repeal or affect any other legislation or proceedings for the levying of assessments for

sewers, but is hereby declared to be additional legislation for such purposes.

3. This act shall take effect immediately.

Approved May 7, 1907.

CHAPTER 130.

An Act to annex to the city of Woodbury, in the county of Gloucester, a portion of the township of West Deptford in said county.

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

Boundaries of township of West Deptford annexed to Woodbury.

1. All that portion of the township of West Deptford, in the county of Gloucester, included within the following boundaries, to wit: Beginning at a point where the northerly line of the Penn's Grove branch of the West Jersey and Seashore railroad intersects the westerly line of the city of Woodbury, and from thence (1) northwardly, along the said westerly line of the city of Woodbury, crossing Delaware street, four thousand feet, more or less, to the center of Woodbury creek; thence (2) down said creek the various courses and distances thereof, in all about two thousand and five hundred feet, to a point in range with the line between lands of formerly Samuel P. Watkins, now Benjamin W. Cloud, and of the heirs of Joseph W. Reeves, deceased; thence (3) southerly, along the line between lands of Benjamin W. Cloud and George H. Barker on the east and the said Reeves' heirs on the west, about four thousand feet to a corner of said Barker's and Reeves' lands; thence (4) continuing the same course across lands of said Barker about forty feet to the said northerly line of said Penn's Grove branch of the West Jersey and Seashore railroad; and thence (5) eastwardly, along said railroad line about two thousand and three hundred feet to the place of beginning, is hereby set off from said township of West

Deptford and annexed to and made a part of the Third ward of the city of Woodbury, in the county of Gloucester.

2. This act shall take effect immediately.

Approved May 7, 1907.

CHAPTER 131.

An Act providing uniform laws to regulate the catching and taking of fish in the Delaware river and bay between the State of Delaware and the State of New Jersey.

Preamble.

WHEREAS, By virtue of article four of the compact or agreement entitled "A compact between the State of New Jersey and the State of Delaware, relating to the boundary controversy between said States," which was ratified and confirmed by an act of the Legislature of the State of New Jersey, approved March twenty-first, one thousand nine hundred and five, and by an act of the General Assembly of the State of Delaware, approved March twentieth, one thousand nine hundred and five, the State of New Jersey, by an act of the Legislature thereof, approved May eleventh, one thousand nine hundred and five, appointed William J. Bradley, James Strimple and John Boyd Avis commissioners on the part of the State of New Jersey to confer with like commissioners appointed, or to be appointed, by the General Assembly of the State of Delaware, to do and perform all the duties, acts, matters and things required and stipulated in the said compact or agreement; and

WHEREAS, By a similar act of the General Assembly of the State of Delaware, approved March twenty-third, one thousand nine hundred and five, Alexander B. Cooper, William S. Hilles and Walter H. Hayes were appointed like commissioners on the part of

the State of Delaware, to confer with the said commissioners on the part of the State of New Jersey, and to do and perform the duties aforesaid; and

WHEREAS, Each of the said commissions have been duly organized as provided and required by law; and

WHEREAS, The said commissioners of the said respective States, in joint meeting held for that purpose, have agreed upon uniform laws to regulate the catching and taking of fish in the Delaware river and bay between the said States, and have also acsertained the dividing line between the said Delaware river and Delaware bay, and have, upon each of the shores of the said two States, where said dividing line extended intersects the same, provided for the erection of a suitable monument to mark said dividing line, in pursuance of the duties imposed upon them by law; therefore,

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

Application of act.

1. The provisions of this act shall affect and apply only to the catching and taking of fish in the waters of the Delaware river and bay lying between the States of Delaware and New Jersey.

Common right to fish.

2. The inhabitants of the States of Delaware and New Jersey shall have and enjoy a common right of fishery throughout, in and over the waters of said river, between low-water marks on each side of said river between said States, except so far as either State may have heretofore granted valid and subsisting private rights of fishery.

Jurisdiction, riparian rights, and oyster industry not affected.

3. Nothing herein contained shall affect the territorial limits, rights or jurisdiction of either of said States of, in or over the Delaware river, or the ownership of the subaqueous soil thereof, except as is expressly set forth in said compact between the said States; nor shall anything herein contained affect in any way the planting, catching or taking of oysters, clams or other shell-fish, or interfere with the oyster industry as now or hereafter carried on under the laws of either of said States.

Fishing lawful.

4. Hereafter it shall be lawful for any person to catch and take from the waters aforesaid fish of any

character (except shell-fish) with any net, hook and line, or other appliances; *provided,* the meshes of any net shall not be less than two and one-half inches long, stretched measure, and except as hereinafter provided; *provided further,* that nothing in this section shall apply to nets used for catching eels.

Proviso.

Proviso.

Shad; size of nets.

5. Hereafter it shall be unlawful for any person to catch and take, or to attempt to catch and take, shad from the waters aforesaid with a seine or net of any character the meshes of which shall be less than five and one-quarter inches, stretched measure. It shall also be unlawful for any person to catch and take, or to attempt to catch and take, any shad from the said waters, in any manner whatsoever, between the hours of twelve o'clock noon of every Saturday and twelve o'clock midnight of the Sunday next ensuing, and also between the fifth day of June in each and every year and the first day of March thence next ensuing. It shall also be unlawful for any person at any time to set, place or use a net of any kind, except a drifting net, for the purpose of catching and taking shad within one-half mile of the mouth of any river, creek or stream emptying into the said waters.

Ulawful taking of shad.

Carp; size of nets.

6. Hereafter it shall be unlawful for any person to catch and take, or to attempt to catch and take, carp from the waters aforesaid with a seine or net of any character the meshes of which shall be less than two and one-half inches, stretched measure. It shall also be unlawful for any person to catch and take, or to attempt to catch and take, from the said waters any carp, in any manner whatsoever, between the hours of twelve o'clock noon of every Saturday and twelve o'clock midnight of the Sunday next ensuing. It shall also be unlawful for any person to catch and take, or to attempt to catch and take, from the waters aforesaid any carp weighing less than one pound; and should any such fish be caught it shall be immediately returned to the waters, uninjured. It shall also be unlawful for any person to catch and take, or to attempt to catch and take, any carp, in any manner whatever, between the first day of May and the tenth day of August of each and every year.

Unlawful taking of carp.

Rockfish; size of nets.

7. Hereafter it shall be unlawful for any person to catch and take, or to attempt to catch and take, rockfish from the waters aforesaid with a seine or net of any kind, the meshes of which shall be less than two and one-half inches, stretched measure. It shall also be unlawful for any person to catch and take, or to attempt to catch and take, any rockfish in any manner whatsoever between the hours of twelve o'clock noon of every Saturday and twelve o'clock midnight of the Sunday next ensuing. It shall also be unlawful for any person to catch and take, or to attempt to catch and take, from the waters aforesaid, in any manner whatever, any rockfish weighing more than twenty pounds or measuring less than ten inches in length; and should any such fish, weighing over twenty pounds, or measuring less than ten inches in length, be caught, it shall be immediately returned to the waters, uninjured.

Unlawful taking of rockfish.

Sturgeon; size of net.

8. Hereafter it shall be unlawful for any person to catch and take, or to attempt to catch and take, from the waters aforesaid, any sturgeon or mamoose with a net of any character, the meshes of which shall be less than thirteen inches, stretched measure. It shall also be unlawful for any person to catch and take, or to attempt to catch or take, any sturgeon or mamoose under six feet in length, and if any such sturgeon or mamoose under six feet in length should be caught, it shall be immediately returned to the waters, uninjured. It shall also be unlawful for any person to catch and take, or attempt to catch and take, sturgeon or mamoose from the waters aforesaid, in any manner whatever, between the hours of twelve o'clock noon of every Saturday and twelve o'clock midnight of the Sunday next ensuing, and also between the first day of July in each and every year and the first day of March thence next ensuing.

Unlawful taking of sturgeon.

Trout or weak fish; size of net.

9. Hereafter it shall be unlawful for any person to catch and take, or to attempt to catch and take, from the waters aforesaid, any trout or weakfish with a net of any character, the meshes of which shall be less than two and one-half inches, stretched measure. It shall also be unlawful for any person to catch and take, or to attempt to catch and take, any trout or weakfish from

Unlawful taking.

the waters aforesaid, with a net of any character, between the hours of twelve o'clock noon of every Saturday and twelve o'clock midnight of the Sunday next ensuing.

Set nets unlawful.

10. Hereafter it shall be unlawful for any person to catch and take, or to attempt to catch and take, fish of any kind with a net of any character which is anchored, staked or fastened down in any way across the said waters or any part thereof, or at right angles with the shore line thereof, or across the mouth of any river, creek or stream emptying into the waters aforesaid.

Damaging nets unlawful.

11. Hereafter it shall be unlawful for any persons by boat, anchor, dredge, or otherwise, in the waters aforesaid, to willfully and without reasonable cause, interfere with, break, damage or destroy any drift net or gill seine being lawfully used for the taking of any fish as herein provided.

Poisonous or destructive substances unlawful.

12. Hereafter it shall be unlawful for any person willfully to put or place in the waters aforesaid any explosive substance whatever, or any drug or poisoned bait for the purpose of catching and taking, killing or injuring the fish, or to allow any dye stuff, coal or gas tar, coal oil, sawdust, tan bark, coculus indicus (otherwise known as fish-berries), lime, refuse from gas-houses, oil tanks or vessels, or any other deleterious, destructive or poisonous substance to be turned into or allowed to run into any of the waters aforesaid, in quantities sufficient to destroy or impair fish life or disturb the habits of fish inhabiting the same. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a fine of not more than five thousand dollars, or shall be imprisoned not more than one year, or both, in the discretion of the court.

Penalty.

Fishing on Sunday unlawful.

13. Hereafter it shall be unlawful for any person to catch and take, or to attempt to catch and take, fish of any kind or description from the waters aforesaid by a net of any character on the Sabbath day, commonly called Sunday.

Set lines, fish baskets, etc., unlawful.

14. Hereafter it shall be unlawful for any person to catch and take, or to attempt to catch and take, fish of any kind from the waters aforesaid with a set line, or to have, use, erect or maintain in the waters aforesaid, for the purpose of catching and taking fish of any kind (except catfish, eels and suckers), any fish basket, eel weir, fyke net, pound net, shore net, dip net, cast net, wing-wall, wingdams, or any other device, excepting in the manner and with the means in this act provided; *provided,* that nothing contained in this section shall prevent the catching and taking of carp with shore nets, dip nets or cast nets.

Proviso.

Illegal sale of fish.

15. Hereafter it shall be unlawful for any person to sell, expose for sale or have in possession, any fish caught and taken in violation of the provisions of this act.

Penalty for violations.

16. Any person or persons violating any of the provisions of this act in all cases where no other specific penalty is herein provided, shall forfeit and pay a fine of not less than twenty dollars nor more than two hundred dollars and costs of prosecution, and in default of payment thereof shall be committed to the county jail or work-house for a period of not less than ten days nor more than ninety days, or until such fine and costs are paid.

Boats, nets, etc., seized for illegal use forfeited to State.

17. Any and every boat, vessel, net, trap, pot, pound, set line, fyke, weir or other property used by any person for the unlawful taking of, or attempting to take, any fish in the waters aforesaid, in violation of the provisions of this act, shall be forfeited to the State of New Jersey, together with the tackle, apparel and furniture of said boat or vessel and all other apparatus and implements so unlawfully used; and the same shall be seized and detained by the sheriff, officer, any constable or any fish and game warden of the State, or authorized deputy or deputies, until sold or discharged, as hereinafter provided. Upon the conviction of any such person as aforesaid, the court shall, in addition to the sentence pronounced against such person, enter an order and judgment of forfeiture against said property so unlawfully used and shall order the sheriff of the

Sale of forfeited property.

county, or any fish and game warden of the State, to at once seize the same wheresoever it may be found, who shall thereupon advertise and sell the same at public auction, for cash, to the highest and best bidder for the same, after giving at least ten days' notice by advertisements, posted in at least ten public places of the county, of the time and place of said sale; the proceeds of said sale, after deducting all costs, charges and expenses, shall be paid by the said sheriff or fish and game warden to the Board of Fish and Game Commissioners for the use of said commission according to law. In the event that the said person, so charged as aforesaid, shall be acquitted, the said property shall be forthwith returned to the person in whose custody it was at the time it was so seized and taken as aforesaid.

Issue of warrants.

18. Any justice of the peace, or other officer legally qualified by law, shall, upon affidavit made that any person, boat, vessel or other appliance or apparatus hereinbefore enumerated, is, are or have been violating, or used in violation of this act, issue his warrant to the sheriff or any constable of the county or any fish and game warden of the State, authorized to make such arrest, commanding him to arrest such person and to seize and detain such property for hearing, trial or other proceeding under this act. The said sheriff, constable, officer or fish and game warden, may, if necessary, summon to his aid the posse comitatus, and may require the assistance and use of any other boat, vessel or other means, by paying, or tendering, just compensation. It shall not be necessary that the affidavit shall state the name of the boat or vessel, or describe with particularity the property to be seized.

Arrest and seizure.

Officer may summon aid.

Purse nets forbidden.

19. It shall be unlawful for any person to catch and take, or to attempt to catch and take, from the said Delaware river or Delaware bay, with purse or shirred nets operated by or from steam or other vessels, fish of any kind whatsoever; *provided, however,* that this section shall not apply to the catching and taking of menhaden, sharks, porpoises and herring-hogs, by the crews of vessels licensed as provided for in this section. It shall be the duty of the Fish and Game Commission of

Proviso.

Menhaden boats licensed.

the State, upon the payment to it annually of the sum of one hundred dollars ($100) for each and every vessel or boat, to issue a license to such vessel or boat to catch and take menhaden, sharks, porpoises and herring-hogs in the waters of the Delaware bay as far north as a straight line drawn from the center of the mouth of Mahon's river to the nearest point opposite on the New Jersey shore, from the first day of June until the thirty-first day of August, inclusive, of each year, and at no other time or times. The said money so received for said license shall be paid over to the Fish and Game Commission of the State for the use of said commission as provided by law.

Edible fish not to be used for oil or fertilizer.

20. It shall be unlawful for any person to have in his possession or to bring into this State any fish generally known as edible or food fish that has been caught and taken from the waters of the Delaware bay or river within the bounds aforesaid, for the purpose of extracting oil therefrom or of converting said fish into fertilizer; and it shall also be unlawful for any person to extract oil, or to convert, or in any manner assist in extracting oil from or in converting such fish into fertilizer.

Summary arrest.

21. Any fish commissioner, fish and game warden, sheriff, constable, or any officer may, upon view, arrest any person violating any of the provisions of this act without warrant or writ issued for such purpose.

States have concurrent jurisdiction.

22. Each of the said States of Delaware and New Jersey shall also have concurrent jurisdiction over all offenses and violations of this act committed or attempted to be committed by any person who is not an inhabitant of either of said States.

Fish wardens named by Delaware.

23. The Governor of the State of Delaware shall, when and as requested by the Governor of the State of New Jersey, issue a commission or commissions to such person or persons as may be named to him by the Governor of the State of New Jersey, which shall authorize the person or persons to whom the same are directed to arrest the inhabitants of either the State of Delaware or the State of New Jersey for any violation of this act; *provided, however,* that if the person so arrested

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shall be an inhabitant of the State of Delaware, such person shall be forthwith taken to the State of Delaware for trial and punishment. The Governor of the State of Delaware at any time shall, when and as requested by the Governor of this State, revoke the said commissions, or any of them. The compensation of the person or persons to whom such commission or commissions may be directed shall be paid wholly by the State of New Jersey.

May revoke commission.

Fish wardens named by New Jersey.

The Governor of the State of New Jersey shall, when and as requested by the Governor of the State of Delaware, issue a commission or commissions to such person or persons as may be named to him by the Governor of the State of Delaware, which shall authorize the person or persons to whom the same are directed to arrest the inhabitants of either the State of Delaware or the State of New Jersey, for any violation of this act; *provided, however,* that if the person so arrested shall be an inhabitant of the State of New Jersey, such person shall be forthwith taken to the State of New Jersey for trial and punishment. The Governor of this State may, at any time, and shall, when and as requested by the Governor of the State of Delaware, revoke the said commissions, or any of them. The compensation of the person or persons to whom such commission or commissions may be directed shall be paid wholly by the State of Delaware.

Proviso.

May revoke commission.

Power of arrest.

Nothing contained in this section shall be so construed as to prevent the arrest of any inhabitant of the State of New Jersey by any other officer or person having authority under the laws of the said state of New Jersey to make arrests for the violation of the provisions of this act.

Enforcement of statutes.

24. The provisions of this act where the offense is designated as a misdemeanor shall be enforced in accordance with the provisions of the statutes of the State relating to misdemeanors and in all other cases shall be enforced in accordance with the provsions of an act entitled "An act to provide a uniform procedure for the enforcement of all laws relating to fish, game and birds, and for the recovery of penalties for violations

thereof," approved March twenty-ninth, one thousand eight hundred and ninety-seven, and the supplements thereto and acts amendatory thereof.

When act operative.

25. This act shall take effect immediately, but shall not become operative until the Legislature of the State of Delaware shall have passed, and the Governor of that State shall have approved of a similar law, agreed upon by the commission, as recited in the preamble of this act. The provisions in this act contained regulating the size of the meshes of fishing nets shall not become operative until October first, one thousand nine hundred and eight.

Repealer.

26. All laws, or parts of laws, inconsistent with the provisions of this act, be and the same are hereby repealed.

Approved May 7, 1907.

CHAPTER 132.

An Act concerning the sale of goods and to make uniform the law relating thereto.

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

PART I.

FORMATION OF THE CONTRACT.

Contract.

1. (1) A contract to sell goods is a contract whereby the seller agrees to transfer the property in goods to the buyer for a consideration called the price.

Sale of goods.

(2) A sale of goods is an agreement whereby the seller transfers the property in goods to the buyer for a consideration called the price.

Absolute or conditional.

(3) A contract to sell or a sale may be absolute or conditional.

Part owners.

(4) There may be a contract to sell or a sale between one part owner and another.

Capacity to buy and sell.

2. Capacity to buy and sell is regulated by the general law concerning capacity to contract, and to transfer and acquire property.

Where necessaries are sold and delivered to an infant, or to a person who, by reason of mental incapacity or drunkenness, is incompetent to contract, he must pay a reasonable price therefor.

Necessaries in this section mean goods suitable to the condition in life of such infant or other person, and to his actual requirements at the time of delivery.

FORMALITIES OF THE CONTRACT.

Contract written or otherwise.

3. Subject to the provisions of this act and of any statute in that behalf, a contract to sell or a sale may be made in writing (either with or without seal), or by word of mouth, or partly in writing and partly by word of mouth, or may be inferred from the conduct of the parties.

When contract enforceable.

4. (1) A contract to sell or a sale of any goods or choses in action of the value of five hundred dollars or upwards shall not be enforceable by action unless the buyer shall accept part of the goods or choses in action so contracted to be sold or sold, and actually receive the same, or give something in earnest to bind the contract, or in part payment, or unless some note or memorandum in writing of the contract or sale be signed by the party to be charged or his agent in that behalf.

Section applies, though goods not ready for delivery.

(2) The provisions of this section apply to every such contract or sale, notwithstanding that the goods may be intended to be delivered at some future time, or may not at the time of such contract or sale be actually made, procured, or provided, or fit or ready for delivery, or some act may be requisite for the making or completing thereof, or rendering the same fit for delivery; but if

Specially made goods excepted.

the goods are to be manufactured by the seller especially for the buyer and are not suitable for sale to others in the ordinary course of the seller's business, the provisions of this section shall not apply.

Acceptance of goods.

(3) There is an acceptance of goods within the meaning of this section when the buyer, either before or after delivery of the goods, expresses by words or conduct his assent to becoming the owner of those specific goods.

SUBJECT MATTER OF CONTRACT.

Goods may exist or be futures.

5. (1) The goods which form the subject of a contract to sell may be either existing goods, owned or possessed by the seller, or goods to be manufactured or acquired by the seller after the making of the contract to sell, in this act called "future goods."

Contingent contract.

(2) There may be a contract to sell goods, the acquisition of which by the seller depends upon a contingency which may or may not happen.

Sale of futures a contract.

(3) Where the parties purport to effect a present sale of future goods, the agreement operates as a contract to sell the goods.

Undivided share may be sold.

6. (1) There may be a contract to sell or a sale of an undivided share of goods. If the parties intend to effect a present sale, the buyer, by force of the agreement, becomes an owner in common with the owner or owners of the remaining shares.

Sale of fungible goods.

(2) In the case of fungible goods, there may be a sale of an undivided share of a specific mass, though the seller purports to sell and the buyer to buy a definite number, weight or measure of the goods in the mass, and though the number, weight or measure of the goods in the mass is undetermined. By such a sale the buyer becomes owner in common of such a share of the mass as the number, weight or measure bought bears to the number, weight or measure of the mass. If the mass contains less than the number, weight or measure bought, the buyer becomes the owner of the whole mass and the seller is bound to make good the deficiency from similar goods unless a contrary intent appears.

Sale of specific goods partly or wholly perished.

7. (1) Where the parties purport to sell specified goods, and the goods without the knowledge of the seller have wholly perished at the time when the agreement is made, the agreement is void.

New Jersey State Library

(2) Where the parties purport to sell specific goods, and the goods without the knowledge of the seller have perished in part or have wholly or in a material part so deteriorated in quality as to be substantially changed in character, the buyer may at his option treat the sale—

(*a*) As avoided, or

(*b*) As transferring the property in all of the existing goods or in so much thereof as have not deteriorated, and as binding the buyer to pay the full agreed price if the sale was indivisible or to pay the agreed price for the goods in which the property passes if the sale was divisible.

When contract to sell specific goods that have partly or wholly deteriorated.

8. (1) Where there is a contract to sell specific goods, and subsequently, but before the risk passes to the buyer, without any fault on the part of the seller or the buyer, the goods wholly perish, the contract is thereby avoided.

(2) Where there is a contract to sell specific goods, and subsequently, but before the risk passes to the buyer, without any fault of the seller or the buyer, part of the goods perish or the whole or a material part of the goods so deteriorate in quality as to be substantially changed in character, the buyer may at his option treat the contract—

(*a*) As avoided, or

(*b*) As binding the seller to transfer the property in all of the existing goods or in so much thereof as have not deteriorated, and as binding the buyer to pay the full agreed price if the contract was indivisible, or to pay the agreed price for so much of the goods as the seller, by the buyer's option, is bound to transfer if the contract was divisible.

THE PRICE.

As to price.

9. (1) The price may be fixed by the contract, or may be left to be fixed in such manner as may be agreed, or it may be determined by the course of dealing between the parties.

(2) The price may be made payable in any personal property.

(3) Where transferring or promising to transfer any interest in real estate constitutes the whole or part of the consideration for transferring or for promising to transfer the property in goods, this act shall not apply.

(4) Where the price is not determined in accordance with the foregoing provisions the buyer must pay a reasonable price. What is a reasonable price is a question of fact dependent on the circumstances of each particular case.

On contract where third party fixes price.

10. (1) Where there is a contract to sell or a sale of goods at a price or on terms to be fixed by a third person, and such third person, without fault of the seller or the buyer, cannot or does not fix the price or terms, the contract or the sale is thereby avoided; but if the goods or any part thereof have been delivered to and appropriated by the buyer, he must pay a reasonable price therefor.

(2) Where such third person is prevented from fixing the price or terms by fault of the seller or the buyer, the party not in fault may have such remedies against the party in fault as are allowed by parts four and five of this act.

CONDITIONS AND WARRANTIES.

If conditions not performed.

11. (1) Where the obligation of either party to a contract to sell or a sale is subject to any condition which is not performed, such party may refuse to proceed with the contract or sale, or he may waive performance of the condition. If the other party has promised that the condition should happen or be performed, such first-mentioned party may also treat the non-performance of the condition as a breach of warranty.

(2) Where the property in the goods has not passed, the buyer may treat the fulfillment by the seller of his obligation to furnish goods as described and as warranted expressly or by implication in the contract to sell as a condition of the obligation of the buyer to perform his promise to accept and pay for the goods.

Affirmation of fact an express warranty.

12. Any affirmation of fact or any promise by the seller relating to the goods is an express warranty if

the natural tendency of such affirmation or promise is to induce the buyer to purchase the goods, and if the buyer purchases the goods relying thereon. No affirmation of the value of the goods, nor any statement purporting to be a statement of the seller's opinion only, shall be construed as a warranty.

Implied warranty in contract.

13. In a contract to sell or a sale, unless a contrary intention appears, there is—

(1) An implied warranty on the part of the seller that in the case of a sale he has a right to sell the goods, and that in the case of a contract to sell he will have a right to sell the goods at the time when the property is to pass.

(2) An implied warranty that the buyer shall have and enjoy quiet possession of the goods as against any lawful claims existing at the time of the sale.

(3) An implied warranty that the goods shall be free at the time of the sale from any charge or encumbrance in favor of any third person, not declared or known to the buyer before or at the time when the contract or sale is made.

(4) This section shall not, however, be held to render liable a sheriff, auctioneer, mortgagee or other person professing to sell by virtue of authority in fact or law goods in which a third person has a legal or equitable interest.

Goods to correspond to sample and description.

14. Where there is a contract to sell or a sale of goods by description, there is an implied warranty that the goods shall correspond with the description, and if the contract or sale be by sample, as well as by description, it is not sufficient that the bulk of the goods corresponds with the sample if the goods do not also correspond with the description.

As to quality and fitness.

15. Subject to the provisions of this act and of any statute in that behalf, there is no implied warranty or condition as to the quality or fitness for any particular purpose of goods supplied under a contract to sell or a sale, except as follows:

(1) Where the buyer, expressly or by implication, makes known to the seller the particular purpose for which the goods are required, and it appears that the

buyer relies on the seller's skill or judgment (whether he be the grower or manufacturer or not), there is an implied warranty that the goods shall be reasonably fit for such purpose.

(2) Where the goods are bought by description from a seller who deals in goods of that description (whether he be the grower or manufacturer or not), there is an implied warranty that the goods shall be of merchantable quality.

(3) If the buyer has examined the goods, there is no implied warranty as regards defects which such examination ought to have revealed.

(4) In the case of a contract to sell or a sale of a specified article under its patent or other trade name, there is no implied warranty as to its fitness for any particular purpose.

(5) An implied warranty or condition as to quality or fitness for a particular purpose may be annexed by the usage of trade.

(6) An express warranty or condition does not negative a warranty or condition implied under this act unless inconsistent therewith.

SALE BY SAMPLE.

Implied warranty in sale by sample.

16. In the case of a contract to sell or a sale by sample—

(*a*) There is an implied warranty that the bulk shall correspond with the sample in quality.

(*b*) There is an implied warranty that the buyer shall have a reasonable opportunity of comparing the bulk with the sample, except so far as otherwise provided in section forty-seven (3).

(*c*) If the seller is a dealer in goods of that kind, there is an implied warranty that the goods shall be free from any defect, rendering them unmerchantable, which would not be apparent on reasonable examination of the sample.

PART II.

TRANSFER OF PROPERTY AS BETWEEN SELLER AND BUYER

Sale of unascertained goods.

17. Where there is a contract to sell unascertained goods no property in the goods is transferred to the buyer unless and until the goods are ascertained, but property in an undivided share of ascertained goods may be transferred as provided in section six.

Transfer as intended.

18. (1) Where there is a contract to sell specific or ascertained goods, the property in them is transferred to the buyer at such time as the parties to the contract intend it to be transferred.

(2) For the purpose of ascertaining the intention of the parties, regard shall be had to the terms of the contract, the conduct of the parties, usages of trade, and the circumstances of the case.

Rules for ascertaining intention of parties to contract.

19. Unless a different intention appears, the following are rules for ascertaining the intention of the parties as to the time at which the property in the goods is to pass to the buyer:

Rule 1.—Where there is an unconditional contract to sell specific goods, in a deliverable state, the property in the goods passes to the buyer when the contract is made, and it is immaterial whether the time of payment, or the time of delivery, or both, be postponed.

Rule 2.—Where there is a contract to sell specific goods and the seller is bound to do something to the goods, for the purpose of putting them into a deliverable state, the property does not pass until such thing be done.

Rule 3.—(1) When goods are delivered to the buyer "on sale or return," or on other terms indicating an intention to make a present sale, but to give the buyer an option to return the goods instead of paying the price, the property passes to the buyer on delivery, but he may revest the property in the seller by returning or tendering the goods within the time fixed in the contract, or, if no time has been fixed, within a reasonable time.

(2) When goods are delivered to the buyer on approval or on trial or on satisfaction, or other similar terms, the property therein passes to the buyer—

(*a*) When he signifies his approval or acceptance to the seller or does any other act adopting the transaction.

(*b*) If he does not signify his approval or acceptance to the seller, but retains the goods without giving notice of rejection, then, if a time has been fixed for the return of the goods, on the expiration of such time, and if no time has been fixed, on the expiration of a reasonable time. What is a reasonable time is a question of fact.

Rule 4.—(1) Where there is a contract to sell unascertained or future goods by description, and goods of that description and in a deliverable state are unconditionally appropriated to the contract, either by the seller with the assent of the buyer, or by the buyer with the assent of the seller, the property in the goods thereupon passes to the buyer. Such assent may be expressed or implied, and may be given either before or after the appropriation is made.

(2) Where, in pursuance of a contract to sell, the seller delivers the goods to the buyer, or to a carrier or other bailee (whether named by the buyer or not) for the purpose of transmission to or holding for the buyer, he is presumed to have unconditionally appropriated the goods to the contract, except in the cases provided for in the next rule and in section twenty. This presumption is applicable, although by the terms of the contract the buyer is to pay the price before receiving delivery of the goods, and the goods are marked with the words "collect on delivery," or their equivalents.

Rule 5.—If a contract to sell requires the seller to deliver the goods to the buyer, or at a particular place, or to pay the freight or cost of transportation to the buyer, or to a particular place, the property does not pass until the goods have been delivered to the buyer or reached the place agreed upon.

Seller may reserve right of possession until conditions fulfilled.

20. (1) Where there is a contract to sell specific goods, or where goods are subsequently appropriated to the contract, the seller may, by the terms of the contract

or appropriation, reserve the right of possession or property in the goods until certain conditions have been fulfilled. The right of possession or property may be thus reserved notwithstanding the delivery of the goods to the buyer, or to a carrier or other bailee for the purpose of transmission to the buyer.

(2) Where goods are shipped, and by the bill of lading the goods are deliverable to the seller or his agent, or to the order of the seller or of his agent, the seller thereby reserves the property in the goods. But if, except for the form of the bill of lading, the property would have passed to the buyer on shipment of the goods, the seller's property in the goods shall be deemed to be only for the purpose of securing performance by the buyer of his obligations under the contract.

(3) Where goods are shipped, and by the bill of lading the goods are deliverable to the order of the buyer or of his agent, but possession of the bill of lading is retained by the seller or his agent, the seller thereby reserves a right to the possession of the goods, as against the buyer.

Acceptance of draft.

(4) Where the seller of goods draws on the buyer for the price and transmits the bill of exchange and bill of lading together to the buyer to secure acceptance or payment of the bill of exchange, the buyer is bound to return the bill of lading if he does not honor the bill of exchange, and if he wrongfully retains the bill of lading he acquires no added right thereby. If, however, the bill of lading provides that the goods are deliverable to the buyer or to the order of the buyer, or is endorsed in blank, or to the buyer by the consignee named therein, one who purchases in good faith, for value, the bill of lading, or goods from the buyer will obtain the property in the goods, although the bill of exchange has not been honored, provided that such purchaser has received delivery of the bill of lading endorsed by the consignee named therein, or of the goods, without notice of the facts making the transfer wrongful.

If bill of lading endorsed to buyer, his rights.

Sale by auction; bids, reservations, announcements, etc.

21. In the case of a sale by auction—

(1) Where goods are put up for sale by auction in lots, each lot is the subject of a separate contract of sale.

(2) A sale by auction is complete when the auctioneer announces its completion by the fall of the hammer, or in other customary manner. Until such announcement is made any bidder may retract his bid; and the auctioneer may withdraw the goods from sale unless the auction has been announced to be without reserve.

(3) A right to bid may be reserved expressly by or on behalf of the seller.

(4) Where notice has not been given that a sale by auction is subject to a right to bid on behalf of the seller, it shall not be lawful for the seller to bid himself or to employ or induce any person to bid at such sale on his behalf, or for the auctioneer to employ or induce any person to bid at such sale on behalf of the seller or knowingly to take any bid from the seller or any person employed by him. Any sale contravening this rule may be treated as fraudulent by the buyer.

Buyer's and seller's risks.

22. Unless otherwise agreed, the goods remain at the seller's risk until the property therein is transferred to the buyer, but when the property therein is transferred to the buyer the goods are at the buyer's risk whether delivery has been made or not, except that—

(*a*) Where delivery of the goods has been made to the buyer, or to a bailee for the buyer, in pursuance of the contract and the property in the goods has been retained by the seller merely to secure performance by the buyer of his obligations under the contract, the goods are at the buyer's risk from the time of such delivery.

(*b*) Where delivery has been delayed through the fault of either buyer or seller, the goods are at the risk of the party in fault as regards any loss which might not have occurred but for such fault.

TRANSFER OF TITLE.

Title to goods sold by non-owner.

23. (1) Subject to the provision of this act, where goods are sold by a person who is not the owner thereof, and who does not sell them under the authority or with the consent of the owner, the buyer acquires no better title to the goods than the seller had, unless the owner of the goods is by his conduct precluded from denying the seller's authority to sell.

(2) Nothing in this act, however, shall affect—

(a) The provisions of any factors' acts, recording acts or any enactment enabling the apparent owner of goods to dispose of them as if he were the true owner thereof.

(b) The validity of any contract to sell or sale under any special common law or statutory power of sale or under the order of a court of competent jurisdiction.

Buyer's title good.

24. Where the seller of goods has a voidable title thereto, but his title has not been avoided at the time of the sale, the buyer acquires a good title to the goods, provided he buys them in good faith, for value, and without notice of the seller's defect of title.

If seller has possession of goods and sells to third party.

25. Where a person having sold goods continues in possession of the goods, or of negotiable documents of title to the goods, the delivery or transfer by that person, or by an agent acting for him, of the goods or documents of title under any sale, pledge or other disposition thereof, to any person receiving and paying value for the same in good faith and without notice of the previous sale, shall have the same effect as if the person making the delivery or transfer were expressly authorized by the owner of the goods to make the same.

Fraudulent retention of goods.

26. Where a person having sold goods continues in possession of the goods, or of negotiable documents of title to the goods, and such retention of possession is fraudulent in fact or is deemed fraudulent under any rule of law, a creditor or creditors of the seller may treat the sale as void.

Negotiable document of title.

27. A document of title in which it is stated that the goods referred to therein will be delivered to the bearer, or to the order of any person named in such document, is a negotiable document of title.

Negotiation of document of title by delivery.

28. A negotiable document of title may be negotiated by delivery.

(a) Whereby the terms of the document the carrier, warehouseman or other bailee issuing the same undertakes to deliver the goods to the bearer, or

(b) Where by the terms of the document the carrier, warehouseman or other bailee issuing the same undertakes to deliver the goods to the order of a specified per-

son, and such person or a subsequent endorsee of the document has endorsed it in blank or to bearer.

Where by the terms of a negotiable document of title the goods are deliverable to bearer, or where a negotiable document of title has been endorsed in blank or to bearer, any holder may endorse the same to himself or to any other specified person, and in such case the document shall thereafter be negotiated only by the endorsement of such endorsee.

Document of title negotiated by endorsement.

29. A negotiable document of title may be negotiated by the endorsement of the person to whose order the goods are by the terms of the document deliverable. Such endorsement may be in blank, to bearer or to a specified person. If endorsed to a specified person, it may be again negotiated by the endorsement of such person in blank, to bearer or to another specified person. Subsequent negotiation may be made in like manner.

Negotiation of document of title marked non-negotiable.

30. If a document of title which contains an undertaking by a carrier, warehouseman or other bailee to deliver the goods to the bearer, to a specified person or order, or to the order of a specified person, or which contains words of like import, has placed upon it the words "not negotiable," "non-negotiable" or the like, such a document may nevertheless be negotiated by the holder, and is a negotiable document of title within the meaning of this act. But nothing in this act contained shall be construed as limiting or defining the effect upon the obligations of the carrier, warehouseman or other bailee issuing a document of title, of placing thereon the words "not negotiable," "non-negotiable," or the like.

Transfer of document of title by delivery.

31. A document of title which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee. A non-negotiable receipt cannot be negotiated, and the endorsement of such a receipt gives the transferee no additional right.

By whom document of title negotiated.

32. A negotiable document of title may be negotiated—

(*a*) By the owner thereof, or

(*b*) By any person to whom the possession or custody of the document has been entrusted by the owner, if, by

the terms of the document, the bailee issuing the document undertakes to deliver the goods to the order of the person to whom the possession or custody of the document has been entrusted, or if at the time of such entrusting the document is in such form that it may be negotiated by delivery.

Right and title acquired in negotiable document of title.

33. A person to whom a negotiable document of title has been duly negotiated acquires thereby—

(*a*) Such title to the goods as the person negotiating the document to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the person to whose order the goods were to be delivered by the terms of the document had or had ability to convey to a purchaser in good faith for value; and

(*b*) The direct obligation of the bailee issuing the document to hold possession of the goods for him according to the terms of the document as fully as if such bailee had contracted directly with him.

Title in transferee.

34. A person to whom a document of title has been transferred, but not negotiated, acquires thereby, as against the transferrer, the title to the goods, subject to the terms of any agreement with the transferrer.

If the document is non-negotiable such person also acquires the right to notify the bailee who issued the document of the transfer thereof, and thereby to acquire the direct obligation of such bailee to hold possession of the goods for him according to the terms of the document.

Levy or execution prior to notification of bailee.

Prior to the notification of such bailee by the transferrer or transferee of a non-negotiable document of title, the title of the transferee to the goods and the right to acquire the obligation of such bailee may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferrer, or by a notification to such bailee by the transferrer or a subsequent purchaser from the transferrer of a subsequent sale of the goods by the transferrer.

Transferee may compel endorsement of transferer.

35. Where a negotiable document of title is transferred for value by delivery, and the endorsement of the transferer is essential for negotiation, the transferee ac-

quries a right against the transferrer to compel him to endorse the document unless a contrary intention appears. The negotiation shall take effect as of the time when the endorsement is actually made.

Document of title negotiated or transferred warrants.

36. A person who for value negotiates or transfers a document of title by endorsement or delivery, including one who assigns for value a claim secured by a document of title unless a contrary intention appears warrants:

(*a*) That the document is genuine.

(*b*) That he has a legal right to negotiate or transfer it.

(*c*) That he has knowledge of no fact which would impair the validity or worth of the document; and

(*d*) That he has a right to transfer the title to the goods and that the goods are merchantable or fit for a particular purpose, whenever such warranties would have been implied if the contract of the parties had been to transfer without a document of title the goods represented thereby.

Endorser not liable for failure of bailee.

37. The endorsement of a document of title shall not make the endorser liable for any failure on the part of the bailee who issued the document or previous endorsers thereof to fulfill their respective obligations.

Validity of document of title by breach, etc.

38. The validity of the negotiation of a negotiable document of title is not impaired by the fact that the negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the document was induced by fraud, mistake or duress to entrust the possession or custody thereof to such person, if the person to whom the document was negotiated or a person to whom the document was subsequently negotiated paid value therefor, without notice of the breach of duty, or fraud, mistake or duress.

Goods delivered to bailee not garnisheed or levied upon.

39. If goods are delivered to a bailee by the owner or a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner and a negotiable document of title is issued for them they cannot thereafter, while in the possession of such bailee, be attached by garnishment or otherwise or be levied upon under an execution unless the document be

first surrendered to the bailee or its negotiation enjoined. The bailee shall in no case be compelled to deliver up the actual possession of the goods until the document is surrendered to him or impounded by the court.

Creditor may seek court to satisfy claim.

40. A creditor whose debtor is the owner of a negotiable document of title shall be entitled to such aid from courts of appropriate jurisdiction by injunction and otherwise in attaching such document or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which cannot readily be attached or levied upon by ordinary legal process.

PART III.

PERFORMANCE OF THE CONTRACT.

Seller to deliver and buyer accept.

41. It is the duty of the seller to deliver the goods, and of the buyer to accept and pay for them, in accordance with the terms of the contract to sell or sale.

Delivery and payment concurrent.

42. Unless otherwise agreed, delivery of the goods and payment of the price are concurrent conditions, that is to say, the seller must be ready and willing to give possession of the goods to the buyer in exchange for the price and the buyer must be ready and willing to pay the price in exchange for possession of the goods.

Delivery of goods; when and where.

43. (1) Whether it is for the buyer to take possession of the goods or for the seller to send them to the buyer, is a question depending in each case on the contract, express or implied, between the parties. Apart from any such contract, express or implied, or usage of trade to the contrary, the place of delivery is the seller's place of business, if he have one, and if not his residence; but in case of a contract to sell or a sale of specific goods, which to the knowledge of the parties when the contract or the sale was made were in some other place, then that place is the place of delivery.

(2) Where by a contract to sell or a sale the seller is bound to send the goods to the buyer, but no time for sending them is fixed, the seller is bound to send them within a reasonable time.

(3) Where the goods at the time of sale are in the possession of a third person, the seller has not fulfilled his obligation to deliver to the buyer unless and until such third person acknowledges to the buyer that he holds the goods on the buyer's behalf; but as against all others than the seller the buyer shall be regarded as having received delivery from the time when such third person first has notice of the sale. Nothing in this section, however, shall affect the operation of the issue or transfer of any document of title to goods.

(4) Demand or tender of delivery may be treated as ineffectual unless made at a reasonable hour. What is a reasonable hour is a question of fact.

(5) Unless otherwise agreed, the expenses of and incidental to putting the goods into a deliverable state must be borne by the seller.

When delivery is less or exceeds contract.

44. (1) Where the seller delivers to the buyer a quantity of goods less than he contracted to sell, the buyer may reject them, but if the buyer accepts or retains the goods so delivered, knowing that the seller is not going to perform the contract in full, he must pay for them at the contract rate. If, however, the buyer has used or disposed of the goods delivered before he knows that the seller is not going to perform his contract in full, the buyer shall not be liable for more than the fair value to him of the goods so received.

(2) Where the seller delivers to the buyer a quantity of goods larger than he contracted to sell, the buyer may accept the goods included in the contract and reject the rest, or he may reject the whole. If the buyer accepts the whole of the goods so delivered he must pay for them at the contract rate.

(3) Where the seller delivers to the buyer the goods he contracted to sell mixed with goods of a different description not included in the contract, the buyer may accept the goods which are in accordance with the contract and reject the rest, or he may reject the whole.

(4) The provisions of this section are subject to any usage of trade, special agreement, or course of dealing between the parties.

As to delivery by installments.

45. (1) Unless otherwise agreed, the buyer of goods is not bound to accept delivery thereof by installments.

(2) Where there is a contract to sell goods to be delivered by stated installments, which are to be separately paid for, and the seller makes defective deliveries in respect of one or more installments, or the buyer neglects or refuses to take delivery of or pay for one or more installments, it depends in each case on the terms of the contract and the circumstances of the case, whether the breach of contract is so material as to justify the injured party in refusing to proceed further and suing for damages for breach of the entire contract, or whether the breach is severable, giving rise to a claim for compensation, but not to a right to treat the whole contract as broken.

Delivery to carrier deemed delivery to buyer.

Section amended.

46. (1) Where, in pursuance of a contract to sell or a sale, the seller is authorized or required to send the goods to the buyer, delivery of the goods to a carrier, whether named by the buyer or not, for the purpose of transmission to the buyer, is deemed to be a delivery of the goods to the buyer, except in the cases provided for in section nineteen, rule five, or unless a contrary intent appears.

(2) Unless otherwise authorized by the buyer, the seller must make such contract with the carrier on behalf of the buyer as may be reasonable, having regard to the nature of the goods and the other circumstances of the case. If the seller omits so to do, and the goods are lost or damaged in course of transit, the buyer may decline to treat the delivery to the carrier as a delivery to himself, or may hold the seller responsible in damages.

Insurance during transit.

(3) Unless otherwise agreed, where goods are sent by the seller to the buyer under circumstances in which the seller knows, or ought to know, that it is usual to insure, the seller must give such notice to the buyer as may enable him to insure them during their transit, and, if the seller fails to do so, the goods shall be deemed to be at his risk during such transit.

Opportunity to examine goods.

47. (1) Where goods are delivered to the buyer, which he has not previously examined, he is not deemed to have accepted them unless and until he has had a reasonable opportunity of examining them for the purpose of ascertaining whether they are in conformity with the contract.

(2) Unless otherwise agreed, when the seller tenders delivery of goods to the buyer, he is bound, on request, to afford the buyer a reasonable opportunity of examining the goods for the purpose of ascertaining whether they are in conformity with the contract.

Examination of C. O. D. deliveries.

(3) Where goods are delivered to a carrier by the seller, in accordance with an order from or agreement with the buyer, upon the terms that the goods shall not be delivered by the carrier to the buyer until he has paid the price, whether such terms are indicated by marking the goods with the words "collect on delivery," or otherwise, the buyer is not entitled to examine the goods before payment of the price, in the absence of agreement permitting such examination.

Acceptance by buyer.

48. The buyer is deemed to have accepted the goods when he intimates to the seller that he has accepted them, or when the goods have been delivered to him, and he does any act in relation to them which is inconsistent with the ownership of the seller, or when, after the lapse of a reasonable time, he retains the goods without intimating to the seller that he has rejected them.

Acceptance of goods does not discharge seller's liability.

49. In the absence of express or implied agreement of the parties, acceptance of the goods by the buyer shall not discharge the seller from liability in damages or other legal remedy for breach of any promise or warranty in the contract to sell or the sale. But if, after acceptance of the goods, the buyer fail to give notice to the seller of the breach of any promise or warranty within a reasonable time after the buyer knows, or ought to know, of such breach, the seller shall not be liable therefor.

Refusal of goods.

50. Unless otherwise agreed, where goods are delivered to the buyer, and he refuses to accept them, having the right so to do, he is not bound to return them to the seller, but it is sufficient if he notifies the seller that he refuses to accept them.

Not taking goods a breach of contract.

51. When the seller is ready and willing to deliver the goods, and requests the buyer to take delivery, and the buyer does not within a reasonable time after such request take delivery of the goods, he is liable to the seller for any loss occasioned by his neglect or refusal

take delivery, and also for a reasonable charge for the care and custody of the goods. If the neglect or refusal of the buyer to take delivery amounts to a repudiation or breach of the entire contract, the seller shall have the rights against the goods and on the contract hereinafter provided in favor of the seller when the buyer is in default.

PART IV.

RIGHTS OF UNPAID SELLER AGAINST THE GOODS.

What constitutes an unpaid seller.

52. (1) The seller of goods is deemed to be an unpaid seller within the meaning of this act—

(*a*) When the whole of the price has not been paid or tendered.

(*b*) When a bill of exchange or other negotiable instrument has been received as conditional payment, and the condition on which it was received has been broken by reason of the dishonor of the instrument, the insolvency of the buyer, or otherwise.

(2) In this part of this act the term "seller" includes an agent of the seller to whom the bill of lading has been endorsed, or a consignor or agent who has himself paid, or is directly responsible for, the price, or any other person who is in the position of a seller.

Rights of unpaid seller in goods.

53. (1) Subject to the provisions of this act, notwithstanding that the property in the goods may have passed to the buyer, the unpaid seller of goods, as such, has—

(*a*) A lien on the goods or right to retain them for the price while he is in possession of them.

(*b*) In case of the insolvency of the buyer, a right of stopping the goods in transitu after he has parted with the possession of them.

(*c*) A right of resale as limited by this act.

(*d*) A right to rescind the sale as limited by this act.

(2) Where the property in goods has not passed to the buyer, the unpaid seller has, in addition to his other remedies, a right of withholding delivery similar to and co-extensive with his rights of lien and stoppage "in transitu" where the property has passed to buyer.

UNPAID SELLER'S LIEN.

Seller has lien on unpaid goods in his possession.

54. (1) Subject to the provisions of this act, the unpaid seller of goods who is in possession of them is entitled to retain possession of them until payment or tender of the price in the following cases, namely:

(*a*) Where the goods have been sold without any stipulation as to credit.

(*b*) Where the goods have been sold on credit, but the term of credit has expired.

(*c*) Where the buyer becomes insolvent.

(2) The seller may exercise his right of lien notwithstanding that he is in possession of the goods as agent or bailee for the buyer.

Right of lien on part undelivered.

55. Where an unpaid seller has made part delivery of the goods, he may exercise his right of lien on the remainder, unless such part delivery has been made under such circumstances as to show an intent to waive the lien or right of retention.

Loss of lien by unpaid seller.

56. (1) The unpaid seller of goods loses his lien thereon—

(*a*) When he delivers the goods to a carrier or other bailee for the purpose of transmission to the buyer without reserving the property in the goods or the right to the possession thereof.

(*b*) When the buyer or his agent lawfully obtains possession of the goods.

(*c*) By waiver thereof.

(2) The unpaid seller of goods, having a lien thereon, does not lose his lien by reason only that he has obtained judgment or decree for the price of the goods.

STOPPAGE IN TRANSITU.

Unpaid seller may resume possession of goods in transit.

57. Subject to the provisions of this act, when the buyer of goods is or becomes insolvent, the unpaid seller who has parted with the possession of the goods has the right of stopping them in transitu, that is to say, he may resume possession of the goods at any time while they are in transit, and he will then become en-

titled to the same rights in regard to the goods as he would have had if he had never parted with the possession.

Goods in transit defined.

58. (1) Goods are in transit within the meaning of section fifty-seven:

(*a*) From the time when they are delivered to a carrier by land or water, or other bailee for the purpose of transmission to the buyer, until the buyer, or his agent in that behalf, takes delivery of them from such carrier or other bailee.

(*b*) If the goods are rejected by the buyer, and the carrier or other bailee continues in possession of them, even if the seller has refused to receive them back.

(2) Goods are no longer in transit within the meaning of section fifty-seven:

(*a*) If the buyer, or his agent in that behalf, obtains delivery of the goods before their arrival at the appointed destination.

(*b*) If, after the arrival of the goods at the appointed destination, the carrier or other bailee acknowledges to the buyer or his agent that he holds the goods on his behalf and continues in possession of them as bailee for the buyer or his agent, and it is immaterial that a further destination for the goods may have been indicated by the buyer.

(*c*) If the carrier or other bailee wrongfully refuses to deliver the goods to the buyer or his agent in that behalf.

(3) If goods are delivered to a ship chartered by the buyer, it is a question depending on the circumstances of the particular case, whether they are in the possession of the master as a carrier or as agent of the buyer.

(4) If part delivery of the goods has been made to the buyer or his agent in that behalf, the remainder of the goods may be stopped in transitu, unless such part delivery has been made under such circumstances as to show an agreement with the buyer to give up possession of the whole of the goods.

How goods in transit stopped by unpaid seller.

59. (1) The unpaid seller may exercise his right of stoppage in transitu either by obtaining actual possession of the goods or by giving notice of his claim to the

carrier or other bailee in whose possession the goods are. Such notice may be given either to the person in actual possession of the goods or to his principal. In the latter case the notice, to be effectual, must be given at such time and under such circumstances that the principal, by the exercise of reasonable diligence, may prevent a delivery to the buyer.

(2) When notice of stoppage in transitu is given by the seller to the carrier, or other bailee in possession of the goods, he must redeliver the goods to, or, according to the directions of, the seller. The expenses of such redelivery must be borne by the seller. If, however, a negotiable document of title representing the goods has been issued by the carrier or other bailee, he shall not be obliged to deliver or justified in delivering the goods to the seller unless such document is first surrendered for cancellation.

RESALE BY THE SELLER.

Conditions pertaining to resale of perishable goods by the seller.

60. (1) Where the goods are of a perishable nature, or where the seller expressly reserves the right of resale in case the buyer should make default, or where the buyer has been in default in the payment of the price an unreasonable time, an unpaid seller having a right of lien or having stopped the goods in transitu may resell the goods. He shall not thereafter be liable to the original buyer upon the contract to sell or the sale or for any profit made by such resale, but may recover from the buyer damages for any loss occasioned by the breach of the contract or the sale.

(2) Where a resale is made, as authorized in this section, the buyer acquires a good title as against the original buyer.

(3) It is not essential to the validity of a resale that notice of an intention to resell the goods be given by the seller to the original buyer. But where the right to resell is not based on the perishable nature of the goods or upon an express provision of the contract or the sale, the giving or failure to give such notice shall be relevant in any issue involving the question whether the buyer

had been in default an unreasonable time before the resale was made.

(4) It is not essential to the validity of a resale that notice of the time and place of such resale should be given by the seller to the original buyer.

(5) The seller is bound to exercise reasonable care and judgment in making a resale, and subject to this requirement may make a resale either by public or private sale.

RECISSION BY THE SELLER.

Right to rescind transfer of title.

61. (1) An unpaid seller having a right of lien or having stopped the goods in transitu, may rescind the transfer of title and resume the property in the goods, where he expressly reserved the right to do so in case the buyer should make default, or where the buyer has been in default in the payment of the price an unreasonable time. The seller shall not thereafter be liable to the buyer upon the contract to sell or the sale, but may recover from the buyer damages for any loss occasioned by the breach of the contract or the sale.

(2) The transfer of title shall not be held to have been rescinded by an unpaid seller until he has manifested by notice to the buyer or by some other overt act an intention to rescind. It is not necessary that such overt act should be communicated to the buyer, but the giving or failure to give notice to the buyer of the intention to rescind shall be relevant in any issue involving the question whether the buyer had been in default an unreasonable time before the right of rescission was asserted.

Unpaid seller's right of lien not affected by sale by buyer.

62. Subject to the provisions of this act, the unpaid seller's right of lien or stoppage in transitu it not effected by any sale or other disposition of the goods which the buyer may have made, unless the seller has assented thereto.

If, however, a negotiable document of title has been issued for goods, no seller's lien or right of stoppage in transitu shall defeat the right of any purchaser for value in good faith to whom such document has been

negotiated, whether such negotiation be prior or subsequent to the notification to the carrier or other bailee who issued such document of the seller's claim to a lien or right of stoppage in transitu.

PART V.

ACTIONS FOR BREACH OF THE CONTRACT.

REMEDIES OF THE SELLER.

Seller's remedies in case buyer does not fulfill obligations.

63. (1) Where, under a contract to sell or a sale, the property in the goods has passed to the buyer, and the buyer wrongfully neglects or refuses to pay for the goods according to the terms of the contract or the sale, the seller may maintain an action against him for the price of the goods.

(2) Where, under a contract to sell or a sale, the price is payable on a day certain, irrespective of delivery or of transfer of title, and the buyer wrongfully neglects or refuses to pay such price, the seller may maintain an action for the price, although the property in the goods has not passed, and the goods have not been appropriated to the contract. But it shall be a defense to such an action that the seller at any time before judgment in such action has manifested an inability to perform the contract or the sale on his part or an intention not to perform it.

(3) Although the property in the goods has not passed, if they cannot readily be resold for a reasonable price, and if the provisions of section sixty-four (4) are not applicable, the seller may offer to deliver the goods to the buyer, and, if the buyer refuses to receive them, may notify the buyer that the goods are thereafter held by the seller as bailee for the buyer. Thereafter the seller may treat the goods as the buyer's and may maintain an action for the price.

Remedies for non-acceptance.

64. (1) Where the buyer wrongfully neglects or refuses to accept and pay for the goods, the seller may maintain an action against him for damages for non-acceptance.

(2) The measure of damages is the estimated loss directly and naturally resulting, in the ordinary course of events, from the buyer's breach of contract.

(3) Where there is an available market for the goods in question, the measure of damages is, in the absence of special circumstances, showing proximate damage of a greater amount, the difference between the contract price and the market or current price at the time or times when the goods ought to have been accepted, or, if no time was fixed for acceptance, then at the time of the refusal to accept.

(4) If, while labor or expense of material amount are necessary on the part of the seller to enable him to fulfill his obligations under the contract to sell or the sale, the buyer repudiates the contract or the sale, or notifies the seller to proceed no further therewith, the buyer shall be liable to the seller for no greater damages than the seller would have suffered if he did nothing towards carrying out the contract or the sale after receiving notice of the buyer's repudiation or countermand. The profit the seller would have made if the contract or the sale had been fully performed shall be considered in estimating such damages.

Contract rescinded by breach.

65. Where the goods have not been delivered to the buyer, and the buyer has repudiated the contract to sell or sale, or has manifested his inability to perform his obligations thereunder, or has committed a material breach thereof, the seller may totally rescind the contract or the sale by giving notice of his election so to do to the buyer.

REMEDIES OF THE BUYER.

Buyer's remedy.

66. Where the property in the goods has passed to the buyer and the seller wrongfully neglects or refuses to deliver the goods, the buyer may maintain any action allowed by law to the owner of goods of similar kind when wrongfully converted or withheld.

Action for non-delivery.

67. (1) Where the property in the goods has not passed to the buyer, and the seller wrongfully neglects or refuses to deliver the goods, the buyer may maintain

an action against the seller for damages for non-delivery.

(2) The measure of damages is the loss directly and naturally resulting, in the ordinary course of events, from the seller's breach of contract.

(3) Where there is an available market for the goods in question, the measure of damages, in the absence of special circumstances showing proximate damages of a greater amount, is the difference between the contract price and the market or current price of the goods at the time or times when they ought to have been delivered, or, if no time was fixed, then at the time of the refusal to deliver.

Court may direct performance of contract.

68. Where the seller has broken a contract to deliver specific or ascertained goods, a court having the powers of a court of equity may, if it thinks fit, on the application of the buyer, by its judgment or decree, direct that the contract shall be performed specifically, without giving the seller the option of retaining the goods on payment of damages. The judgment or decree may be unconditional, or upon such terms and conditions, as to damages, payment of the price and otherwise, as to the court may seem just.

On breach of warranty the buyer may proceed to accept, refuse, rescind, etc.

69. (1) Where there is a breach of warranty by the seller, the buyer may, at his election—

(*a*) Accept or keep the goods and set up against the seller the breach of warranty by way of recoupment in diminution or extinction of the price.

(*b*) Accept or keep the goods and maintain an action against the seller for damages for the breach of warranty.

(*c*) Refuse to accept the goods, if the property therein has not passed, and maintain an action against the seller for damages for the breach of warranty.

(*d*) Rescind the contract to sell or the sale and refuse to receive the goods, or, if the goods have already been received, return them or offer to return them to the seller and recover the price or any part thereof which has been paid.

(2) When the buyer has claimed and been granted a remedy in any one of these ways, no other remedy can thereafter be granted.

(3) Where the goods have been delivered to the buyer, he cannot rescind the sale if he knew of the breach of warranty when he accepted the goods, or if he fails to notify the seller within a reasonable time of the election to rescind, or if he fails to return or to offer to return the goods to the seller in substantially as good condition as they were in at the time the property was transferred to the buyer. But if deterioration or injury of the goods is due to the breach of warranty, such deterioration or injury shall not prevent the buyer from returning or offering to return the goods to the seller and rescinding the sale.

(4) Where the buyer is entitled to rescind the sale and elects to do so, the buyer shall cease to be liable for the price upon returning or offering to return the goods. If the price or any part thereof has already been paid, the seller shall be liable to repay so much thereof as has been paid, concurrently with the return of the goods, or immediately after an offer to return the goods in exchange for repayment of the price.

(5) Where the buyer is entitled to rescind the sale and elects to do so, if the seller refuses to accept an offer of the buyer to return the goods, the buyer shall thereafter be deemed to hold the goods as bailee for the seller, but subject to a lien to secure the repayment of any portion of the price which has been paid, and with the remedies for the enforcement of such lien allowed to an unpaid seller by section fifty-three.

(6) The measure of damages for breach of warranty is the loss directly and naturally resulting, in the ordinary course of events, from the breach of warranty.

(7) In the case of breach of warranty of quality, such loss, in the absence of special circumstances showing proximate damage of a greater amount, is the difference between the value of the goods at the time of delivery to the buyer and the value they would have had if they had answered to the warranty.

Recovery of interest or damages.

70. Nothing in this act shall affect the right of the buyer or the seller to recover interest or special damages in any case where by law interest or special damages may be recoverable, or to recover money paid where the consideration for the payment of it has failed.

PART VI.

INTERPRETATION.

Effect of custom in contracts.

71. Where any right, duty or liability would arise under a contract to sell or a sale by implication of law, it may be negatived or varied by express agreement or by the course of dealing between the parties, or by custom, if the custom be such as to bind both parties to the contract or the sale.

Right or duty enforceable.

72. Where any right, duty or liability is declared by this act, it may, unless otherwise by this act provided, be enforced by action.

Rules of law and equity, etc., applicable to contracts.

73. In any case not provided for in this act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall continue to apply to contracts to sell and to sales of goods.

Uniform legislation intended.

74. This act shall be so interpreted and construed, if possible, as to effectuate its general purpose to make uniform the law of those States which enact it.

Act does not apply to mortgages, pledges, etc.

75. The provisions of this act relating to contracts to sell and to sales do not apply, unless so stated, to any transaction in the form of a contract to sell or a sale which is intended to operate by way of mortgage, pledge, charge or other security.

Sundry terms defined.

76. (1) In this act, unless the context or subject-matter otherwise requires—

"Action" includes counterclaim, set-off and suit in equity.

"Buyer" means a person who buys or agrees to buy goods or any legal successor in interest of such person.

"Defendant" includes a plaintiff against whom a right of set-off or counterclaim is asserted.

"Delivery" means voluntary transfer of possession from one person to another.

"Divisible" contract to sell or sale means a contract to sell or a sale in which, by its terms, the price for a

portion or portions of the goods less than the whole is fixed or ascertainable by computation.

"Document of title to goods" includes any bill of lading, dock warrant, warehouse receipt or order for the delivery of goods, or any other document used in the ordinary course of business in the sale or transfer of goods, as proof of the possession or control of the goods, or authorizing or purporting to authorize the possessor of the document to transfer or receive, either by endorsement or by delivery, goods represented by such document.

"Fault" means wrongful act or default.

"Fungible goods" mean goods of which any unit is from its nature or by mercantile usage treated as the equivalent of any other unit.

"Future goods" mean goods to be manufactured or acquired by the seller after the making of the contract of sale.

"Goods" include all chattels personal other than things in action and money. The term includes emblements, industrial growing crops, and things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale.

"Order" in sections of this act relating to documents of title means an order by endorsement on the document.

"Person" includes a corporation or partnership or two or more persons having a joint or common interest.

"Plaintiff" includes defendant asserting a right of set-off or counterclaim.

"Property" means the general property in goods, and not merely a special property.

"Purchaser" includes mortgagee and pledgee.

"Purchases" includes taking as a mortgagee or pledgee.

"Quality of goods" includes their state or condition.

"Sale" includes a bargain and sale as well as a sale and delivery.

"Seller" means a person who sells or agrees to sell goods, or any legal successor in interest of such person.

"Specific goods" means goods identified and agreed upon at the time a contract to sell or a sale is made.

"Value" is any consideration sufficient to support a simple contract. An antecedent or pre-existing claim, whether for money or not, constitutes value where goods or documents of title are taken either in satisfaction thereof or as security therefor.

Good faith.

(2) A thing is done "in good faith" within the meaning of this act when it is in fact done honestly, whether it be done negligently or not.

When person insolvent.

(3) A person is insolvent within the meaning of this act who either has ceased to pay his debts in the ordinary course of business or cannot pay his debts as they become due, whether he has committed an act of bankruptcy or not, and whether he is insolvent within the meaning of the federal bankruptcy law or not.

Deliverable condition.

(4) Goods are in a "deliverable state" within the meaning of this act when they are in such a state that the buyer would, under the contract, be bound to take delivery of them.

Repealer.

77. All acts or parts of acts inconsistent with this act are hereby repealed.

Approved May 7, 1907.

CHAPTER 133.

An Act concerning warehouse receipts and to make uniform the law relating thereto.

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

PART I.

THE ISSUE OF WAREHOUSE RECEIPTS.

Issue of receipts.

1. Warehouse receipts may be issued by any warehouseman.

Necessary terms contained in receipt.

2. Warehouse receipts need not be in any particular form, but every such receipt must embody within its written or printed terms—

(*a*) The location of the warehouse where the goods are stored;

(*b*) The date of issue of the receipt;

(*c*) The consecutive number of the receipt;

(*d*) A statement whether the goods received will be delivered to the bearer, to a specified person, or to a specified person or his order;

(*e*) The rate of storage charges;

(*f*) A description of the goods or of the packages containing them;

(*g*) The signature of the warehouseman, which may be made by his authorized agent;

(*h*) If the receipt is issued for goods of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership; and

(*i*) A statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien. If the precise amount of such advances made or of such liabilities incurred is, at the time of the issue of the receipts, unknown to the warehouseman or to his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof is sufficient.

Liability of warehouseman.

A warehouseman shall be liable to any person injured thereby, for all damage caused by the omission from a negotiable receipt of any of the terms herein required.

Other terms may be included in receipt.

3. A warehouseman may insert in a receipt issued by him any other terms and conditions, provided that such terms and conditions shall not—

(*a*) Be contrary to the provisions of this act;

(*b*) In anywise impair his obligation to exercise that degree of care in the safekeeping of the goods intrusted to him which a reasonably careful man would exercise in regard to similar goods of his own.

Non-negotiable receipt.

4. A receipt in which it is stated that the goods received will be delivered to the depositor, or to any other specified person, is a non-negotiable receipt.

Negotiable receipt.

5. A receipt in which it is stated that the goods received will be delivered to the bearer, or to the order of any person named in such receipt, is a negotiable receipt.

No provision shall be inserted in a negotiable receipt that it is non-negotiable. Such provision, if inserted, shall be void.

Duplicate receipts.

6. When more than one negotiable receipt is issued for the same goods, the word "duplicate" shall be plainly placed upon the face of every such receipt, except the one first issued. A warehouseman shall be liable for all damage caused by his failure so to do to anyone who purchased the subsequent receipt for value, supposing it to be an original, even though the purchase be after the delivery of the goods by the warehouseman to the holder of the original receipt.

Non-negotiable receipts plainly indicated.

7. A non-negotiable receipt shall have plainly placed upon its face by the warehouseman issuing it "Non-negotiable" or "Not negotiable." In case of the warehouseman's failure so to do, a holder of the receipt who purchased it for value supposing it to be negotiable, may, at his option, treat such receipt as imposing upon the warehouseman the same liabilities he would have incurred had the receipt been negotiable.

This section shall not apply, however, to letters, memoranda or written acknowledgments of an informal character.

PART II.

OBLIGATIONS AND RIGHTS OF WAREHOUSEMEN UPON THEIR RECEIPTS.

Delivery of goods upon demand of holder of receipt.

8. A warehouseman, in the absence of some lawful excuse provided by this act, is bound to deliver the goods upon a demand made either by the holder of a receipt for the goods or by the depositor, if such demand is accompanied with—

(*a*) An offer to satisfy the warehouseman's lien;

(*b*) An offer to surrender the receipt if negotiable, with such endorsements as would be necessary for the negotiation of the receipt; and

(*c*) A readiness and willingness to sign, when the goods are delivered, an acknowledgment that they have been delivered, if such signature is requested by the warehouseman.

In case the warehouseman refuses or fails to deliver the goods in compliance with a demand by the holder or depositor so accompanied, the burden shall be upon the warehouseman to establish the existence of a lawful excuse for such refusal.

When delivery justified.

9. A warehouseman is justified in delivering the goods, subject to the provisions of the three following sections, to one who is—

(*a*) The person lawfully entitled to the possession of the goods, or his agent;

(*b*) A person who is either himself entitled to delivery by the terms of a non-negotiable receipt issued for the goods, or who has written authority from the person so entitled either endorsed upon the receipt or written upon another paper; or

(*c*) A person in possession of a negotiable receipt by the terms of which the goods are deliverable to him or order or to bearer, or which has been endorsed to him or in blank by the person to whom delivery was promised by the terms of the receipt or by his mediate or immediate endorsee.

Liable for conversion for unlawful delivery.

10. Where a warehouseman delivers the goods to one who is not in fact lawfully entitled to the possession of them, the warehouseman shall be liable as for conversion to all having a right of property or possession in the goods if he delivered the goods otherwise than as authorized by subdivisions (*b*) and (*c*) of the preceding section, and though he delivered the goods as authorized by said subdivisions he shall be so liable, if prior to such delivery he had either

(*a*) Been requested, by or on behalf of the person lawfully entitled to a right of property or possession in the goods, not to make such delivery; or

(*b*) Had information that the delivery about to be made was to one not lawfully entitled to the possession of the goods.

Liability for failure to cancel receipt.

11. Except as provided in section thirty-six, where a warehouseman delivers goods for which he had issued a negotiable receipt, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the receipt, he shall be liable

to anyone who purchases for value in good faith such receipt for failure to deliver the goods to him, whether such purchaser acquired title to the receipt before or after the delivery of the goods by the warehouseman.

Liability for all goods unless partial delivery indicated.

12. Except as provided in section thirty-six, where a warehouseman delivers part of the goods for which he had issued a negotiable receipt and fails either to take up and cancel such receipt or to place plainly upon it a statement of what goods or packages have been delivered he shall be liable, to anyone who purchases for value in good faith such receipt, for failure to deliver all the goods specified in the receipt, whether such purchaser acquired title to the receipt before or after the delivery of any portion of the goods by the warehouseman.

As to alterations.

13. The alteration of a receipt shall not excuse the warehouseman who issued it from any liability if such alteration was

(*a*) Immaterial,

(*b*) Authorized, or

(*c*) Made without fraudulent intent.

If the alteration was authorized, the warehouseman shall be liable according to the terms of the receipt as altered. If the alteration was unauthorized, but made without fraudulent intent, the warehouseman shall be liable according to the terms of the receipt as they were before alteration.

Liability if receipt altered.

Material and fradulent alteration of a receipt shall not excuse the warehouseman who issued it from liability to deliver, according to the terms of the receipt as originally issued, the goods for which it was issued, but shall excuse him from any other liability to the person who made the alteration and to any person who took with notice of the alteration. Any purchaser of the receipt for value without notice of the alteration shall acquire the same rights against the warehouseman which such purchaser would have acquired if the receipt had not been altered at the time of the purchase.

Delivery in case of lost or destroyed receipts.

14. Where a negotiable receipt has been lost or destroyed, a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such

loss or destruction and upon the giving of a bond with sufficient sureties to be approved by the court to protect the warehouseman from any liability or expense which he or any person injured by such delivery may incur by reason of the original receipt remaining outstanding. The court may also, in its discretion, order the payment of the warehouseman's reasonable costs and counsel fees.

The delivery of the goods under an order of the court as provided in this section shall not relieve the warehouseman from liability to a person to whom the negotiable receipt has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods.

Value of duplicate.

15. A receipt upon the face of which the word "duplicate" is plainly placed is a representation and warranty by the warehouseman that such receipt is an accurate copy of an original receipt properly issued and uncanceled at the date of the issue of the duplicate, but shall impose upon him no other liability.

Goods must be delivered upon terms of receipt.

16. No title or right to the possession of the goods on the part of the warehouseman, unless such title or right is derived directly or indirectly from a transfer made by the depositor at the time of or subsequent to the deposit for storage, or from the warehouseman's lien, shall excuse the warehouseman from liability for refusing to deliver the goods according to the terms of the receipt.

Interpleading if more than one claimant.

17. If more than one person claim the title or possession of the goods, the warehouseman may, either as a defense to an action brought against him for non-delivery of the goods, or as an original suit, whichever is appropriate, require all known claimants to interplead.

Validity of claims.

18. If some one other than the depositor or person claiming under him has a claim to the title or possession of the goods, and the warehouseman has information of such claim, the warehouseman shall be excused from liability for refusing to deliver the goods, either to the depositor or person claiming under him or to the adverse claimant, until the warehouseman has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead.

Right of third party not a defense.

19. Except as provided in the two preceding sections and in sections nine and thirty-six, no right or title of a third person shall be a defense to an action brought by the depositor or person claiming under him against the warehousman for failure to deliver the goods according to the terms of the receipt.

Liability for goods, unless accurately described.

20. A warehouseman shall be liable to the holder of a receipt for damages caused by the non-existence of the goods or by the failure of the goods to correspond with the description thereof in the receipt at the time of its issue. If, however, the goods are described in a receipt merely by a statement of marks or labels upon them, or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind, or that packages containing the goods are said to contain goods of a certain kind, or by words of like purport, such statements, if true, shall not make liable the warehouseman issuing the receipt, although the goods are not of the kind which the marks or labels upon them indicate or of the kind they were said to be by the depositor.

Reasonable care of goods must be exercised.

21. A warehouseman shall be liable for any loss or injury to the goods caused by his failure to exercise such care in regard to them as a reasonably careful owner of similar goods would exercise, but he shall not be liable, in the absence of an agreement to the contrary, for any loss or injury to the goods which could not have been avoided by the exercise of such care.

Goods kept separate.

22. Except as provided in the following section, a warehouseman shall keep the goods so far separate from goods of other depositors and from other goods of the same depositor for which a separate receipt has been issued as to permit at all times the identification and redelivery of the goods deposited.

Fungible goods may be mingled.

23. If authorized by agreement or by custom, a warehouseman may mingle fungible goods with other goods of the same kind and grade. In such case the various depositors of the mingled goods shall own the entire mass in common, and each depositor shall be entitled to such portion thereof as the amount deposited by him bears to the whole.

Delivery of amount of fungible goods.

24. The warehouseman shall be severally liable to each depositor for the care and redelivery of his share of such mass to the same extent and under the same circumstances as if the goods had been kept separate.

Goods free from garnishment or execution.

25. If goods are delivered to a warehouseman by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner, and a negotiable receipt is issued for them, they cannot thereafter, while in the possession of the warehouseman, be attached by garnishment or otherwise, or be levied upon under an execution, unless the receipt be first surrendered to the warehouseman or its negotiation enjoined. The warehouseman shall in no case be compelled to deliver up the actual possession of the goods until the receipt is surrendered to him or impounded by the court.

Creditor entitled to protection of court.

26. A creditor whose debtor is the owner of a negotiable receipt shall be entitled to such aid from the courts of appropriate jurisdiction, by injunction and otherwise, in attaching such receipt or in satisfying the claim by means thereof as is allowed at law or in equity, in regard to property which cannot readily be attached or levied upon by ordinary legal process.

Lien on goods for charges, etc.

27. Subject to the provisions of section thirty, a warehouseman shall have a lien on goods deposited or on proceeds thereof in his hands, for all lawful charges for storage and preservation of the goods; also for all lawful claims for money advanced, interest, insurance, transportation, labor, weighing, coopering and other charges and expenses in relation to such goods; also for all reasonable charges and expenses for notice and advertisements of sale, and for sale of the goods where default has been made in satisfying the warehouseman's lien.

Enforcement of lien.

28. Subject to the provisions of section thirty, a warehouseman's lien may be enforced—

(*a*) Against all goods, whenever deposited, belonging to the person who is liable as debtor for the claims in regard to which the lien is asserted; and

(*b*) Against all goods belonging to others which have been deposited at any time by the person who is

liable as debtor for the claims in regard to which the lien is asserted, if such person had been so intrusted with the possession of the goods that a pledge of the same by him at the time of the deposit to one who took the goods in good faith for value would have been valid.

Loss of lien.

29. A warehouseman loses his lien upon goods—

(*a*) By surrendering possession thereof, or

(*b*) By refusing to deliver the goods when a demand is made with which he is bound to comply under the provisions of this act.

No lien on negotiable receipt except for storage.

30. If a negotiable receipt is issued for goods, the warehouseman shall have no lien thereon, except for charges for storage of those goods subsequent to the date of the receipt, unless the receipt expressly enumerates other charges for which a lien is claimed. In such case there shall be a lien for the charges enumerated so far as they are within the terms of section twenty-seven, although the amount of the charges so enumerated is not stated in the receipt.

Satisfaction of lien.

31. A warehouseman having a lien valid against the person demanding the goods may refuse to deliver the goods to him until the lien is satisfied.

Warehouseman secured by law.

32. Whether a warehouseman has or has not a lien upon the goods, he is entitled to all remedies allowed by law to a creditor against his debtor for the collection from the depositor of all charges and advances which the depositor has expressly or impliedly contracted with the warehouseman to pay.

Satisfaction of warehouseman's claim for dues.

33. A warehouseman's lien for a claim which has become due may be satisfied as follows:

The warehouseman shall give a written notice to the person on whose account the goods are held, and to any other person known by the warehouseman to claim an interest in the goods. Such notice shall be given by delivery in person or by registered letter addressed to the last-known place of business or abode of the person to be notified. The notice shall contain—

(*a*) An itemized statement of the warehouseman's claim, showing the sum due at the time of the notice and the date or dates when it became due;

(*b*) A brief description of the goods against which the lien exists;

(*c*) A demand that the amount of the claim as stated in the notice, and of such further claim as shall accrue, shall be paid on or before a day mentioned, not less than ten days from the delivery of the notice if it is personally delivered, or from the time when the notice should reach its destination, according to the due course of post, if the notice is sent by mail; and

(*d*) A statement that unless the claim is paid within the time specified the goods will be advertised for sale and sold by auction at a specified time and place.

Auction sale.

In accordance with the terms of a notice so given, a sale of the goods by auction may be had to satisfy any valid claim of the warehouseman for which he has a lien on the goods. The sale shall be had in the place where the lien was acquired, or, if such place is manifestly unsuitable for the purpose, at the nearest suitable place. After the time for the payment of the claim specified in the notice to the depositor has elapsed an advertisement of the sale, describing the goods to be sold and stating the name of the owner or person on whose account the goods are held and the time and place of the sale, shall be published once a week for two consecutive weeks in a newspaper published in the place where such sale is to be held. The sale shall not be held less than fifteen days from the time of the first publication. If there is no newspaper published in such place, the advertisement shall be posted at least ten days before such sale in not less than six conspicuous places therein.

Disposition of proceeds.

From the proceeds of such sale the warehouseman shall satisfy his lien, including the reasonable charges of notice, advertisement and sale. The balance, if any, of such proceeds shall be held by the warehouseman, and delivered on demand to the person to whom he would have been bound to deliver or justified in delivering the goods.

Settlement prior to sale.

At any time before the goods are so sold any person claiming a right of property or possession therein may pay the warehouseman the amount necessary to satisfy his lien and to pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for the sale up to the time of such payment. The

warehouseman shall deliver the goods to the person making such payment if he is a person entitled, under the provisions of this act, to the possession of the goods on payment of charges thereon. Otherwise the warehouseman shall retain possession of the goods according to the terms of the original contract of deposit.

As to goods of perishable or dangerous nature.

34. If the goods are of a perishable nature, or by keeping will deteriorate greatly in value, or by their odor, leakage, inflammability or explosive nature, will be liable to injure other property, the warehouseman may give such notice to the owner, or to the person in whose name the goods are stored, as is reasonable and possible under the circumstances, to satisfy the lien upon such goods, and to remove them from the warehouse, and in the event of the failure of such person to satisfy the lien and to remove the goods within the time so specified, the warehouseman may sell the goods at public or private sale without advertising. If the warehouseman, after a reasonable effort, is unable to sell such goods, he may dispose of them in any lawful manner, and shall incur no liability by reason thereof.

Sale.

Proceeds.

The proceeds of any sale made under the terms of this section shall be disposed of in the same way as the proceeds of sales made under the terms of the preceding section.

Other legal remedies not precluded.

35. The remedy for enforcing a lien herein provided does not preclude any other remedies allowed by law for the enforcement of a lien against personal property nor bar the right to recover so much of the warehouseman's claim as shall not be paid by the proceeds of the sale of the property.

After legal sale, warehouseman's liability ceases.

36. After goods have been lawfully sold to satisfy a warehouseman's lien, or have been lawfully sold or disposed of because of their perishable or hazardous nature, the warehouseman shall not thereafter be liable for failure to deliver the goods to the depositor, or owner of the goods, or to a holder of the receipt given for the goods when they were deposited, even if such receipt be negotiable.

New Jersey State Library

PART III.

NEGOTIATION AND TRANSFER OF RECEIPTS.

Negotiation of receipts by delivery.

37. A negotiable receipt may be negotiated by delivery—

(*a*) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the bearer, or

(*b*) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of a specified person, and such person or a subsequent endorsee of the receipt has endorsed it in blank or to bearer.

Where, by the terms of a negotiable receipt, the goods are deliverable to bearer or where a negotiable receipt has been endorsed in blank or to bearer, any holder may endorse the same to himself or to any other specified person, and in such case the receipt shall thereafter be negotiated only by the endorsement of such endorsee.

Endorsement of receipts.

38. A negotiable receipt may be negotiated by the endorsement of the person to whose order the goods are, by the terms of the receipt, deliverable. Such endorsement may be in blank, to bearer or to a specified person. If endorsed to a specified person, it may be again negotiated by the endorsement of such person in blank, to bearer or to another specified person. Subsequent negotiation may be made in like manner.

Negotiation by transfer.

39. A receipt which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee.

A non-negotiable receipt cannot be negotiated, and the endorsement of such a receipt gives the transferee no additional right.

By whom negotiated.

40. A negotiable receipt may be negotiated—

(*a*) By the owner thereof; or

(*b*) By any person to whom the possession or custody of the receipt has been entrusted by the owner, if, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of the person to

whom the possession or custody of the receipt has been entrusted, or if at the time of such entrusting the receipt is in such form that it may be negotiated by delivery.

Right and title acquired from negotiable receipt.

41. A person to whom a negotiable receipt has been duly negotiated acquires thereby—

(*a*) Such title to the goods as the person negotiating the receipt to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the depositor or person to whose order the goods were to be delivered by the terms of the receipt had or had ability to convey to a purchaser in good faith for value; and

(*b*) The direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt as fully as if the warehouseman had contracted directly with him.

Right and title by transfer.

42. A person to whom a receipt has been transferred but not negotiated acquires thereby, as against the transferrer, the title to the goods, subject to the terms of any agreement with the transferrer.

If the receipt is non-negotiable, such person also acquires the right to notify the warehouseman of the transfer to him of such receipt, and thereby to acquire the direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt.

Levy may be made on goods on non-negotiable receipt.

Prior to the notification of the warehouseman by the transferrer or transferee of a non-negotiable receipt, the title of the transferrer to the goods and the right to acquire the obligation of the warehouseman may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferrer, or by a notification to the warehouseman by the transferrer or a subsequent purchaser from the transferrer of a subsequent sale of the goods by the transferrer.

May compel endorsement.

43. Where a negotiable receipt is transferred for value by delivery, and the endorsement of the transferrer is essential for negotiation, the transferree acquires a right against the transferrer to compel him to endorse the receipt, unless a contrary intention ap-

pears. The negotiation shall take effect as of the time when the endorsement is actually made.

Warranty.

44. A person who for value negotiates or transfers a receipt by endorsement or delivery, including one who assigns for value a claim secured by a receipt, unless a contrary intention appears, warrants—

(*a*) That the receipt is genuine;

(*b*) That he has a legal right to negotiate or transfer it;

(*c*) That he has knowledge of no fact which would impair the validity or worth of the receipt; and

(*d*) That he has a right to transfer the title to the goods, and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied, if the contract of the parties had been to transfer without a receipt the good represented thereby.

Endorser not liable for past obligations.

45. The endorsement of a receipt shall not make the endorser liable for any failure on the part of the warehouseman or previous endorsers of the receipt to fulfill their respective obligations.

Mortgagee, etc., does not guarantee receipt.

46. A mortgagee, pledgee or holder for security of a receipt who in good faith demands or receives payment of the debt for which such receipt is security, whether from a party to a draft drawn for such debt or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such receipt or the quantity or quality of the goods therein described.

Validity of receipt not impaired by breach of duty, etc.

47. The validity of the negotiation of a receipt is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the receipt was induced by fraud, mistake or duress to entrust the possession or custody of the receipt to such person, if the person to whom the receipt was negotiated, or a person to whom the receipt was subsequently negotiated, paid value therefor, without notice of the breach of duty, or fraud, mistake or duress.

Retention of receipt after negotiation binds first purchaser.

48. Where a person having sold, mortgaged or pledged goods which are in a warehouse and for which a negotiable receipt has been issued, or having sold,

mortgaged or pledged the negotiable receipt representing such goods, continues in possession of the negotiable receipt, the subsequent negotiation thereof by that person under any sale, or other disposition thereof to any person receiving the same in good faith, for value and without notice of the previous sale, mortgage or pledge, shall have the same effect as if the first purchaser of the goods or receipt had expressly authorized the subsequent negotiation.

Right of purchaser of receipt not defeated by seller's lien.

49. Where a negotiable receipt has been issued for goods no seller's lien or right of stoppage in transitu shall defeat the rights of any purchaser for value in good faith to whom such receipt has been negotiated, whether such negotiation be prior or subsequent to the notification to the warehouseman who issued such receipt of the sellers's claim to a lien or right of stoppage in transitu. Nor shall the warehouseman be obliged to deliver or justified in delivering the goods to an unpaid seller unless the receipt is first surrendered for cancellation.

PART IV.

CRIMINAL OFFENSES.

Penalty for issuing false receipt.

50. A warehouseman, or any officer, agent or servant of a warehouseman, who issues or aids in issuing a receipt knowing that the goods for which such receipt is isued have not been actually received by such warehouseman, or are not under his actual control at the time of issuing such receipt, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years or by a fine not exceeding five thousand dollars, or by both.

Penalty for false statement in receipt.

51. A warehouseman, or any officer, agent or servant of a warehouseman, who fraudulently issues or aids in fraudulently issuing a receipt for goods knowing that it contains any false statement, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

Penalty for issuing duplicate illegally.

52. A warehouseman, or any officer, agent or servant of a warehouseman, who issues or aids in issuing a duplicate or additional negotiable receipt for goods knowing that a former negotiable receipt for the same goods or any part of them is outstanding and uncanceled, without plainly placing upon the face thereof the word "Duplicate," except in the case of a lost or destroyed receipt after proceedings as provided for in section fourteen, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

Penalty for not stating warehouseman's interest in receipt.

53. Where there are deposited with or held by a warehouseman goods of which he is owner, either solely or jointly or in common with others, such warehouseman, or any of his officers, agents or servants who, knowing this ownership, issues or aids in issuing a negotiable receipt for such goods which does not state such ownership, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year or by a fine not exceeding one thousand dollars, or by both.

Penalty for delivering goods when negotiable receipt exists.

54. A warehouseman, or any officer, agent or servant of a warehouseman who delivers goods out of the possession of such warehouseman, knowing that a negotiable receipt, the negotiation of which would transfer the right to the possession of such goods, is outstanding and uncanceled, without obtaining the possession of such receipt at or before the time of such delivery, shall, except in the cases provided for in sections fourteen and thirty-six, be found guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

Penalty for taking negotiable receipt on goods with intent to deceive.

55. Any person who deposits goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable receipt which he afterwards negotiates for value with intent to deceive and without disclosing his want of title or the existence of the lien or mortgage, shall be guilty of a crime, and upon conviction shall be punished for each offense by

imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

PART V.

INTERPRETATION.

Rules of law and equity, etc., to apply.

56. In any case not provided for in this act the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent, and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy or other invalidating cause, shall govern.

Uniform laws.

57. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

Sundry terms defined.

58. In this act, unless the context or subject-matter otherwise requires—

"Action" includes counterclaim, set-off and suit in equity.

"Delivery" means voluntary transfer of possession from one person to another.

"Fungible goods" means goods of which any unit is, from its nature or by mercantile custom, treated as the equivalent of any other unit.

"Goods" means chattels or merchandise in storage, or which has been or is about to be stored.

"Holder" of a receipt means a person who has both actual possession of such receipt and a right of property therein.

"Order" means an order by endorsement on the receipt.

"Owner" does not include mortgagee or pledgee.

"Person" includes a corporation or partnership, or two or more persons having a joint or common interest.

To "purchase" includes to take as mortgagee or as pledgee.

"Purchaser" includes mortgagee and pledgee.

"Receipt" means a warehouse receipt.

"Value" is any consideration sufficient to support a simple contract. An antecedent or pre-existing obliga-

tion, whether for money or not, constitutes value where a receipt is taken either in satisfaction thereof or as security therefor.

"Warehouseman" means a person lawfully engaged in the business of storing goods for profit.

A thing is done "in good faith," within the meaning of this act, when it is in fact done honestly, whether it be done negligently or not.

Act does not apply to prior receipts.

59. The provisions of this act do not apply to receipts made and delivered prior to the taking effect of this act.

Repealer.

60. All acts or parts of acts inconsistent with this act are hereby repealed.

Approved May 7, 1907.

CHAPTER 134.

An Act to provide for the making of decrees of the Orphans' Court a lien on the lands and real estate of any person or persons liable on such decree by docketing the same in the Supreme Court of this State and issuing of execution thereon.

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

Decrees of orphans' court to have same liens as in Supreme Court.

1. All decrees or orders of the Orphans' Court heretofore or hereafter made, whereby any fine has been or may hereafter be imposed, or a sum of money has been or may hereafter be ordered paid by one party to another, shall have the same liens and priorities as judgments of the Supreme Court, and the same shall become a lien upon and bind the lands, tenements, hereditaments or real estate of the person against whom the same was or shall be made; *provided,* that and whenever some party interested in such decree shall have filed in the office of the clerk of the Supreme Court a statement or abstract of such decree, certified by the Surrogate of the county wherein the same was made, containing the

Proviso.

names of the parties thereto, designating particularly those against whom it is rendered, the time at which said decree was signed, the amount of the debt, damages, costs, fine imposed or other sum of money thereby directed to be paid, which statement or abstract the said clerk shall forthwith record in a proper book by him provided and in his office kept for that purpose, and which book shall be properly indexed by said clerk, and be a public record and to which all persons desirous to examine the same shall have access. And the amount due on such decree at the time of such docketing shall be sworn to by affidavit annexed to such statement or abstract by the party causing the same to be filed as aforesaid, or his or her attorney or proctor.

Amount of decree shown.

2. When any person be personally and individually liable on any such decree made against them as executor, administrator, guardian or trustee, and docketed as aforesaid, no suit shall be necessary on the said decree or the bond as against such person, but such decree, when docketed as aforesaid, shall, on order of the Orphans' Court, as hereinafter provided, bind the lands, tenements, hereditaments and real estate of such person as fully and in the same manner as though it were a judgment of the Supreme Court rendered against such person.

Liability of executor, etc.

3. Execution shall issue out of the Supreme Court on any such decree docketed therein as aforesaid against any person as executor, administrator, guardian or trustee, or as an individual when personally liable thereon, on order of the Orphans' Court, in which said decree was made, which order shall specify how such execution shall issue and a certified copy of which order when made shall be filed with the clerk of the said Supreme Court; *provided,* that no such order shall be made except upon petition to the Orphans' Court of the person applying for the same and due notice given to the person to be affected thereby, or their attorney or proctor.

Execution out of Supreme Court on order of Orphans' Court.

Proviso.

4. Such decree may be satisfied in the same manner as now provided for the satisfaction of judgments at law in the Supreme Court, or by order of the said Orphans' Court duly made, and a certified copy of which order shall be filed with the clerk of the Supreme Court.

Satisfaction of decree.

Fees allowable.

5. The clerk of the Supreme Court shall be entitled to collect and tax the same fees and costs for the filing of such statement or abstract, the filing of such orders and the issuing and return of such execution as are now provided by law for the docketing of decrees from the Court of Chancery and the filing of orders and issuing and return of execution in actions at law, which fees and costs shall become a part of the amount due in such decree.

Remedy against principal or surety not affected.

6. Nothing herein contained shall be construed to affect any remedy against any principal or surety on any bond, or to make liable or release from liability any principal or surety on any bond heretofore or hereafter made or given.

Repealer.

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

8. This act shall take effect immediately.

Approved May 7, 1907.

CHAPTER 135.

A Supplement to an act entitled "An act to amend an act entitled 'An act to prevent the pollution of the waters of this State by the establishment of a State Sewerage Commission and authorizing the creation of sewerage districts and district sewerage boards, and prescribing, defining and regulating the powers and duties of such commission and such boards,' approved March twenty-fourth, one thousand eight hundred and ninety-nine," approved March twenty-first, one thousand nine hundred.

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

Notice to cease pollution of waters.

1. The State Sewerage Commission is hereby authorized and empowered to inspect any of the waters of this

State, and if it finds that any of the waters of this State are being polluted in such manner as to cause or threaten injury to any of the inhabitants of this State, either in health, comfort or property, it shall be its duty to notify, in writing, any person, municipal or private corporation found to be polluting said waters that prior to a time to be fixed by said commission, which time shall not be more than five years from the date of said notice, said person or corporation must cease to pollute said waters and make such other disposition of the sewage or other polluting matter as shall be approved by said commission; any person or corporation aggrieved by any such finding may appeal therefrom to the Court of Chancery at any time within three months after being notified thereof, and the said court is hereby authorized and empowered to hear and determine such appeal in a summary manner, according to its course and practice in other cases, and thereupon to affirm, reverse or modify the finding of said commission in such manner as it may deem just and reasonable.

Time allowed.

Appeal may be had.

2. The State Sewerage Commission is hereby authorized to apply to the Court of Chancery for writ of injunction to prevent any violation of or to enforce the provisions of this act and the act to which this is a supplement, and it shall be the duty of the said court, in a summary way, to hear and determine the merits of said application; and in all such cases to restrain violation of or enforce the provisions of the said acts.

May apply for injunction.

3. "Waters of this State," as used in this act and the act to which this is a supplement, shall include the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of this State or subject to its jurisdiction.

Meaning of "waters."

4. All acts or parts of acts inconsistent with this act are hereby repealed, and this act shall take effect immediately; *provided,* that this act shall not repeal or in any way affect or modify the provisions of any act conferring power and authority upon the Passaic Valley Sewerage Commission in relation to the purification of the Passaic river and the streams tributary thereto,

Repealer.

Proviso.

and particularly shall not be deemed taken or held to modify or affect the provisions of an act relating to the purification of the waters of the Passaic river, within the Passaic valley sewerage district, approved March eighteenth, one thousand nine hundred and seven.

Approved May 7, 1907.

CHAPTER 136.

A Supplement to an act entitled "An act for the punishment of crimes (Revision of 1898)."

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

Informers exempt from prosecution.

1. Whoever shall hereafter give any information to anyone in authority concerning others or shall in any other way aid the authorities in the arrest and prosecution of the parties implicated in any murder or any injury or damage to person or property that may result from the use of dynamite or any other explosive, by any person or persons, with intent to kill or injure, shall be exempt from any prosecution or punishment; *provided,* the person giving the information is not the only one taking part in the commission of the crime.

Proviso.

2. This act shall take effect immediately.

Approved May 7, 1907.

CHAPTER 137.

An Act relative to the power to impose and collect taxes in incorporated towns of this State.

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

Limitation of taxing rate removed.

1. Where, by the charter of any incorporated town, or the supplements thereto, the right of the common council or other governing body to impose and collect

taxes is limited for town purposes to a sum which is less in amount than a sum equal to fifteen cents on each hundred dollars of the present assessed valuation of taxable property within such town, such limitation shall hereafter be void and of no effect.

2. This act shall take effect immediately.

Approved May 7, 1907.

CHAPTER 138.

An Act to amend an act entitled "An act respecting any execution," approved March twenty-seventh, one thousand eight hundred and seventy-four.

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

Section 23 amended.

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

Upon return of unsatisfied execution, court to order disclosure made by debtor.

23. When an execution against the property of any debtor, indivdual, corporation, unincorporated company or voluntary association, upon a judgment recovered or docketed in the Supreme Court or in the Circuit Court or Court of Common Pleas in and for any county in this State, or from any of the District Courts in any of the cities of this State shall be returned by the officer to whom it is delivered unsatisfied, in whole or in part, it shall be lawful for any judge of the court out of which said execution issued, in term time or vacation, on application by the judgment creditor, his executor, administrator or assignee, in manner hereinafter provided, to make order requiring the judgment debtor to appear and make discovery, on oath, concerning his, its or their property and things in action, before such judge or a Supreme Court commissioner, to be designated in said order, at a time and place in said order specified.

Section 24 amended.

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

Petition by creditor stating certain allegations.

24. The judgment creditor, his executor, administrator or assignee, before he shall be granted such orders, shall present to said judge a petition, verified by the oath of such creditor, his executor, adminstrator or assignee, or the agent or attorney of such creditor, his executor, administrator or assignee, in which he shall state the amount due on said execution, the return made thereon by the officer to whom it was issued, and his belief that said judgment debtor hath property or money or things in action due to him, or held in trust for him, where the trust has been created by, or the fund held in trust has proceeded from himself, over and above such property as is or may be reserved by law, on presentation whereof said order shall be made; and

Action by court.

the said judge shall further, on allegation in said petition, or in one supplementary thereto and proof by the oath of the party or of any other person, of fact and circumstances, showing that any person owes the said debtor, or holds money or property in possession or action in trust for him, or for his use as aforesaid, make order forbidding the payment of such debt, or the transfer of said property or money by or to the said debtor, or any third person, until further order to be by him made; affidavits verifying said petitions may be taken

Affidavits verifying petition.

before any officer authorized by law to administer oaths, and if any person, in any affidavit or examination taken under this act, shall willfully and corruptly swear falsely, he shall be deemed guilty of perjury. Should it be disclosed upon the examination of any judgment debtor, and under the proceedings provided for in this act, that the said judgment debtor is entitled to, and is in receipt of, an income or any property or money or things in action, held in trust for the debtor, except such trust funds as are now exempt by law, then it shall be lawful for the judge granting said order for discovery, upon the return of such discovery and examination, to direct the judgment debtor to make payments at

Payment in installments.

stated periods in installments, and upon such terms and conditions as the said judge may direct, out of such income, on account of the said unsatisfied judgment; application may be made at any time upon behalf of the

judgment creditor, his executor, administrator or assignee, or judgment debtor, to modify the terms of such order, and said judge shall have power to do so. Modification or order.

3. This act shall take effect immediately.

Approved May 7, 1907.

CHAPTER 139.

An Act to amend an act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

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

1. Article twenty-five, consisting of sections two hundred and thirteen to two hundred and twenty-four, inclusive, of the act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three, be and the same is hereby amended so as to read as follows: Article XXV amended.

ARTICLE XXV.

TEACHERS' RETIREMENT FUND.

213. There shall be a Board of Trustees, to be known as "The Board of Trustees of the Teachers' Retirement Fund." Said board shall be composed of the State Superintendent of Public Instruction, three persons, not teachers, and not eligible to membership in said fund, to be selected by the Governor, and five persons, members of said fund, nominated as is hereinafter provided. The eight persons so selected or nominated shall be appointed by the Governor. Said trustees shall be ap- Trustees of retirement fund; how composed.

New Jersey State Library

Term. pointed each for the term of four years, and in the place of any trustee whose term shall expire a successor shall be appointed in like manner for the term of four

Vacancies. years. A vacancy in said board shall be filled by the Governor for the unexpired term in the case of a trustee to be selected by the Governor as aforesaid, and until the next annual convention in case of a trustee nominated as is hereinafter provided. At said convention a person shall be nominated to fill the vacancy for the unexpired

Office. term. A suitable office in the State House at Trenton shall be provided for said Board of Trustees.

Annual convention. 214. The annual convention of the Teachers' Retirement Fund shall be held at the State House in Trenton, at twelve o'clock noon, on the last Saturday in September of each year, for the purpose of nominating members of the Board of Trustees of the Teachers' Retirement Fund, of receiving the report of said board, and for the transaction of any other business properly

Delegates. within its jurisdiction. Said convention shall be composed of delegates from each county in the State, selected as is hereinafter provided. Said convention

Organization. shall be called to order by the president of the Board of Trustees, and shall organize by the election of a chairman and a secretary. Each county shall be entitled to be represented in such convention by one delegate for each one hundred teachers in said county who are members of the fund, and one delegate for any fraction over

Proviso. fifty; *provided,* that each county shall be entitled to at least one delegate. Said delegates shall be elected by the vote of a majority of the members of the fund in the

County convention. county who shall be present at a meeting held for the purpose of electing such delegates. Said meeting for the election of delegates shall be held at such convenient place as shall be selected by the County Superintendent

Notice of. of Schools. Notice of the time and place of said meeting shall be issued by said County Superintendent at least ten days before the date of said meeting. Said

Organization. meeting shall organize by the election of a chairman and a secretary. Said secretary shall, within five days after said meeting, forward to the president of the Board of Trustees of the Teachers' Retirement Fund a

certificate containing the names and addresses of the delegates elected to the annual convention. In case of a vacancy in the delegation from any county, the remaining delegates from such county may fill such vacancy by appointing a teacher in said county, who shall possess the qualifications hereinbefore prescribed for delegates to such convention. A majority of all the delegates entitled to seats in said convention shall constitute a quorum for the transaction of business. County delegates.

215. The officers of the Board of Trustees of the Teachers' Retirement Fund shall be a president, a vice president, and a secretary. The president and vice president shall be members of the Board of Trustees, shall be elected annually on the second Saturday in October, and shall hold office for one year and until their successors shall be elected; *provided,* that their terms as officers shall not extend beyond their respective terms as members of said board. The term of office of the secretary shall be fixed by said board. Said board shall administer the fund hereinafter mentioned, and order all payments therefrom in the manner provided by this article. Such portion of said fund as the Board of Trustees may from time to time determine may be invested in the following securities, being securities which are now authorized by law for savings banks: Officers of fund. Proviso. Care of fund. Investments.

I. In stocks or bonds, or interest-bearing notes or obligations of the United States, or those for which the faith of the United States is distinctly pledged to provide for the payment of the principal and interest thereof. U. S. securities.

II. In the interest-bearing bonds of this State, or in any bonds authorized by the laws of this State to be issued by any commission appointed by the Supreme Court of this State by virtue of any law of this State. New Jersey bonds.

III. In the bonds of any State in the Union that has not, within ten years previous to making such investment, defaulted in the payment of any part of either principal or interest in any debt authorized to be contracted by any law of such State. Bonds of other States.

IV. In the bonds of any county, township, municipality or school district of this State issued pursuant to Municipal or school bonds.

Proviso. the authority of any law of this State; *provided,* such county, township, municipality or school district shall not, within the five years next preceding, have defaulted in the payment of any part of either principal or interest of any legal debt or obligation thereof; *and*

Proviso. *provided further,* the total indebtedness of any borough and village does not exceed ten per centum of its assessed valuation, and such school district bonds are by law charged upon all the property of the inhabitants of such district; or in any interest-bearing obligation (other than obligations commonly known as improvement certificates) issued by the city, county, town, township, borough or village.

Other city or State bonds. V. In the bonds of any city or county, or any other State of the Union, issued pursuant to the authority

Proviso. of any law of any such State; *provided,* such city or county has not, within ten years previous to making such investment, defaulted in the payment of any part of either principal or interest of any debt authorized to

Proviso. be contracted by any law of such State; *and provided further,* the total indebtedness of any such city or county is limited by law to ten per centum of its assessed valuation.

In bond and mortgage. VI. In bonds secured by mortgages which shall be a first lien on real estate situate in this State, and worth at least double the amount loaned thereon, but not to exceed sixty per centum of the whole amount of the permanent principal of the fund shall be so loaned or invested; but in case the loan is on unimproved or unproductive real estate, the amount loaned thereon shall not be more than thirty per centum of its actual value; and no investsment in any bond and mortgage shall be made except upon the report of a committee of at least three of the trustees, and two members of which committee shall certify in writing to the value of the premises mortgaged or to be mortgaged, according to their best judgment; such report shall be filed and preserved among the records of the trustees of the fund.

Investments in real estate. VII. In such real estate as shall have been purchased or acquired by the fund at the sales upon the foreclosure of mortgages owned by the fund, or upon judgments

or decrees obtained or rendered for debts due to it, or in settlements effected to secure such debts or in satisfaction of such mortgages; and all such real estate shall be sold by said fund within five years after the same shall have been so purchased, unless, upon application to the Commissioner of Banking and Insurance, he shall extend the time within which such sale shall be made.

Investments as principal.

All moneys so invested shall be deemed to be part of the permanent principal of said fund, and the income arising from said moneys so invested, together with all moneys received by donation, gift, legacy, bequest, devise or otherwise, and which shall not be specifically directed to be made a part of the permanent principal of said fund, shall be available for the payment of annuities under this article. All moneys received in payment of principal of bonds or other securities held by said fund shall be reinvested, and shall remain a part of said permanent principal. The fiscal year of said fund shall begin on the first day of July and end on the thirtieth day of June. Said board shall present, at each annual convention of the Teachers' Retirement Fund, a report of the condition of said fund for the last preceding fiscal year, showing the receipts and disbursements on account of the fund, together with a list of the beneficiaries thereof. A copy of said report shall be sent to the Governor, and a copy to the State Board of Education, which copy shall be included in the report of the said board to the Legislature. The necessary clerical and other expenses incurred by the Board of Trustees and by the State Treasurer in the administration of said fund shall be paid by the State Treasurer, on the warrant of the State Comptroller, upon orders signed by the president and secretary of said board.

Source of annuities.

Fiscal year.

Annual report.

Expenses of fund met by State.

Treasurer of fund.

216. The State Treasurer shall be, ex officio, treasurer of the Teachers' Retirement Fund. He shall receive all moneys payable to said fund, and pay out the same only on warrants or orders signed by the president and secretary of the Board of Trustees. All warrants or orders, when so signed, shall be full authority for the acquittance of said treasurer for all payments from said fund. Said treasurer shall give receipts for all moneys

Accounts kept and report.

received by him for said fund; shall keep full and correct accounts of the financial transactions connected therewith, and shall make an annual report to the Board of Trustees, at its meeting in September, of the receipts and disbursements, and other financial transactions connected with said fund.

Annuitants.

217. Whenever any member of the Teachers' Retirement Fund shall have taught or shall have been employed in the public school system in this State, or in any school in this State supported wholly or in part by public moneys raised under the authority of any law of this State, for a period or periods aggregating at least twenty years, and shall, in the judgment of the Board of Trustees of said fund, have become incapacitated from performing the duties of a teacher, or of such other employment as aforesaid, such person shall, at his or her request, be retired, and shall thereafter receive an annuity out of said fund equal to six-tenths the average annual salary received by such person for the five years of employment next preceding the date of retirement; *provided,* that no annuity shall be less than two hundred and fifty dollars nor more than six hundred and fifty dollars. In case the amount paid to the fund by any applicant at the time he or she shall apply for retirement shall not be equal to at least the amount of his or her annuity for one year, said applicant shall, before he or she shall be paid any annuity, either pay into said fund such sum as shall, together with the sums theretofore paid by such applicant, equal one year's annuity as aforesaid; or, in lieu thereof, shall give to the Board of Trustees authority in writing to withhold all payments due to him or her on account of such annuity until the sum so withheld shall be equal to the amount due the fund as aforesaid, and to credit his or her account with the sum so withheld as full satisfaction of the amount owing the fund by said applicant. Application for retirement with annuity shall be filed with the Board of Trustees while the applicant is in actual service, or within two years after he or she shall have discontinued teaching or such other active employment as aforesaid. The decision of the Board of Trustees shall,

Proviso.

Amount paid in must equal annuity.

Application for retirement.

subject to appeal to the State Board of Education, determine the right of the applicant to any annuity. The payment of any annuity shall be suspended whenever the annuitant has resumed teaching or such other active employment as aforesaid, but such payment may be renewed whenever evidence shall be presented to the Board of Trustees that such annuitant has again discontinued teaching or such other active employment as aforesaid. Any member of said fund who shall discontinue teaching or such other active employment as aforesaid, for any cause other than by reason of having become incapacitated as aforesaid, shall cease to be a member of said fund; but upon resuming teaching or other active employment as aforesaiid, the deductions thereafter made from his contractual monthly salary shall be based on his length of service in teaching or other active employment as aforesaid at the time he resumes teaching or such employment. The amount theretofore paid on his account to the Teachers' Retirement Fund shall be deemed to be a part of the total amount to be deducted from his salary and paid to said fund.

Suspension of annuity.

When membership ceases.

Deductions upon resuming teaching.

218. All annuities shall be paid in quarterly installments on the last day of September, December, March and June, and each annuity granted shall date from the day on which definite action thereon shall have been taken by the Board of Trustees.

Annuities paid quarterly.

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

How fund constituted.

I. Two per centum of the contractual monthly salaries of all members of the fund who were or who shall have been teachers, or shall have been employed as is hereinafter provided, ten years or less when they became or shall become members of the fund.

2 per cent. from teachers of ten years or less.

Two and one-half per centum of the contractual monthly salaries of all members of the fund who were or who shall have been teachers, or shall have been employed as is hereinafter provided, over ten years, but less than fifteen years, when they became or shall become members of the fund.

2½ per cent. from teachers between ten and fifteen years.

Three per centum of the contractual monthly salaries of all members of the fund who were or who shall have been teachers, or shall have been employed as is here-

3 per cent. from teachers for fifteen years or more.

inafter provided, fifteen years or more when they became or shall become members of the fund.

Total deductions.

No deduction made under the provisions of this article from the salary of any teacher shall exceed fifty dollars in any year. The total amount of deduction on account of any member shall not exceed the sum of one thousand dollars.

Quarterly settlements between teacher and fund; method.

The amount due the Teachers' Retirement Fund shall be reserved or deducted from each warrant or order for salary given to each member of the fund by the Board of Education or other board or officer as shall be required by law to give such warrants or orders, and the said board or officer shall, between the first and twentieth days of March, June, September and December, draw a warrant for the amounts so reserved and deducted in favor of the custodian of the school moneys of the district or school in which such member shall be employed, and the said custodian shall, immediately upon receipt of any such warrant or order, forward to the State Treasurer the amount of money named therein, together with a list of the names, the monthly salaries, the amounts deducted, and the percentage rates, respectively, of the persons from whose salaries the deductions represented thereby have been made.

Gifts, legacies, etc.

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

Interest from investments.

III. All interest on investments, and other moneys which may be raised for the increase of said fund.

Power of trustees.

220. Said Board of Trustees shall have power:

To make by-laws, choose officers, etc.

I. To frame and modify by-laws for its own government not inconsistent with the laws of this State; to elect its president and other officers, and to prescribe and enforce rules and regulations necessary to carry into effect the provisions of this article.

Subpœna witnesses.

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

Salary of secretary.

III. To fix the salary and the term of office of secretary of said board.

IV. To draw its warrants upon the State Treasurer for the payment out of said fund of all annuities payable under the provisions of this article; the members of said board, excepting the secretary, shall serve without compensation, but the State Treasurer shall, upon the warrant of the State Comptroller, pay their necessary expenses; *provided,* that if said board shall elect one of its members secretary, such member may receive compensation for services rendered as secretary. Pay annuities. Proviso.

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

VI. To have, hold, purchase, sell, assign and transfer any of the securities in which any part of the said retirement fund may be invested, and any moneys belonging to said fund. Control of funds and securities.

221. I. Any person who is now a member of the Teachers' Retirement Fund may, on or before the first day of January, one thousand nine hundred and nine, waive all rights and privileges he now has as such member and accept the provisions of this act, with all its rights and privileges, by signing and delivering to the Board of Trustees of said fund a notice substantially in the following form: Waiver of present rights, and acceptance of this act.

To the Board of Trustees of the Teachers' Retirement Fund:

You are hereby notified that I hereby waive all rights and privileges as a member of the Teachers' Retirement Fund under the provisions of any act heretofore passed by the Legislature, and that I hereby accept the provisions of an act entitled "An act to amend an act entitled 'An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof,' approved October nineteenth, one thousand nine hundred and three," approved (here insert the date of approval of this act), and that I do hereby agree to be bound thereby. Dated ————————. Form of waiver and acceptance.

A copy of said notice shall be filed with the Board of Education or other body by whom he or she shall be employed. Any member of the fund as aforesaid who Copy of notice filed with school board.

shall not file such notice shall continue to be bound by the provisions of the statute in force at the time he or she became a member of the fund, and shall be entitled only to such benefits as are thereby conferred.

When those entitled to may join fund.

II. Any person now entitled to membership in said fund, but who has not heretofore become a member, may join said fund on or before the first day of January, one thousand nine hundred and nine, by signing and delivering to the Board of Education, Board of Trustees, or other body by whom he or she shall be employed, a notice substantially in the form hereinbefore prescribed.

Membership of others.

III. Any person who may become entitled to membership in said fund after this act shall take effect as shall give such notice on or before the first day of January, one thousand nine hundred and nine.

New appointees.

IV. Every person who shall be appointed to any position hereinafter designated on or after the first day of January, one thousand nine hundred and eight, shall become a member of the fund by virtue of such appointment; *provided,* this shall not apply to any member of the fund, or to any person eligible to membership in said fund, prior to January first, one thousand nine hundred and eight.

Proviso.

Notification of change of position.

222. Any member of said fund who shall cease to teach or be employed in the school or position in which he or she shall have been employed, and who shall be employed in any other school or position, shall immediately give written notice to the Board of Education, or other body having control of the school or position in which he or she shall be employed, that he or she is a member of the Teachers' Retirement Fund, and said notice shall direct that the prescribed per centum of his or her contractual monthly salary be deducted monthly and forwarded quarterly to the State Treasurer as is hereinbefore provided. Such member shall send a copy of said notice, with his or her address, to the secretary of the Board of Trustees of the Teachers' Retirement Fund, and another copy of said notice to the State Treasurer.

School boards to ascertain membership and deduct percentage.

223. It shall be the duty of all Boards of Education or Boards of Trustees, or other officers charged with the

appointment or engagement of persons entitled to membership in the Teachers' Retirement Fund, to learn if a person so appointed or engaged is a member of said fund, and if such be the case, to deduct the percentage of such salary due to said fund from his or her contractual monthly salary and remit the same to the State Treasurer as is hereinbefore provided.

Eligibility to membership.

224. Any teacher, teacher-clerk, principal, supervisor, supervising principal or superintendent who shall teach or be employed in the public schools of this State, or in any normal, model or reformatory school of this State, or in any other school of this State supported either wholly or in part by public moneys raised under the authority of any law of this State, and any city, county or State superintendent of the public schools of this State, shall be eligible to membership in the Teachers' Retirement Fund.

Continuance of officers.

2. The officers and members of the Board of Trustees of the Teachers' Retirement Fund now in office shall continue to serve for the full term for which they were severally elected or appointed, as though they had been elected or appointed under the provisions of this act.

Repealer.

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

Approved May 7, 1907.

CHAPTER 140.

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

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

Slot machines for gaming illegal.

1. Any person or corporation who shall have or keep in his or its place of business, or other premises, any

slot machine or device in the nature of a slot machine, which may be used for the purpose of playing for money or other valuable thing, shall be guilty of a misdemeanor.

2. This act shall take effect immediately.

Approved May 7, 1907.

CHAPTER 141.

An Act to amend an act entitled "A further supplement to an act entitled 'An act to authorize cities in this State, located on or near the ocean, and embracing within their limits or jurisdiction any beach or ocean front, to lay out and open streets and drives, and construct public walks along and upon the beach or ocean front, to grade and otherwise improve the same, to provide the money necessary therefor, and to regulate the use thereof,' approved April sixth, one thousand eight hundred and eighty-nine, and acts amendtory thereof and supplemental thereto, and to validate bonds issued, or purporting to be issued, under said acts or any of them," which said act was approved March sixth, one thousand nine hundred and one.

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

Section amended.

1. Section one of an act entitled "A further supplement to an act entitled 'An act to authorize cities in this State, located on or near the ocean, and embracing within their limits or jurisdiction any beach or ocean front, to lay out and open streets and drives, and construct public walks along and upon the beach or ocean front, to grade and otherwise improve the same, to provide the money necessary therefor, and to regulate the use thereof,' approved April sixth, one thousand eight

hundred and eighty-nine, and acts amendatory thereof and supplemental thereto, and to validate the bonds issued, or purporting to be issued, under said acts or any of them," approved March sixth, one thousand nine hundred and one, be and the same is hereby amended to read as follows:

Council to issue "city improvement bonds."

1. Where any public walk or walks, street or streets, have been or may be constructed or built under the authority of the act entitled "An act to authorize cities in this State, located on or near the ocean, and embracing within their limits or jurisdiction any beach or ocean front, to lay out and open streets and drives, and construct public walks along and upon the beach or ocean front, to grade and otherwise improve the same, to provide the money necessary therefor, and to regulate the use thereof," approved April sixth, one thousand eight hundred and eighty-nine, and acts amendatory thereof and supplemental thereto, or any of said acts to which this is a further supplement, it shall be lawful for the common council or other governing body of said city to issue, in the name of the said city, in the manner and way provided in section seven of the said act to which this is a further supplement, as said section was amended by an act approved April second, one thousand eight hundred and ninety, its bonds to be designated "city improvement bonds," in the amount hereinafter provided; the proceeds of the sale of said bonds, at not less than par, to be used, under the direction of the common council or other governing body of said city, for the purpose of constructing or building any new public walk or walks, street or streets, renewing, repairing, relocating, rebuilding and for any other purpose or purposes mentioned in the said acts to which this is a further supplement, or for any one or more of said purposes; *provided, however,* that the total amount of bonds authorized to be issued by the said act, approved April sixth, one thousand eight hundred and eighty-nine, and any and all amendments and supplements thereto, and this further supplement, including, among others, all bonds already issued under said acts and outstanding at the date of the approval of this act,

Use of proceeds.

Proviso

Total issue.

shall not exceed the sum of four hundred thousand dollars.

Repealer.

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

Approved May 7, 1907.

CHAPTER 142.

An Act to amend an act entitled "An act to provide means for protection against fires in townships," approved March tenth, one thousand eight hundred and seventy-nine.

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

Section amended.

1. Section seven of the act named in the title hereof be and the same hereby is amended so as to read as follows:

Assessment, collection and control of taxes for fire purposes.

7. That the money voted at the annual district meeting shall be assessed on the value of all taxable property within said district, and collected as the taxes of the township are now collected, and be under the control of and expended by the board of directors or commissioners for the purposes specified in section three.

2. This act shall take effect immediately.

Approved May 7, 1907.

CHAPTER 143.

A Further Supplement to an act entitled "An act for the establishment of forest park reservations by and in the State of New Jersey, and for the appointment of a State Board of Forest Park Reservation Commissioners, and defining its powers and duties," approved March twenty-second, one thousand nine hundred and five.

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

Power to acquire fresh-water lakes and rights thereto.

1. The State Board of Forest Park Reservation Commissioners shall have power to acquire, in the manner prescribed in the act to which this act is a supplement, any land covered by a fresh-water lake or pond, or part thereof, within this State, and any land surrounding or adjacent thereto and all rights, private ways, easements or servitudes held, exercised or used by any person or corporation in, upon or over the said land or any part thereof, as said board in its discretion may deem best. Said property, when acquired, shall be held by said board as a part of the forest park reservations of the State.

Rules and regulations made and posted.

2. The board shall have power to make rules and regulations for the government and use of all forest park reservations, which rules and regulations shall be plainly printed and posted within all such reservations, and any person violating any rule or regulation of said board, so as aforesaid printed and posted, shall be liable to a penalty of ten dollars, to be recovered in an action of debt at the suit of said board before a Small Cause Court or a District Court. All penalties recovered as aforesaid shall be paid to the executive officer of said board and by him paid to the State Treasurer.

Penalty for violation.

3. This act shall take effect immediately.

Approved May 8, 1907.

CHAPTER 144.

An Act to amend an act entitled "An act to provide for the permanent improvement of public roads in this State (Revision of 1905)," approved March twenty-seventh, one thousand nine hundred and five.

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

Section 10 amended.

1. Section ten of the act entitled "An act to provide for the permanent improvement of public roads in this State (Revision of 1905)," approved March twenty-seventh, one thousand nine hundred and five, be and the same is hereby amended so as to read as follows:

Improved roads to be county roads.

10. Any road constructed under the provisions of this act or of any previous act entitled "An act to provide for the permanent improvement of public roads in this State," and any road accepted by any board of chosen freeholders under chapter one hundred and fourteen of the laws of one thousand nine hundred and four, shall forever hereafter be a county road, and the duty of keeping the same in repair shall devolve exclusively upon the board of chosen freeholders and the county supervisor, as hereinafter mentioned, and all other powers and duties respecting such road shall be imposed upon and vested in the said board of chosen freeholders, to the exclusion of all township, town, borough, village or other municipal officers; *provided, however,* that nothing in this act shall divest the municipal authorities of townships or boroughs of their power to construct, grade, curb, pave or repair the sidewalks along said county roads, nor shall this power of said governing bodies divest the board of chosen freeholders of their right to construct across or under the sidewalks the necessary culverts or other provisions for the maintenance of such county roads. If any such road shall become

Maintained by freeholders.

Proviso.

out of repair, and shall not be repaired within sixty days after notice in writing so to do, given by the State Commissioner of Public Roads to the board of chosen freeholders, or to its director, the said Commissioner of Public Roads shall certify such neglect or refusal to the State Comptroller, who shall withhold payment to such county of any moneys, already apportioned or that may thereafter be apportioned, to such county by the State, and no payment shall be made to said county until the State Commissioner of Public Roads shall certify to the State Comptroller that said road has been placed in a good state of repair.

Road appropriation withheld for failure to maintain.

2. This act shall take effect immediately.

Approved May 8, 1907.

CHAPTER 145.

An Act to fix the annual salary of the mayors of certain cities in this State.

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

1. The anuual salary of the mayor of any city in this State which now has or shall hereafter have a population of not less than seventy-five thousand inhabitants nor more than one hundred and twenty-five thousand inhabitants, shall be and the same is hereby fixed at the sum of two thousand dollars; *provided*, that this act shall only become operative in any such city when its provisions are accepted by ordinance of the common council, board of aldermen or other governing body thereof.

Salary of mayor.

Proviso.

2. This act shall take effect immediately.

Approved May 8, 1907.

CHAPTER 146.

An Act to amend an act entitled "An act respecting the Orphans' Court, and relating to the duties of the ordinary and the Orphans' Court and surrogates (Revision of 1898)," approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Section 137 amended.

1. Section one hundred and thirty-seven of the act the title whereof is recited in the title of this act be and the same is hereby amended so as to read as follows:

Securities for investment.

137. Any executor, administrator, guardian or trustee whose duty it may be to loan or invest money intrusted to him as such, may, without any special order of any court, invest the same or any part thereof in any of the following securities:

U. S. bonds.

I. In bonds or interest-bearing notes or obligations of the United States, or those for which the faith of the United States is distinctly pledged to provide for the payment of the principal and interest thereof;

State bonds.

II. In bonds or interest-bearing notes or obligations of this State;

Bonds of other States.

III. In bonds of any State in the Union which has not within ten years previous to the making of such investment defaulted in the payment of any part of either principal or interest on any of its bonds issued by authority of the Legislature of such State;

Municipal or school bonds.

IV. In the bonds or interest-bearing notes or obligations of any county, city, town, township, borough, village or public school district of this State issued pursuant to the authority of any law of this State, or of the city of New York or of the city of Philadelphia; *provided,* the indebtedness of the county, city, town, township, borough or village does not exceed in the aggre-

Proviso.

gate fifteen per centum of the assessable valuation of all taxable property within such county, city, town, township, borough or village, exclusive of obligations issued for public school purposes;

Railroad bonds.

V. In first mortgage bonds of any railroad company which has paid dividends of not less than four per centum per annum regularly, on its entire capital stock, for a period of not less than five years next previous to the purchase of such bonds, or in any consolidated mortgage bonds of any such company authorized to be issued to retire the entire bonded debt of such company.

First mortgage. Proviso.

VI. In bonds secured by first mortgage upon real estate; *provided,* the amount loaned upon any such bond and mortgage shall not at the time of making such loan exceed sixty per centum of the estimated worth of the real estate covered by such mortgage; *provided, also,* that the rate of interest upon any of the above enumerated securities in which such investments may be made shall not be less than three per centum nor more than six per centum per annum; this act shall not apply where the deed of trust, or the last will and testament of any testator, or any court having jurisdiction of the matter specially directs in what securities the trust funds shall be invested, and every such court is hereby given power to specially direct by order or orders, from time to time, additional securities in its discretion in which trust funds may be invested and any investment thereof made in accordance with any such special direction shall be legal, and no executor, administrator, guardian or trustee shall be held liable for any loss resulting in any such case.

Proviso.

Exceptions.

Repealer.

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

Approved May 8, 1907.

CHAPTER 147.

An Act to repeal an act entitled "An act concerning the government of certain cities in this State and constituting a board of finance and a police board and other officers therein, and defining the powers and duties of such boards, and relating to the municipal affairs and departments of such cities placed under the control and management of such boards, and providing for the maintenance of said boards," approved April twenty-third, one thousand nine hundred and six.

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

Act repealed.

1. The act entitled "An act concerning the government of certain cities in this State and constituting a board of finance and a police board and other officers therein, and defining the powers and duties of such boards, and relating to the municipal affairs and departments of such cities placed under the control and management of such boards, and providing for the maintenance of said boards," approved April twenty-third, one thousand nine hundred and six, is hereby repealed.

2. This act shall take effect immediately.

Approved May 8, 1907.

CHAPTER 148.

A Further Supplement to the act entitled "An act regulating the granting by municipalities of consent to the use of streets, avenues, parks, parkways and other public places," approved March twenty-seventh, one thousand nine hundred and six.

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

1. The provisions of the act entitled "An act regulating the granting by municipalities of consent to the use of streets, avenues, parks, parkways and other public places," approved March twenty-seventh, one thousand nine hundred and six, so far as they relate to the term for which any franchise or use may be granted, and which provide for a referendum in case application shall be made to a municipality for the consent of said municipality to the use of any street, avenue, park, parkway, highway or other public place for a period of more than twenty years, shall not hereafter apply to, affect or be binding upon any municipality of this State, in counties of the second, third and fourth class, except cities therein having a population of twelve thousand inhabitants and upwards; *provided, however,* that every consent to the use of any street, avenue, park, parkway, highway or other public place, hereafter granted by any municipality of this State in counties of the second, third and fourth class, shall be for a term of years and not in perpetuity, and shall not in any case exceed fifty years. Exceptions to application of act. Proviso.

2. This act shall take effect immediately.

Approved May 8, 1907.

CHAPTER 149.

An Act to amend an act entitled "An act to amend an act entitled 'An act to provide for the recovery of damages in cases where the death of a person is caused by a wrongful act, neglect or default,' approved March third, one thousand eight hundred and forty-eight," which amendatory act was approved March thirty-first, one thousand eight hundred and ninety-seven.

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

Section amended.

1. Section two of the act entitled "An act to amend an act entitled 'An act to provide for the recovery of damages in cases where the death of a person is caused by the wrongful act, neglect or default,' approved March third, one thousand eight hundred and forty-eight," and which amendatory act was approved March thirty-first, one thousand eight hundred and ninety-seven, is hereby amended so as to read as follows:

By whom action brought.

2. Every such action shall be brought by and in the names of the personal representatives of such deceased person, and the amount recovered in every such action shall be for the exclusive benefit of the widow and next of kin of such deceased person, and shall be distributed to such widow and next of kin in proportion provided by law in relation to the distribution of personal property left by persons dying intestate; and in every such action the jury may give such damages as they shall deem fair and just with reference to the pecuniary injury resulting from such death to the wife and next of kin of such deceased person; *provided,* that where such deceased person has left or shall leave him surviving a widow, but no children or descendants of any

Distribution of amount recovered.

Proviso.

children and no parents, the widow shall be entitled to the whole of the damages which she shall sustain and which shall be hereafter recovered in any such action and the same shall be paid to her; *and provided further,* that every such action shall be commenced within twenty-four calendar months after the death of such deceased person. Proviso.

3. This act shall take effect immediately.

Approved May 8, 1907.

CHAPTER 150.

An Act establishing the standard of measurement for the sale of milk, skimmed milk or cream, and providing for penalties for violations thereof.

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

1. No person or corporation shall hereafter sell, offer for sale, or receive for the purpose of sale, any milk, skimmed milk or cream, except such sale, offer or receipt for sale, shall as to quantity be based upon the liquid gallon, containing two hundred and thirty-one cubic inches, or the liquid quart, containing fifty-seven and seventy-five one hundredths cubic inches, or the proper and complete liquid subdivisions thereof. Standard measure for sale of milk.

2. Any cans originally containing more or less than forty quarts of milk or cream shall be labeled or tagged, naming in quarts the original capacity of liquid measure of such cans of milk or cream, but no can originally containing forty quarts liquid measure shall be labeled or tagged. Marking of milk cans.

3. Nothing in this act shall be construed as prohibiting the buying or selling of milk or cream either by weight or on the butter fat basis. May be sold by weight.

4. Any person violating any of the provisions of this act shall be liable to a penalty of fifty dollars, to be recovered in an action of debt, before the Small Cause Court or District Court, by any person who may desire Penalty for violations.

to sue therefor, who shall be designated in the state of demand and summons as plaintiff, and when recovery is had such penalty shall be paid to the county collector of the county in which the said violation occurred. It shall be unnecessary in proceedings brought under the provisions of this act to note the commencement of said suit or to endorse the process as in ordinary qui tam or actions brought by a common informer. When judgment shall be rendered against any defendant other than a body corporate, execution shall be issued against his goods and chattels and body without any order of the court for that purpose first had and obtained. If the officer executing any such writ shall be unable to find sufficient goods and chattels of the said defendant in his baliwick whereof to make the amount of said judgment and costs of said suit, he shall take the body of the said defendant and deliver him to the keeper of the common jail of said county, there to be detained until discharged by the court in which such judgment was obtained or by one of the justices of the Supreme Court, when such court or justice shall be satisfied that further confinement will not result in the payment of the said judgment and costs. In case judgment shall be rendered against a body corporate, execution shall issue against the goods and chattels of such body corporate as in other actions of debt.

Execution issued upon judgment.

Imprisonment for non-payment of judgment.

5. This act shall take effect July first, one thousand nine hundred and seven.

Approved May 10, 1907.

CHAPTER 151.

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

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

May take necessary real estate by purchase or gift.

1. Whenever the city council of any city, which shall have adopted the provisions of the act to which this act

is a supplement, shall have determined by ordinance to make any improvement authorized by the act to which this act is a supplement, and to take and appropriate for such purpose or purposes any lands, rights and interests in lands and real estate, they are hereby authorized to treat with the owner or owners of such lands, rights and interests in lands and real estate for the same, and may purchase the same and make compensation therefor as they shall judge reasonable, and shall thereupon receive from such owner or owners a conveyance of such lands, rights and interests in lands and real estate, and such compensation shall constitute a part of the whole amount of costs, damages and expenses to be assessed under and in pursuance of the provisions of this act.

Cost part of assessed expenses.

2. In all cases in which the city cannot acquire land for public purposes by purchase or gift from the owner or owners thereof, it shall be lawful for such city to proceed to acquire such land by condemnation in accordance with the provisions of an act entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use (Revision of 1900)," approved March twentieth, one thousand nine hundred, and the acts supplementary thereto and amendatory thereof.

May acquire land by condemnation.

3. This act shall effect immediately.

Approved May 10, 1907.

CHAPTER 152.

An Act abolishing the office of collector of arrears of taxes in towns, incorporated as such in this State.

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

1. The town council or other governing body of any incorporated town, incorporated as such in this State,

Office abolished.

may by ordinance abolish the office of collector of arrears of taxes.

Duties to devolve on collector of taxes.

2. In every town in this State where the said office of collector of arrears of taxes shall hereafter be so abolished, the duties formerly devolving upon such collector of arrears of taxes shall immediately thereafter devolve upon the collector of taxes of said town.

Repealer.

3. All acts and parts of acts, general, special, local, public or private, inconsistent herewith be and the same are hereby repealed.

Approved May 10, 1907.

CHAPTER 153.

An Act to regulate the importation of dependent children, and providing a penalty for violation thereof.

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

Consent of commissioner of charities necessary before bringing dependent children into State.

1. It shall be unlawful for any person, corporation, association or institution to bring or send or cause to be brought or sent into the State of New Jersey any dependent child for the purpose of placing such child in any home in New Jersey, or procuring the placing of such child in any home in New Jersey by indenture, adoption or otherwise, or to abandon such child after being brought or sent into the State of New Jersey, without first obtaining the written consent of the Commissioner of Charities, and conforming to this act and such rules and regulations of such Commissioner of Charities consistent herewith as such Commissioner of Charites may from time to time prescribe. Authority is hereby given to such Commissioner of Charities to make such rules and regulations as he shall deem best to carry out the provisions of this act.

Rules and regulations.

Bond of indemnity.

2. Such person, corporation, association or institution, before bringing or sending, or causing to be

brought or sent, any such child into this State, shall first give an indemnity bond in favor of the State of New Jersey in the penal sum of one thousand dollars, to be approved by said Commissioner of Charities, conditioned as follows: That they will not send or bring, or cause to be brought, or sent into this State any child that is incorrigible, or one that is of unsound mind or body; that they will at once, upon the placement of any child, report to the Commissioner of Charities its name and age, and the name and residence of the person with whom it is placed; that if any such child shall, before it reaches the age of twenty-one years, become a public charge, they will, within thirty days after written notice shall have been given them of such fact by the Commissioner of Charities, remove such child from the State; and if any such dependent child shall be convicted of crime or misdemeanor and imprisoned within three years from the time of its arrival within the State, such person, corporation, association or institution will remove from the State such child immediately upon its being released from such imprisonment, and upon failure, after thirty days' notice and demand to remove as aforesaid, any such child who shall become a public charge as aforesaid, or who shall have been convicted as aforementioned, in either event such person, corporation, association or institution shall, at once and thereby, forfeit such sum as the State, or any county or municipality thereof shall have expended in the care, maintenance or prosecution of such child; that they will place or cause to be placed, each of such dependent children under written contract, which will secure to such child a proper home, and will make the person so receiving such child responsible for its proper care, education and training; that they will properly supervise the care and training of each of such children, and that each of such children shall be visited at least once a year by a responsible agent of the person, corporation, association or institution so placing, or causing to be placed, such child as herein provided; that they will make to the said Commissioner of Charities such reports of their work as said Commissioner of Charities from time to time may require.

Conditions named in bond.

Supervision by commissioner of charities.

3. The Commissioner of Charities shall have general supervision and management of all matters contained in this act, and may make such other and further rules and regulations not inconsistent herewith as he may deem necessary for the proper placing out, indenture, adoption, removal and supervision of such children, and for the rejection of incorrigible or unsound children, and for the removal of children convicted of crimes or misdemeanors, or who may become public charges.

Penalty for violation.

4. Any person, corporation, association or institution, or any officer or agent thereof herein described, who shall violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars.

Act does not apply to relatives.

5. The provisions of this act shall not apply to a relative going to any other State and bring a child into this State for the purpose of giving it a home in his or any other family.

Recovery of penalty in bond.

6. The penalty provided in the bond referred to in the second section of this act shall be recovered in any court of competent jurisdiction in the name of the State of New Jersey; such bonds shall remain in force, and actions may be brought thereon, during any time within which there may be, within this State, any child under the age of twenty-one years who shall have been brought into this State by the principal obligor of said bond.

7. This act shall take effect immediately.

Approved May 10, 1907.

CHAPTER 154.

An Act to provide for the distribution by the State of certain publications to the free public libraries of this State.

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

State publications in all free public libraries.

1. There shall be distributed to each of the free public libraries in the State of New Jersey one copy of

every bill, joint resolution, law, report, testimony, pamphlet or other publication printed or published by the State of New Jersey or under the direction of the State or any officer thereof, and in addition thereto one copy to each of said free public libraries of the Legislative Manual of the State of New Jersey annually, and also one copy of any other publication that may be purchased by the State or under its discretion for distribution.

Repealer.

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

3. This act shall take effect immediately.

Approved May 10, 1907.

CHAPTER 155.

A Supplement to an act entitled "An act to regulate the use of power vessels and boats navigating the waters within the jurisdiction of this State, above tide water, and to provide for the inspection and licensing of power vessels, their masters, pilots and engineers," approved April ninth, one thousand nine hundred and six.

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

Warrant issued upon complaint against a person.

1. A complaint having been made in writing and duly verified that any person has violated any of the provisions of this act, any magistrate of the county, or recorder or police magistrate of any municipality in which the offense is committed may, within thirty days after the commission of said offense, issue either a summons or a warrant, directed to any constable, police officer, the chief inspector of power vessels or the assistant inspector of power vessels of this State, for the appearance or the arrest of the person so charged; and the magistrate shall state what section or provision of this

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

Summary hearing.

In case of a corporation.

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

Hearing may be adjourned.

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

Surety for defendant.

If forfeited.

power vessels in any court of competent jurisdiction; and such cash deposit, if forfeited, shall be paid to said chief inspector of power vessels by said magistrate with whom the same shall have been deposited, to be by said inspector disposed of as are other moneys coming to his hands under the provisions of this act.

Right of appeal.

4. The defendant in any proceeding instituted under this act may appeal from the judgment or sentence of the magistrate to the Court of Common Pleas of the county in which such proceedings shall have taken place; *provided,* the said defendant shall, within ten days after the date of said judgment, deliver to the magistrate a bond to the State of New Jersey, with at least one sufficient surety, or make a cash deposit with him of such amount as the magistrate shall direct, not exceeding the amount of five hundred dollars (unless said defendant can himself qualify and justify in real estate security in this State in twice said amount), conditioned to stand to and abide by such further order or judgment as may thereafter be made against the said party; *and provided further,* that if the said magistrate shall have imposed a sentence of imprisonment, the defendant, if he does not duly appeal, shall be imprisoned forthwith upon the imposing of said sentence; but that an appeal properly taken in accordance with the provisions of this act shall be a stay of and upon the enforcement of a sentence of imprisonment, whether the execution of such sentence shall have been entered upon or not, as well as of such other judgment as may be pronounced; *and provided,* that if said defendant shall, after the rendition of said judgment or sentence, announce to said magistrate his intention to appeal therefrom, and either give the bond or make the deposit, he shall have ten days from the date of the rendition of said judgment or sentence within which to complete his appeal, during which said ten days the execution of whatever sentence or judgment shall have been rendered, whether of imprisonment or fine, shall be stayed, and in case said defendant shall fail to complete his appeal within said ten days, the like proceedings may be had as would by the provisions of this

Proviso.

Proviso.

Proviso.

act follow an appeal taken and a judgment of affirmance thereupon.

Procedure on appeal.

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

Proceedings instituted at any time.

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

All proceedings in name of State.

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

Arrest without warrant.

8. Any constable, or police officer, or chief inspector of power vessels or assistant inspector of power vessels, is hereby authorized to arrest without warrant any person violating, in the presence of such constable, or police officer, or chief inspector of power vessels, or assistant inspector of power vessels, any of the provisions of this act, and to bring the defendant before any magistrate of the county where such offense is committed.

Detention of offender until warrant issued.

The person so offending shall be detained in the office of the magistrate until the officer making such arrest

shall make oath or affirmation, which he shall do forthwith, declaring that the person under arrest has violated one or more of the provisions of this act, and specifying the provision or provisions violated, whereupon said magistrate shall issue a warrant returnable forthwith, and the said magistrate shall proceed summarily to hear or postpone the case as heretofore provided.

Fees for officers and magistrates.

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

As to costs.

Penalty.

10. Any person or corporation who shall be convicted of violating any of the provisions of this act shall be subject to a fine not exceeding twenty-five dollars for each offense; *provided, however,* where any of the provisions of this act already fix the amount of the penalty to be forfeited for the violation thereof the fine in that particular case shall not exceed the amount therein stated. In default of the payment of such fine there shall be imposed an imprisonment in the county jail for a period not exceeding ten days; *provided,* that any officer who shall be convicted of a second offense of the same violation may be fined in double the amount herein prescribed for the first offense, and may, in default of the payment thereof, be punished by imprisonment in the county jail for a period not exceeding twenty days.

Proviso.

Proviso.

11. This act shall take effect immediately.

Approved May 10, 1907.

CHAPTER 156.

An Act to amend an act entitled "An act to provide for the planting and care of shade trees on the highways of the municipalities of this State," approved March twenty-eighth, one thousand eight hundred and ninety-three.

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

Section amended.

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

Municipal forestry commission.

1. In all the municipalities of this State there may be appointed, in the manner hereinafter provided, a commission of three freeholders, who shall serve without compensation, and who shall have the exclusive and absolute control and power to plant, set out, maintain, protect and care for shade trees in any of the public highways of their respective municipalities, the cost thereof to be borne and paid for in the manner hereinafter directed; *provided,* that it shall be optional with the governing body of any municipality to increase the number of the commission to five.

Proviso.

2. This act shall take effect immediately.

Approved May 10, 1907.

CHAPTER 157.

An Act to authorize the return of money paid as fines in certain cases.

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

Return of fine on reversal.

1. In any case where a defendant in criminal action has paid a fine on being found guilty of any offense and

has taken a writ of error and obtained a decision in his favor terminating the case of the State against him, it shall be lawful for the board of freeholders or other governing body of the county wherein such trial was had to return to the said person the amount of the fine so paid by him.

Approved May 10, 1907.

CHAPTER 158.

An Act permitting certain boards of education to convey schoolhouses and lands to the boroughs or other municipalities in which they are situate.

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

Conveyance of school property to municipality for nominal sum.

1. In any borough or other municipality in this State where the board of education thereof has been or shall hereafter be authorized by vote of the qualified voters of such borough or other municipality at an election held for that purpose to acquire land and erect thereon a new schoolhouse and to dispose of an old schoolhouse and the lot of land on which the same is erected, and the borough or other municipality in which said old schoolhouse and land are situate shall be desirous of acquiring the same to use for public purposes, it shall be lawful for such board of education to convey said old schoolhouse and the lot of land upon which it is erected to the borough or other municipality by its corporate name for a nominal consideration; *provided, however,* the lines of the municipality are coextensive with the lines of the school district and a resolution, requesting such conveyance, shall have first been passed by vote of a majority of all the members of the council or other governing body of the municipality and a resolution, authorizing such conveyance, shall have been

Proviso.

passed by a vote of a majority of all of the members of such board of education.

2. This act shall take effect immediately.

Approved May 10, 1907.

CHAPTER 159.

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

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

Action of trustees not affected by absence of approval by congregation.

1. The rights and customs of any Roman Catholic church corporation now existing, or which may hereafter exist in this State, incorporated under and by virtue of the provisions of the act to which this is a supplement, to conduct its affairs and convey or mortgage its property through a board of trustees, shall not be affected by an act heretofore passed, requiring the reference of such matters to a vote of the congregation.

Deeds and mortgages validated.

2. Any and all conveyances or mortgages heretofore made by any such corporations are hereby confirmed and declared valid and effectual in law, notwithstanding that the same had not been submitted to a vote of the congregation.

Validity of corporations under this act.

3. All corporations heretofore created and organized, or which may be hereafter incorporated, under the provisions of the act to which this is a supplement, are hereby declared valid and effectual in law, notwithstanding any provisions contained in an act entitled "An act to incorporate associations not for pecuniary profits," approved April twenty-first, one thousand eight hundred and ninety-eight.

4. This act shall take effect immediately.

Approved May 10, 1907.

CHAPTER 160.

A Supplement to an act entitled "An act relative to the poor of the townships of Ridgefield, Englewood and Palisades, in the county of Bergen," approved March sixth, one thousand eight hundred and seventy-three.

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

Trustees of poorhouse property.

1. Where any of the townships mentioned in the act to which this is a supplement, has ceased to exist by reason of the creation of boroughs within the territorial limits of said township, leaving no part of said township remaining as a municipality, the chosen freeholders now elected by law within the territorial limits of what was formerly said township, except in such cases where representation is otherwise provided for by law, shall each be trustee for the district from which he has been elected as chosen freeholder, and shall be a member of "The Trustees of the Poorhouse Property of the Townships of Ridgefield, Englewood and Palisades, in the county of Bergen," and shall continue to be a member of said board as long as he shall hold the office of chosen freeholder.

2. This act shall take effect immediately.

Approved May 10, 1907.

CHAPTER 161.

An Act explanatory of certain words contained in an act entitled "A supplement to an act entitled 'An act to remove the fire and police departments in the cities of this State from political control,' approved May second, one thousand eight hundred and eighty-five, and to provide for the establishment, management and distribution of a police pension or retiring fund," approved April third, one thousand nine hundred and two.

WHEREAS, Doubt has arisen as to the true meaning of the words "who shall have lost his life in the performance of duty," as employed in section four of the above-entitled act; therefore,

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

Life lost on duty defined.

1. The words "who shall have lost his life in the performance of duty," as employed in the above-entitled act, shall be interpreted to mean and construed to apply to the case of any officer or man who has died or shall hereafter die as the direct result of any injury received, or sickness or illness contracted or incurred, while in the performance of actual duty or the attempted performance of actual duty.

2. This act shall take effect immediately.

Approved May 10, 1907.

CHAPTER 162.

A Supplement to an act entitled "An act relative to the time of election and appointment and terms of office or officers elected or appointed in towns, townships, boroughs and other municipalities in this State," approved February fifteenth, one thousand nine hundred and five.

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

Determining time for local elections in villages.

1. The governing body of any village in this State may at any time, but not oftener than once in five years, by the votes of a majority of such governing body, pass a resolution providing for the holding of a special election in such village for the purpose of deciding whether the time for holding the charter or local municipal elections in said village shall be changed to the fourth Tuesday in April, which resolution shall prescribe the time and place or places of holding such special election, and such other regulations respecting the same as may be deemed by such governing body necessary and proper.

Notice of special election.

2. Notice of such special election shall be given by advertisement published in one or more newspapers published in such village (or if there be no newspaper published therein, then in two newspapers published at the county seat of the county in which such village is situate), at least one week next before such election, and by printed notices posted in at least ten conspicuous places in such village at least ten days next preceding the time appointed therefor, which advertisements and notices shall specify the time, place or places and the object and purposes of such election.

Election, how conducted.

3. Such special election shall be by ballot and conducted under the laws respecting elections; the said

Ballots.

governing body shall provide separate ballots for the use of voters at such election, one whereof shall contain the words "For changing the time of holding charter election to the fourth Tuesday in April," and the other shall contain the words "Against changing the time of holding the charter election to the fourth Tuesday in April;" if a majority of the votes cast at such election shall be in favor of such change, the president or other head officer of such village shall, within ten days after the result of such election shall be declared, file certificates of such result, signed by himself and the village clerk, under the seal of said village, together with a certified copy of such resolutions and of the statement of the board of canvassers or election officers who canvassed the vote, and proofs by affidavits that due notice of such election was given, one with the clerk of such village and another with the county clerk of the county in which such village is situate.

Result of election.

If result favorable, date of election.

4. If the result of such election shall be in favor of such change, the charter or local municipal elections in such village shall thereafter be held on the fourth Tuesday in April in each year instead of at the time now fixed by law for holding the same, and the terms of office of all elective village officers shall begin and end on the day provided by law before the passage of the act to which this is a supplement; *provided, however,* that the terms of office of all such elective officers shall be extended from January first next succeeding such special election so far as shall be necessary to restore in such village the methods provided by law for the election of such officers as existed before the passage of the act to which this is a supplement; *and provided further,* that nothing herein contained shall be construed to affect the election of any member of any board of education.

Proviso.

Proviso.

Regulations of future elections.

5. Any charter or local municipal election held under the provisions of this act shall be regulated by and held in accordance with the provisions of "An act to regulate elections (Revision of 1898), and the acts amendatory thereof and supplementary thereto, so far as the same are applicable and except as modified by this act;

provided, however, that the provisions of an act entitled "A further supplement to an act entitled 'An act to regulate elections (Revision of 1898),' approved April fourth, one thousand eight hundred and ninety-eight," which act was approved April fourteenth, one thousand nine hundred and three, shall not apply to any charter or local municipal election held under the provisions of this act. The local board or boards of registry and election shall constitute the board or boards of registry and election for the purpose of conducting said charter and municipal election. They shall receive for all services rendered by them in connection with said election, including the revision of the registry as provided by law, the sum of twenty dollars each. The village in which such charter or municipal election is held shall cause to be paid the compensation of the local board or boards of registry and election, as well as all other expenses incident to the holding of the said election.

Proviso.

Board of election.

Compensation.

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

Repealer.

Approved May 11, 1907.

CHAPTER 163.

A Supplement to an act entitled "An act to authorize any town, village or municipality governed by a board of commissioners or improvement commission to lay out, open, widen, alter and vacate streets, roads or avenues, and to locate and construct sewers and to acquire lands and buildings or parts thereof by purchase or condemnation for such purposes," approved April thirteenth, eighteen hundred and ninety-seven.

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

1. Whenever any such board of commissioners or other governing body as is mentioned in the act to

Expenses of improvements certified to assessor.

which this is a supplement, shall determine by resolution to acquire by purchase or condemnation any land or real estate, or the buildings and erections thereon, necessary for the purpose of laying out, opening, widening, or altering any road, street or avenue, or for the purpose of locating or constructing sewers, it shall be lawful for said board of commissioners or other governing body, by resolution, to cause the costs, damages and expenses of the same, when ascertained and determined, to be certified to the assessor of taxes of said town, village or municipality, or if there be no such assessor, then to the assessor of the township within the limits of which the said town, village or municipality is located; and the amount of such costs, damages and expenses shall thereupon be levied, assessed and collected from all the real and personal property in said town, village or municipality in the same manner, at the same time and under the same penalties (but without extra compensation therefor) as the taxes for the working or repairing of roads or streets in said town, village or municipality are levied, assessed and collected.

Manner of assessment and collection as for road repairs.

2. This act shall take effect immediately.

Approved May 11, 1907.

CHAPTER 164.

An Act to amend an act entitled "An act to regulate the use of power vessels and boats navigating the waters within the jurisdiction of this State above tidewater, and to provide for the inspection and licensing of power vessels, their masters, pilots and engineers," approved April ninth, one thousand nine hundred and six.

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

Section 28 amended.

1. Amend section twenty-eight to read as follows:

Inspection fees.

28. The owner of a vessel inspected and certified as provided in this act shall pay to the inspectors for each

vessel under two tons burden, two dollars; for each vessel over two tons and under ten tons burden, ten dollars; for each vessel over ten tons and under twenty tons burden, fifteen dollars; for each vessel over twenty and under fifty tons burden, twenty dollars; for each vessel over fifty tons, forty dollars. Each person licensed as a master, pilot or engineer of a vessel under two tons burden shall pay one dollar for each original license. Each person licensed as a master, pilot or engineer of a vessel over two tons burden shall pay five dollars for each original license and three dollars for each renewal thereof. All moneys received by the inspectors for examinations, licenses or renewals of licenses shall be by them turned over to the treasurer of the State of New Jersey for the use of the State.

License fees.

All moneys for State.

2. This act shall take effect immediately.

Approved May 11, 1907.

CHAPTER 165.

A further supplement to an act entitled "An Act for the incorporation of cities and providing for their officers, government and powers," approved March twenty-fourth, one thousand eight hundred and ninety nine.

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

1. The governing body of any city incorporated under the act to which this act is a supplement may provide for the sprinkling of its public streets or highways with water.

Cities may sprinkle streets.

2. The cost and expense of such sprinkling may be paid from the revenues of the water department of any such city, in whole or in part, or be raised by taxation, in whole or in part, in the same manner as other city taxes are determined, assessed, levied and raised.

Expenses met.

Who to have charge.

3. Whenever the governing power of any city determines to pay the whole or part of the costs and expense of street sprinkling from the revenues of its water department, then the actual work of sprinkling with water the streets or highways of such city shall be under the management and supervision of the commission, board or body having under its control the operation of the water department of such city.

4. This act shall take effect immediately.

Approved May 11, 1907.

CHAPTER 166.

An Act prohibiting the sale or lease by any city of this State of its municipal water, light, heat, power or other public utility plant or plants, except by assent of a majority of the legal voters of said city voting at a special election to be held therein.

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

Sale of utility plants submitted to voters.

1. Neither the water works or water works plant or plants, nor the municipal light, heat and power plant or plants, nor any other public utility plant or plants, shall be sold or leased by any city in this State until such sale or lease is assented to by a majority of the legal voters of such city voting at a special election to be held in such city at a time to be fixed by the city council or other legislative body of such city, which election shall be conducted as near as may be according to and under the provisions of the General Election act of this State, and the question to be submitted to the voters of such city at any such election shall be "for" or "against the sale" or "lease" (as the case may be) of (here insert the name or a short description of the plant or other property to be sold or leased).

Question.

2. This act shall take effect immediately.

Approved May 13, 1907.

CHAPTER 167.

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

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

Vacation of street by consent of all abutting owners.

1. The Council of any borough shall have power and authority, in addition to the powers heretofore conferred upon it, by ordinance, to vacate any street, avenue or highway, or any part or section thereof, whenever a petition therefor, in writing, shall be presented to the council at a stated meeting thereof, signed by the owner or owners of all the land abutting upon both sides of the street, avenue or highway, or section thereof, to be vacated, which petition shall also contain a release to said borough of all rights of the signers thereof in said street, avenue or highway, or section thereof, as a public highway, and a waiver of all claims for remuneration or damages by reason of the closing of the same, or any part thereof; *provided,* that notice of such proposed action shall be given to the public at large by advertisement, for thirty days, in a newspaper published or circulating in said borough, and posted for a like term in five public places in said borough.

Waiver of claims.

Proviso.

2. This act shall take effect immediately.

Approved May 13, 1907.

CHAPTER 168.

An Act to authorize the erection of town halls in towns of this State, and the purchase of lands whereon to erect said buildings.

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

Erect town hall.

1. The common council or other governing body of any incorporated town in this State are hereby author-

ized and empowered to erect a town hall or municipal building, and to purchase land whereon to erect such building; *provided,* that the ordinance therefor shall be passed by a majority vote of the council or the governing body, and that the aggregate cost of said land and of the erection of such building in said town shall not exceed one hundred thousand dollars ($100,000).

Proviso.

Limit of cost.

Bond issue.

2. To provide moneys necessary to carry this act into effect, the common council or other governing body of any such incorporated town shall have power to issue bonds of such town to an amount not exceeding one hundred thousand dollars ($100,000), having not more than thirty (30) years to run, and bearing interest at a rate not exceeding four and one-half per centum per annum, and to pledge the faith, credit and property of said town for the payment of the principal and interest thereof, and to provide for the redemption of said bonds by taxation.

Time and rate.

Referendum.

3. This act shall take effect immediately, but its provisions shall remain inoperative in any town of the State until the question, "Shall this town adopt the provisions of an act authorizing the erection of town halls and the purchase of lands whereon to erect town halls, passed by the Legislature of this State in the year one thousand nine hundred and seven?" shall have been submitted to the legal voters of said town and assented to by a majority of said voters voting thereon, at any general election to be held in such town, in the manner now provided by law for submitting and voting upon questions submitted to the people of the State or any political division thereof. And in addition to any other notice required by law, the town clerk shall cause public notice of the fact that the said question will be submitted to the voters, and of the time of such submission, to be given by advertisement, signed by himself, and set up at least thirty days preceding said election in at least two public places in each election district in said town and published in two or more newspapers, printed or circulated in said town, at least once a week for three successive weeks immediately preceding the time of said election.

Notice of submission of question to voters.

4. This act shall take effect immediately.

Approved May 13, 1907.

CHAPTER 169.

An Act to amend an act entitled "A further supplement to an act entitled 'An act for the incorporation of cities and providing for their officers, government and powers,' approved March twenty-fourth, one thousand eight hundred and ninety-nine," approved June twenty-second, one thousand nine hundred and six.

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

1. Section five (5) of the act to which this act is an amendment is hereby amended to read as follows:

Section amended.

5. Any city incorporated under the act to which this act is a supplement may construct sewers or drains or make any improvement enumerated in or contemplated by this act under the provisions of this act or the provisions of the act to which this act is a supplement. It being the intention of this act to provide an additional mode of procedure with respect to the building of sewers or drains or the making of any improvement of the character mentioned.

Procedure in constructing drains and sewers.

Approved May 13, 1907.

CHAPTER 170.

An Act regulating the construction and maintenance of hospitals, sanitariums or other buildings designed for the care, entertainment, board, maintenance, treatment or cure of any person or persons afflicted with the disease known as pulmonary tuberculosis, or any infectious, contagious or communicable disease.

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

1. From and after the passage of this act it shall be unlawful for any person or persons or corporation or

Consent of municipality necessary for establishing tubercular hospital.

corporations, except municipal corporations, or corporations not organized for pecuniary profit, to construct or otherwise establish and hereafter maintain for profit any hospital, sanitarium or other building designed for the care, entertainment, board, maintenance, treatment or cure of any person or persons afflicted with the disease known as pulmonary tuberculosis, or any infectious, contagious or communicable disease, without first having obtained the consent in the form of a resolution or ordinance from the governing body or board of the township, town, village, borough, city or other municipality within the limits of which it is proposed to construct or maintain such hospital, sanitarium or other building.

Notice of intent given.

Notice of such application shall be given by the applicant by publication for at least two weeks in one or more newspapers published and circulated in the township or municipality where it is proposed to construct or maintain such hospital, sanitarium or other building; or, if none be published, then by posting in ten of the most public places in such township or municipality at least fourteen days before the meeting at which the application is to be made. Said notice shall set forth the time and place at which said application will be presented; the name of the applicant; also the exact location at which it is proposed to construct or maintain such hospital, sanitarium or other building.

2. This act shall take effect immediately.

Approved May 13, 1907.

CHAPTER 171.

An Act to amend an act entitled "An act relating to, regulating and providing for the government of cities," approved April third, one thousand nine hundred and two.

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

Subdivision XXXII of section 14 amended.

1. Subdivision XXXII of section fourteen of an act entitled "An act relating to, regulating and providing

for the government of cities," approved April third, one thousand nine hundred and two, be and is hereby amended so that the same shall read:

Relative to fire department.

"XXXII. To establish or abolish a fire department and to regulate and define the manner of appointing and removing officers and employes thereof, their duties and compensation; to provide by lease or purchase engine houses, fire-alarm systems, apparatus and all other real and personal property necessary or proper for the efficient conduct of said department and to provide water for extinguishing fires; to issue corporate bonds of such city in payment of such purchase; to sell personal property acquired for the use of said department, but no longer needed thereby; to establish, maintain and abolish from time to time a Fire Commissioner or Board of Fire Commissioners, which board shall consist of such number of persons as city council may determine, and such commissioner or board shall be appointed for such a time or times at such compensation, subject to such provisions, rules and regulations for the organization and conduct thereof as such city council may from time to time determine; and to delegate to said Commissioner or Board of Fire Commissioners the power, authority and direction of the election, appointment, regulation, suspension and dismissal of the chief and other officers and employes of said department, the fixing of their compensation (excepting the compensation of said Fire Commissioners), the keeping of the records in relation to said department, the making of rules and regulations governing said department, the expenditure of sums appropriated by said city council for the use of said department (whether from the proceeds of the sale of bonds therefor or from the general receipts from taxes), the lease and purchase of all real and personal property necessary or proper to the use of said department, the sale of all personal property no longer needed by said department and all other powers which said city council may deem necessary to the efficient conduct of said department; *provided,* that no moneys shall be expended by said board except from appropriations made by said city council, and except for the purpose for which said

Fire commissioners.

Proviso.

appropriations shall have been designated; *and provided, further,* that all disbursements for said expenditures shall be by warrant of the City Comptroller upon the City Treasurer in payment only of bills duly approved by said Commissioner or said Board of Fire Commissioners."

Proviso.

2. This act shall take effect immediately.

Approved May 13, 1907.

CHAPTER 172.

An Act to amend an act entitled "An act relating to, regulating and providing for the government of cities," approved April third, one thousand nine hundred and two, by providing further for the method in which ordinances shall be passed by city councils in said cities, by amending section eleven of said act.

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

Section 11 amended.

1. Section eleven of an act entitled "An act relating to, regulating and providing for the government of cities," approved April third, one thousand nine hundred and two, is hereby amended to read:

Introduction and passage of ordinances.

11. No ordinance shall be introduced except at a stated meeting, or finally passed except at a subsequent stated meeting. No ordinance shall be introduced or finally passed at any adjourned meeting. Every ordinance shall be read three times before final passage and between such readings any number of meetings during a period of not more than four months may have intervened, at which meetings no action may have been taken on said ordinance. Where the general object of any ordinance is expressed in its title, said ordinance, whether for the issue of bonds or for any other purpose, may be read by title; *provided, however,* that it shall, before final passage, be read in full at least once in the form in which it finally is passed. The yeas and nays

Proviso.

shall be called on the third reading of every ordinance and shall be entered in full upon the journal, and on the first and second readings whenever the rules of the council shall so require. A concurrence of the majority of all the members of the city council shall be necessary only on the third reading and final passage of said ordinance. Every ordinance shall, after its final passage, as above provided, be authenticated by the signature of the clerk of said city council and by him presented to the mayor of said city for his consideration. Within ten days after it shall have been presented to him, it shall be the duty of the mayor to return every ordinance, either with or without his signature, to the city clerk. If the mayor shall approve the ordinance, he shall sign it. If he shall not approve it, he may file his objections thereto with the city clerk within ten days after said ordinance shall be so presented to him. It shall be the duty of the city clerk to report such objections to the city council at its next meeting and to enter the same upon the journal. The city council shall thereupon proceed to reconsider the passage of such ordinance. The votes upon the reconsideration of any ordinance, after objections filed by the mayor, as aforesaid, shall be taken by yeas and nays and shall be entered in full upon the journal. Every ordinance which shall have been passed by city council and shall have been approved by the mayor, as above provided, or if not so approved by the mayor, shall have remained without objections filed, as above provided, for ten days after the same is presented to him, or if not so approved by the mayor, shall have been passed by a vote of two-thirds of all the members of the city council upon a reconsideration, as above provided, notwithstanding his objections filed, shall be published in one or more newspapers published in such city, and upon the day of the first publication thereof shall take effect. No ordinance shall be altered or repealed save by ordinance to that effect. It shall be lawful for city council to insert in any ordinance a condition to the effect that such ordinance, when passed or approved, as required by law, shall not be published until an amount sufficient to pay the expenses of such publication shall have been paid to the city clerk by or on account of such person or corpora-

Passed by majority vote. Submitted to mayor.

May approve or veto.

Action on veto.

Publication of ordinances.

tion as said city council shall deem to be especially or peculiarly benefited thereby.

2. This act shall take effect immediatey.

Approved May 13, 1907.

CHAPTER 173.

An Act to amend an act entitled "A further supplement to an act entitled 'An act to regulate fees,' approved April fifteenth, one thousand eight hundred and forty-six," which supplement was approved March twenty-eighth, one thousand nine hundred and four.

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

Section amended.

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

Compensation of constables at court.

1. Hereafter the constables in counties of more than one hundred and fifty thousand and not more than three hundred thousand inhabitants, appointed to attend the Circuit Court, Court of General Sessions and General Jail Delivery, Court of Common Pleas and General Quarter Sessions of the Peace, and Special Sessions in said counties, shall assist the sheriff of such counties in serving process issued to him out of any court of this State, and shall receive for the service of such process and the attendance on said courts the sum of seven hundred and twenty dollars per annum, payable monthly, which payments shall be in full and in lieu of all fees, mileage and other allowances for such attendance and service, but the fees and mileage now allowed by law shall be collected by the sheriff of such county for the use of the county; *provided, however,* that any constable serving such process shall be entitled to his necessary expenses actually paid in making such service.

Fees collected by sheriff. Proviso.

2. This act shall take effect immediately.

Approved May 13, 1907.

CHAPTER 174.

An Act concerning free public libraries in certain cities of this State.

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

Maintenance of library by taxation.

1. In all cities of this State now or hereafter having within their territorial limits a population of not less than one hundred thousand nor more than two hundred thousand inhabitants, and in which there has heretofore been established or shall hereafter be established a free public library or libraries under proper legislative authority, the board of aldermen, common council, board of finance or other governing body having charge and control of the finances of such city, shall annually appropriate and raise by tax in the same manner as other city taxes are assessed, levied and collected in said city, a sum which in their judgment is sufficient for the purpose of properly improving, increasing, maintaining and conducting said free public library or libraries, which sum, when so appropriated, shall be used for no other purpose than that of improving, increasing, maintaining and conducting a free public library or libraries, and shall be paid by the disbursing officer of such city to the treasurer of the board of trustees or other governing body having charge of said library or libraries.

Repealer.

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

Approved May 13, 1907.

CHAPTER 175.

An Act concerning public parks in certain cities of this State.

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

Maintenance of city parks by taxation.

1. In all cities of this State now or hereafter having within their territorial limits a population of not less than one hundred thousand nor more than two hundred thousand inhabitants, and in which there has been heretofore purchased or shall hereafter be purchased lands for a public park or parks under proper legislative authority, the board of aldermen, common council, board of finance or other governing body having charge and control of the finances of such city, shall annually appropriate and raise by tax, in the same manner as other city taxes are assessed, levied and collected in said city, a sum which in their judgment is sufficient for the purpose of properly maintaining and caring for said park or parks, which sum, when so appropriated, shall be used for no other purpose than that of improving, maintaining and caring for said park or parks, and shall be paid by the disbursing officer of such city to the treasurer of the board or commission having charge of said parks.

Repealer.

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

Approved May 13, 1907.

CHAPTER 176.

An Act to amend an act entitled "An act to regulate fences in cities of this State," approved March twenty-eighth, one thousand nine hundred and four.

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

1. Amend section one of an act entitled "An act to regulate fences in cities of this State," approved March twenty-eighth, one thousand nine hundred and four, so that the same shall read as follows: Section amended.

1. Where the lands of any two or more persons shall join each other in any city in this State, the common council or governing body thereof may, by ordinance, regulate the size, height and dimensions of any and all fences existing or erected on said lands at the time of the passage of any such ordinance, or in the future to be built or erected, as division or partition fences between such lands, whether the same exist or be erected entirely or only partly upon the lands of any such adjoining owners or along or immediately adjacent to any division or partition line of such lands, and may provide, in such ordinance, for the manner of securing, fastening or shoring the same, and, in the case of fences thereafter erected contrary to the provisions thereof, for a penalty for the violation of such ordinance; and in the case of such fence or fences erected or existing at the time of the passage of any such ordinance may provide therein for the removal, change or alteration thereof so as to make such fence or fences comply with the provisions of any such ordinance. Regulation of fences between lands.

2. Amend section two of said act so that the same shall read as follows: Section amended.

2. The owner or owners of any such fence or fences and of the land or lands upon which the same shall exist or be erected, and which fence or fences shall be Compensation for damage in changing fence.

removed, changed or altered under the provisions of any such ordinance, shall be entitled to just and reasonable compensation for the damage, if any, done to such land and fence or fences in making the same conform or comply with such ordinance; which award of damages shall be made in the same manner as damages for street openings are made, and such ordinance shall prescribe the procedure to be followed for the ascertainment and payment of any such damage.

3. This act shall take effect immediately.

Approved May 13, 1907.

CHAPTER 177.

A Supplement to an act entitled "An act concerning townships (Revision of 1899)," approved March twenty-fourth, one thousand eight hundred and ninety-nine.

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

Providing for township funds.

1. Whenever at any annual township election the voters have failed to vote, grant or raise any sum of money whatever for township purposes for the ensuing fiscal year, it shall be lawful for the township committee of such township, by resolution, to determine and fix the amount of money necessary to be raised for the various township purposes for the ensuing year; *provided, however,* the amount so fixed for any purpose shall not exceed the amount appropriated for the same purpose at the last preceding township election at which appropriations were voted.

Proviso.

Clerk to notify assessor.

The township clerk shall serve on the township assessor a copy of such resolution, and thereupon it shall be the duty of the township assessor to assess and levy upon all the ratable and taxable property in such township, and of the township collector to collect the sums

so ordered to be raised, in the same manner and at the same time as if the appropriations had been authorized by the vote of the persons qualified to vote at the preceding township election; *and provided further,* that nothing in this act contained shall be construed or held to authorize any township committee to appropriate a sum or sums in excess of the amount authorized by chapter one hundred and sixteen of the laws of one thousand nine hundred and six. Proviso.

2. This act shall take effect immediately.

Approved May 13, 1907.

CHAPTER 178.

An Act to amend an act entitled "An act to establish a sanatorium for persons afflicted with tuberculous diseases, and to provide for the selection of a site and the erection of buildings therefor and the government thereof," approved April third, one thousand nine hundred and two.

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

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

9. Any person who has been a resident of this State for at least one year continuously next preceding the application for his or her admission to said sanatorium, and who is afflicted with tuberculous disease of the respiratory organs of a curable nature may be admitted into said sanatorium and treated therein, subject to such rules and regulations as the board of managers may from time to time prescribe, and at a cost to be determined in the following manner: Must be resident of State and curable.

a. Persons of sufficient ability to pay for the same, or who have persons or kindred bound by law to main- Ability to pay.

tain them, shall pay for their care and treatment at a rate to be determined by the board of managers.

Patients chargeable to municipality.

b. The charges for the care and treatment of such persons as have had a residence in any city, borough, town, township, or other municipality of this State, for at least one year continuously next preceding the application for his or her admission to said sanatorium, and who are received at said sanatorium on request of the overseer of the poor of any such city, borough, town, township, or other municipality of this State, shall be paid by the city, borough, town, township or other municipality in which said person shall have resided as aforesaid; *provided,* said sum shall not exceed five dollars per week.

Proviso.

Indigent persons.

c. Persons in indigent circumstances, and who do not come within the foregoing two classes, may be treated therein without cost; *provided, however,* that before any persons shall be admitted as an indigent patient a written application to the board of managers for such admission shall be signed by him or her, or by some relative or friend of such indigent person, which application shall be presented to the judge of the Court of Common Pleas of the county within which such indigent person resides; and such judge, upon such application, shall, upon his being satisfied that such person has been a resident of this State for at least one year continuously next preceding such application, and is in indigent circumstances, approve such application in writing.

Proviso.

Physician's certificate as to curability.

No person shall be received into the sanatorium who has not a certificate signed by some physician or physicians to be selected by the board of managers, certifying that such person is afflicted with tuberculous disease of the respiratory organs of a curable nature.

Repealer.

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

Approved May 13, 1907.

CHAPTER 179.

An Act to amend an act entitled "A further supplement to an act entitled 'An act to regulate elections (Revision of 1898),' approved April fourth, one thousand eight hundred and ninety-eight," which supplement was approved April fourteenth, one thousand nine hundrd and three.

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

1. Section eight of the above-entitled act be and hereby is amended to read as follows: Section 8 amended.

DEMOCRATIC PRIMARY TICKET.

8. Said ballots shall be made up and printed substantially in the following form, to wit: Form of ballot.

Erase in the first column the names of candidates for delegates to conventions and candidates for direct nominations except those for whom you wish to vote. Erase by drawing a single line with a black lead pencil horizontally across the name. Do not make any other mark on the ticket.

Do not erase any names of the choice of such delegates for nominations by conventions which are in the second column.

For Delegates to State Convention.
(Vote for two.)
John Doe
Thomas Jones
Henry Stone
Jacob Smith
James Thomas.

Choice for Governor.
Samuel Roe
Frank Potts.

For Delegates to Congressional Convention.	Choice for Congress.
(Vote for three.)	George Dickinson
John Abbott	George Livingston.
Frank Adams	
Charles Gordon	
Herman Keller	
Stephen Lewis	
John Williams	
Frank Young.	
For Delegates to County Convention.	Choice for Surrogate.
(Vote for two.)	Charles Irving.
Charles Adams	
Thomas Bacon	Choice for Sheriff.
Patrick Fay	Silas Jones.
Frank Kane.	
For Delegates to City Convention.	
(Vote for three.)	
William Crane	
James English	Choice for Mayor.
Charles Garrison	Thomas Evans.
For Member of Common Council.	Choice for Street and Water Commissioner.
(Vote for one.)	August Miller.
Edward Hall	
George Jackson	
Peter Randall	

etc., etc.,

using so much of said form as may be applicable to the current election and extending the same to provide for cases not therein specified, and a like ballot shall be printed for all other political parties.

2. This act shall take effect immediately.

Approved May 13, 1907.

CHAPTER 180.

An Act to extend the territorial boundaries of the borough of Sea Side Park, in the county of Ocean, by the annexation of a portion of the township of Berkeley, in said county.

Preamble.

WHEREAS, The borough of Sea Side Park has acquired from the Riparian Commissioners the riparian lands along the bay front, and as it is desirable that the borough should have jurisdiction for police and taxation purposes over piers and wharves within the riparian lines; therefore,

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

Portion of Berkeley township annexed to Sea Side Park.

1. All that land and real estate situate, lying and being in the township of Berkeley, in the county of Ocean, beginning at a point in the middle of Fourteenth avenue of said borough of Sea Side Park, extended two thousand feet west of the middle of Central avenue and in the exterior wharf line of Barnegat bay as established by the Riparian Commission of New Jersey, and extending thence (1) northerly, parallel with said Central avenue, as laid out on the plan of Sea Side Park by Thomas Kennedy, and filed in the office of the clerk of Ocean county, at Toms River, eight thousand nine hundred and fourteen feet and seventeen hundredths of a foot to a point in the middle of Porter avenue extended, as laid out on the plan of "Berkeley Beach;" thence (2) easterly, along the middle of said Porter avenue extended, fifteen hundred feet, more or less, to the high-water line of Barnegat bay; thence (3) southerly and southwesterly, along the said high-water line to the middle of the said Fourteenth avenue; thence (4) westerly, along the middle of the aforesaid Four-

teenth avenue, four hundred and fifty feet, more or less, to the place of beginning, be and hereby is separated from the township of Berkeley, and be and hereby is annexed to the said borough of Sea Side Park, so that the same shall be hereafter a part of and within the territorial limits of said borough.

2. This act shall take effect immediately.

Approved May 13, 1907.

CHAPTER 181.

An Act to extend the territorial boundaries of the borough of Sea Side Park, in the county of Ocean, by the annexation of a portion of the territory of the State of New Jersey.

Preamble.

WHEREAS, The borough of Sea Side Park has acquired from the Riparian Commissioners the riparian lands along the ocean front, and as it is desirable that the borough should have jurisdiction for police and taxation purposes over piers and wharves within the riparian lines; therefore,

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

Portion of State annexed to Sea Side Park.

1. That part of the territory of the State of New Jersey contained within the following bounds, to wit: Beginning at a point in the middle of Fourteenth avenue of said borough of Sea Side Park, extended one thousand feet east of the east side of Ocean avenue and in the exterior wharf line of the Atlantic ocean, as established by the Riparian Commission of New Jersey, and extending thence (1) westerly, along the middle of said Fourteenth avenue extended one thousand feet, more or less, to the high-water line of the said Atlantic ocean; thence (2) northerly, along the said high-water line to the middle of Porter avenue extended, as laid

out on the plan of "Berkeley Beach;" thence (3) easterly, along the middle of said Porter avenue extended, six hundred and thirty feet, more or less, to a point; thence (4) southerly, parallel with said Ocean avenue, as laid out on the plan of Sea Side Park by Thomas Kennedy, and filed in the office of the clerk of Ocean county, at Toms River, eight thousand nine hundred and thirty-six feet and seventy-five hundredths of a foot to the place of beginning, be and hereby is separated from the said territory of the State of New Jersey, and be and hereby is annexed to the said borough of Sea Side Park, so that the same shall be hereafter a part of and within the territorial limits of the said borough.

2. This act shall take effect immediately.

Approved May 13, 1907.

CHAPTER 182.

A Supplement to an act entitled "An act to enable boards of chosen freeholders to acquire, improve and maintain public roads," approved March nineteenth, one thousand eight hundred and eighty-nine.

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

Maintenance of county roads.

1. It shall be lawful for the boards of chosen freeholders in the several counties of this State that have heretofore acquired and improved, or that may hereafter acquire and improve, any road or roads under the act to which this is a supplement, to keep and maintain such roads in repair in the same manner and to the same extent as State aid roads may now be repaired and maintained under the act entitled "An act to provide for the permanent improvement of public roads in this State (Revision of 1905)," and it shall not be

necessary to advertise or contract for work or materials for such repair otherwise than as required for State aid road repairs in and by said last-mentioned act, its supplements and amendments.

Under county supervisor of roads.

2. It shall be lawful for the board of chosen freeholders of any county that has heretofore acquired and improved any road or roads under the act to which this is a supplement (and which has a county supervisor of State aid roads), by resolution, to place the repair and maintenance of all such roads, so acquired and improved, under the charge and supervision of such county supervisor of roads.

3. This act shall take effect immediately.

Approved May 13, 1907.

CHAPTER 183.

An Act for the better protection of hotel, inn and boarding-house proprietors and limiting their liability.

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

Hotels to have lien on baggage of of guests.

1. All hotel, inn and boarding-house proprietors shall have a lien on all baggage and property belonging to guests, boarders and lodgers at said hotel, inn or boarding-house, for the amount of their bill or bills due to the proprietor thereof for the hire of rooms or board in said hotel, inn or boarding-house, and shall have the right, without the process of law, to retain the same until the said amount of indebtedness is discharged, and all parties engaging rooms or board in said hotel, inn or boarding-house may be summarily ejected by the proprietor thereof from said premises upon the aforesaid proprietor giving to said parties so indebted a written notice of three days of the amount of said indebtedness and their demand for the same, unless said parties shall have entered into an agreement with said

Delinquents may be summarily ejected.

proprietor for the mode and manner of payment for room or board other than those announced by notice in said hotel, inn or boarding-house.

Sale of detained baggage after six months.

2. All baggage and property so held by the proprietor of said hotel, inn or boarding-house shall, after the expiration of six months from the date of such detention, be sold at public auction, upon a notice published for three days in a public newspaper published in the city or town where said hotel, inn or boarding-house shall be kept, and the proceeds thereof shall be applied to the payment of such lien and the expenses of such sale, and the balance, if any remaining, shall be paid over to the owner of such property or his representatives; and if such balance is not claimed by such owner within thirty days after such sale then the balance to be paid over to the overseer of the poorhouse of said city or town for the support of the poor.

Balance paid to overseer of poor.

Safe for valuables.

3. Whenever the proprietor of any hotel, inn or boarding-house shall provide a safe in the office thereof, or other convenient place for the safe-keeping of any money, jewels, bank-notes, precious stones, railroad tickets, negotiable or valuable papers or ornaments belonging to the guests of or travelers in such hotel, inn or boarding-house, and shall place a notice stating the fact that such safe is provided in which money, jewels, bank-notes, precious stones, railroad tickets, negotiable or valuable papers or ornaments may be deposited, in the room or rooms occupied by such guests or travelers in a conspicuous position, if any guest or traveler shall neglect to deliver such money, jewels, bank-notes, precious stones, railroad tickets, negotiable or valuable papers or ornaments to the person in charge of such safe, the proprietor of such hotel, inn or boarding-house shall not be liable in any sum for any loss of such money, jewels, bank-notes, precious stones, railroad tickets, negotiable or valuable papers or ornaments sustained by such guest or traveler by theft or otherwise; and if such guest or traveler shall deliver such money, jewels, bank-notes, precious stones, railroad tickets, negotiable or valuable papers or ornaments to the person in charge of said office for deposit in such safe, said proprietor shall not be liable for any loss thereof

Landlord not responsible if safe provided.

Limit of liability for deposited valuables.

sustained by such guest or traveler, by theft or otherwise, in any sum exceeding the sum of five hundred dollars, unless by special agreement in writing with such proprietor or his duly authorized agent.

Liability for personal property.

4. No proprietor of any hotel, inn or boarding-house shall be liable in any sum to any guest of or traveler in such hotel, inn or boarding-house for the loss of wearing apparel, goods, merchandise or other personal property not mentioned in the preceding section, where it shall appear that such loss occurred without the fault or negligence of such proprietor, nor shall any such proprietor be liable in any sum for the loss of any article or articles of wearing apparel, cane, umbrella, satchel, valise, bag, box, bundle or other chattel belonging to such guest of or traveler in any hotel, inn or boarding-house, and not within a room or rooms assigned to him, unless the same shall be specially intrusted to the care and custody of such proprietor or his duly authorized agent, and if so specially intrusted with such article or articles of wearing apparel, cane, umbrella, satchel, valise, bag, box, bundle or other chattel belonging to such guest or traveler, the said proprietor shall not be liable for the loss of the same in any sum exceeding the sum of one hundred dollars.

Limited responsibility in case of fire, etc.

5. The proprietor of any hotel, inn or boarding-house shall only be liable to any guest of or traveler in such hotel, inn or boarding-house for ordinary and reasonable care in the custody of any money, jewels, bank-notes, precious stones, railroad tickets, negotiable or valuable papers, ornaments, baggage, wearing apparel or other chattel or property belonging to any such guest or traveler, whether specially intrusted to such proprietor or his agent or deposited in the safe of such hotel, inn or boarding-house or otherwise, for any loss occasioned by fire or by any other force over which such proprietor had no control.

Repealer.

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

Approved May 13, 1907.

CHAPTER 184.

An Act extending the time for the completion of certain water works, pipes, mains and conduits.

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

Time for completing water system.

1. Whenever the time limited for the completion of any water works, or of any pipes, mains or conduits for supplying water, authorized to be constructed within this State under any special or general act has expired or shall expire before the thirty-first day of December, one thousand nine hundred and eight, such time shall be, and the same is hereby extended for the further period of two years from the passage of this act; *provided, however,* that this act shall not apply unless money has actually been expended in surveys or location of the route of such pipes, mains or conduits, or in acquisition of right of way for the same, or in construction, since January first, one thousand nine hundred; *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 waiving all right of exemption from taxation and from privileges and advantages arising from any law or contract, if any there be, establishing any special mode of taxation of any such corporation, and the further agreement to be bound by any general law now in existence or that may be hereafter passed taxing such corporations as are now authorized to be taxed by the Legislature of the State under any general law, and further agreeing that the exercise of any power granted by this act shall not in any way affect the rights of this State, if any there exist, to take the property of such corporations under any existing law of this State, and agreeing further

Proviso.

Proviso.

Waiver as to exemption.

Agreements.

that all laws affecting such corporations shall be subject to alteration or repeal by the Legislature.

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

Approved May 13, 1907.

CHAPTER 185.

An Act authorizing an instrument affecting lands, tenements and hereditaments within this State heretofore duly recorded as a release to be recorded as a deed of conveyance in the proper office by recording a certified copy of the record thereof.

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

Certified copy of lease recorded as conveyance.

1. In all cases where an instrument affecting lands, tenements or hereditaments within this State has heretofore been duly recorded as a release pursuant to the laws in such case made and provided, where it is desired that such instrument shall also be recorded as a conveyance, a certified copy of the previous record of such instrument may be recorded as a deed or conveyance in like manner and with the like force and effect as if the original instrument were thus re-recorded,

Fees.

upon the payment of the fees allowed by law for the recording of the same, and the register of deeds or the clerk of the Court of Common pleas, as the case may be, shall receive such certified copy of such instrument and shall re-record and index the same precisely as and with like force and effect as if the original instrument were offered for re-recording, upon his receiving the fees allowed by law for so recording the same, and the record of such re-recorded instrument shall have the same force and effect for all purposes as if the original instrument were thus re-recorded.

2. This act shall take effect immediately.

Approved May 13, 1907.

CHAPTER 186.

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

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

Care of child born in State Prison.

1. When any infant child shall be in custody of the New Jersey State Prison by reason of having been born of a woman serving a term of imprisonment in the said prison at the time of such birth, it shall be the duty of the Board of Inspectors of the said prison to make provisions for the care of such child in a foundling hospital, foster home, or such other suitable place as they may determine, until the discharge of the mother from prison by reason of expiration of her term, or through pardon or parole, or until her death, should this occur while in the prison; and the cost of maintenance of such child and the necessary expenses connected with its transfer shall be paid as now is or may be provided by law for the payment of bills for the maintenance of the State Prison; and upon the discharge of the mother of such child from prison her child shall be turned over to her, and the care and expense of its maintenance on the part of the prison authorities shall cease; *provided, however,* that in case any mother of such child shall die before her discharge, or shall upon her discharge refuse to assume the care of her child, it shall be the duty of the inspectors of the State Prison to turn over such child to the overseer of the poor, or other proper officers charged with the care of the poor in the township, city or other municipality in which the said mother lived at the time of her conviction and sentence to the State Prison; and it is hereby made the duty of such

Expense.

Proviso.

officers of the poor to receive such child and to take such proceedings concerning it as are now or may be provided by law in the case of other abandoned or pauper children.

2. This act shall take effect immediately.

Approved May 13, 1907.

CHAPTER 187.

An Act to amend an act entitled "An act to provide for the scientific investigation of oyster propagation," approved March twenty-first, one thousand nine hundred and one.

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

Section amended.

1. Section one of an act entitled "An act to provide for the scientific investigation of oyster propagation," approved March twenty-first, one thousand nine hundred and one, be amended so as to read as follows:

Stations for investigating oyster propagation.

1. The director of the New Jersey Agricultural College Experiment Station at New Brunswick is hereby authorized to establish and to maintain one or more stations for the scientific investigation of oyster propagation and other ostracultural problems, said station or stations to be situated at some point or points in the oyster-growing sections of this State; to procure a boat or boats adapted to the prosecution of the aforementioned research work; to have the same equipped with suitable apparatus; to engage such expert or experts and the services of such other persons as may be needed in the maintenance of the ostracultural studies so undertaken, and to transmit annually to the Governor a full and detailed report of the scientific operations under this act in the reports of the agricultural college experiment stations; the amount authorized to be expended under the provisions of this act shall not exceed the sum

Equipment.

Annual report.

Appropriation.

of twelve hundred dollars in any one year; *provided,* that no moneys shall be drawn from the State treasury for the purposes of this act until the same shall have been specifically appropriated according to law. Proviso.

2. This act shall take effect immediately.

Approved May 13, 1907.

CHAPTER 188.

An Act to amend an act entitled "An act regulating fraternal beneficiary societies, orders or associations," approved March eleventh, one thousand eight hundred and ninety-three.

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

1. Section one of an act entitled "An act regulating fraternal beneficiary societies, orders or associations," approved March eleventh, one thousand eight hundred and ninety-three, be and the same is hereby amended so as to read as follows: Section amended.

1. A fraternal beneficiary association is hereby declared to be a corporation, society or voluntary association, organized and carried on for the sole benefit of its members and their beneficiaries, and not for profit, having a lodge system with a ritualistic form of work and a representative form of government, and making provision for the payment of benefits in case of sickness, disability or death of its members, subject to their compliance with its constitution and laws, the fund from which the payment of such benefits shall be made and the fund from which the expenses of such association shall be defrayed being derived from assessments or dues collected from its members, and the payment of death benefits being made to the families, heirs, blood relatives, affianced husband or affianced wife of, or to persons dependent upon, the members. Such associations shall be governed by this act and shall be exempt from the provisions of insurance laws of this State, and no law hereafter passed shall apply to them unless they be expressly designated therein. Fraternal beneficiary association defined. How governed.

Application of act.

2. Nothing in this act shall apply to any fraternal beneficiary society, order or association heretofore licensed or authorized to do business in this State, and such society, order or association may continue to transact business in this State as heretofore.

3. This act shall take effect immediately.

Approved May 13, 1907.

CHAPTER 189.

An Act to confirm certain conveyances heretofore made by commissioners appointed in partition proceedings in the Orphans' Courts of this State.

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

Deed made in partition to other than purchaser valid.

1. No deed heretofore made by commissioners appointed by the Orphans' Court of any county in this State to make partition of any lands and tenements in said county shall be held to be invalid for the reason that said deed is made to any person or persons other than the purchaser or purchasers of said lands and tenements named in the report of said commissioners or in the decree of said Orphans' Court confirming said sale; *provided, however,* that the purchaser or purchasers of said lands and tenements, at the sale made by said commissioners, shall have made and filed, or shall hereafter make and file, in the office of the surrogate of the county in which the said lands and tenements are situate, his or their certificate, in writing, releasing his rights, if any, as such purchaser; and every such deed heretofore made shall, if such certificate has heretofore or shall hereafter be made and filed as aforesaid, be deemed and taken to be as good and effectual in law as if the grantee or grantees therein named had been the actual purchaser or purchasers of said lands at the sale made by said commissioners, and named as such in the report of said commissioners, and in the order confirming said sale.

Proviso.

Such deeds effectual in law.

2. This act shall take effect immediately.

Approved May 13, 1907.

CHAPTER 190.

An Act to amend an act entitled "An act to make provisions for lighting the State prison," approved April fourteenth, one thousand eight hundred and ninety-six.

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

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

1. The Board of Inspectors and the Supervisor of the New Jersey State Prison shall have power to make contracts from time to time for the proper lighting, heating and furnishing power for the uses of the State prison, such contracts to be for such time and on such terms as in the judgment of the said officers, the interests of the prison and of the State may require, and all expenditures for such purposes shall be paid out of the sum appropriated by the Legislature for the maintenance of said prison; *provided, however,* that no contract shall be made for a period extending beyond the term of office of the Board of Inspectors and Supervisors of the New Jersey State Prison unless the same shall be approved by the Governor or person administering the government of the State for the time being; *and provided further,* that no contract shall in any case be made for a longer period than five years or without having first advertised for bids thereon for at least two weeks in two or more newspapers published and circulating in the city of Trenton. Contract for lighting and heating State prison. Proviso. Proviso.

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

3. This act shall take effect immediately.

Approved May 13, 1907.

CHAPTER 191.

A Supplement to an act entitled "An act for the incorporation of cities, and providing for their officers, government and powers," approved March twenty-fourth, one thousand eight hundred and ninety-nine.

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

Acquire land for city use.

1. The city council shall have power, either by condemnation or purchase, to acquire land or any interest therein or thereto belonging, for any public or municipal use now or hereafter authorized by law, and shall have power to erect thereon or upon other land of the city a suitable building or buildings; provided, that in any one fiscal year not more than twenty-five thousand dollars shall be expended for the purchase of land; and also provided, that in any one fiscal year not more than fifty thousand dollars shall be expended for the erection of buildings or other improvements.

Proviso.

Proviso.

Bonds.

2. The city council shall have the power and authority to issue corporate bonds of the city to provide for the cost and expense of acquiring such land or erecting buildings or making other improvements; such bonds shall be issued pursuant to the provisions of the act to which this act is a supplement, and the interest and sinking fund charges of such bonds shall be raised in accordance therewith.

How issued.

3. This act shall take effect immediately.

Approved May 13, 1907.

CHAPTER 192.

An Act to incorporate the borough of Kenilworth, in the county of Union.

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

Corporate name.

1. The inhabitants of those portions of the townships of Cranford and Union, in the county of Union, contained within the limits hereinafter set forth, are hereby constituted and declared to be a body politic and corporate in fact and in law by the name of the borough of Kenilworth, and shall be governed by the general laws of the State relating to boroughs.

2. The territorial limits of said borough shall be as follows:

Boundaries of borough of Kenilworth.

Beginning at the junction of the center lines of the Rahway river and Black brook; thence, easterly, along the center line of Black brook and following its various courses, to the center line of Springfield road; thence northerly, along the center line of Springfield road, to the lands of Henrietta Sayre's estate; thence easterly, along the southerly line of lands of said estate, to an angle; thence turning northward, and following northerly along the easterly line of the lands of said estate, to the center line of Chester avenue; thence easterly, along the center line of Chester avenue, to the westerly boundary line of the lands of James Nealon's estate; thence southerly, along the said westerly line of James Nealon's estate, to an angle; thence northeasterly, still along the southerly boundary lines of the lands of said James Nealon's estate, lands of Michael Quilligan and lands of James Nealon's estate projected to the northwesterly corner of the lands of George W. Doty; thence southeasterly, along the westerly boundary lines of the lands of said George W. Doty and the lands of Fred.

Heinemier, to the point where the said westerly boundary lines form a junction with the center line of the water course known as the west branch of the Elizabeth river; thence easterly, along the center line of said west branch of the Elizabeth river and following its various courses, to the westerly line of lands of David B. Wade; thence southerly, in varying courses along the westerly boundary lines of the lands of said David B. Wade, lands of Everett V. Garthwaite and lands of Michael Burke, to the center line of Galloping Hill road; thence southeasterly, along the center line of said Galloping Hill road, to the northeasterly corner of the lands of Sophia J. Krouse; thence southwesterly, along the northwesterly and westerly boundary lines of the lands of said Sophia J. Krouse and lands of Spencer W. Winne, to the northerly boundary line of the borough of Roselle Park, being a point in the center of Sumner avenue; thence following, first westerly and then southerly, along the boundary line of the borough of Roselle Park at an angle in said boundary line, being in the center line of Colfax avenue; and thence westerly, along said boundary line of the borough of Roselle Park to the intersection of said borough line with the easterly boundary line of Cranford township; thence northerly, along the said boundary line of Cranford township, to the center line of Faitoute avenue; thence northwesterly, along the center line of Faitoute avenue, to the center line of Orange avenue; thence southwesterly, along the center line of Orange avenue, to the northerly line of the property formerly of Michael Powers' estate; thence westerly, along the northerly boundary line of the lands of said Michael Powers' estate and continuing westerly along the southerly boundary line of the lands of the Kenilworth Realty Corporation, to the center line of the Rahway river; thence northerly, up the Rahway river, following the center line thereof, through its various courses to the point of beginning.

Referendum.

3. This act shall take effect immediately, but shall remain inoperative until the same shall have been submitted to the legal voters within the above described territory at a special election, to be called for that pur-

pose, and until the same shall be approved of by a majority of the said voters voting at the said special election upon the question of the adoption or rejection of this act.

Question submitted.

At such special election the only questions submitted shall be "For the adoption of the act to incorporate the borough of Kenilworth, in the county of Union," or "Against the adoption of the act to incorporate the borough of Kenilworth, in the county of Union."

Notice of election.

One week's notice of such special election shall be given by the clerks of the respective townships of Union and Cranford by publication in a newspaper circulating in the said townships of Cranford and Union, and by advertisement posted in five conspicuous places within the territory above described.

Date and officers of election.

Said election shall be by ballot and shall be held by the same election officers of the respective townships as held the last election for members of the General Assembly in the election districts lying wholly or partly within the above described territory, upon a day and at the places to be appointed by the county board of elections of Union county.

How election conducted.

The polls shall be open for the time provided by law for general elections in such townships, and such election shall be in all respects conducted and the votes canvassed in the manner provided by law for such general elections. There shall be no registration for such election, but the board of elections shall procure and use at such special election a certified copy of the register of voters used at the last preceding election, and no person shall be entitled to vote whose name does not appear on the said register and who shall not reside within the territory above described.

When act operative.

If a majority of the ballots cast at such election shall contain the words "For the adoption of the act to incorporate the borough of Kenilworth, in the county of Union," then this act shall be deemed to be operative and the said borough of Kenilworth incorporated.

Approved May 13, 1907.

CHAPTER 193.

An Act concerning police in municipalities.

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

Size of police force.

1. In every municipality in this State in which the population does not exceed eighty thousand, and in which there is, or shall be, a police force, it shall be lawful in the discretion of the appointing body or officer to appoint one policeman for every seven hundred inhabitants of the municipality, as ascertained by the latest State or federal census, now extant, or hereafter to be taken, notwithstanding any restriction now imposed by the charter of such municipality or other statute; and all appointments of policemen heretofore made in any such municipality that are not in excess of the permission given by this act, are hereby ratified, legalized and confirmed; *provided,* that nothing herein contained shall restrict or diminish the number of policemen now serving in any such municipality, or affect the appointment of officers of the force above the rank and file thereof by whatever name designated.

Proviso.

Term of service before promotion.

2. In municipalities where members of the police force are or may be removable only for cause, after hearing, no person shall be appointed or promoted to any such office on the police force above the rank and file of the force, by whatever name designated, unless such person shall have served continuously as a member of such force for at least five years.

Repealer.

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

Approved May 14, 1907.

CHAPTER 194.

An Act concerning the enforcement of ordinances in incorporated towns.

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

Issue warrant on oath that ordinance is violated.

1. The recorder, police justices or other officers having criminal jurisdiction and who have been or are hereafter appointed by the governing body of any incorporated town, incorporated under any general or special act of the Legislature, are hereby empowered upon oath, affirmation or affidavit, made according to law, that any person or persons has violated any ordinance of the town, to issue process in the nature of a summons or warrant, in his discretion, at the suit of the said town against any person or persons so charged (whether the person so charged be a freeholder in said town or otherwise), which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, in not less than three nor more than five days; such process shall state what ordinance is alleged to have been violated by the defendant, and on the return of such process, or at any time to which the trial may be adjourned, the recorder, police justice or other officer having criminal jurisdiction as aforesaid, shall proceed to hear testimony and to determine and give judgment in the matter without the filing of any pleading; a copy of the ordinance alleged to have been violated, certified under the hand of the clerk of such town, shall be taken as full and legal proof of the existence of such ordinance, and that all the requirements of law in relation to the ordering, publishing and making of the same have been complied with, unless the contrary be shown; if the said recorder, police justice or other officer having criminal jurisdiction as aforesaid, shall find the defendant guilty, he shall give judgment for the penalty and for such costs

On return of process, a hearing.

Proof of ordinance.

Judgment.

as are allowed in the justice's court for the like proceeding; and he shall also, at the same time, and as part of such judgment sentence the defendant, in default of the payment of such judgment and costs, to the town lock-up or county jail, for such period as may be authorized by such ordinance; and if no time be fixed in such ordinance, then for any period not exceeding thirty days, in his discretion; *provided,* in all cases where the fine or penalty shall exceed ten dollars, or where the punishment shall be imprisonment, there may be a trial by jury, to be conducted as in cases now triable in the court for the trial of small causes.

Proviso.

Appeal may be taken.

2. Every conviction for violating a town ordinance had before the recorder, police justice or other officer having criminal jurisdiction as aforesaid, either with or without a jury trial, may be reviewed by appeal to the Court of Common Pleas of the county in the same manner and upon the same terms as appeals are or may be taken from courts for the trial of small causes, and in case the judgment appealed from shall be imprisonment, the said recorder, police justice or other officer having criminal jurisdiction as aforesaid, or any judge of the Court of Common Pleas may admit to bail the party appealing during the pendency of his appeal; but no judgment for the violation of any ordinance shall be reversed for any imperfection, omission, defect on or lack of form, nor for any error except such as shall or may have prejudiced the defendant in maintaining his defense upon the merits.

Right to arrest on witnessing violation.

3. Every member of the council or board of aldermen during his term of office, and any policeman of said town shall have the power, on witnessing any violation of a town ordinance to arrest and take into custody, without warrant, the offender or offenders, whether the offender be a freeholder in said town or not, and take the offender or offenders before the recorder, police justice or other officer having criminal jurisdiction as aforesaid, of the town, for a hearing.

4. This act shall take effect immediately.

Approved May 15, 1907.

CHAPTER 195.

An Act to validate bonds heretofore or hereafter issued by towns and villages for the construction of sewers and drains under an act entitled "An act to authorize towns and villages to construct sewers and drains and provide for the payment of the cost thereof," approved May twelfth, eighteen hundred and ninety, and the various supplements and amendments thereto.

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

Town and village bonds validated.

1. All bonds heretofore or hereafter issued by towns and villages to construct sewers and drains under an act entitled "An act to authorize towns and villages to construct sewers and drains and provide for the payment of the cost thereof," approved May twelfth, eighteen hundred and ninety, and the various supplements and amendments thereto, are hereby ratified and confirmed; *provided,* said issue of bonds shall have received or shall receive the approval of a majority of the votes of the voters of said town or village voting at an election held for that purpose.

Proviso.

2. This act shall take effect immediately.

Approved May 15, 1907.

CHAPTER 196.

An Act to provide for the appointment of sewer commissioners in cities of the third class in this State.

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

Sewer commissioners.

1. It shall be lawful for the Board of Aldermen, Council or other legislative body of any city of the

third class in this State to provide by ordinance for the appointment of five commissioners, to be known and designated as "Board of Sewer Commissioners of the City of ————."

Appointed by council.

2. After the adoption of any such ordinance in any city of the third class, the commissioners thereby provided for shall be appointed by the Board of Aldermen, Council or other legislative body, and the commissioners thus appointed shall hold office from the date of their appointment and qualification, and for the term of one, two, three, four and five years, respectively, from the first day of January next succeeding, and thereafter annually, on the first day of January, the said Board of Aldermen, Council or other legislative body shall appoint one such commissioner, who shall hold office for the term of five years.

Terms.

Oath.

3. Within ten days after their appointment said commissioners shall take and subscribe an oath, and file the same with the city clerk, to faithfully, honestly and impartially discharge the duties of their office. Said Board of Sewer Commissioners shall elect a president and secretary, and shall adopt a common seal; the president shall be selected from the members of the board; the secretary may be.

Organization.

Powers and duties.

4. Upon the appointment and qualification of said Board of Sewer Commissioners under the provisions of this act in any such city, all of the powers and duties conferred and imposed by law upon said Board of Aldermen, Council or other legislative body of said city shall devolve upon and be exercised by said Board of Sewer Commissioners in all matters pertaining to the construction, extension, maintenance and operation of sewers and drains in such city; *provided, however,* that no bonds shall be issued or ordered issued by said Board of Sewer Commissioners for the construction, extension, operation or maintenance of sewers in such city, except by the consent and approval of the said Board of Aldermen, Council or other legislative body of said city, first manifest by resolution of said Board of Aldermen, Council or other legislative body.

Proviso.

Issuance of bonds.

5. In all cities in which a Board of Sewer Commissioners shall be appointed under this act, whenever bonds

shall be issued for sewer purposes, said bonds shall be isued by said Board of Sewer Commissioners and shall be executed in the name of such municipality by the president and secretary of said Board of Sewer Commissioners, and under the seal of said board, and all proceedings touching the issuance of said bonds and the disposal thereof and the application of the funds received from the sale of said bonds shall be by the said Board of Sewer Commissioners; *provided, however,* that the Board of Aldermen, Council or other legislative body of such municipality shall have first by resolution signified its consent and approval of the issuance of such bonds as provided in the preceding section of this act. Proviso.

Annual estimate of moneys required.

6. Said Board of Sewer Commissioners shall, on or before a certain day in each year, to be fixed by said board, cause an estimate to be made of the moneys required to be raised by said municipality by taxation for sewer purposes, if any, and submit said estimate, together with a detailed account of the data on which said estimate is based, to the Board of Aldermen, Council or other legislative body of such city.

Proceeds of bonds.

7. All moneys received as the proceeds of the sale of bonds shall be paid to and deposited with the city treasurer or other custodian of the public funds of said city.

Compensation of commissioners.

8. Said Board of Sewer Commissioners shall receive for their services such compensation as may be provided for in and by such ordinance as shall authorize their appointment; and the salary of no commissioner shall be increased or diminished during his term of office.

Exceptions.

9. This act shall not apply to any city already having a Board of Sewer Commissioners.

10. This act shall take effect immeditately.

Approved May 15, 1907.

CHAPTER 197.

An Act to create a Board of Railroad Commissioners for the State of New Jersey, and to prescribe its powers and duties.

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

Railroad commission.

1. The Governor, with the advice and consent of the Senate, shall appoint three persons, citizens of this State, not under thirty years of age, who shall constitute and be a Board of Railroad Commissioners, invested with the powers and duties hereinafter specified.

Terms of commissioners.

The terms of office of the commissioners first appointed under this act shall commence on the first day of May, anno domini one thousand nine hundred and seven; one of said commissioners shall be appointed for the term of two years, one for the term of four years and one for the term of six years, and at the expiration of their respective terms a successor shall be appointed for the term of six years. That all vacancies caused by death, resignation or otherwise, except expiration of term, shall be filled for the unexpired term only.

Vacancies.

Salary.

The members of said board shall each receive an annual compensation of five thousand dollars, to be paid in equal monthly payments by the Treasurer of the State.

Organization. Secretary, inspectors, etc.

2. The said board shall organize by the election of a president and shall appoint a secretary, at a salary not exceeding three thousand dollars per annum, two inspectors (one of whom shall be a civil engineer skilled in railroad affairs, and the other a mechanical or electrical expert), and such other clerical and expert help as may be necessary, and fix their duties, compensations and terms of service.

No interest in railroads, or hold other office.

No member or employe of said board shall have any official relations with, or hold any stock in, any railroad corporation operating within the State of New Jersey,

nor shall he hold any office under the government of the United States or any other salaried office under the government of this State. All salaries shall be paid in equal monthly payments by the Treasurer of the State.

Office of board.

The board shall have an office in the State House, in the city of Trenton, and shall meet at such times and places within the State as it may provide by rule or otherwise, and shall be provided with all necessary furniture, stationery, maps and office appliances. The said board shall make all needful rules for its government and other proceedings not inconsistent with the provisions of this act and shall have and adopt a common seal. The total expenses of the board, including salaries, shall not exceed thirty thousand dollars per annum.

Limit to expenses.

Duties of secretary.

3. The secretary shall keep full and correct minutes of all of the transactions and proceedings of said board, and perform such other duties as may be required of him by said board.

Traveling expenses.

4. The commissioners and secretary, and other employes of said board, shall be entitled to receive from the State of New Jersey their necessary traveling expenses while traveling on the business of said board, which shall be paid on proper voucher therefor, approved by the president of said board.

General supervision of all railroads.

5. Said board shall have general supervision of all railroads operating within the State of New Jersey, by whatever power operated, its equipment, bridges, terminals, tunnels, tracks, docks and wharves, whether said railroad is incorporated by special charter or under the general laws of this State, or of any other State, now or hereafter operating under the provisions of an act entitled "A general act relating to railroads (Revision of 1903)," approved April fourteenth, one thousand nine hundred and three.

Witnesses, production of records, etc.

6. Said board shall have power to compel the attendance of witnesses and the production of tariffs, contracts, papers, books, accounts and all other documents, and the president of said board shall have the power to administer oaths to all witnesses who may be called before said board.

amended, P.L. 1909, p. 254

Compel attendance of witnesses, etc.

In case of disobedience to a subpœna, the commission may invoke the aid of a justice of the Supreme Court in

requiring the attendance and testimony of witnesses, and the production of books, papers and documents under the provisions of this section.

Contumacy punished as contempt of court.

Any justice of the Supreme Court may, in case of contumacy or refusal to obey a subpœna, issued to any railroad subject to the provisions of this act, or other person, grant an order requiring such railroad, or other person, to appear before said commission (and produce books and papers if so ordered), and give evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

Action by board in case of accident.

7. Every railroad shall, whenever an accident, attended with or without loss of human life, occurs within this State upon its line of railroad, or upon the depot grounds or yards, give immediate notice thereof to said board. In the event of any such accident the said board, if it be deemed the public interests require it, shall cause an investigation to be made forthwith, which investigation shall be held in the locality of the accident, unless for the greater convenience for those concerned it shall order such investigation to be held at some other place, and said investigation may be adjourned from place to place, as may be found necessary and convenient. The said board shall notify an officer or station agent of said railroad of the time and place of the investigation at least five days before such investigation shall take place.

Cost of investigation.

The cost of such investigation shall be ascertained by the chairman of the said board, and the said cost shall be paid out of the funds appropriated to said board.

Duties of board.

8. Said board shall keep informed of the condition and operation of all railroads contemplated by this act; shall investigate accidents, hear and examine complaints touching railroad service, rates, discriminations, car service, terminal facilities and applications for switch connections with a private siding, changes of stations, crossings, abolition of grade crossings and all other matters of railroad operation. Said board shall make such

Recommendations.

recommendations as it may see fit to any railroad company from time to time, touching the improvement of its service or for any other purpose contemplated by this

act, and shall also report annually, on or before the first day of January, to the Governor, which report shall be laid before the next Legislature, making such recommendations as it may from time to time deem proper, and said board shall, on request, make report to the Interstate Commerce Commission. It shall be the duty of said board to see that the laws of this State regulating said railroad companies are observed and enforced, and it may cause action to be brought against any railroad company violating any of the laws of this State for the specified penalty, through the Attorney-General, who shall in all things be the adviser and legal counsel of said board.

Annual report.

Regulations enforced.

Attorney-general counsel to board.

Said board shall have power to hear complaints, examine, and make orders concerning, the safety of trackage, roadbeds, tunnels, bridges and equipment of any railroad operating in this State and shall also have power to make all necessary orders requiring any railroad company operating in this State to furnish proper and adequate transportation facilities and stations, in accordance with the judgment of said board, for the proper transportation of passengers and property. Said board shall also have authority upon such matters to make and issue such orders to any railroad company as in the judgment of said board shall be reasonable and just, which said orders said railroad company shall comply with. Upon failure to do so said board shall report the failure to comply with said orders and all such violations, with the facts in their possession, to the Attorney-General, and it shall then be his duty, within thirty days, to institute proper proceedings to enforce the order or orders of said commission, to recover suitable penalties or damages, or to institute proceedings in equity, mandamus, injunction, receivership proceedings or other civil remedies. If any railroad company or other party at interest be dissatisfied with any such order of said board rendered after hearing and examination as aforesaid, such dissatisfied party or company may file a petition setting forth the particular cause or causes of objection to such order in the Supreme Court against said board as defendant; said action shall have pre-

Complaints.

This part of 8th Sec. added by P.L. 1909, p. 254

Orders.

Proceedings in case of failure of railroads to obey.

Railroad may appeal.

cedence over all causes on the docket of the court, and said cause shall be tried and determined as other civil causes in said court.

Suit in equity to compel performance.

9. To enforce the orders of said commission, said commission may proceed by a suit in equity to compel the specific performance of the order or orders so made, or of the duties imposed by law upon such company.

Right of action not affected, nor bar indictment.

10. This act shall not have the effect to release or waive any right of action by the said board or by any person for any right, penalty or forfeiture which may have arisen or which may hereafter arise under any laws of this State, and any penalty or forfeiture enforceable by this board shall not be a bar to affect a recovery for a right, or affect or bar any indictment against any railroad company, or person or persons operating such railroad, their officers, directors, agents or employes.

Invalidity of section not to affect other sections.

11. Each section of this act and every part of each section are hereby declared to be independent sections and parts of sections, and the holding of any section or parts thereof to be void, ineffective and unconstitutional for any cause shall not be deemed to affect any other section or part thereof.

12. This act shall take effect immediately.

Approved May 15, 1907.

CHAPTER 198.

A Supplement to an act entitled "An act respecting the Court of Chancery (Revision of 1902)," approved April third, one thousand nine hundred and two.

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

Section 111 amended.

1. Section one hundred and eleven of an act entitled "An act respecting the Court of Chancery (Revision of 1902)," approved April third, one thousand nine hundred and two, be and the same is hereby amended to read as follows:

Appeals; for what and in what time brought.

111. All persons aggrieved by any order or decree of the Court of Chancery, may appeal from the same, or any part thereof, to the Court of Errors and Appeals; and all appeals, except from final decrees, shall be made within forty days after filing the order or decree appealed from; and all appeals from final decrees in the said court shall be made within one year after making such decree; unless a notice of lis pendens has been filed, or on bills to quiet title, in which cases, all appeals from final decrees shall be made within three months after filing the decree appealed from; *provided,* in cases where the person entitled to such appeal from any final decree be an infant, or insane, he shall have one year to bring such appeal, after such disability shall be removed, except where a notice of lis pendens has been filed or the bill is filed to quiet the title of the lands, in which case the appeal shall be taken within three months after such disability is removed.

Proviso.

Rights not affected.

2. This act shall take effect immediately, but shall not affect the right to appeal from final decrees made prior to the time it takes effect; *provided,* appeal be made therefrom within six months after this act takes effect.

Proviso.

Approved May 15, 1907.

CHAPTER 199.

A Supplement to an act entitled "An act respecting writs of error (Revision)," approved March twenty-seventh, one thousand eight hundred and seventy-four.

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

Section amended.

1. Section two (2) of an act entitled "An act respecting writs of error (Revision)," approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended to read as follows:

Time for bringing writ of error.

2. No writ of error shall be brought or allowed on any judgment that shall have been or hereafter may be entered or obtained, unless the same shall be brought and allowed within three months after the judgment rendered in actions affecting the possession of or title to lands, or within one year in other cases; *provided,* where the person entitled to such writ of error be an infant, or insane, he or she shall have one year to bring such writ of error after such disability shall be removed.

Sup. P. L. 1909, p. 149

Proviso.

Right not affected.

2. This act shall take effect immediately, but shall not affect the right to a writ of error upon any judgment entered or obtained prior to the time it takes effect; *provided,* a writ of error shall be brought or allowed thereon within six months after this act takes effect.

Proviso.

Approved May 15, 1907.

CHAPTER 200.

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

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

Agreement of sale of land void unless suit commenced within specified time.

1. Every agreement for the sale or purchase of any lands or real estate in this State which hereafter shall be recorded, shall be absolutely void as against subsequent judgment creditors of the vendor or vendors and as against subsequent purchasers and mortgagees for value of said lands or real estate, unless the vendee or vendees, his or their heirs, executors, administrators or assigns, within three months after the date fixed in such agreement for its consummation, or if no date shall be fixed in such agreement for its consummation, then within three months after the date of such agreement, or if the consummation of such an agreement shall be extended by the parties thereto before the date fixed therein for its

consummation, beyond the date so fixed, and such extension shall be duly acknowledged and recorded as agreements for the sale of lands are now required to be acknowledged and recorded in order to give them the effect of notice to subsequent judgment creditors, purchasers and mortgagees, then within three months after the date fixed in such extension for the consummation of said agreement, or upon the death of the vendor or vendors or one or more of them within any of such periods of three months, then within three months after such death, shall commence suit for the specific performance of said agreement, or for its rescission or for the violation of any of the covenants therein contained, and shall file a notice of the pendency of such suit in the office of the clerk of the Court of Common Pleas, except in counties where there is a register of deeds and mortgages, then in the office of the register of deeds and mortgages of the county in which such lands or real estate lie, setting forth the title of the cause and the general object thereof, together with a description of the land or real esate to be affected thereby; *provided,* in case the complainant or plaintiff in any such suit does not take steps to prosecute his suit diligently within six months after the filing of such notice, then the Chancellor or court in which such suit is brought may, upon application by any interested party, and upon notice to the complainant or his solicitor, or to the plaintiff or his attorney, declare the filing of such notice to be null and void and of no effect, and that the lands and real estate mentioned in the said notice shall be and remain discharged of all equities or claims founded on such agreement. Proviso.

2. This act shall take effect immediately.

Approved May 15, 1907.

CHAPTER 201.

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

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

Interpreters in second-class counties.

1. The judge of the Court of Quarter Sessions in any county of the second class may appoint an interpreter skilled in the German, Polish and Slavish languages, whose duty it shall be to attend in person upon the Courts of Oyer and Terminer, Quarter Sessions and Special Sessions of the said county, the sessions of the grand jury thereof, and, when requested so to do, the judges of the said courts at chambers, and to perform any duty required of him connected with the business of said courts in the office of the prosecutor of the pleas of the said county in the interpretation of the said languages; and said interpreter shall receive as compensation for his services an annual salary to be fixed by the said judge of not more than one thousand two hundred dollars, said salary to be paid by the collector of the county in equal monthly installments out of the funds of the said county.

Compensation.

2. This act shall take effect immediately.

Approved May 15, 1907.

CHAPTER 202.

An Act to repeal an act entitled "An act to provide a capital fund to be used for the opening, widening, vacating and other such improvement of streets in cities of the first class in this State," approved March twenty-seventh, one thousand nine hundred and six.

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

1. The act of the Legislature of New Jersey, entitled "An act to provide a capital fund to be used for the opening, widening, vacating and other such improvement of streets in cities of the first class in this State," which act was approved March twenty-seventh, one thousand nine hundred and six, and is chapter forty-three of the laws of one thousand nine hundred and six, be and the same is hereby repealed. Act repealed.

2. This act shall take effect immediately.

Approved May 15, 1907.

CHAPTER 203.

A Supplement to an act entitled "An act respecting writs of error (Revision)," approved March twenty-seventh, one thousand eight hundred and seventy-four.

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

1. Whenever a writ of error shall be issued pursuant to the laws of this State, directed to the Supreme Court, Defendant may deposit cash to release real estate held as lien.

New Jersey State Library

or to any Circuit Court, or Court of Common Pleas, and presented to the court in which suit was brought and judgment was recovered, or to any of the judges thereof, it shall be lawful for the court, or a judge thereof, and they are hereby empowered to make an order discharging any and all real estate of the party procuring said writ of error from the lien of said judgment, upon the defendant depositing with the clerk of said court in which judgment was obtained, lawful money of the United States of America, in such sufficient and satisfactory sum as said court or judge may direct as security for the payment of such sum or sums of money as may finally be determined and ascertained to be due in said action, which sum or sum of moneys shall be retained by said clerk until the final determination of the action in which said judgment was recovered, and subject to the lien of the said judgment, or of any subsequent judgment recovered therein.

Record of discharge made by clerk.

2. Upon the filing of said order with the clerk of said court in which judgment was obtained, and upon the depositing with said clerk of the sum of money required by said order to be deposited, said clerk shall enter on the margin of the record of said judgment the words, "Discharged by order of the court," and the date of such discharge, and any and all lands of the party procuring said writ of error, shall be thereafter absolutely discharged and freed from any claim which may be made on account of said judgment or suit in which said judgment was recovered.

3. This act shall take effect immediately.

Approved May 15, 1907.

CHAPTER 204.

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

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

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

Section 57 amended.

57. The owner, mortgagee, occupant or other person having an interest in the land sold for taxes, may redeem the same at any time within two years from the date of the sale or at any time thereafter until the right to redeem has been cut off in the manner hereinafter set forth, by paying to the collector or other officer who shall be authorized by this law to make sales of land for taxes, the purchase-money shown on the certificate, with twelve per centum interest thereon, together with such other fees and expenses as may be incurred by the purchaser under this act, and the fees and expenses incurred by the purchaser in ascertaining the owner or owners, mortgagee or mortgagees, occupant, or other person having an interest in the land sold for taxes, a statement of which fees and expenses shall be filed with the said collector or said other officer and shall in no case exceed the sum of ten dollars.

Redemption within two years by payment to collector of taxes.

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

Section 58 amended.

58. When payment shall be made in accordance with the provisions of section fifty-seven of this act, the collector or other officer so receiving such payment shall deliver to the person making the same a certificate of redemption, duly acknowledged, which said certificate may be filed with the county clerk or register of the county, who shall thereupon cancel the record of such

Certificate of redemption given by collector and filed with county clerk.

certificate and the lien thereof, in like manner and for the same fees as is provided for the cancellation of mortgages, whereupon the land described in said certificate shall be discharged from the lien thereof and the sale.

Collector to pay person entitled thereto.

The collector or other officer shall pay the redemption money to the person entitled thereto on his surrender of the certificate of sale, and shall at once, on receipt of the money, mail notice to such person if his address can be ascertained.

3. This act shall take effect immediately.

Approved May 15, 1907.

CHAPTER 205.

A Supplement to an act entitled "An act in relation to county expenditures," approved April second, one thousand eight hundred and seventy-eight.

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

Bond issue to meet deficiency in election expenses.

1. If in any county in this State the expenses of any election heretofore held have exceeded the appropriation for such elections, or if the amount heretofore appropriated for any given year for courts has been exceeded, the board of chosen freeholders in any such county may issue temporary loan bond or bonds to raise the money wherewith to pay such deficiency.

Time and rate.

2. All temporary loan bonds issued under this act shall run for a term not exceeding two years, shall bear interest at not more than five per centum, shall be sold at either public or private sale, in the discretion of such board, for not less than par, and shall be executed in the manner that county bonds are usually executed.

Redemption.

3. To meet the payment of such temporary loan bond or bonds at maturity, such board shall, in ordering for each fiscal year prior to the maturing of such bond or bonds, the moneys required for county purposes, order and place in the tax levy a sum sufficient to pay the principal and interest of such bond or bonds.

4. This act shall take effect immediately.

Approved May 15, 1907.

CHAPTER 206.

A Supplement to an act entitled "An act providing for the formation, establishment and government of towns," approved March seventh, one thousand eight hundred and ninety-five.

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

Salary of collector of taxes.

1. The collectors of taxes in all towns organized under or governed by the provisions of the act to which this is a supplement shall receive the compensation or salary fixed by ordinance of the Town Council as full compensation for all services rendered by them in their official capacity, and shall not be entitled to receive any fees or other compensation excepting the amount so fixed by ordinance by the Town Council.

2. This act shall take effect immediately.

Approved May 15, 1907.

CHAPTER 207.

A Further Supplement to an act entitled "An act to enable incorporated towns to construct water works for the extinguishment of fires and supply the inhabitants thereof with pure and wholesome water," approved March fifth, one thousand eight hundred and eighty-four.

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

Disposition of moneys from water rents.

1. In any incorporated town where water works have been constructed pursuant to the provisions of the act to which this act is a supplement, the water commissioners shall use and apply the moneys received from the water

rents or prices paid for the use of water and interest on arrears of water rents and all other income drived from the said water works, first, for the payment of all expenses of raising and distributing of water, and salaries, wages and other necessary expenses of operating and maintaining said water works; second, for the payment of the interest upon the debt created for the construction of the works; third, for the creation of a sinking fund to retire said bonds at maturity, which sinking fund shall be created and maintained by setting aside each year a sum sufficient, with accumulations at the rate of three per centum per annum, compound interest, to pay off and discharge the principal of said water bonds at maturity.

As to balance. All the remainder of said water rents, interest and income derived from said water works shall be turned over to the governing body of said town, to be used by said governing body for the extension, protection, operation and maintenance of the said water works or of the sewer system of said town, if any there be, or for the payment of the interest and principal of the sewer bonds of said town, if any there be.

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

3. This act shall take effect immediately.

Approved May 15, 1907.

CHAPTER 208.

An Act to amend an act entitled "An act authorizing the sale of land granted or devised to religious associations, or to corporations formed or existing for the purpose of education, or to officers or trustees of such corporations in certain cases," approved April seventeenth, one thousand nine hundred and five.

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

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

When grant made for specific purposes, and conditions changed.

1. Wherever lands and tenements may have been granted, conveyed or devised to religious associations or corporations, or to corporations formed or existing for the purpose of education, or to officers or trustees of such associations or corporations by deed, will or otherwise, upon condition that the said lands and tenements so granted, conveyed or devised shall be held in trust for specific uses and purposes, and appropriating the rents, issues and profits thereof to specific use, but without power to sell and convey such lands and tenements, and the said associations, corporations, officers or trustees of such associations or corporations shall represent to the Chancellor of this State that the existing situation and circumstances in the place where the said lands and tenements are located are such that the interests of such associations or corporations will be better promoted either by the sale or disposal of the said lands and tenements or any part thereof, or by devoting the said lands and tenements or any part thereof to some use or purpose, not inconsistent with the nature and objects of the said association or corporation, other than the specific use or trust named in the instrument by which the said lands and tenements are conveyed or devised to the said association or corporation, the Chancellor may, in a summary manner, by reference to a master, proceed to inquire into the merits of such application; and if it shall satisfactorily appear to the court that the interests of the said associations or corporations will be better promoted by the sale or disposal of the said lands and tenements, or any part thereof, by the said associations or corporations, or by the said association or corporation devoting the said lands and tenements, or any part thereof, to some use or purpose not inconsistent with the nature and objects of the said association or corporation, other than the specific use or trust named in the instrument by which the said lands or tenements are conveyed or devised to the said associations or corporations, the Chancellor may authorize and direct the said associations or corporations to sell or dispose of the said lands or tenements, or any part thereof, or, in the discretion of the trustees or directors of such associations or corporations, to devote

Application to Chancellor.

Summary hearing.

Chancellor may direct disposal of land.

the said lands and tenements, or any part thereof, to such use or purpose not inconsistent with the nature and objects of the said association or corporation, other than the specific use or trust named in the instrument by which the said lands or tenements are conveyed or devised, or both, as under the existing situation and circumstances in the place where the said lands and tenements are located, will better promote the interests of the said associations or corporations.

Section amended.

2. Section three of the act of which this is amendatory be and the same is hereby amended so as to read as follows:

Investment of proceeds of sale.

3. The proceeds of any sale or sales, made in pursuance of this act, or any part thereof, may, in the discretion of the trustees and directors of said associations or corporations, be (1) loaned and invested by such associations or corporations, officers or trustees, in such securities as any executor, administrator, guardian or trustee, whose duty it may be to loan the money entrusted to him, may, by law, invest in; or (2) the proceeds of any such sale or sales, or any part thereof, may, in the discretion of the trustees or directors of such associations or corporations, be set apart by said associations or corporations, officers or trustees, and devoted to such use or uses not inconsistent with the nature and objects of the said associations or corporations, or both, as under the existing situation and circumstances in the place where the said lands and tenements so sold are located, will better promote the interests of the said association or corporation; *provided,* that the determination of the said trustees or directors shall be reported to the Chancellor, to be approved by him before the said proceeds of the said sale or sales shall be invested as aforesaid, or shall be set apart and devoted to such uses as aforesaid.

Proviso.

3. This act shall take effect immediately.

Approved May 15, 1907.

CHAPTER 209.

An Act to amend an act entitled "A supplement to an act entitled 'An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases (Revision of 1898),' approved June fourteenth, one thousand eight hundred and ninety-eight," which act was approved April second, one thousand nine hundred and six.

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

Section amended.

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

Suspension of sentence and placed on probation.

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

In case of fines or costs.

In case the payment of a fine or the costs of prosecution is imposed, to be paid to the probation officer, said money shall enure to the benefit of the county, and the probation officer shall account for and turn over the same, or any money collected by him on account thereof, to the proper county officer.

Section amended.

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

Arrest and sentence for violation of probation.

3. Any person convicted of crime and released on probation who shall violate the condition of his probation or the rules and regulations governing the same, or who

shall re-engage in criminal practices, or become abandoned to improper associations or a vicious life, or whenever it shall appear to the court for any reason that the interests of justice so require, may, by order of the court in which conviction was had, be taken into custody and sentenced or re-sentenced for the original offense of which he stands convicted in the same manner as if the order releasing him on probation had not been made; *provided,* that in no case shall the total of the sentences imposed exceed the maximum allowed by law for the offense of which the person was convicted.

Proviso.

3. This act shall take effect immediately.

Approved May 15, 1907.

CHAPTER 210.

An Act providing for the reimprovement of any street, avenue, road or highway, or the portion of such street, avenue, road or highway in any city which has been heretofore improved and for which improvement assessments for benefits have been heretofore levied and imposed, and for the issue of bonds to pay for said improvement.

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

Reimprovement of improved streets.

1. Whenever any street, avenue, road or highway in any city of this State has been heretofore improved, and an assessment for benefits for making such improvement has been heretofore levied and imposed upon the property specially benefited by said improvement, and such street, avenue, road or highway, or any portion thereof, has become out of repair, and has fallen in such condition that in the opinion of the governing body of such city it would be of greater advantage to such city to remake and reimprove such street, avenue, road or high-

way, or any portion thereof, it shall be lawful for the governing body of such city to cause the same to be repaved with stone, brick, asphalt, macadam or other suitable material, and to cause the sidewalks thereof to be relaid and the curbs thereof to be reset with some proper material.

Plans, proposals, contracts.

2. The governing body of such city may, at any time after deciding upon the necessity of such reimprovement, cause plans and specifications for the work to be done to be drawn, and shall thereafter advertise for proposals or bids for the making of such reimprovement, and shall let the contract for such reimprovement to such responsible bidder or bidders as shall furnish satisfactory security for the proper performance of such work, and whose terms shall be considered most advantageous to such city.

Cost borne by city.

3. The cost and expense of making such reimprovement shall be borne and paid by such city, and for the purpose of procuring funds wherewith to meet such cost and expense it shall be lawful for such city to issue its bonds as soon after the award of such contract as possible. Such bonds shall be issued for the full contract price, and all other expenses incidental to making such reimprovement and bond issue, such bonds to be either registered or coupon, and to be due and payable at such time or times as such governing body of such city may fix, not to exceed the period of thirty years, the interest on such bonds not to exceed five per centum per annum, the denomination of such bonds to be fixed by such governing body of such city and to be sold at either public or private sale, but not for less than their par value.

Bonds issued.

Time; rate.

Referendum.

4. This act shall take effect immediately, but its provisions shall not become operative in any city until assented to by a majority of the votes cast upon the question of the adoption hereof at any general election at which the terms hereof shall be submitted, nor shall the acceptance of this act be submitted unless a petition for the same, signed by at least one hundred taxpayers of such city, shall be filed with the city clerk at least thirty days before said election. The clerk of such city shall cause public notice of the time and place of such election and the purpose thereof to be given by advertisements

Notice of election.

published for at least one insertion in one or more of the official newspapers of such city at least ten days previous to such election. Said clerk shall in such case print upon the official printed ballots or have placed upon the voting machines, if used in such city, the title of this act with the words "for" and "against" printed upon the ballot or placed upon the voting machine in such manner that the voter may vote for or against the adoption hereof, and in case of a voting machine each vote recorded "for" shall be counted in favor of, and each vote recorded "against" shall be counted against the adoption hereof; in case of voting by ballot each ballot upon which the word "for" shall be stricken out shall be recorded against and where the word "against" shall be stricken out shall be recorded in favor of the adoption hereof, and if a majority of the votes recorded as having voted upon the question submitted be in favor of the adoption of this act, its provisions shall forthwith be considered binding upon said city.

Ballots.

Majority to determine.

Approved May 15, 1907.

CHAPTER 211.

An Act to prohibit fishing through or under ice in any of the waters of this State.

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

1. It shall be unlawful for any person or persons to take, or attempt to take, any fish from any of the waters of this State, by any line with hooks attached thereto, or any other device, net or tackle operated through an opening in the ice in said waters or drawn beneath such ice; *provided,* that nothing herein contained shall apply to the taking of eels by any means now or hereafter sanctioned by law.

Ice fishing prohibited.

Proviso.

2. Every person offending against any of the provisions of the first section of this act shall suffer a penalty of twenty dollars. Penalty.

3. This act shall take effect immediately.

Approved May 15, 1907.

CHAPTER 212.

A Supplement to an act entitled "An act for the assessment and collection of taxes (Revision of 1903)," approved April eighth, one thousand nine hundred and three.

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

1. In taxing districts having a system of numbering of houses by street numbers, it shall be the duty of the tax collector, or other officer making assessments for taxes, to add to any other description of real property, required in the act to which this is a supplement, the said street number. Street number given in assessments.

2. This act shall take effect immediately.

Approved May 15, 1907.

CHAPTER 213.

An Act to incorporate the borough of Rumson, in the county of Monmouth.

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

1. The inhabitants of that portion of the township of Shrewsbury, in the county of Monmouth, contained within the limits hereinafter set forth, are hereby constituted and declared to be a body politic and corporate Corporate name.

in fact and in law by the name of the borough of Rumson, and shall be governed by the general laws of this State relating to boroughs.

2. The territorial limits of said borough shall be as follows:

Boundary of portion of Shrewsbury township set off as borough of Rumson.

Beginning at a point in the high-water line of the South Shrewsbury river, which said point is intersected by the center line of the Rumson road at or near the Seabright bridge; thence northwardly and westerly, along the high-water line of the South Shrewsbury and North Shrewsbury rivers, to a point where the center line of Buena Vista avenue projected north would intersect the high-water line of the North Shrewsbury river; thence southerly, along the center line of Buena Vista avenue so projected and along the true center line of Buena Vista avenue, to the center line of the Ridge road; thence westerly along the center line of the Ridge road, to the center line of the Borden Hance road so called; thence southerly, along the center line of the said Borden Hance road, to the center line of the Rumson road; thence westerly, along the center line of the Rumson road, to the center line of a road or highway bounding the lands of Wardell Ivins' estate property on the west and leading from the Rumson road to the South Shrewsbury river; thence southerly, along the center line of said road or avenue, to ordinary high-water line in the South Shrewsbury river; thence along said ordinary high-water line easterly and northerly to the place of beginning.

Referendum.

3. This act shall not become operative until the provisions of this act shall be submitted to the voters of the territory comprehended by the afore-mentioned borough limits at a special election and approved by a majority of the voters voting at such election upon the question of the approval or disapproval of said act, and said act shall be submitted to the voters in accordance with the provisions of the general election law regulating the method of submitting legislative acts with other questions at special elections.

Time for holding first election.

4. The first election of officers in and for said borough of Rumson shall be held within thirty days after this act

shall have been approved by a majority of the voters voting as aforesaid (if approved), and notice thereof shall be given by the clerk of the said township of Shrewsbury, in the county of Monmouth aforesaid; said notice shall be published in a newspaper circulating in the territory hereinbefore described and published at Red Bank, New Jersey, eight days prior to said election, and shall also be posted for the same length of time in five of the most public places in the territory hereinbefore described, and the said election shall be held in the manner now prescribed for the election of borough officials. Notice.

5. This act shall take effect immediately.

Approved May 15, 1907.

CHAPTER 214.

An Act authorizing the conveyance of certain lands now in the ownership of the State of New Jersey to the city of Perth Amboy.

WHEREAS, The State of New Jersey is the owner of a tract of land in the city of Perth Amboy, county of Middlesex, on which is located a building used as an office by the Surveyor-General of the Proprietors of East Jersey; and Preamble.

WHEREAS, Said tract so as aforesaid, owned by the State of New Jersey, is located between tracts of land owned by the city of Perth Amboy, which said city is desirous of acquiring said land in order that it may enlarge its city hall; and

WHEREAS, The said city of Perth Amboy has expressed its willingness to acquire, for the use of the Surveyor-General of the Proprietors of East Jersey, lands in the city of Perth Amboy immediately contiguous to the said tract of land now owned by the State of New Jersey, and to remove from said last-mentioned tract to the tract to be acquired the building on the lands now owned by the State of New Jersey; therefore,

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

State land conveyed to Perth Amboy on certain conditions.

1. The Treasurer of the State is hereby authorized to convey to the city of Perth Amboy the tract of land hereinafter described, upon condition that the city of Perth Amboy shall acquire and convey to the State of New Jersey other land, to which the building now used by the Surveyor-General of the Proprietors of East Jersey shall be removed, which conveyance and removal shall be solely at the expense of the city of Perth Amboy, and which conveyance by the State shall not be made until said city of Perth Amboy shall acquire and convey to this State a tract of land acceptable to the Governor and Treasurer of this State, and remove thereto the building now on the tract of land hereinabove referred to, and described as follows:

Description of tract deeded.

Beginning at the northerly corner of said city hall lot and in the easterly line of Market square, and running from thence northerly, along the easterly line of Market square, twenty-two feet in width, and the same in the rear, and from said easterly line of Market square extending easterly by the northerly line of said city hall lot and the line distant northerly therefrom, twenty-two feet, and parallel thereto the distance or length of the northerly line of the said city hall lot, being fifty feet, more or less.

2. This act shall take effect immediately.

Approved May 16, 1907.

CHAPTER 215.

An Act confirming the title to certain real estate of which James R. Smith, late of the county of Essex, in this State, died seized.

Preamble.

WHEREAS, One James R. Smith died in the county of Essex, in this State, on or about the twenty-ninth day of July, one thousand eight hundred and ninety-two, seized of an undivided one-half interest in a

certain tract of land in the city of Newark, in said county, and particularly described as follows: Beginning at a point in the easterly line of Washington street one hundred and seventy-eight feet southerly from the southeasterly corner of Market and Washington streets; thence running south, sixty-three degrees and forty-five minutes east, eighty feet; thence south, twenty-three degrees west, twenty-seven feet; thence north, sixty-three degrees and forty-five minutes west, eighty feet, to Washington street; thence along the easterly side thereof north, twenty-three degrees east, twenty-seven feet, to the place of beginning; being the same premises conveyed to the said William H. Allen and James R. Smith by Charles R. Fowler, special guardian, et cætera; and

WHEREAS, In a certain suit in the Court of Chancery of this State for the foreclosure of a mortgage upon said premises, given by the said James R. Smith in his lifetime and his co-owner, William H. Allen, in which said suit Abigail Allen, executrix of the last will and testament of Samuel B. Allen, deceased, was complainant, and William H. Allen, Mary R. Allen, his wife; James R. Smith, Walter T. Crane and Job S. Crane, and also, as permitted by the statutes of this State, the unknown heirs, devisees and personal representatives of the said James R. Smith, then deceased, were defendants, such proceedings were had that the sheriff of the county of Essex, under and by virtue of a writ of execution issued in the said cause, did make sale of the said premises to pay the complainant the sum of one thousand six hundred and eighty-eight dollars, the amount of the principal and interest due upon the said mortgage, and the amount of five hundred and forty-five dollars and thirty-one cents to judgment creditors of the said James R. Smith's co-owner, together with interest on the said sums from the first day of March, one thousand eight hundred and ninety-four, the proceeds of which said sale were insufficient to fully satisfy the said decree; and

WHEREAS, It has only lately been suggested that, by reason of the fact that it is not known whether there

were heirs, devisees or personal representatives of the said James R. Smith, some interest or estate in said premises vested in the State of New Jersey, and the said State of New Jersey should have been made a party to the said suit in foreclosure, and in the meantime the said premises have been conveyed for considerations equal to the full value, and all taxes and assessments have been paid by the respective owners of the said premises from time to time, and the title to said premises, subject to the said defect, if any, is now vested in the Metropolitan Realty Company; now, therefore,

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

Title confirmed.

1. The title to the said premises in the present owner, the Metropolitan Realty Company, be and the same is hereby confirmed and declared to be as good and effectual as though the said State of New Jersey had been a party defendant in and to the suit for the foreclosure of the said mortgage, and all right, title, interest and estate which the said State of New Jersey has in and to the said premises is hereby released and relinquished to the said owner.

2. This act shall take effect immediately.

Approved May 17, 1907.

CHAPTER 216.

An Act providing for divorces and for decrees of nullity of marriage, and for alimony and the maintenance of children (Revision of 1907).

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

I. DECREES OF NULLITY.

Causes for decrees of nullity.

1. Decrees of nullity of marriage may be rendered in all cases when—

I. Either of the parties has another wife or husband living at the time of a second or other marriage;

II. The parties are within the degrees prohibited by law, but when any such marriage shall not have been annulled during the lifetime of the parties the validity thereof shall not be inquired into after the death of either party;

III. The parties or either of them was at the time of marriage physically and incurably impotent; *provided,* the party making the application was ignorant of such impotency or incapability at the time of the marriage, or has not subsequently ratified the marriage. Proviso.

IV. The parties or either of them was, at the time of the marriage, incapable of consenting thereto, and the marriage has not been subsequently ratified; *provided,* that where the party capable of consent is the applicant such party shall have been ignorant of the other's incapacity at the time of the marriage, and shall not have confirmed the marriage subsequently to the other party regaining capacity; Proviso.

V. At the suit of the wife, when she was under the age of sixteen years at the time of the marriage, unless such marriage be confirmed by her after arriving at such age;

VI. At the suit of the husband when he was under the age of eighteen at the time of the marriage, unless such marriage be confirmed by him after arriving at such age.

The decree of nullity of marriage shall not render illegitimate the issue of any marriage so dissolved, except where the marriage is dissolved because either of the parties had another wife or husband living at the time of a second or other marriage. Such marriage shall be deemed void from the beginning, and the issue thereof shall be illegitimate.

II. CAUSES FOR DIVORCE.

2. Divorces from the bond of matrimony may be decreed for the following causes: Divorce from matrimony.

I. Adultery by either of the parties;

II. Willful, continued and obstinate desertion for the term of two years.

Divorce from bed and board.

3. Divorces from bed and board may be decreed for—

I. Adultery by either of the parties;

II. Willful, continued and obstinate desertion for the term of two years;

III. Extreme cruelty in either of the parties.

Separation limited or permanent.

In all cases of divorce from bed and board, the court may decree a separation forever thereafter, or for a limited time, as shall seem just and reasonable, with a provision that in case of a reconciliation at any time thereafter the parties may apply for a revocation or suspension of the decree, and upon such application the court shall make such order as may seem just and reasonable.

III. JURISDICTION.

Jurisdiction.

4. The Court of Chancery shall have jurisdiction of all causes of divorce or nullity and of alimony and maintenance by this act directed and allowed.

Service of process in annulment.

5. For purposes of annulment of marriage jurisdiction my be acquired—

I. By personal service of process upon the defendant within this State when either party is a bona fide resident of this State at the time of the commencement of the action;

II. When the defendant cannot be served personally with process within this State, and when at the time of the commencement of the action the petitioner is a bona fide resident of this State, jurisdiction for the purpose of annulment of marriage may be acquired by publication, to be followed, where practicable, by service upon or notice to the defendant without this State, or by additional substituted service upon the defendant within this State, as prescribed by law or by rules of court.

Service of process in divorce proceedings.

6. For purposes of divorce, either absolute or from bed and board, jurisdiction may be acquired by personal service of process upon the defendant within this State, under the following conditions:

(*a*) When, at the time the cause of action arose, either party was a bona fide resident of this State, and

has continued so to be down to the time of the commencement of the action, except that no action for absolute divorce shall be commenced for any cause other than adultery, unless one of the parties has been for the two years next preceding the commencement of the action a bona fide resident of this State.

(*b*) When, since the cause of action arose, either party has become, and for at least two years next preceding the commencement of the action has continued to be, a bona fide resident of this State; *provided,* the cause of action alleged was recognized in the jurisdiction in which such party resided at the time the cause of action arose, as a ground for the same relief asked for in the action in this State. Proviso.

7. When the defendant cannot be served personally with process within this State, and when at the time of the commencement of the action the plaintiff is a bona fide resident of this State, jurisdiction for the purpose of divorce, whether absolute or from bed and board, may be acquired by publication, to be followed, where practicable, by service upon or notice to the defendant without this State, or by additional substituted service upon the defendant within this State, as prescribed by law or rules of court, under the following conditions: Service of process by publication.

(*a*) When at the time the cause of action arose, the petitioner was a bona fide resident of this State, and has continued so to be down to the time of the commencement of the action, except that no action for absolute divorce shall be commenced for any cause other than adultery, unless the petitioner has been for the two years next preceding the commencement of the action a bona fide resident of this State.

(*b*) When, since the cause of action arose, the petitioner has become, and for at least two years next preceding the commencement of the action has continued to be, a bona fide resident of this State; *provided,* the cause of action alleged was recognized in the jurisdiction in which the petitioner resided at the time the cause of action arose, as a ground for the same relief asked for in the action in this State. Proviso.

8. The Court of Chancery shall not have jurisdiction of any cause for divorce, or nullity of marriage under Petition must be made in good faith.

this act, unless the petitioner shall make his or her oath or affirmation, which shall be annexed to the petition, that his or her petition is not made by any collusion between him or her and the defendant, but in truth and good faith, for the causes set forth in the petition.

IV. PROCEDURE AND PRACTICE.

Procedure before court.

9. The like process and procedure shall be had and pursued in all such causes as are usually had and pursued in other causes in the Court of Chancery, except so far as other process and procedure is prescribed by or under the authority of this act.

Suit commenced by petition.

10. All suits in the Court of Chancery for divorce, or nullity under this act, shall be commenced by filing a petition with the clerk of the court, which petition shall plainly and fully state the cause or causes of the application for such divorce or nullity and the relief prayed.

Clerk to issue citation.

11. Upon filing the said petition the clerk shall, if required, make out a certified copy thereof, to be served on the defendant, and issue a citation under the seal of the court, for the defendant to answer the said petition on or before such day as shall be mentioned for that purpose in the said citation, which may be any day, either in term time or vacation, not less than thirty days subsequent to the date of issuing the said writ; such citation shall bear date the day of issuing thereof, and be tested in the name of the Chancellor; to every citation a notice shall be added that the defendant is not required to appear at Trenton in person at the return day, but if he intend to make a defense, it is only necessary for him to answer, plead or demur to the petition within the time required by law.

Notice attached to citation.

Service and return of citation.

12. It shall be the duty of the sheriff or coroner, as the case may require, of any county, to whom any such citation and certified copy of the petition shall be directed or delivered, to serve the same, and to make return of the said citation at the time and place therein mentioned, which shall be filed by the clerk.

Defendant served personally.

13. Every such citation shall be served by delivering to the defendant personally a copy thereof, together with

a certified copy of the peition, at least twenty entire days before its return.

Service in case defendant cannot be reached.

14. If it shall be made to appear, by affidavit or otherwise, to the satisfaction of the Chancellor, that such defendant is out of this State, or cannot upon due inquiry be found therein, or that he or she conceals himself or herself within this State, the Chancellor may thereupon by order direct such defendant to answer the petition, at a certain day therein named, not less than two or more than six months from the date of such order, which order or notice thereof shall, within twenty days thereafter, be published in one of the newspapers published in this State, and designated in such order, and continued therein for four weeks successively, at least once in every week, and shall be published in such other manner as the particular circumstances of the case may require, if, in the opinion of the Chancellor, any further or other publication shall be necessary.

In newspaper.

Service upon the defendant within or without this State of the petition and of such order or notice thereof as service substituted for personal service of process within this State, shall also be made within the same time, and in such manner as the Chancellor may by general rules prescribe.

Time for defendant's reply.

15. The defendant shall file his or her plea, demurrer or answer to the petition within three days after the day mentioned in the citation, if the citation is returned "served" or "cited" by the sheriff or coroner, and within the time limited by the order to answer, unless, in either case, the court grants further time for that purpose. The answer shall plainly and fully set forth the cause or causes of his or her defense, and shall be signed by the defendant, but shall not be sworn to. No replication shall be necessary to put the cause at issue. If the defendant files a plea or demurrer to the petition the proceedings therein, including the fixing of time for filing of an answer after plea or demurrer overruled, shall be as in the causes in the Court of Chancery on pleas or demurrers to bills.

If no answer filed.

16. If the defendant shall not file his or her answer within the time limited by this act or granted by the

court, the court may make an order that the petitioner proceed to take depositions and other evidence and bring on the hearing of the cause ex parte.

Party to suit.

17. Anyone charged as a particeps criminis shall be made a party, upon his or her due application to the court, subject to such terms and conditions as the court may prescribe.

Solicitor in uncontested cases.

18. In all uncontested cases, where the court may deem it necessary or proper, a disinterested solicitor may be assigned by the court actively to defend the case.

Proceedings may be amended.

19. No proceedings in any suit commenced under this act shall be set aside or otherwise annulled or made void for any defect in matter of form, or for any mistake or omission not affecting the real merits of the cause, and the Chancellor may permit either party to amend his or her proceedings in the cause, either in matters of form or substance, and proceed to give judgment according to the merits of the case.

Entering of decree.

20. If after the hearing of any cause, or after a jury trial resulting in a verdict for the plaintiff, the court shall be of opinion that the plaintiff is entitled to a decree annulling the marriage, or a decree for divorce from the bonds of matrimony, a decree nisi shall be entered.

Decree absolute after six months.

21. A decree nisi shall become absolute after the expiration of six months from the entry thereof, unless appealed from or proceedings for review are pending, or the court before the expiration of said period for sufficient cause, upon its own motion, or upon the application of any party, whether interested or not, otherwise orders; and at the expiration of six months such final and absolute decree shall then be entered upon application to the court by the petitioner, unless prior to that time cause be shown to the contrary. Appeals shall be taken only from the decrees nisi and not from the final decrees, and shall be taken within six months from the filing of the decree nisi.

Appeals.

Enrollment of all papers by Clerk in Chancery.

22. When any cause shall be finally determined, the clerk of the Court of Chancery shall enter or enroll together, in order, the proceedings, decretal orders, reports and final decree in such cause, in his book of decrees, which enrollment shall be signed as in other cases.

Fees.

23. There shall be allowed in the taxation of costs, for the petition, the sum of one dollar; for the answer, the sum of one dollar; to the clerk, for the citation and certified copy of the petition, seventy-five cents; to the sheriff, for serving and returning the citation, one dollar and fifty cents, and to the examiner, for taking the examination of every witness, for each sheet, twenty cents, and for certifying every exhibit shown to a witness, ten cents; and no other or greater fee shall be allowed for the said services.

When jury called.

24. If, in the opinion of the Chancellor, any matter of fact shall render the intervention of a jury necessary in any suit or proceeding for divorce or nullity, then the Court of Chancery is hereby authorized to direct an issue for the trial of the same in the Supreme Court, or in one of the Circuit Courts.

V. ALIMONY AND MAINTENANCE.

Alimony and its enforcement.

25. Pending a suit for divorce or nullity, or after decree of divorce, it shall be lawful for the Court of Chancery to make such order touching the alimony of the wife, and also touching the care, custody, education and maintenance of the children, or any of them, as the circumstances of the parties and the nature of the case shall be rendered fit, reasonable and just, and to require reasonable security for the due observance of such orders, and upon neglect or refusal to give such reasonable security as shall be required, or upon default in complying with the order, to award and issue process for the immediate sequestration of the personal estate, and the rents and profits of the real estate of the party so charged, and to appoint a receiver thereof, and cause such personal estate and the rents and profits of such real estate, or so much thereof as shall be necessary, to be applied toward such alimony and maintenance as to the said court shall from time to time seem reasonable and just, or to enforce the performance of the said orders by such other lawful ways and means as is usual, and according to the course and practice of the Court of Chancery; orders so made may be revised and altered by the court from time to time as circumstances may require.

Security for payment of alimony.

In case of husband neglecting family, court may compel maintenance.

26. In case a husband, without any justifiable cause, shall abandon his wife or separate himself from her, and refuse or neglect to maintain and provide for her, it shall be lawful for the Court of Chancery to decree and order such suitable support and maintenance, to be paid and provided by the said husband for the wife and her children, or any of them, by that marriage, or to be made out of his property, and for such time as the nature of the case and circumstances of the parties render suitable and proper in the opinion of the court, and to compel the defendant to give reasonable security for such maintenance and allowance, and from time to time to make such further orders touching the same as shall be just and equitable, and to enforce such decree and orders in the manner mentioned in the last preceding section of this act; but during the time such maintenance shall be allowed by the decree or order of the court, the husband shall not be chargeable with her debts; in cases where a husband cannot be found within this State to be served with process, his estate, property and effects within this State, and the rents and profits thereof, may be sequestered to compel his appearance and performance of any decree or order which may be made in the suit, but the process of sequestration shall be issued only upon special order therefor, to be made upon proof of the claim alleged in the bill, and that the defendant cannot be found within the State for the service of process; upon process of sequestration, a bond as provided in cases of ne exeat may be given in discharge of the writ, and the sum in which the party shall give bond, with sufficient surety or sureties, shall be endorsed upon the writ in words at length; where the proceedings are by process of sequestration, and defendant does not appear, the decree shall be enforceable only out of and against the estate sequestered.

Property sequestered.

Bond for payment of costs of suit.

27. In any such suit as is mentioned in the last preceding section, it shall be lawful for the Chancellor, if application therefor be made before answer filed, to order a bond to be given in the sum of one hundred dollars, by one or more sufficient sureties, with condition to pay such costs as shall or may be awarded by the court to be paid to the defendant.

VI. MISCELLANEOUS PROVISIONS.

No divorce in case of collusion.

28. If it appear to the court that the adultery complained of shall have been occasioned by the collusion of the parties, and done with an intention to procure a divorce, or that the complainant was consenting thereto, or that both parties have been guilty of adultery not condoned, then no divorce shall be decreed.

Assignment of counsel in indigent cases.

29. Whenever any poor person shall have cause of suit under this act, and shall make an affidavit or affirmation that he or she is not worth one hundred dollars clear estate, the Chancellor may, at his discretion, assign to such poor person a solicitor and counsel learned in the law, to prosecute the said cause, who, together with all other officers, shall perform their respective duties therein without fee or reward.

Resumption of name.

30. The court, upon or after granting a divorce from the bonds of matrimony, may allow her to resume her maiden name or the name of a former deceased husband.

Imprisonment not to affect continued desertion.

31. Willful and obstinate desertion shall be regarded, held and construed to be "continued" within the meaning of this act, notwithstanding that after such desertion has or shall have begun, the deserting party has or shall have been imprisoned in this or any other State or country upon conviction by due process of law for a crime, misdemeanor or offense, not political, committed in this or any other State or country, or for any other reason, shall have been under restraint, either by due process of law or his or her voluntary act.

Rules and regulations made by Chancellor.

32. The Chancellor shall from time to time make such rules and orders regulating the practice and procedure under this act as may, in his judgment, render the proceedings more efficient and simple, and prevent unnecessary cost and delay.

VII. FOREIGN DECREES.

Decrees of other States given full credence.

33. Full faith and credit shall be given in all courts of this State to a decree of annulment of marriage or divorce by a court of competent jurisdiction in another

State, Territory or possession of the United States when the jurisdiction of such court was obtained in the manner and in substantial conformity with the conditions prescribed in sections five, six and seven of this act. Nothing herein contained shall be construed to limit the power of any court to give such effect to a decree of annulment or divorce by a court of a foreign country as may be justified by the rules of international comity; *provided,* that if any inhabitant of this State shall go into another State, Territory or country, in order to obtain a decree of divorce for a cause which occurred while the parties resided in this State, or for a cause which is not ground for divorce under the laws of this State, a decree so obtained shall be of no force or effect in this State.

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When act in effect.

34. This act shall take effect on January first, one thousand nine hundred and eight, and the acts mentioned in the schedule hereto annexed, and all acts and parts of acts inconsistent herewith are hereby repealed; *provided,* that nothing in this act contained shall affect proceedings in any suit pending at the time this act goes into effect so far as relates to the jurisdiction of the court or the causes of divorce or nullity, or the effect or validity of orders or divorces already made in such pending actions, but the further proceedings and practices in such actions shall be in accordance with this act, as nearly as may be practicable.

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SCHEDULE.

Acts repealed.

(1) An act providing for divorces and for decrees of nullity of marriage and for alimony and the maintenance of children (Revision of 1902), approved April third, one thousand nine hundred and two.

(2) A supplement to said act (Revision of 1902), approved March twenty-sixth, one thousand nine hundred and three.

(3) A supplement to said act, approved April seventeenth, one thousand nine hundred and five.

Approved May 17, 1907.

CHAPTER 217.

An Act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof (Revision of 1907).

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

Impure food not to be sold.

1. No person shall distribute or sell, or manufacture for distribution or sale, or have in his posession with intent to distribute or sell, any article of food or drug which under any of the provisions of this act is or shall be deemed to be adulterated or misbranded.

"Food" and "drug" defined.

2. The term "drug," as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used internally or externally for the cure, mitigation or prevention of disease of man or animal; the term "food," as used in this act, shall include every article used for food or drink by man or animal, and every ingredient of such article, and all confectionery and condiments.

Impure drugs.

3. For the purposes of this act an article shall be deemed to be adulterated—

In case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality or purity as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

Impure confectionery.

In the case of confectionery:

If it contain terra alba, barytes, talc, chrome yellow or other mineral substance, or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound or narcotic drug.

Impure food.

In the case of food:

First. If any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health; *provided,* that when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering or the package, the provisions of this act shall be construed as applying only when said products are ready for consumption.

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Sixth. If it consists in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

"Misbranded" defined.

4. The term "misbranded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein, which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory or country in which it is manufactured or produced.

For the purposes of this act, an article shall also be deemed to be misbranded—

Misbranded drugs.

In the case of drugs:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide, acetphenetidine, phenacetin or antipyrin, or any derivative or preparation of any such substances contained therein; *provided,* that nothing in this subdivision contained shall be construed to apply to such preparations as are specified and recognized by the United States Pharmacopœia or National Formulary, which are in accordance therewith, or to the filling of written prescriptions furnished by practicing physicians, dentists or veterinarians, the originals of which prescriptions are retained and filed by the druggist; *and provided further,* that nothing in this act contained shall be construed to apply to such drugs or medicines as are personally dispensed by legally licensed physicians, dentists or veterinarians in the course of their practice as such physicians, dentists or veterinarians.

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Misbranded foods.

In the case of food:

First. If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide, acetphenetidine, or phenacetin or antipyrin, or any derivative or preparation of any such substances contained therein.

Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, design or device shall be false or misleading in any particular.

As to goods for export.

5. No article shall be deemed to be adulterated or misbranded within the meaning of this act when specially prepared for export to any foreign country, if such article shall be prepared and packed according to the directions of the foreign purchaser, and if no substance is used in the preparation or packing of such article which is prohibited by the laws of the foreign country

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for export to which said article was prepared; *provided,* that if such article shall be sold or offered for sale for use or consumption within the United States of America, then all the provisions of this act, with regard to adul-

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teration and misbranding, shall apply thereto; *and provided further,* that all food products manufactured in this State during the year one thousand nine hundred and seven, in which preservatives are used, which preservatives are not now specifically prohibited by the Department of Agriculture of the United States, shall be

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exempt from the provisions of this act; *provided,* the use of such preservatives is stated upon the label or in branding such products, and also the date of their manufacture.

Standard milk.

6. No person shall distribute or sell, or have in his possession with intent to distribute or sell, any milk which contains less than twelve per centum of milk solids, or more than eighty-eight per centum of watery

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fluids, or less than three per centum of milk fats; *provided, however,* that milk especially prepared for infant feeding, and sold in containers having a capacity of not more than ten fluid ounces each, shall not be deemed to be adulterated although pure water may have been added thereto or the standard thereof may differ from the standards fixed by this section, if each container

shall have securely affixed to it a tag or label on which is plainly and legibly marked the words "modified milk for infant feeding," and also a true statement of the percentage of each ingredient of the milk in such container. Modified milk for infants.

7. No person shall distribute or sell, or have in his possession with intent to distribute or sell, any cream which contains less than sixteen per centum of milk fats, unless the amount of milk fat contained therein is plainly and legibly marked on the outside of every can, bottle, vessel or container in which such cream is kept, stored, shipped, transported, or from which it is sold. Standard cream.

8. No person shall distribute or sell, or have in his possession with intent to distribute or sell, any milk or cream which contains any water, drug, chemical, preservative, coloring matter, condensed milk or any substance of any kind or character which has been added thereto or mixed therewith, or any milk or cream which is the product in whole or in part of any animal kept in a crowded, uncleanly or unhealthy place or condition, or which is the product in whole or in part of any animal fed on swill, or any substance in a state of rottenness or putrefaction, or on any substance of an unwholesome nature, or on any food or substance which may produce diseased or unwholesome milk. No person shall distribute or sell, or have in his possession with intent to distribute or sell, any milk or cream which is produced in whole or in part from any animal within fifteen days before or five days after parturition. Watered or chemically treated milk not to be sold. Animals to be properly kept.

9. No person shall sell, or offer or expose for sale, or have in his possession for the purpose of sale, any milk from which the cream or any part thereof has been removed, unless every can, vessel or package containing such milk shall have a metal label or tag of metal distinctly, durably and permanently soldered in a conspicuous place upon the outside, and not more than six inches from the top thereof, with the words "skimmed milk" stamped, indented or engraved on the label or tag in letters not less than two inches in height, and the several lines of which shall not be less than three-eighths of an inch in width; *provided, however,* that every glass bot- Skimmed milk. Proviso.

tle, in lieu of such label or tag, may have blown in it the words "skimmed milk" in letters which shall not be less than one inch in height, and the several lines of which shall not be less than one-eighth of an inch in width; such milk shall only be sold or shipped in or retailed out of a can, bottle, vessel or package so marked.

Pure water for cows, and cleansing utensils.

10. No person shall distribute or sell, or offer for distribution or sale, or have in possession with intent to distribute or sell, any milk which has been produced in whole or in part by any animal which is not daily supplied with pure and wholesome water; and no person shall wash or attempt to cleanse any can, bottle, vessel or utensil used for handling or transporting milk which is intended for distribution or sale in water which is polluted, contaminated or impure.

Contaminated milk not to be sold.

11. No person having the possession or care of any milk which is intended for sale or distribution shall permit it to be exposed to, or contaminated by, the emanations, discharges or exhalations from any person sick with any contagious disease; and no person shall distribute or sell, or offer to distribute or sell, or have in his possession with intent to distribute or sell, any milk which has been so exposed or contaminated.

Contents of cans, bottles, etc.

12. No person having custody of a milk can, bottle or other vessel used as a container for milk intended for sale or distribution shall place or permit to be placed therein any article or substance other than milk or its products, or water or other agent used for cleansing such can, bottle or vessel.

Use of utensils for milk limited.

13. No person shall send, ship, return or deliver or cause or permit to be sent, shipped, returned or delivered to any producer, whoesaler or retailer of milk within this State any can, bottle or other vessel used as a container for milk containing any article or substance other than milk or its products.

Returned cans rinsed; shipping cans thoroughly cleaned.

14. It shall be the duty of any person, persons or corporation to whom milk is shipped by any person in this State, before returning to such shipper the can or vessel used for transporting such milk, to remove all milk from such can or vessel and to thoroughly rinse

such can or vessel with pure water or to cause the same to be done; and it shall be the duty of any person, persons or corporation shipping milk to any point or points within or without this State to thoroughly cleanse, or cause to be cleansed, the can or vessel used for transporting such milk before the milk is placed therein.

Markings preserved.

15. No person shall in any way or manner erase, cancel, obliterate, deface, cover, remove or alter any brand, tag, label or other marking required by any of the provisions of this act to be attached or affixed to any can, vessel, package or other container.

Cider vinegar.

16. No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, as cider vinegar or apple vinegar, any vinegar which is not produced exclusively by the alcoholic and subsequent acetous fermentations of the juice of apples, or is not laevorotatory, or the total amount of acid in one hundred cubic centimeters of which, calculated as acetic acid, is less than four grams, or which contains less than one and six-tenths grams of apple solids or less than twenty-five one-hundredths of one gram of apple ash in one hundred cubic centimeters. The water-soluble ash from one hundred cubic centimeters of the vinegar shall require not less than thirty cubic centimeters of deci-normal acid to neutralize its alkalinity, and shall contain not less than ten milligrams of phosphoric anhydride.

Grape vinegar.

17. No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell as wine vinegar or grape vinegar, any vinegar which is not produced exclusively by the alcoholic and subsequent acetous fermentations of the juice of the grape, or the total amount of acid in one hundred cubic centimeters of which, calculated as acetic acid, is less than four grams, or which contains less than one and four-tenths grams of grape solids, or less than thirteen one-hundredths of one gram of grape ash in one hundred cubic centimeters.

Malt vinegar.

18. No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, as malt vinegar, any vinegar which

is not made exclusively by the alcoholic and subsequent acetous fermentations, without distillation, of an infusion of barley, malt or cereals whose starch has been converted by malt, or is not dextrorotatory, or the total amount of acid in one hundred cubic centimeters of which, calculated as acetic acid, is less than four grams, or which contains less than two grams of solids or less than two-tenths of one gram of ash in one hundred cubic centimeters. The water-soluble ash from one hundred cubic centimeters of the vinegar shall require not less than four cubic centimeters of deci-normal acid to neutralize its alkalinity, and shall contain not less than nine milligrams of phosphoric anhydride.

Sugar vinegar, etc.

19. No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, as sugar vinegar, molasses vinegar or syrup vinegar, any vinegar which is not made exclusively by the alcoholic and subsequent acetous fermentations of solutions of a sugar, syrup, molasses or refiners' syrup, or the total amount of acid in one hundred cubic centimeters of which, calculated as acetic acid, is less than four grams.

Glucose vinegar.

20. No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, as glucose vinegar, any vinegar which is not made exclusively by the alcoholic and subsequent acetous fermentations of solutions of starch sugar, glucose or glucose syrup, or is not dextrorotatory, or the total amount of acid in one hundred cubic centimeters of which, calculated as acetic acid, is less than four grams.

Spirit vinegar.

21. No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, as spirit vinegar, distilled vinegar or grain vinegar, any vinegar which is not made exclusively by the acetous fermentation of dilute distilled alcohol, or the total amount of acid in one hundred cubic centimeters of which, calculated as acetic acid, is less than four grams.

Amount of acetic acid in vinegar.

22. No person shall distribute or sell, or offer for distribution or sale, or have in his possession with in-

tent to distribute or sell, any vinegar, the total amount of acid in one hundred cubic centimeters of which, calculated as acetic acid, is less than four grams, or which contains any mineral acid, any artificial coloring matter or any preservative.

Maker's name and kind of vinegar given.

23. No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, any vinegar contained in any barrel, vessel, bottle or package, unless such barrel, vessel, bottle or package bears a label or imprint thereon in legible type, designating the name and address of the manufacturer of the vinegar and the name of the particular kind of vinegar contained therein.

Bob veal.

24. No person shall kill, or aid in killing for human food, any calf less than four weeks old. No person shall sell, or offer for sale, or have in his possession with intent to sell, any calf which has been killed when less than four weeks old, or any of the meat of any such calf.

Samples furnished inspector.

25. Every person who shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, any article of food or drug, shall, on the request therefor and the tender of the value thereof by any chief or other inspector appointed under the authority of this act, deliver to such chief or other inspector so much of any such article of food or drug as said chief or other inspector may request; if such request shall not be immediately granted said chief or other inspector shall thereupon have the power to demand and take so much of any such article of food or drug as such chief or other inspector may think proper, he, at the time of said demand and taking, tendering to the person in charge of such article of food or drug what he may deem to be the reasonable value thereof; said chief or other inspector shall, at the time of the delivery to him of such article of food or drug, or of his demanding and taking the same, divide the sample so delivered or demanded and taken in the presence of the person from whom the request or demand was made or of a witness or witnesses into two or more parts, and shall duly seal two or more of said parts each in a suitable can, vessel or package, and, at the time of taking such sample,

If request not granted, demand made.

Sample divided.

shall tender, and, if accepted, shall deliver one part to the person of whom the request or demand was made, with a statement, in writing, signed by said chief or other inspector, that such sample is taken for the purpose of examination; and in any prosecution of any person for the violation of any provision of this act no proof of any analysis thereof shall be given in evidence by the prosecutor unless a part of the sample shall have been sealed up and tendered, with such writing as aforesaid, to the person of whom the request or demand was made; *provided, however,* that in any prosecution for the sale of food or drug in violation of this act, proof of the analysis of the article so sold may be given in evidence on the part of the prosecutor, notwithstanding the fact that the purchase of such article may have been made by some person other than the chief or other inspector appointetd under the authority of this act, if such article so sold in violation of this act shall immediately after such sale be delivered by the person so purchasing said article to the chief or any other inspector appointed under the authority of this act, and said chief or other inspector shall, upon such delivery to him, in the presence of the person from whom the request or demand was made or of a witness or witnesses, which witness may be the person who made the said purchase, divide the said article into two or more parts, and shall duly seal two or more of said parts, each in a suitable can, vessel or package and shall tender, and, if accepted, shall deliver to the person who sold the said article one part of such sample with a statement, in writing, signed by said chief or other inspector, that such sample is taken for the purpose of examination; the chief and every other inspector appointed under the authority of this act, whenever he has reason to believe that any of the provisions of this act concerning the sale or distribution of milk or cream, or the offering or exposing of milk or cream for sale, or the having of milk or cream in possession for the purpose of sale, is being violated, shall have power to open any can, vessel or package containing such suspected milk or cream, whether the can, vessel or package be sealed or locked or not, and whether it be in transit

Analysis sealed.

Proviso.

Inspection of milk.

or not; and if, upon inspection, he shall believe that such milk or cream is being distributed or sold, or had in possession with intent to distribute or sell, or offered or exposed for sale, contrary to any of the provisions of this act, he may, in the presence of one or more witnesses, take a sample thereof and seal it in a can, vessel or package, and send the sample thus enclosed and sealed for analysis to any chemist appointed under the authority of this act; he may also, in any such case, condemn such milk or cream and pour it upon the ground.

May take sample.

Condemned milk thrown away.

26. The members of the State Board of Health and all chemists, inspectors and employes appointetd by said board under authority contained in this act, shall have full and free access, ingress and egress to all places of business, factories, farms, buildings, hotels, restaurants, boarding-houses, carriages, cars, cans, vessels and containers used in the manufacture, sale, distribution or transportation of any article or product of food or drug; they shall also have power to examine and open any package, can or vessel containing or believed to contain any article of food or drug which may be manufactured or sold, or exposed for sale, or had in possession with intent to sell in violation of any of the provisions of this act, and may inspect the contents therein and may take therefrom samples for examination.

Right of entry and examination.

27. No person shall obstruct or in anywise interfere with any analyst, chemist, chief or other inspector or employe of the State Board of Health in the performance of any duty under this act.

Officials not to be hindered.

28. Any standard of purity, quality or strength of any food or drug, the purity, quality or strength of which is not fixed by any law of this State, which standard has been or hereafter may be established and published by the Secretary of the Department of Agriculture of the United States of America, may be adopted by the Board of Health of this State by resolution duly adopted at a regular meeting of said board, which resolution shall be certified to the Secretary of State by the Secretary of the State Board of Health, and shall be published at the end of the session laws of the Legislature next thereafter published after the adoption of said resolution, and the

Standard of purity.

standard of purity, quality or strength of any food or drug as fixed in said resolution shall take effect when so published; *provided, however,* that if any such standard so adopted shall be changed by the Secretary of said Department of Agriculture it shall not continue in effect in this State after such change has become effective.

Proviso.

Selling or exposing non-standard articles unlawful.

29. No person shall sell, or offer or expose for sale, or have in his possession with intent to sell, or manufacture for sale, any article of food or drug which differs in purity, quality or strength from the standard adopted and published in accordance with section twenty-eight of this act.

Enforcement of act by municipalities.

30. The board of health of any municipality in this State may enforce the provisions of this act within said municipality, and shall have the power to designate from among its sanitary inspectors one or more inspectors who shall be known as inspector or inspectors of foods and drugs of such municipality, and whose duties shall be, besides the usual duties of a sanitary inspector in such municipality, to aid in the enforcement of this act in such municipality, and who shall have within the limits of such municipality all the powers and authority given to any inspector appointed under the provisions of this act. Such board may also appoint one or more analysts.

Powers of State Board of Health.

Rules and regulations.

31. The State Board of Health shall enforce the provisions of this act and shall have the power from time to time to adopt, promulgate and publish, by circular or otherwise, such general rules and regulations for the government of the analysts, chemists, chief inspector and such other inspectors and employes appointed by the said board as they may deem proper; they shall also have the power to give to any analysts, chemists or chief inspector, or other inspector or employe appointed by the said board, such orders concerning any performance of duty as they from time to time may deem proper; they shall also have the power from time to time to appoint such analysts, chemists, chief inspector and other inspectors and employes as they may deem proper, who shall hold their respective positions during the pleasure of said board and perform such general or special ser-

Appoint assistants and fix compensation.

vices as said board may by their general rules and regulations or by their special orders require, and to fix and allow to said analysts, chemists, chief inspector and other inspectors and employes, respectively, such salaries, fees or compensation as the said board shall deem to be reasonable, which salaries, fees and compensation shall be paid out of the appropriations from time to time made by the Legislature for carrying out the provisions of this act; the said board shall have the power, and it shall be their duty, through said analysts, chemists, chief inspector and other inspectors and employes, and in such other ways as the said board may deem practicable, to make inquiries and investigations concerning alleged or probable violations of any of the provisions of this act, to cause any and all persons guilty of any violation thereof to be prosecuted under the provisions of this act, and, generally, to adopt, carry out and enforce such rules and regulations as shall promote the purposes of this act.

Investigate violations, prosecute, etc.

32. Every person who shall violate any of the provisions of the first, eighth, eleventh, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third or twenty-fourth sections of this act shall be liable to a penalty of fifty dollars for the first offense, one hundred dollars for the second offense and two hundred dollars for the third and each subsequent offense.

Penalty for certain violations.

33. Every person who shall violate any of the provisions of the twenty-seventh section of this act shall be liable to a penalty of one hundred dollars for the first offense and to a penalty of two hundred dollars for the second and each subsequent offense.

Penalty for violating section 27.

34. Every person who shall violate any of the provisions of the sixth section of this act shall be liable to a penalty of twenty-five dollars for the first offense and to a penalty of fifty dollars for the second and each subsequent offense; *provided, however,* that in any such case it shall be the duty of the Board of Health of the State of New Jersey or the local board of health, as the case may be, within forty-eight hours after making an analysis to cause to be mailed to the person charged with

Violating section 6.

Proviso.

such violation a notice, stating that an analysis of the milk taken from the possession of such person has shown the same to be below the statutory standard with regard to solids, and that therefore such person is guilty of a violation of this act, and stating the liability incurred by such person by reason of such violation. In case the person charged with such violation has not previous thereto paid a penalty for any alleged violation of this act, or has not been convicted of any violation of this act, and shall within fifteen days after the mailing of said above-mentioned notice pay to the Attorney-General of this State, for the use of the State, or to the local board of health, for the use of the municipality, as the case may be, a penalty of fifteen dollars, no action for the recovery of a penalty shall be commenced against such person for said violation; *provided further,* that hereafter the payment of a penalty for an alleged violation of this act, either before or after the institution of proceedings for the collection thereof, shall for the purposes of this subdivision be deemed equivalent to a conviction of the violation for which such penalty was paid.

When no action brought.

Proviso.

Mailing notice.

It shall be a sufficient mailing of the notice required by this subdivision if the same is deposited in the post-office, postage prepaid, addressed to the name and address given by the person in charge of the milk from which such sample was taken, to the inspector or other person who took the said sample, as the name and address of the owner of the said milk from which such sample was taken.

Penalty for certain violations.

35. Every person who shall violate any of the provisions of the seventh, ninth, tenth, fifteenth or twenty-ninth sections of this act shall be liable to a penalty of twenty-five dollars for the first offense and to a penalty of fifty dollars for the second and each subsequent offense.

Penalty for violating section 14.

36. Every person who shall violate any of the provisions of the fourteenth section of this act shall be liable to a penalty of ten dollars for each can, bottle or vessel returned or used in violation of said section or any of its provisions.

Penalty for violating sections 12 and 13.

37. Every person who shall violate any of the provisions of the twelfth or thirteenth sections of this act shall

be liable to a penalty of twenty-five dollars for each offense.

Payment of penalty equivalent to conviction.

38. Payment of a penalty for any alleged violation of this act, either before or after the institution of proceedings for the collection thereof, shall, for the purposes of this act, be deemed equivalent to a conviction of the violation for which such penalty was claimed.

What constitute separate violations.

39. When any person shall violate any of the provisions of this act by manufacturing or producing any article of food or drug for distribution or sale, or by having any such article in possession with intent to distribute or sell, or by offering or exposing any such article for sale at different manufactories or places of business or in different wagons or conveyances on the same day or at the same time, the manufacture or production for distribution or sale, or possession with intent to distribute or sell, or offering or exposing for sale of any such article in violation of any of the provisions of this act at each such manufactory, place of business, or in each such wagon or conveyance, on the same day or at the same time, shall be deemed a separate and distinct violation of this act.

Penalties, how recovered.

40. Any and all penalties prescribed by any of the provisions of this act shall be recovered in an action of debt by and in the name of the Board of Health of the State of New Jersey, or by and in the name of any board of health of any municipality of this State, as the case may be, as plaintiff. The pleadings shall conform, in all respects, to the practice prevailing in the court in which any such action shall be instituted, but no pleading or process shall be set aside or invalidated by reason of any formal or technical defects therein if the same contain a statement of the nature of the alleged violation and of the section of this act alleged to have been violated, and upon the attention of the court being called to any such formal or technical defect the same shall be immediately corrected and the said pleading or process amended as a matter of course, and as to all other defects in pleadings or process the same may be amended, in the discretion of the court, as in any other action or proceeding in said court.

Execution issued.

41. When judgment shall be rendered against any defendant other than a body corporate execution shall be issued against his goods and chattels and body without any order of the court for that purpose first had and obtained. If the officer executing any such writ shall be unable to find sufficient goods and chattels of said defendant in his bailiwick to make the amount of said judgment he shall take the body of the said defendant and deliver him to the keeper of the common jail of said county, there to be detained until discharged by the court in which such judgment was obtained, or by one of the justices of the Supreme Court when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and costs. In case judgment shall be rendered against a body corporate execution shall be issued against the goods and chattels of such body corporate as in other actions of debt.

Imprisonment to enforce judgment.

Penalties paid into State treasury.

42. All penalties collected under the provisions of this act shall be paid into the treasury of the State of New Jersey.

"Person" defined.

43. The word "person," as used in this act, shall be construed to import both the plural and the singular, as the case may demand, and shall include corporations, companies, societies and associations, as well as individuals. When construing and enforcing any provision of this act, the act, omission or failure of any officer,, agent or other person acting for or employed by any individual, corporation, company, society or association within the scope of his employment or office, shall in every case be deemed to be the act, omission or failure of such individual, corporation, company, society or association, as well as that of the person.

Responsibility for act of agent.

Injunction to restrain violation.

44. Whenever any person shall violate any of the provisions of this act it shall be lawful for the State Board of Health, either before or after the institution of proceedings for the collection of the penalty imposed by this act for such violation, to file a bill in the Court of Chancery in the name of the State at the relation of such board for an injunction to restrain such violation and for such other or further relief in the premises as the Court of Chancery shall deem proper, but the filing of

such bill, nor any of the proceedings thereon, shall not relieve any party to such proceeding from the penalty or penalties prescribed by this act for such violation.

Right to condemn and destroy food.

45. Whenever any member of the State Board of Health or any chief or other inspector appointed under the authority of this act shall find any meat, milk, fish, bird, fowl, vegetable or other food of a perishable nature exposed or offered for sale, or had in possession with intent to sell, in violation of any of the provisions of this act, or in a state of rottenness or putrefaction, or in any condition which renders it in his opinion unwholesome or unfit for use for human food, he shall condemn the same and cause it to be destroyed or disposed of in such a manner as to make it impossible to be thereafter used for human food.

Dealer's exemption.

46. No dealer shall be prosecuted under the provisions of this act for distributing or selling, or having in his possession with intent to distribute or sell, any article of food or drug which under any of said provisions shall be deemed to be adulterated or misbranded; *provided,* that said article of food or drug is distributed or sold or had in possession with intent to distribute or sell in the original unbroken package in which it was received by said dealer; *and provided further,* that he can establish a guaranty, signed by the wholesaler, jobber, manufacturer, or other person residing in the United States, from whom he purchased such article, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guaranty, to afford protection, shall contain the name and address of the person making the sale of such article to such dealer, and in such case, said person, if he is a resident of this State, shall be amenable to the prosecution, fines and other penalties which would attach in due course to the dealer under the provisions of this act. If the guaranty is signed by a person who resides outside of this State, then the Board of Health of this State shall report the facts in the case to the Secretary of Agriculture of the United States, or the proper officer appointed for the enforcement of the act of Congress, entitled "An act for preventing the manufacture, sale or transportation of adulterated or misbranded or poisonous or deleterious

Proviso.

Proviso.

Guaranty.

foods, drugs, medicines and liquors, and for regulating traffic therein, and for other purposes," approved June thirtieth, one thousand nine hundred and six.

Act unimpaired.

47. Nothing in this act contained shall be construed to repeal, affect or impair the provisions of an act of the Legislature of this State entitled "A further supplement to an act entitled 'An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof,' approved March twenty-first, one thousand nine hundred and one," approved April twentieth, one thousand nine hundred and six, but said act shall continue in force as if this act had not been passed. All penalties imposed by said act shall be collected by an action of debt brought by and in the name of the Board of Health of the State of New Jersey, in accordance with the provisions of the fortieth and forty-first sections of this act.

Collection of penalties under it.

Act pertaining to oleomargarine, etc., not affected.

48. Nothing in this act contained shall be construed to repeal, affect or impair the provisions of an act of the Legislature of this State entitled "An act to prevent deception in the sale of oleomargarine, butterine or any imitation of dairy products, and to preserve the public health," approved March twenty-second, one thousand eight hundred and eighty-six, or the acts supplementary thereto or amendatory thereof, but said act and its supplements and amendments shall continue in force as if this act had not been passed.

Invalidity of section not to affect others.

49. In case for any reason any section or any provision of this act shall be questioned in any court, and shall be held to be unconstitutional or invalid, the same shall not be held to affect any other section or provision of this act.

Appropriation.

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

Proviso.

When act in effect

51. This act shall take effect on the first day of October, one thousand nine hundred and eight.

Approved May 20, 1907.

CHAPTER 218.

A Supplement to an act entitled "An act making appropriations for the support of the State government and for several public purposes for the fiscal year ending October thirty-first, one thousand nine hundred and seven," approved May twenty-first one thousand nine hundred and six.

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

Supplemental appropriations.

1. The following sums, or so much thereof as may be necessary, be and they are hereby appropriated out of the State fund for the several purposes herein specified, and for supplying deficiencies in former appropriations for the fiscal year ending October thirty-first, one thousand nine hundred and seven:

1.

STATE LIBRARY.

Library.

For additional allowance for the Librarian, for salary, five hundred dollars; *provided,* said sum is authorized by enactment of the present Legislature;

Proviso.

For additional allowance for compensation for assistants in the State Library, one hundred and seventy-five dollars.

2.

NEW JERSEY HOME FOR DISABLED SOLDIERS, SAILORS, MARINES AND THEIR WIVES AND FOR THEIR WIDOWS, AT VINELAND.

Vineland soldiers' home.

For additional allowance for maintenance and all other expenses, one thousand five hundred dollars;

For repairs to buildings, one thousand five hundred dollars.

3.

STATE BOARD OF HEALTH.

Board of health.

For additional allowannce for compensation of assistants in the office of the State Board of Health, one hundred and seventy-five dollars;

For publishing a new edition of circular ninety-six, containing the laws of New Jersey relating to public health, six hundred dollars.

4.

NATIONAL GUARD.

National guard.

For additional allowance for compensation of officers and employes and expenses incurred in connection with rifle practice, five thousand dollars;

For additional allowance for expenses of military boards and courts-martial, five hundred dollars;

For amount required for the acquisition by the State of certain lands immediately adjoining the State camp grounds at Sea Girt, as provided by act approved March twenty-ninth, one thousand nine hundred and four, twenty-three thousand five hundred dollars;

For amount required to pay the Central Railroad Company of New Jersey for transportation of Second Regiment on occasion of celebration at Elizabeth, pursuant to chapter one hundred and seventy-three, laws of one thousand nine hundred and six, fifty dollars;

For amount required to meet claims, pursuant to chapter sixty-eight, laws of one thousand nine hundred and three, two hundred and fifty dollars;

For amount required to meet claims, pursuant to chapter seventy-five laws of one thousand eight hundred and ninety-nine, one hundred dollars;

For amount required for building concrete-metal retaining wall for protection of butts at the State rifle range at Sea Girt, four thousand eight hundred and eighty-five dollars;

For additional allowance for insuring regimental armories, buildings at the State camp grounds at Sea Girt, the State arsenal and all public military stores, one thousand two hundred dollars;

For amount required for extraordinary repairs to the Jersey City Armory, two thousand five hundred dollars;

For amount of bills of D. I. Cubberley and Adams Electric Company, for contract work on the gallery of the Trenton Armory, one hundred and eighty-seven dollars.

5.

PENSIONS.

Pension.

For allowance to Randolph F. Disbrow, a pensioner of this State, as commutation for two hands lost at Yorktown, Virginia, October nineteenth, one thousand eight hundred and eighty-one, one hundred dollars.

6.

PUBLIC LIBRARY COMMISSION.

Library commission.

For the purpose of carrying into effect the provisions of chapter one hundred and fifteen, laws of one thousand nine hundred and six, four hundred dollars;

For the purchase of books and cases, two thousand dollars.

7.

EXECUTIVE DEPARTMENT.

Executive department.

For additional allowance for compensation for assistants in the executive department, one hundred and ninety-three dollars and eighty-seven cents;

For additional allowance for blanks and stationery for use of the executive department, six hundred dollars.

New Jersey State Library

8.

OFFICE OF THE COMPTROLLER.

Comptroller. For additional allowance for blanks and stationery for use in the office of the Comptroller, two hundred dollars.

9.

COUNTY LUNATIC ASYLUMS.

County asylums. For additional allowance for the support of county patients in the Essex county lunatic asylum, eight thousand dollars;

For additional allowance for the support of county patients in the Atlantic county lunatic asylum, seven hundred dollars;

For additional allowance for the support of county patients in the Camden county lunatic asylum, two thousand dollars.

10.

BLIND AND FEEBLE-MINDED.

Blind. For additional allowance for clothing, maintenance, support and instruction of the blind persons, inhabitants of this State, three thousand dollars.

11.

ADVERTISING.

Advertising official notices. For additional allowance for advertising proclamations issued by the Governor, notices of the Attorney-General in relation to delinquent miscellaneous corporations, and notices of the Comptroller in regard to public printing, et cætera, six thousand dollars.

12.

COLLATERAL INHERITANCE TAX.

Inheritance tax.

For additional allowance for surrogates' fees, appraisers' compensation and expenses, legal and other disbursements, pursuant to chapter two hundred and ten of the laws of one thousand eight hundred and ninety-four, three thousand dollars.

13.

STATE SEWERAGE COMMISSION.

Sewerage commission.

For additional allowance for salary of secretary, four hundred dollars;

For additional allowance for rent and necessary expenses of the commissioners, including experimental work, two thousand five hundred dollars; *provided,* said expenses are approved by the Governor.

Proviso.

14.

OFFICE OF THE TREASURER.

Treasurer.

For additional allowance for compensation for clerical services in the office of the Treasurer, eight hundred sixteen dollars and sixty-two cents.

15.

OFFICE OF THE SECRETARY OF STATE.

Secretary of State.

For additional allowance for postage, expressage and other incidental expenses for the office of the Secretary of State, one thousand dollars;

For additional allowance for blanks and stationery for use in the office of the Secretary of State, one thousand dollars;

For additional allowance for services and expenses for the purpose of carrying out the provisions of "An

act respecting the recording of certificates and other papers relating to and affecting corporations," approved March twenty-eighth, one thousand nine hundred and four, one thousand dollars;

For purchase of filing devices and other equipment for the office of the Secretary of State, eight hundred and fifty dollars;

For purchase of corporation laws at a rate not to exceed fifty cents per volume, one thousand two hundred and fifty dollars;

16.

BOARD OF EQUALIZATION OF TAXES.

Board for equalizing taxes.

For additional allowance for blanks, stationery, et cætera, for the Board of Equalization of Taxes, four hundred dollars.

17.

OFFICE OF CLERK OF THE SUPREME COURT.

Clerk of Supreme Court.

For additional allowance for postage, expressage and other incidental expenses for the office of the Clerk of the Supreme Court, two hundred dollars;

For compiling, comparing, supervising, printing and binding new indices of liens against real property for the Clerk of the Supreme Court, one thousand dollars.

18.

COURT OF CHANCERY.

Court of Chancery.

For additional allowance for compensation of stenographers, and for services pursuant to section one hundred and three of chapter one hundred and fifty-eight, laws of one thousand nine hundred and two, seven hundred and fifty dollars;

For additional allowance for compensation and allowance of advisory masters, five thousand dollars;

For rent of rooms in other cities and towns, not being county seats, for the use of the chancellor, vice chancellors and advisory masters, five hundred dollars.

19.

OFFICE OF CLERK IN CHANCERY.

Clerk in Chancery.

For additional allowance for blanks and stationery for use in the office of the Clerk in Chancery, three hundred dollars;

For additional allowance for postage, expressage and other incidental expenses for the office of Clerk in Chancery, two hundred and fifty dollars.

20.

ATTORNEY-GENERAL'S DEPARTMENT.

Attorney-General.

For the use of the Attorney-General in the employment of special counsel to institute proceedings to ascertain by final judicial determination of the courts, (1) what equity or interest the State of New Jersey has in the "tidewater basin of one thousand eight hundred and sixty-seven," and (2) by what authority the Lehigh Valley Railroad Company operates the Morris canal since its charter does not authorize it to conduct a canal business, the sum of five thousand dollars is hereby appropriated and the Attorney-General is hereby directed to use this sum, or any part of it, in the prosecution of said proceedings;

For the use of the Attorney-General in the employment of counsel to assist in the pending railroad tax cases, five thousand dollars;

For compensation and expenses of counsel employed in foreign States to enforce payment of the State's claim for taxes due by bankrupt and other insolvent corporations, one thousand five hundred dollars;

For additional allowance for postage, expressage and other incidental expenses for the Attorney-General's department, three hundred dollars.

21.

DEPARTMENT OF BANKING AND INSURANCE.

Banking and insurance.

For additional allowance for compensation for assistants in the Department of Banking and Insurance, six hundred and fifty dollars;

For additional allowance for blanks and stationery for use in the Department of Banking and Insurance, one thousand dollars.

22.

NEW JERSEY REFORMATORY.

Rahway reformatory.

For additional allowance for maintenance, four thousand dollars;

For additional allowance for furniture, appliances and repairs (including industrial departments), two thousand five hundred dollars;

For additional allowance for the subordinate officers and employes, for salaries, five thousand dollars;

For fuel and water, seven thousand dollars;

For three-year term fire insurance policies, seven thousand dollars;

To Clinton Mackenzie, for services rendered in drawing plans of southeast wing, three thousand dollars; *provided,* said sum is received in full for all claims for architect's services on southeast wing.

Proviso.

For additional allowance for traveling expenses of parole officers, five hundred dollars.

23.

VILLAGE FOR EPILEPTICS.

Epileptic village.

For construction of railroad siding connecting the village with the main line of the Delaware and Bound Brook Railroad Company, and erection of coal chutes, eleven thousand seven hundred dollars;

For constructing roads and walks, seven thousand five hundred dollars;

For purchase of shade trees, shrubbery and fruit trees, one thousand dollars;

For fences, drains, hay-press and repairs to buildings, two thousand dollars;

To Augustus D. Shepard, Jr., for services rendered as architect, one thousand five hundred dollars; *provided,* said sum is received in full for all claims for services rendered as architect; Proviso.

To Samuel W. Mather, for mason work and materials furnished for the industrial building, to December fourth, one thousand nine hundred and two, three hundred and eleven dollars;

To Charles W. Leavitt, Jr., for services rendered as civil and landscape engineer, two hundred and fifty dollars; *provided,* said sum is received in full for all claims for services rendered. Proviso.

24.

STATE HOUSE COMMISSION.

For constructing thirteen vaults and fitting up same in basement and for new office on fourth floor of new east wing to State House, and for carpets, linoleum, furniture, et cætera, for new east wing, twenty thousand dollars; State House.

For installation of vacuum cleaning system in State House, five thousand dollars;

For constructing and fitting up of basement vaults for State Comptroller's office, five thousand dollars;

For furnishings and necessary repairs to be made to the State House, six thousand dollars.

25.

INTERSTATE CONFERENCE ON DIVORCE LEGISLATION.

For expenses of the persons appointed to represent the State of New Jersey at the interstate conference on Divorce conference.

the subject of uniformity of legislation concerning divorce, five hundred dollars.

26.

ADJUTANT-GENERAL'S DEPARTMENT.

Adjutant-General.

For additional allowance for clerical service in the Adjutant-General's office, compiling roster of New Jersey troops in colonial, revolutionary and other wars, three hundred dollars.

27.

TUBERCULOSIS COMMISSION.

Tuberculosis.

For additional allowance for expenses and payments by the State Tuberculosis Commission, three thousand dollars.

28.

AGRICULTURAL EXPERIMENT STATION.

Experiment station.

For expenses incurred by the New Jersey Agricultural Experiment Station in carrying out the provisions of "An act to regulate the sale of Paris green," approved April ninth, one thousand nine hundred and six, five hundred dollars;

Mosquito problem.

To the Agricultural Experiment Station for the purpose of carrying out the provisions of "An act to provide for locating and abolishing mosquito-breeding salt-marsh areas within the State, for assistance in dealing with certain inland breeding places, and appropriating money to carry its provisions into effect," approved April twentieth, one thousand nine hundred and six, ten thousand dollars.

29.

STATE HOSPITAL AT MORRIS PLAINS.

Morris Plains asylum.

For additional allowance for salaries of officers, one thousand five hundred dollars;

For the purpose of fitting up hydrotherapeutic rooms in the men's department of the main building, three thousand two hundred dollars.

30.

STATE PRISON.

State prison.

For an increase of ten per centum in the salaries of all deputy keepers and employes receiving less than one hundred dollars per month, as of March thirty-first, one thousand nine hundred and seven, three thousand six hundred forty-one dollars; *provided,* the "eight-hour bill" does not become a law; Proviso.

To L. H. Broome, for services in making examination and report of the old State prison wing, as requested by resolution of the board of inspectors, fifty dollars.

31.

COMMISSION ON PUBLIC UTILITIES.

Public utilities commission.

For expenses of the commission appointed pursuant to joint resolution number eleven, approved May twenty-second, one thousand nine hundred and six, seven hundred and twenty-five dollars.

32.

STATE HOME FOR BOYS.

Jamesburg school.

For furnishing new building, three thousand seven hundred dollars;

For the erection and complete equipment of a new cow barn, six thousand dollars;

For constructing roads within the grounds of the home, two thousand dollars.

33.

STATE OYSTER COMMISSION FOR THE DISTRICT OF ATLANTIC COUNTY.

Atlantic county oyster commission.

For additional allowance for patrol service, three hundred dollars;

For survey, prior to October thirty-first, one thousand nine hundred and six, one hundred and seventy-two dollars and ninety-four cents;

For expense of placing toilet in launch, sixty-five dollars;

For staking out clam grounds, one hundred dollars.

34.

STATE HOME FOR GIRLS.

Home for girls at Trenton.

For additional allowance for the support and necessary repairs to the home, seven thousand dollars;

For water connection, one thousand seven hundred and thirty-five dollars;

For repairs to farm buildings, four hundred dollars;

For fencing in play grounds at the rear of the new Stokes cottage, three hundred dollars;

For painting roofs and walls of buildings, five hundred dollars;

For premiums on insurance policies, two hundred and ninety-seven dollars and fifty cents;

For the purchase of coal for heating of Stokes cottage, nine hundred and seventy-five dollars;

For grading around Stokes cottage, three hundred dollars.

For connecting buildings with the sewer system of the city of Trenton, two hundred dollars;

For the installation of a power ashlift in the boiler-house, two hundred and eighty-five dollars;

For a hospital fund, eight hundred dollars;

For construction of concrete walks around Stokes cottage, five hundred dollars;

For the erection of an assembly hall, six thousand dollars;

For the erection of a conservatory, five hundred dollars.

35.

MANUAL TRAINING AND INDUSTRIAL SCHOOL FOR COLORED YOUTH.

Bordentown school.

For erecting, furnishing and equipping a building or buildings to be used as a dormitory and laundry at the Manual Training and Industrial School for Colored Youth, thirty thousand dollars; *provided,* a bill pending, entitled "An act to provide additional accommodations for 'The Manual Training and Industrial School for Colored Youth,' located at Bordentown, in the county of Burlington," becomes a law;

Proviso.

For additional allowance for maintenance of the Manual Training and Industrial School for Colored Youth, for the purchase of agricultural and other implements and supplies for industrial education in said school, for providing a proper water-supply, for introducing gas and electric lights in said school, and for improvements to the grounds, seven thousand dollars.

36.

STATE NORMAL SCHOOL.

Normal school.

For additional allowance for support of the State Normal School, two thousand dollars.

37.

INDUSTRIAL EDUCATION.

Manual training.

For additional allowance for payments to schools for manual training, ten thousand dollars.

38.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Superintendent of schools.

For additional allowance for salary of assistant superintendent and for clerical services in the office of the

State Superintendent of Public Instruction, nine hundred dollars;

To the State Superintendent of Public Instruction for the purpose of procuring and distributing to the public schools of the State, ten thousand maps of the State of New Jersey, one thousand eight hundred dollars.

39.

SUPREME COURT.

Judge of Supreme Court. For salary of an additional judge of the Circuit Court, three thousand seven hundred and fifty dollars.

40.

COURT OF ERRORS AND APPEALS.

Court of Errors. For additional allowance for furnishing printed or typewritten copies of draft opinions under the direction of the presiding judge, five hundred dollars.

41.

STATE HOSPITAL AT TRENTON.

Trenton asylum. For furnishing new additions, eighteen thousand dollars.

42.

DELAWARE RIVER AND BAY COMMISSION.

Delaware boundary commission. For the expenses of the commissioners appointed pursuant to chapter two hundred and thirty-nine, laws of one thousand nine hundred and five, one thousand dollars.

43.

MARKING THE CHANNELS OF BAYS, ETC., IN THE COUNTIES OF OCEAN, ATLANTIC AND CAPE MAY.

Marking channels. For stakes used in marking and designating the channels of the bays, thoroughfares and sounds flowed by

tidewater in Cape May county, pursuant to chapter three hundred and three, laws of one thousand nine hundred and six, fifty dollars.

44.

DEPARTMENT OF CHARITIES AND CORRECTIONS.

Charities and corrections.

For additional allowance for salary of commissioner, five hundred dollars; *provided,* such sum shall be authorized by enactment of the present Legislature; Proviso.

For additional allowance for salary of assistant (architect), five hundred and fifty dollars; *provided,* such sum shall be authorized by enactment of the present Legislature; Proviso.

For the services of an engineer, seven hundred and fifty dollars.

45.

FOREST PARK RESERVATION COMMISSION.

Forestry commission.

For additional allowance for use of the State Board of Forest Park Reservation Commissioners, pursuant to chapter forty-seven, laws of one thousand nine hundred and five, two thousand dollars.

46.

HOME FOR FEEBLE-MINDED WOMEN AT VINELAND.

Women's home at Vineland.

For renewing flooring and repairs, one thousand dollars;

For roads and walks, five hundred dollars;

For beds and bedding, three hundred dollars;

For additional allowance for purchase of land lying westwardly of the main buildings of the home and eastwardly of Landis avenue, and expenses in connection with condemnation proceedings, one thousand two hundred dollars.

47.

SANATORIUM FOR TUBERCULOUS DISEASES.

Sanatorium.

For equipment of the sanatorium, twenty thousand dollars;

For maintenance, twenty thousand dollars.

48.

AGRICULTURAL EXPERIMENT STATION.

Oyster stations and study.

For the director of the biological department of the New Jersey Agricultural College Experiment Station, at New Brunswick, to establish and maintain one or more stations for the scientific investigation of oyster propagation, two hundred dollars;

For the purpose of carrying out the provisions of a bill pending, entitled "An act to amend an act entitled 'An act to provide for the scientific investigation of oyster propagation,'" approved March twenty-first, one thousand nine hundred and one, one thousand dollars;

Proviso.

provided, said bill becomes a law.

49.

STATE BOARD OF EDUCATION.

Safe for State school board.

For the purchase of a safe for the use of the State Board of Education, three hundred dollars.

50.

TENEMENT-HOUSE SUPERVISION.

Tenement-house inspectors.

For seven additional inspectors, five hundred dollars each, three thousand five hundred dollars;

For additional allowance for inspectors' expenses, three hundred and seventy-five dollars.

51.

COUNTY BOARD OF TAXATION.

For additional allowance for salaries of members of the County Boards of Taxation, pursuant to chapter one hundred and twenty, laws of one thousand nine hundred and six, forty-three thousand two hundred dollars; County board of taxation.

For additional allowance for salaries of members of the County Boards of Taxation, three thousand three hundred dollars; *provided,* such sum is authorized by enactment of the present Legislature. Proviso.

52.

MEMORIAL MONOLITH, CONTINENTAL HALL, WASHINGTON, D. C.

For the erection of a memorial monolith, commemorative of the State of New Jersey as one of the thirteen original States of the Union, to be erected in the memorial portico of the Memorial Continental Hall, in the city of Washington, District of Columbia, pursuant to chapter one hundred and fifty-one, laws of one thousand nine hundred and five, two thousand dollars. Monolith in Continental Hall.

53.

OYSTER AND CLAM COMMISSIONER OF THE DISTRICT OF SHARK RIVER, IN THE COUNTY OF MONMOUTH.

To A. Frank Bennett, Jr., for services as oyster and clam commissioner of the district of Shark river, in the county of Monmouth, pursuant to chapter fourteen, laws of one thousand nine hundred and five, one hundred and twenty-four dollars and twenty-five cents. Shark river oyster commission.

54.

PASSAIC RIVER FLOOD DISTRICT COMMISSIONERS.

For salaries of commissioners, pursuant to chapter four, laws of one thousand nine hundred and four Passaic river flood commission.

(special session), from May first, one thousand nine hundred and six, to May first, one thousand nine hundred and seven, twelve thousand five hundred dollars.

55.

MONUMENT AT GREENWICH, CUMBERLAND COUNTY.

Greenwich monument.

For the purpose of aiding in the erection of a monument at Greenwich, Cumberland county, pursuant to chapter one hundred and seventy, laws of one thousand nine hundred and six, two thousand five hundred dollars.

56.

STATE OYSTER COMMISSION.

Oyster commission.

For additional allowance for the protection of the natural seed oyster grounds on lands lying under the tidal waters of the Delaware river and Delaware bay, and to cover recent loss by fire, two thousand dollars.

57.

NEW JERSEY CIVIL WAR VETERAN MEDALS.

Medals for veterans.

For the Governor to cause a medal to be prepared and presented to each of the honorably discharged survivors of the officers and men who enlisted from the State of New Jersey during the war of the rebellion in New Jersey regiments, mustered into the service of the United States in this State, pursuant to joint resolution number ten, approved March twenty-eighth, one thousand nine hundred and four, three thousand dollars.

58.

MONUMENT ON BATTLEFIELD OF SALEM CHURCH, VIRGINIA.

Disapproved.

For the purpose of carrying out the provisions of a bill pending, entitled "An act to authorize the erection

of a monument on the battlefield of Salem Church, in the State of Virginia, and a tablet on the battlefield of Spottsylvania, in the State of Virginia, to commemorate the services of the fifteenth regiment, New Jersey volunteer infantry, in the battles of Salem Church and Spottsylvania and other engagements of the Civil War, and to appropriate money to pay for the erection and dedication of the same," six thousand five hundred dollars; *provided,* said bill becomes a law.

59.

SECRETARY OF STATE, DEPARTMENT OF MOTOR VEHICLE REGULATION AND REGISTRATION.

Department of motor vehicles.

For balance due commissioner of motor vehicles for salary, three hundred and twenty-five dollars;

For balance due chief inspector for salary, two hundred and fifty dollars;

For additional allowance for compensation of inspectors, three thousand five hundred and fifty dollars;

For additional allowance for compensation for clerical services, seven hundred and fifty dollars:

Disapproved.

For the purchase of an automobile and equipment, four thousand seven hundred and fifty dollars;

Disapproved.

For expenses in connection with auto mobile, seven hundred and fifty dollars;

For the purchase of motor cycles, one thousand four hundred dollars;

For expenses and equipment of inspectors, two thousand one hundred and fifty dollars;

For additional allowance for postage, expressage and other incidental expenses, one thousand dollars;

For additional allowance for blanks and stationery, five hundred dollars.

60.

VESSELS NAVIGATING THE WATERS ABOVE TIDEWATERS WITHIN THIS STATE.

Inland navigation.

For salary of chief inspector, six hundred dollars;

For expenses of chief inspector, two hundred dollars;

For salary and expenses of assistant inspector, five hundred dollars;

For salary and expenses of assistant inspector for the year ending October thirty-first, one thousand nine hundred and six, three hundred seventeen dollars and forty-five cents.

61.

MONUMENT ON BATTLEFIELD OF MONOCACY, MARYLAND.

Monocacy monument.

For the purpose of carrying out the provisions of a bill pending, entitled "An act to amend an act entitled 'An act to authorize the erection of a monument on the battlefield of Monocacy, in the State of Maryland, to commemorate the services of the Fourteenth Regiment, New Jersey Volunteer Infantry, in the battle of Monocacy and thirty other engagements of the Civil War, and to appropriate money to pay the expense of erecting the same,' approved April sixth, one thousand nine hundred and six," one thousand five hundred dollars; *provided,* said bill becomes a law.

Proviso.

62.

PRINCETON BATTLE MONUMENT.

Princeton monument.

For the erection of a monument in the borough of Princeton, pursuant to chapter thirteen, laws of one thousand nine hundred and seven, thirty thousand dollars.

63.

MONUMENT ON BATTLEFIELD OF RED BANK, GLOUCESTER COUNTY.

Red Bank monument.

For additional expenses incurred by the commission appointed under the provisions of an act entitled "An act to authorize the erection of a monument on the battlefield of Red Bank, in the county of Gloucester, and to

appropriate money to pay the cost thereof," approved March thirtieth, one thousand nine hundred and five, four hundred and fifty dollars, said sum to be paid to the president of said commission.

64.

COMMISSION RELATIVE TO BRIDGES OVER HUDSON RIVER.

Hudson river bridge commission.

For expenses of commission appointed by the Governor, pursuant to Joint Resolution number three, laws of one thousand nine hundred and six, five hundred dollars.

65.

Night schools for foreigners.

For the purpose of carrying out the provisions of a bill pending, entitled "An act providing for the establishment of evening schools for foreign-born residents in the State of New Jersey," two thousand five hundred dollars; *provided,* said bill becomes a law.

Proviso.

66.

Inland waterway.

For the purpose of carrying out the provisions of a bill pending, entitled "An act providing for a survey or surveys to show the amount of dredging necessary to deepen the channels of the inland waterways extending from Cape May to Bay Head, along the Atlantic coast, and for estimates of the cost of deepening the same and appropriating five thousand dollars to defray the expenses of such surveys and estimates," five thousand dollars; *provided,* said bill becomes a law; *and provided further,* that the entire expense of the work authorized by said bill shall not exceed said sum.

Proviso.

67.

POTABLE WATER COMMISSION.

Potable water commission.

For salaries of commissioners, one thousand dollars each, five thousand dollars.

68.

Disapproved.

For the purpose of carrving out the provisions of a joint resolution, entitled "A Joint Resolution providing for the removal of the remains of Major-General Philip Kearny to the National Cemetery, at Arlington, Virginia," eight thousand dollars; *provided,* said joint resolution becomes a law.

69.

PUBLIC ROADS.

Disapproved.

For additional allowance for public roads, eighty thousand dollars.

70.

McClellan monument dedication.

For the purpose of carrying out the provisions of a bill pending, entitled "An act to provide for a suitable detail from the national guard of New Jersey to participate at the dedication and unveiling of a monument erected at Washington, D. C., to the honor and memory of the late Major-General George B. McClellan," twenty

Proviso.

thousand dollars; *provided,* said bill becomes a law.

71.

STATE AGRICULTURAL COLLEGE.

Short courses in agriculture.

For the further equipment of the short courses in practical and scientific agriculture in the State agricultural college, twenty-five thousand dollars;

Proviso.

provided, a bill pending, entitled "A supplement to an act entitled 'An act to provide for short courses in practical and scientific agriculture in the State agricultural college,' " approved March twenty-fifth, one thousand nine hundred and five, becomes a law.

72.

PORTRAITS OF FORMER GOVERNORS.

Governors' portraits.

For the purchase of portraits of former governors of this State, two thousand eight hundred dollars; *provided,* a joint resolution entitled "Joint Resolution providing for the purchase of portraits of former governors of this State," becomes a law.

Proviso.

73.

CIVIL SERVICE COMMISSION.

Civil service.

For the purpose of carrying out the provisions of a bill pending, entitled "An act to establish a civil service commission and to regulate the appointment of certain public officers in the State of New Jersey and in the cities and counties thereof," twelve thousand five hundred dollars; *provided,* said bill becomes a law.

Proviso.

74.

Pure food law.

For the purpose of carrying out the provisions of a bill pending, entitled "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof (Revision of 1907)," five thousand dollars; *provided,* said bill becomes a law.

Proviso.

75.

Marking channels.

For the purpose of carrying out the provisions of a bill pending, entitled "An act to amend section six of an act entitled 'An act to provide for the marking and designating of the channels of the bays, thoroughfares and sounds flowed by tidewater in the counties of Ocean, Atlantic and Cape May,' approved June twelfth, one thousand nine hundred and six," one thousand seven hundred dollars; *provided,* said bill becomes a law.

Proviso.

76.

Squan inlet.

For the purpose of carrying out the provisions of a bill pending, entitled "An act making an appropriation for plans and estimates of cost for the improvement of Manasquan Inlet," two hundred dollars; *provided,* said bill becomes a law.

Proviso.

77.

Disapproved.

For the purpose of carrying out the provisions of a bill pending, entitled "An act to aid by an appropriation of State funds the erection and dedication of a monument to commemorate the services rendered by Abraham Clark, one of the New Jersey signers of the Declaration of Independence," two thousand five hundred dollars; *provided,* said bill becomes a law.

78.

Disapproved.

For the purpose of carrying out the provisions of a bill pending, entitled "An act to authorize the erection of a tablet or monument on the battleground of Chestnut Neck, in the State of New Jersey, and to appropriate money to pay the cost of the erection and dedication of the same," two thousand dollars; *provided,* said bill becomes a law.

79.

Riparian lands investigation.

For the expenses and disbursements incurred by the joint committee of the Senate and House of Assembly to investigate the granting of riparian lands by the State, appointed under joint resolution number nine, approved May twenty-second, one thousand nine hundred and six, as follows:

Frederick W. Gnichtel, for services, two thousand five hundred dollars;

The Paterson Chronicle Company, two thousand nine hundred forty-six dollars and fifty-six cents;

John F. Lovett, services and expenses, seven hundred twenty-five dollars and eighty-two cents;
Charles Hultz, for services, one hundred dollars;
W. Scott Snyder, for services, five hundred dollars;
Theodore Backes, for services, two hundred and fifty dollars;
For expressage, one hundred and fifty dollars;
Mabel Sweeny, for services, ten dollars;
Stella Emmons, for services, ten dollars.

80.

Life insurance investigation.

For the expenses and disbursements incurred by the committee of the Senate to investigate the whole subject of life insurance, appointed under Senate resolution, passed April twelfth, one thousand nine hundred and six, as follows:
William H. Corbin, for services, five thousand dollars;
Linslay Johnson, for services and disbursements, three thousand one hundred ninety-two dollars and thirty-nine cents;
David Parks Fackler, for services and disbursements, one thousand five hundred and twelve dollars;
Johnson Scudder, for services, one hundred and twenty-five dollars;
Frederick W. Gnichtel, for services, nine hundred and eighty-eight dollars;
The Paterson Chronicle Company, three thousand nine hundred ninety-three dollars and twenty-five cents;
W. Scott Snyder, for services, four hundred dollars;
John F. Lovett, for services and disbursements, six hundred and fifty-eight dollars;
Timothy J. Dooly, for services, three hundred and fifty dollars;
James Griffith, for services, seven hundred dollars;
Charles Hulse, for services, one hundred dollars.

81.

DEPARTMENT OF LABOR.

Labor bureau.

For additional allowance for department clerks, for services, two hundred and fifty dollars;

For additional allowance for salary of the commissioner, five hundred dollars; *provided,* such sum is authorized by enactment of the present Legislature;

Proviso.

For additional allowance for salary of the assistant commissioner, two hundred and fifty dollars; *provided,* such sum is authorized by enactment of the present Legislature;

Proviso.

For additional allowance for salary of eleven inspectors, two thousand seven hundred and fifty dollars; *provided,* such sum is authorized by enactment of the present Legislature.

Proviso.

82.

Stone road investigation.

For the purpose of carrying out the provisions of a joint resolution entitled "Joint Resolution providing for the appointment of commissioners to ascertain the reason for the large increase in the cost of constructing stone roads in this State, and to investigate and report upon the advisability of the purchase and operation by the State of stone quarries for the purpose of supplying stone at cost to the several counties of this State for the permanent improvement of public roads and keeping the same in repair, and the probable cost of such quarries and of equipping and operating the same," five hundred dollars; *provided,* said joint resolution becomes a law.

Proviso.

83.

LEGISLATURE.

Legislative expenses.

For additional allowance for incidental and contingent expenses of the present session of the Legislature, seventeen thousand nine hundred dollars; all bills to be approved by the Committee on Incidental Expenses and filed with the Comptroller before final adjournment of the Legislature.

84.

ADJUTANT-GENERAL'S DEPARTMENT.

Grand Army reports.

For printing, binding and distributing the annual report of the proceedings of the Department of New Jersey

of the Grand Army of the Republic, three hundred dollars; *provided,* such sum is authorized by enactment of the present Legislature. Proviso.

85.

For the purpose of carrying out the provisions of a bill pending, entitled "An act to authorize the erection of a monument in Huddy park, in the township of Dover, county of Ocean, in this State, to commemorate the capture of Toms River Block House and the burning of Toms River village by the British in the Revolutionary War; to appoint a commission to erect said monument and to appropriate money to pay for erecting said monument," two thousand dollars; *provided,* said bill becomes a law. Disapproved.

86.

FOREST PARK RESERVATION COMMISSION.

To the State Board of Forest Park Reservation Commissioners, to carry into effect the provisions of a bill pending, entitled "A further supplement to an act entitled 'An act for the establishment of forest park reservations by and in the State of New Jersey, and for the appointment of a State Board of Forest Park Reservation Commissioners, and defining its powers and duties,' approved March twenty-second, one thousand nine hundred and five," ten thousand dollars; *provided,* said bill becomes a law. Forest Park reservation. Proviso.

87.

BOARD OF RAILROAD COMMISSIONERS.

For salaries and expenses of members of the Board of Railroad Commissioners, fifteen thousand dollars; *provided,* said commission is authorized by enactment of the present Legislature. Railroad commission. Proviso.

2. Before any building or buildings shall be commenced or work undertaken for the cost of which money Approval of plans and contracts by Governor.

is appropriated by this act or by the appropriation act for the fiscal year ending October thirty-first, one thousand nine hundred and eight, the plans, specifications and contracts necessary for the entire completion thereof shall, and each of them shall, be submitted to and approved by the Governor, and such contracts shall not be approved or entered into if the total expenditure under all of the contracts necessary to the entire completion of such building, buildings or work according to such plans and specifications shall exceed the amount appropriated by this act for such building, buildings or work; and in any and every case where it shall appear that the appropriation is insufficient to complete such building, buildings or work, the appropriation hereby made therefor shall not be applied toward the construction of such building or buildings, or prosecution of such work, but shall lapse and no payment shall be made therefrom.

If appropriation insufficient, to lapse.

Moneys used as specified.

3. No money shall be drawn from the treasury except for objects as hereinabove specifically appropriated in this act and in the act to which this act is a supplement, and except such sums which are by law devoted to specific purposes, namely, State school tax, United States appropriation to Agricultural College, United States appropriation for disabled soldiers, United States appropriation for disabled soldiers, sailors, marines and their wives, Agricultural College fund and taxes for the use of taxing districts in this State, moneys received by the State from the taxation of railroad and canal property, which may be by law apportioned to the various counties of the State for school purposes, and loans to "State School Fund," which last-named sums shall be paid pursuant to the laws applicable thereto; this section shall not be construed to prohibit the payment due upon any contract made under an appropriation of the previous year.

4. This act shall take effect immediately.

Approved, except Paragraph 58.
Item 5 and 6 in Paragraph 59.
Paragraph 68.
Paragraph 69.

Paragraph 77.
Paragraph 78.
Paragraph 85.

May 21, 1907.

I disapprove Paragraph 58 because it depends upon the passage of an Act which cannot become a law for the reason that its provisions are unconstitutional.

I disapprove Items 5 and 6 in Paragraph 59. The object of the Legislature in providing for the purchase and equipment of an automobile was undoubtedly for the purpose of policing the roads of the State in order to properly enforce and execute the laws governing automobiles. It is doubtful, however, whether one automobile would be sufficiently effective to warrant the expenditure involved. If the State is to exercise police powers in this way, the policy should be carefully considered and provided for, not by an item in the appropriation bill, but by a well considered act of the Legislature authorizing sufficient means to carry out such legislative policy. The item here disapproved involves an expenditure in a way that I think would prove inadequate and ineffective.

I disapprove Paragraph 68 because, in my opinion, it carries too large a sum for the purpose specified. General Kearny has honored this State by his brave and distinguished services and is worthy of proper recognition at its hands, but $8000 is too much to spend for a removal of his remains.

I disapprove Paragraph 69 because of the condition of the State Treasury. I am heartily in favor of the improvement of our roads. The policy of New Jersey in this regard is popular and economically wise. The State has been most liberal in its appropriations for the development of our highways. A year ago the Legislature, in addition to the regular appropriation of $270,000, appropriated $130,000 to complete certain roads that had been authorized in excess of previous appropriations. This would seem to be a sufficient extra appropriation for the present, especially in view of the fact that the balance in the State Treasury last year was reduced $773,000, and at the present time the railroads are contesting the railroad tax law, which, if de-

clared, unconstitutional or if repealed by the Legislature would deprive the State of an income of over $3,500,000 per annum and create the necessity for State tax. Considering this condition, all extraordinary expenditures should for the present be curtailed as far as possible.

I disapprove Paragraph 77 because it depends upon the passage of an Act which I shall be unable to approve for the reason that its constitutionality is doubtful.

I disapprove Paragraph 78 because it depends upon the passage of an Act whose provisions are unconstitutional.

I disapprove Paragraph 85 in accordance with the suggestions made in my Message to the Legislature in which I said that the proposed expenditure of money for monuments and dedicatory services had extended beyond reasonable limits and that I could not approve of more than one or two of such items each year and that unless the Legislature saw fit to select the limited number, I would be compelled to disapprove of all rather than choose between the many.

E. C. STOKES.

CHAPTER 219.

An Act to authorize cities of the first class in this State to buy lands for and to build and equip city stables, and to provide for funds therefor.

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

Increase stable capacity.

1. Whenever the Board of Street and Water Commissioners of any city of the first class in this State shall deem it advisable to build and erect new stables for such city, or to enlarge or rebuild existing city stables, it shall be lawful for such Board of Street and Water Commissioners to adopt a resolution, to be approved by the mayor of said city, setting forth that, in the judgment of such board, it is advisable that new stables

should be built, or that the existing stables should be enlarged or rebuilt, and requesting the Common Council, or other board or body of such city having the management and control of the finances thereof, to appropriate such sum as they shall name in said resolution, not to exceed one hundred and fifty thousand dollars, for the purpose, and the said Common Council, or other board or body having the management and control of the finances of such city, may thereupon, in its discretion, concur therein, and by the same or a subsequent resolution appropriate to the said Board of Street and Water Commissioners the sum named in their said resolution, but not in excess of the sum of one hundred and fifty thousand dollars, to be used for the purpose aforesaid.

Appropriation.

2. As soon as the appropriation is made as provided in section one of this act, the said Board of Street and Water Commissioners may proceed forthwith to cause plans to be prepared, and to advertise for bids and to award contracts; and the said board shall have sole control of the erection and building of said buildings. The said Board of Street and Water Commissioners are hereby authorized to apply any part of such appropriation they may deem advisable to the purchase of a site for said stables.

Proposals and contracts.

3. For the purpose of providing the money to meet such appropriation, the Common Council, or the other board or body having the management and control of the finances of the city, are authorized and empowered to issue and sell the bonds of the city in any amount not exceeding one hundred and fifty thousand dollars that shall be necessary. Such bonds may be registered bonds or coupon bonds or both; shall bear interest not to exceed four per centum per annum, and for any term not exceeding forty years, and shall be sold for not less than their par or face value, and shall be issued in such denominations and amounts as the board or body issuing them shall determine. There shall be placed in the tax levy of any city issuing such bonds, each year after their issue, and rated by taxation, a sum of money sufficient to

Bonds issued.

Amount.

Rate and time.

Interest and redemption.

pay the annual interest thereon, and such further sum for a sinking fund as will meet and pay said bonds at maturity.

4. This act shall take effect immediately.

Approved May 21, 1907.

CHAPTER 220.

An Act to amend "A supplement to an act entitled 'An act for the assessment and collection of taxes,' approved April eighth, one thousand nine hundred and three," which supplement was approved April twentieth, one thousand nine hundred and six.

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

Section amended.

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

Lands of counties and municipalities taxed where located.

1. All lands, the property of any county, which are situated within the limits of any other county, and all lands, the property of any taxing district, which are situated within the limits of any other taxing district, shall be subject to taxation by the taxing district within which such lands are situated at the true value of such lands without regard to any buildings or other improvements on such lands, notwithstanding any exemption provided for in the act to which this is a supplement.

2. This act shall take effect immediately.

Approved May 21, 1907.

CHAPTER 221.

An Act to amend an act entitled "An act concerning paid fire departments in certain municipalities of this State, and for the relief of members thereof, their widows, dependent parents and children," approved March twenty-eighth, one thousand nine hundred and five.

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

1. Section two of the said act of which this act is amendatory, be and the same is hereby amended to read as follows: Section 2 amended.

2. For the purpose of forming such a corporation, the chief engineer of such fire department shall notify each company in the department to choose not more than three delegates to attend a meeting, to be held not less than five days after the giving of such notice, to consider the formation of a corporation in accordance with this act; said notice shall be in writing and shall specify the time and place of the meeting of the delegates; if two-thirds of the delegates present at such meeting shall vote in favor of forming such a corporation, they shall adopt a resolution to that effect and shall choose a name for the corporation, and they shall send a copy of such resolution to the board of fire commissioners or other municipal board having charge and control of such paid fire department, and shall elect by a majority vote of the delegates present, four members of such fire department as trustees; the first trustees created under this act shall prepare and sign a certificate reciting the adoption of the resolution by the delegates as hereinbefore directed, the name adopted, the appointment of trustees, the organization and the names of officers, and execution of the certificate for the purpose of forming a corporation under this act, for the purposes herein set forth, which cer- Method of formation. Corporate name. Trustees. Certificate of organization.

tificate shall be recorded in the office of the clerk of the county wherein such corporation shall be organized, and shall then be filed in the office of the Commissioner of Banking and Insurance, at Trenton, and thereupon such trustees, their associates and successors, shall be and become a body politic and corporate in law with all the powers incident thereto.

Filed in insurance department.

Section 3 amended.

2. Section three of the said act of which this act is amendatory be and the same is hereby amended to read as follows:

Management of fund.

3. Such pension fund shall be under the control and management of a board of five trustees, to be composed of the chief engineer of such fire department and four members thereof, elected by the members of such fire department; the first board of trustees, selected as in section two of this act, shall serve until the month of January following the incorporation of such association, at which time a board of trustees shall be appointed as provided in this section; one for a term of one year, one for a term of two years, one for a term of three years and one for a term of four years, who shall serve for the respective terms for which they each were chosen; and thereafter, annually, in the month of January in each year, a member of said board of trustees shall be chosen for a full term of four years, to serve in the place and stead of the trustee whose term shall have then expired, so that the term of office of but one trustee shall expire in each year.

Terms of trustees.

Active members to vote.

In the selection of said trustees as provided in this section, each officer or man permanently employed in such department, whose duty requires active service in the extinguishment of fires, shall have the right to vote.

Election day.

The chief engineer of said department shall designate a day during the first week of January in each year, at which time each officer or man as aforesaid shall vote, by written or printed ballot, for the trustee or trustees to be elected.

Voting.

The ballots of the members of each company in the department shall be enclosed in a sealed envelope and forwarded by the captain of said company to the chief engineer. The ballots of officers or men as aforesaid who are not connected with any company, but who are

on detail work, shall be forwarded in sealed envelopes directly to the chief engineer as aforesaid.

By whom votes canvassed.

All these ballots, when thus received, shall be canvassed and counted by a board of canvassers, composed of the chief engineer of such fire department and the senior captain of such fire department in point of actual service, and the senior member of such fire department other than an officer, in point of actual service.

The result.

The one receiving the highest number of votes being elected for the four-year term, the next highest for the three-year term, the third highest for the two-year term, and fourth highest for the one-year term, and at each succeeding election the member receiving the greatest number of all votes cast shall be elected and chosen for a full term of four years, to serve in the place and stead of the trustee whose term shall have expired in that year.

Section 5 amended.

3. Section five of the said act of which this act is amendatory, be and the same is hereby amended to read as follows:

Organization, etc., of trustees.

5. The said board of trustees shall at the first annual meeting, and annually thereafter, in the month of January in each year, elect a chairman, secretary and treasurer; the secretary shall be one of their own members; the board of trustees shall fix the compensation of the secretary and treasurer; the chairman shall serve without compensation.

Section 7 amended.

4. Section seven of the said act of which this act is amendatory, be and the same is hereby amended to read as follows:

Reports.

7. Every such board of trustees heretofore or hereafter formed shall within thirty days after the close of each fiscal year of said pension fund file in the Department of Banking and Insurance a report of the condition of such fund and the manner in which the same was invested, such report to be verified by the oaths of the president, secretary and treasurer of said trustees, and the said Commissioner of Banking and Insurance may call for additional reports whenever he shall deem it expedient.

Section 8 amended.

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

Counsel to trustees.

8. The corporation attorney and counsel of such municipality, when requested, in writing, by said board of trustees, shall, without additional compensation and under the direction of such board of trustees, prosecute all actions or proceedings at law or in equity which said board may wish to institute for the enforcement of the several provisions of this act, and shall defend, on behalf of said board, any action or proceeding which may be brought against it.

Special counsel.

The said board shall have power to employ special counsel at any time when, in their judgment, the interests of said pension fund so require, and said special counsel shall be paid out of the general funds of said pension fund upon the order of said board of trustees.

Who may adopt this act.

6. Any paid fire department pension fund organized prior to the passage of this act, except in cities of the first class, may adopt the provisions of this act and the act to which this is amendatory in the manner following, to wit:

Submit question of adoption.

The board of trustees of said pension fund, upon the passage of a resolution adopting the provisions of this act, shall thereupon submit to each and every member of said fund a printed ballot, having thereon printed the said resolution and the words: "In favor of resolution" and "Against resolution;" a member shall vote to adopt said resolution by crossing out the words "Against resolution," and shall vote to reject said resolution by crossing out the words "In favor of resolution."

Action on adoption.

If a majority of all members voting shall vote in favor of the adoption of said resolution, this act and the act to which this is amendatory shall be deemed to have been adopted by said pension fund, and thereupon the said board of trustees shall file with the Commissioner of Banking and Insurance a certificate setting forth the adoption of said resolution, upon the filing of which certificate said pension fund shall be governed and controlled by the provisions of this act and the act to which this is amendatory.

Repealer.

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

Approved May 24, 1907.

CHAPTER 222.

An Act in relation to schools for industrial education in cities of the second class in this State.

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

1. It shall and may be lawful for the board of trustees of the school for industrial education in any city of the second class of this State, upon first obtaining the consent of the common council or other governing body of such city, to build upon land already owned by it, or to purchase land and build thereon a building or buildings, structure or structures, for the uses and purposes of a school for industrial education within its corporate limits; *provided,* that the cost and expense of the land purchased, and the building or buildings, structure or structures to be erected, shall not in the aggregate exceed the sum of fifty thousand dollars. Erect suitable buildings. Proviso.

2. To defray the cost and expense of such land and buildings, structure or structures to be erected under and in pursuance of the first section of this act, it shall be lawful for the common council or other governing body of any city of the second class in this State, to issue bonds in the corporate name of said city for the aggregate amount required by said board of trustees, in sums of not more than one thousand dollars, and not less than one hundred dollars each, to be signed by the mayor and countersigned by the clerk and sealed with the corporate seal of said city, and to have written or printed thereon the words "School for Industrial Education Construction Bonds," said bonds to be disposed of at not less than their par value and shall be payable at the expiration of not more than twenty years after their date of issue, and to draw interest at a rate not exceeding four per centum per annum, payable semi-annually, and may be registered or coupon bonds, or Bond issue. Amount. Time and rate.

may be registered and coupon bonds combined, at the option of said city, and there shall be raised by taxes each year the interest on the whole amount of the bonds so issued, together with at least five per centum per annum for the purpose of a sinking fund, to be paid to the commissioners of the sinking fund of said city for the purpose of meeting the said bonds as they become due; and the money raised by the issuing of said bonds shall be credited on the books of the city treasurer to the said trustees of the School for Industrial Education, and paid out and disbursed by the city treasurer, from time to time, on the written order or orders of said trustees, signed by their president and secretary, and countersigned by the city comptroller, in payment of the purchase price of any land purchased by said trustees, and the cost of erection of any building or buildings, structure or structures thereon for the use of a school for industrial education within the corporate limits of such city.

Sinking fund provision.

Approved May 27, 1907.

CHAPTER 223.

An Act relative to recorders in this State.

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

1. Any recorder in this State, in case of his temporary absence from the recorder's court or inability from any cause to act therein, may designate and appoint an attorney-at-law resident in the county wherein the said court may be located to act in his stead, and such attorney-at-law while so acting shall have, hold, exercise, use or perform any power, privilege, duty, authority or jurisdiction which is or shall be given to such recorder.

Acting recorder.

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

Approved May 27, 1907.

CHAPTER 224.

An Act to amend an act entitled "An act for the protection of certain kinds of birds, game and fish, to regulate their method of capture, and provide open and close seasons for such capture and possession (Revision of 1903)," approved April fourteenth, one thousand nine hundred and three.

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

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

Section 29 amended.

29. It shall be unlawful to catch, kill, take or have in possession any brook trout, except only from the first day of April to the fifteenth day of July, both dates inclusive, in each year, under a penalty of twenty dollars for each fish so caught, killed, taken or had in possession; *provided, nevertheless,* that whenever any person or persons or any association owns or controls any stream or streams or parts of stream and any pond or ponds in this State, and also actually maintains a hatchery in this State for the propagation of trout, and from said hatchery yearly supplies and stocks said stream or streams or pond or ponds with more trout than are caught therefrom, the Board of Fish and Game Commissioners, upon the application of such person or persons or association, and upon being satisfied by proper proof of the facts aforesaid, and that the said person or persons or association owns or controls a stream or streams or parts of stream or a pond or ponds, and in good faith actually maintains a hatchery for the propagation of fish, and does from said hatchery yearly supply and stock said stream or streams or pond or ponds with more trout than are caught therefrom, shall

Open season for trout.

Proviso.

Taking of trout by persons operating hatchery and controlling certain waters.

issue to such person or persons or association a license, duly signed by the secretary of the said board, permitting it, for such period of time as the said person or persons or association shall own and control said stream or streams or part of stream or pond or ponds, and shall maintain a hatchery for the propagation of trout, and from said hatchery shall supply and stock said stream or streams or pond or ponds with more trout than are taken therefrom, to catch or take trout from said stream and pond from the first day of April to the fifteenth day of September, both inclusive, in each year. Nothing herein or in this proviso contained shall be construed as permitting the sale of trout for other than propagation purposes between the fifteenth day of July and the fifteenth day of September, both dates inclusive, in each year.

Sale prohibited.

2. This act shall take effect immediately.

Approved May 27, 1907.

CHAPTER 225.

A Supplement to an act entitled "An act to enable cities to purchase land, erect buildings thereon, and equip the same for fire department purposes," approved April seventeenth, one thousand nine hundred and five.

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

Control of moneys for fire houses lodged in fire commissioners.

1. Whenever any city shall issue bonds under the authority of the act to which this act is a supplement, the proceeds thereof shall be deposited with the city treasurer to the credit of the board of fire commissioners or other authority entrusted with the government, control and management of the fire department and direction and control of fire matters in such city, to be

expended and applied by them in and about the cost of purchasing land and erecting suitable buildings thereon, and equipping the same for fire department purposes, and shall be paid out only on the warrants or orders of said board or other authority. It being the intention of this act to confer upon said board or other authority the exclusive power of purchasing land, erecting buildings and equipping the same for the purposes aforesaid; *provided*, that this act shall not apply to all or any part of the money raised or to be raised for any fire house for which the land or any part of the land has heretofore been purchased or contracted for. Proviso.

2. This act shall take effect immediately.

Approved May 27, 1907.

CHAPTER 226.

An Act to amend an act entitled "An act to authorize incorporated town or townships to construct sewers, drains and sewerage disposal plant or plants and to provide for the cost thereof," approved March thirty-first, one thousand nine hundred and five.

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

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

An act to authorize incorporated towns or townships to construct sewers, drains and sewerage disposal plant or plants and provide for the cost, maintenance and operation thereof. New title.

2. This act shall take effect immediately.

Approved May 27, 1907.

CHAPTER 227.

A Supplement to the act entitled "An act to authorize towns and townships to construct sewers, drains and sewerage disposal plant or plants, and to provide for the cost, maintenance and operation thereof." The original act, before amendment, constituted chapter seventy-seven of the Pamphlet Laws of one thousand nine hundred and five, and was entitled "An act to authorize towns and townships to construct sewers, drains and sewerage disposal plant or plants, and to provide for the cost thereof."

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

Board of water commissioners abolished and powers transferred to town or township committee.

1. Upon the passage and approval of this act, all the power and authority conferred, or attempted to be conferred, upon the Board of Water Commissioners then existing, or thereafter appointed, in and for any town or township wherein the provisions of the act to which this is a supplement has been and shall be adopted, shall cease and determine, and thereafter the entire control, management and charge of the sewers, drains and sewerage disposal plant or plants of such town or township, constructed or to be constructed, shall be transferred to and shall vest in the town or township committee of the said town or township, or in the governing body of such town or township, by whatever name the same may be known.

Commission to have charge of sewers, etc.

And the said governing body is hereby given power and authority, by resolution, to appoint a committee or commission, consisting of three discreet resident taxpayers, who, when appointed, shall have the immediate charge and supervision of any sewers, drains, or sewerage disposal plant or plants that has or shall be constructed under and by virtue of the power and authority of the

said act, and shall have the care, maintenance and operation thereof. It shall be the duty of the said committee or commission to keep the sewers, drains and sewerage disposal plant or plants in good order and repair, and to supervise the construction of all extensions and additions made thereto. Such commissioners shall hold office for one year and until others are appointed in their stead; and they shall report to the town committee or governing body annually, in the month of March of each year, concerning all their transactions; and they shall, from time to time, report to the said town committee or governing body what constructions, additions, alterations or repairs are in their opinion necessary or proper to be made. And such commissioners shall, for the services so rendered, be each paid by the said town or township annually the sum of fifty dollars.

Term and pay of commissioners.

2. When any sewer, drain or sewerage disposal plant or plants have been or shall be constructed under and by virtue of the power and authority conferred by said act, or any act amendatory thereof or supplemental thereto, the expenses of operating the same and of managing the plant or plants so constructed shall be provided for in the annual tax levy of the town or township wherein any sewer, drain or sewerage disposal plant or plants have been or shall be so constructed.

Expenses of operation included in tax levy.

3. To provide for the payment of the principal of all bonds issued under the provisions of the said act to defray the expenses of constructing and building such sewer, drain or sewerage disposal plant or plants and the interest which may fall due thereon, provision shall be made in the annual tax levy of such town or township for the payment of interest as it accrues annually, and also for a sinking fund sufficient to pay off and discharge the principal of the said bonds when the principal thereof falls due; *provided, however,* that all special benefits assessed for the construction of such sewers, drains or sewerage disposal plants shall be held as a sinking fund to pay off and discharge the principal of the said bonds, and may be invested by the governing body of the town and applied, together with the interest which may accrue thereon, to the payment of the said bonds at maturity;

Interest and redemption of bonds.

Proviso.

As to deficiency.

and it shall be the duty of the governing body to raise any deficiency which may exist after the application of the fund so provided, received from special benefits by taxation; and the said board or body, after the ascertainment of the special benefits so conferred, shall make an estimate of the amount required by taxation, if any, to furnish a fund sufficient to pay off the principal of the said bonds, when due, and cause a sufficient amount to be levied annually to supply such deficiency.

Assessment for benefits on property affected,

4. It shall be lawful for the said town or township committee, or said governing body, to cause so much of the cost, damages and expenses of any improvement made under the authority of this act as represents the special and peculiar benefits conferred upon the owners of land and real estate thereby to be assessed thereon, in the manner herein provided, in proportion to the benefit each shall be deemed to acquire, the balance of such costs, damages and expenses to be imposed upon and borne by the town or township and raised by general taxation, as hereinbefore provided; or the said town or township or other governing body may, at its option, by resolution, duly passed for this purpose, cause the entire expense of any such improvement to be placed upon and borne by the town or township at large.

or on municipality.

Committee to petition court for commissioners to assess benefits.

5. Whenever, in pursuance of the authority conferred by law, the governing body of such town or township shall have determined, by resolution, that so much of the cost, damages and expenses of any improvement made under the authority of this act, including the cost, damages and expenses of purchasing or acquiring by condemnation any lands or other property, as represents the special and peculiar benefits conferred upon the owners of land and real estate benefited thereby shall be assessed thereon in proportion to the benefit each shall be deemed to acquire, it shall cause a petition to be presented to one of the justices of the Supreme Court for the appointment of three commissioners to estimate and assess such benefits, and shall cause notice of the time and place of such presentation to be given by publication once each week for two successive weeks, in one or more newspapers published and circulating in such town or township, at

which time and place, or at such other time and place as the said justice shall designate, said justice shall appoint three disinterested freeholders, residents in such town or township, to estimate and assess the said benefits. Such appointees shall not be disqualified by reason of the fact that they are taxpayers; and the said justice shall, in the order of appointment, fix the date on or before which the commissioners must file their report, and may, by order, for good cause, extend the time; and the report of the said commissioners shall be made on or before the time limited by said justice. The petition and order shall be filed in the clerk's office of the county wherein the said town or township is situated.

Appointed by justice.

Report made and filed.

6. The said commissioners, having first taken and subscribed an oath or affirmation, faithfully and impartially to examine the matter in question, and make a true report thereon according to the best of their skill and ability, shall, in such manner as shall be directed by the said justice, give at least six days' notice of the time and place when and where they will hear any person or persons who may present themselves to be heard, and at such time and place and at such other times and places to which they may adjourn for that purpose the said commissioners shall have the power to examine witnesses under oath, to be administered by any one of them, and to enter upon and view any premises that may be deemed necessary, and to adjourn from time to time, at their discretion, or as directed by said justice.

Notice of hearing.

Witnesses.

7. After having given authority, as aforesaid, for a public hearing of the persons interested, the said commissioners shall view and examine the lands and real estate benefited, and make a just and equitable assessment of the amount of such benefits upon all the owners of real estate in such town or township specially benefited, in proportion to the benefit each shall be deemed to acquire, specifying in such assessment the lots or parcels of land so benefited, together with the names of the respective owners thereof, and the amount assessed upon each lot, and shall make report of such assessment in writing, under the hands of the said commissioners, or any two of them, to the said justice within the time

Commissioners to view property and assess benefits.

Report.

limited; and if such report be not made within the time limited the power of the commissioners shall cease and an application may be made to a justice of the Supreme Court for a new commission, on notice, as before provided. In case any commissioner shall die pending the proceeding, or become disqualified, or is unable to act and shall fail or refuse to act and perform the duties of the appointment, the other two commissioners shall proceed to perform the duties of their appointment with the same powers as if all were acting.

Vacancy.

Benefits from lateral sewers when constructed.

8. Where any special benefit will be conferred upon lands or real estate by the construction of lateral sewers connecting with the system of sewers constructed under the provisions of this act, where no direct tapping benefit is at once conferred, the said commissioners shall have power, in estimating the peculiar benefits conferred, to ascertain the proportion of benefit which will be conferred upon the land so situated when lateral sewers are constructed, and to report the amount of such benefit, which shall not, however, become a lien upon the land until the laterals have been constructed, and such assessment so made shall constitute a lien upon the lands assessed, shall be collected, and shall draw interest from the time such laterals are constructed and a direct tapping benefit is provided.

Owner's name ascertained if possible.

9. Said commissioners shall make a diligent effort to ascertain the names of the owners of the land and real estate so benefited as aforesaid, but a failure to ascertain the name of any such owner or to state the same correctly and to enter the same upon the assessment and report shall not invalidate the said assessment, nor bar the collection thereof.

Court to hear objections to report.

10. Upon receipt of the report of the said commissioners the said justice shall cause such notice to be given as he shall deem proper of the time and place when and where he will attend to hear any objections that have been made to such assessments, and after such hearing the said justice may, by order, confirm the said report, or may refer the same back to the said commissioners for revision or correction, and the said commissioners shall return the same so corrected and revised

Corrections.

within such time as the said justice shall direct, and the same being so returned, shall be confirmed or again referred by said justice in the manner aforesaid, as right and justice may require, and so, from time to time, until a report shall be made which said justice shall confirm. When such report has been so confirmed it shall be final and conclusive as well upon such town as upon the owners of any land and real estate affected thereby. Such report shall be filed in the office of the said county clerk and the said justice shall cause a certified copy of the same to be transmitted to the tax collector of such town or township, and all such assessments shall be and remain a first lien upon the lands and real estate affected thereby as of the date of the confirmation of the said report, and shall be due and payable to such town or township at the expiration of thirty days from and after such confirmation, and shall draw interest from the date when due at the rate of six per centum per annum; *provided, however,* that assessments for prospective benefits hereinbefore provided for shall not be collectible or draw interest until after the real estate assessed shall have received a direct tapping benefit. And the said justice shall tax and allow such costs, fees and expenses of the commissioners and other persons performing any duties prescribed in this proceeding as he shall think equitable and right, which fees and expenses shall be paid by such town or township.

Confirmed report final.

Report filed with county clerk and copy sent to tax collector.

Assessments a lien.

Proviso.

Fees and costs.

11. It shall be the duty of the collector of taxes of such town or township to whom such assessments have been returned forthwith to cause a notice of the assessments and the amount thereof to be given to each person assessed, either personally or by mail. Service upon the agent or representative of the owner shall be deemed personal service, and service by mail shall be by letter, prepaid, directed to the person assessed, to his or her last known place of abode; but if, for any reason, such notice is not given or received by the person assessed, or by his or her representative, it shall in no way impair the right of the town or township to collect the assessment so made, and the interest thereon from the date they become due and payable.

Persons assessed notified.

Enforcement of lien.

12. And it shall be the duty of the said collector of taxes of said town or township to enforce the lien of such assessment and collect the amount assessed in the manner provided by law for the collection of taxes.

13. This act shall take effect immediately.

Approved May 27, 1907.

CHAPTER 228.

A Further 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.

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

Pay of policemen.

1. The Board of Police Commissioners in the cities of the first class in this State shall fix the compensation of the permanent officers of or below the grade of patrolmen as hereinafter specified, respectively: To each permanent member who has served three years and over, the sum of not less than thirteen hundred dollars per annum; to each permanent member who has served two years and over, the sum of not less than eleven hundred dollars per annum; to each permanent member who has served one year and over, the sum of not less than ten hundred dollars per annum; and to each permanent member for the first year of service, the sum of not less than nine hundred dollars per annum; the above sums to be paid in semi-monthly payments to the above-mentioned permanent members; the said compensation to begin on the first day of the next calendar month after this act shall go into effect.

Repealer.

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

Referendum.

shall take effect immediately; *provided, however,* that none of the foregoing provisions shall take effect in any

city until the acceptance or rejection of this act shall have been submitted to a popular vote, in the manner provided by the general laws of this State for the submission of a question or proposition to the people of the State or any political division thereof; such submission shall be made and the vote thereon taken at the next general election held in such city; and it shall be the duty of the city clerk of the city wherein such election is held, at least ten days before any such election, to give public notice thereof by publication in two or more newspapers published and circulating in such city, that such submission will be made at the ensuing election, stating briefly the question to be submitted as herein provided; and there shall be printed upon each official ballot to be used at such election, beneath the list of candidates thereon, the following words: "Act of one thousand nine hundred and seven, increasing the compensation of policemen," with the word "for" and the word "against" above and immediately preceding such proposition. And the legal voters of such city shall at such election so decide upon the acceptance or rejection of this act by the use of such ballots. If the said word "for" be marked off or defaced upon the ballot it shall be counted as a vote against the same; if the word "against" be marked off or defaced upon the ballot it shall be counted as a vote in favor thereof; and in case neither the word "for" nor the word "against" be marked off or defaced upon the ballot it shall not be counted as a vote either for or against such proposition.

Notice of election.

Ballots.

Voting.

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

When act in effect.

Votes canvassed by city clerk.

of the said clerk to tabulate the said returns and canvass the votes so cast in all the election districts of said city, and certify upon such tabulated statement the number of votes cast for the acceptance of this act and the number of votes cast against the acceptance of this act, and he shall file such tabulated statement with his certificate thereon in his office.

Approved May 27, 1907.

CHAPTER 229.

An Act regulating the employment of children in mercantile establishments.

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

Working hours per week for children.

1. No child under the age of sixteen years shall be employed, allowed or permitted to work in or in connection with any mercantile establishment more than fifty-eight hours in any one week, or before seven o'clock in the morning or after seven o'clock in the evening of any day (excepting one day in the week, when such minors may be permitted to work until nine o'clock in the evening).

Holiday time excepted.

The provisions of this section shall not apply to the employment of such persons between the fifteenth day and the twenty-fifth day of December inclusive, when such minors may be permitted to work until ten o'clock in the evening.

Inspection.

2. It shall be the duty of the commissioner of labor, the assistant or the inspectors to investigate and inspect such mercantile establishments coming under the intent and provisions of this act.

Employers to keep record of minors employed.

3. A corporation, firm or person owning or operating a place or places coming under the provisions of this act, and employing, allowing or permitting children actually or apparently under sixteen years of age

to work therein, shall keep or cause to be kept in the main office of such place in the town or city in which such place is located, a register or record in which shall be recorded the name, place of residence and time of employment of all such minors employed therein, together with a transcript of the record of birth of such minors duly attested by an officer having by law the authority to keep records of birth in the State, county or city in which such child was born; if no such birth certificate can be obtained, and the child was baptized, then a certified copy of the baptismal record of the church or parish in which such baptism took place, duly certified as a true copy under the hand of the person having the custody of such church or parish records, which shall set forth the age of the child at the time of baptism. In the case of foreign-born children, the same transcript of the record of the birth or baptismal certificate shall be required as is required of a native-born child, in addition to the passport under which such child was admitted to this country, or a true copy of the same. The commissioner of labor shall have power to issue permits of employment to children, upon the production of evidence of the child's age satisfactory to the commissioner; *provided,* that he shall first be satisfied that the child cannot obtain a transcript of the birth record or passport or a baptismal certificate as above provided; such registers, certificates and transcripts shall be produced for inspection upon demand of the commissioner, assistant or any of the inspectors; any corporation, firm or person failing to keep such registers, or refusing to permit the persons herein authorized to inspect the same, or the certificates, transcripts and passports, shall be liable to a penalty of fifty dollars for each offense.

Birth certificates.

In case of alien children.

Proviso.

Penalty for not keeping register.

4. The commissioner, assistant or any inspector is hereby empowered to demand of any parent, parents, custodian or guardian, proof of the age of a child satisfactory to the commissioner, and such parent, parents, custodian or guardian shall, within five days after such demand is made, furnish to such officer proof of such child's age; and in the event of the failure to procure

Demand proof of age.

and furnish such proof of age, such child shall be discharged by his or her employer upon notice in writing signed by the commissioner, and shall not be re-employed until such proof of age shall have been furnished to the commissioner. Any person violating the provisions of this section shall be liable to a penalty of fifty dollars.

Penalty.

Proceedings by action of debt.

5. All proceedings brought under the provisions of this act shall be by action of debt, in the name of the commissioner, to be instituted in any district court of a city, recorders' court of cities, or before any justice of the peace having due jurisdiction, and the first process shall be by summons, which process shall be served upon the owner or owners, person or persons, or any of them, owning the place or operating the business wherein the alleged violation of law has taken place; if such owner or owners, person or persons, reside in the county where the offense was committed, or if the owner or owners, person or persons, do not reside in the county where the offense was committed, then said process shall be served on the superintendent, foreman or person in charge of the business or place; service upon a corporation shall be made upon the president, vice president, secretary or any director, and if none of them reside in the county where the offense was committed, then service may be made upon the superintendent, foreman or person in charge of the business or place; in case the owner or owners of a building reside within the limits of the county, then service of the process may be made upon the agent in charge of the building, and if there be no such agent, then service of the process may be made by affixing a copy thereof to the main outer door of such building at least ten days before the return day thereof; all proceedings thereafter shall be the same as in an action of debt in said court; the finding of the court shall be that the defendant has or has not, as the case may be, incurred the penalty claimed in the demand of the plaintiff, and judgment shall be given accordingly; in case an execution shall issue and be returned unsatisfied, the court, on application, after notice to the defendant, may

Service of process.

Finding of court.

If execution unsatisfied.

award an execution to take the body of the defendant, if an individual, and in case such defendant is committed under such an execution, he shall not be discharged under the insolvent laws of the State, but shall only be discharged by the court making the order for the body execution, or one of the justices of the Supreme Court, when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and costs; all money collected under the provisions of this act shall be paid into the treasury of the State of New Jersey.

Fines paid to State.

6. This act shall take effect immediately.

Approved May 28, 1907.

CHAPTER 230.

An Act to regulate the keeping of employment agencies in this State.

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

1. DEFINITIONS.—The term person, when used in this act, means and includes any individual, company, association or corporation, or their agents, and the term employment agency means and includes the business of procuring or offering to procure help or employment or of giving information as to where help or employment may be procured, whether such business is conducted in a building or on the street or elsewhere; and the business of keeping an intelligence office, employment bureau, theatrical, or shipping agency, nurses' registry, or agency for procuring engagements for vaudeville or theatrical performers, or other agency or office for procuring work or employment for persons seeking employment where a fee or privilege or commission is exacted, charged or received directly or indirectly for pro-

Definitions of "person" and "employment agency."

curing or assisting or promising to procure employment, work, engagement or a situation of any kind, or for procuring or providing help or promising to provide help for any person, whether such fee is collected from the applicant for employment or the applicant for help, excepting agencies conducted exclusively for procuring employment for persons as teachers, and in recognized educational institutions only, as occupants of technical or executive positions, and registries of all incorporated associations of registered nurses and bureaus conducted by registered medical institutions, and excepting also departments maintained by persons, firms, corporations or associations for the purpose of securing help for themselves where no fee is charged the applicant for employment. The term fee, as used in this act, means money or a promise to pay money. The term fee also means and includes the excess of money received by any such licensed person over what he has paid for transportation, transfer of baggage or lodging for any applicant for employment. The term fee, as used in this act, also means and includes the difference between the amount of money received by any person who furnishes employes or performers for any entertainment, exhibition or performance and the amount paid by said person to the employes or performers whom he hires to give such entertainment, exhibition or performance. The term privilege, as used in this act, means and includes the furnishing of food, supplies, tools or shelter to contract laborers, commonly known as commissary privileges.

Agencies for teachers and registered nurses excepted.

"Fee."

"Privilege."

Agencies licensed.

2. LICENSE.—No person shall open, keep or carry on any such employment agency unless every such person shall procure a license therefor from the mayor or the head officer in which such person intends to conduct such agency. Such license shall be posted in a conspicuous place in said agency. Any person who shall open or conduct such an employment agency without first procuring said license shall be guilty of a misdemeanor, and shall be punishable by a fine of not less than fifty dollars and not more than two hundred and fifty dollars, or by imprisonment for a period of not more than one year, or both, at the discretion of the court. Such license shall be granted upon the payment to the treasurer of

Penalty for not securing license.

License fee.

such municipality, or other similar officer, of a fee of not exceeding twenty-five dollars annually for such employment agency, the amount of such fee to be fixed by said mayor or other head officer, one-half of which license fee shall go to and be paid to the chief of police or to the license inspector if one be appointed. Every license shall contain the name of the person licensed, a designation of the city, street and number of the house in which the person licensed is authorized to carry on the said employment agency, and the number and date of such license. Such license shall not be valid to protect any other than the person to whom it is issued, or any place other than that designated in the license, and shall not be transferred or assigned to any other person unless consent is obtained from the mayor or other head officer. No such agency shall be located in rooms used for living purposes or where boarders or lodgers are kept or where meals are served or where persons sleep or in connection with a building or on premises where intoxicating liquors are sold to be consumed on the premises, excepting cafés and restaurants in office buildings. If said licensed person shall conduct a lodging-house for the unemployed, separate and apart from such agency, it shall be so designated in the license. The application for such license shall be filed not less than one week prior to the granting of said license, and the mayor or other head officer shall act upon such application within thirty days from the time of such application. Every such applicant shall be required to furnish satisfactory proof, by affidavits, of good, moral character, and any person may protest against the issuance or the transfer of any license. The names and addresses of all applicants for licenses or for transfers of licenses shall be posted daily in the office of the clerk of said municipality. The license shall run to the first day of January next ensuing the date thereof, and no longer, unless sooner revoked by the mayor or other head officer granting the same.

Statement in license.

Not transferable.

Location of agencies.

Application for license.

Proof of character.

Name posted.

Duration of license.

3. REGISTER; REFERENCES.—It shall be the duty of every such licensed person, except those conducting theatrical agencies, or agencies for the employment of

Register of applications.

vaudeville performers, or nurses' registries, or agencies for the procuring of technical, clerical, sales or executive positions for men only, to keep a register, approved by the mayor or other head officer, in which shall be entered, in the English language, the date of the application for employment; the name and address of the applicant to whom employment is promised or offered; the amount of the fee received, and, whenever possible, the names and addresses of former employers or persons to whom such applicant is known. Such licensed person, except those above specified in this section, shall also enter in a separate register, to be approved as aforesaid, in the English language, the name and address of every applicant accepted for help, the date of such application, kind of help requested, the names of the persons sent, with the designation of the one employed, the amount of the fee received and the rate of wages agreed upon. The aforesaid registers of applicants for employment and for help shall be open during office hourse to inspection by the officers of said municipality. No such licensed person, his agent or employes, shall make any false entry in such registers. It shall be the duty of every licensed person, whenever possible, to communicate orally or in writing with at least one of the persons mentioned as references for every applicant for work in private families, or employed in a fiduciary capacity, and the result of such investigation shall be kept on file in such agency; *provided,* that if the applicant for help voluntarily waives in writing such investigation of references by the licensed person, failure on the part of the licensed person to make such investigation shall not be deemed a violation of this act. Every licensed person exempted from the provisions of this section as to the keeping of registers shall keep accurate records, in the English language, of all persons to whom work is promised or offered, or from whom a fee is taken, and of all persons from whom an application for an employe is accepted, together with the date of the engagement, the amount of the fee received and the rate of remuneration agreed upon.

Register of acceptances.

Knowledge of references.

Proviso.

Record of promised work.

Fees—percentage of wages.

4. FEES; RECEIPTS.—The fees charged applicants for employment as lumbermen, agricultural hands, coachmen, grooms, hostlers, seamstresses, cooks, waiters,

waitresses, scrubwomen, laundresses, maids, nurses (except professional) and all domestics and servants, unskilled workers and general laborers, shall not in any case exceed ten per centum of the first month's wages, and for all other applicants for employment shall not exceed the amount of the first week's wages or salary, or five per centum of the first year's salary, except when the employment or engagement is of a temporary nature, not to exceed in any single contract one month, then the fee shall not exceed ten per centum of the salary paid. In case the applicant shall not accept or obtain help or employment, through such agency, then such licensed person shall on demand repay the full amount of the said fee, allowing three days' time to determine the fact of the applicant's failure to obtain help or employment. If an employe furnished fails to remain one week in the situation, a new employe shall be furnished to the applicant for help if he so elects, or three-fifths of the fee returned, within four days of demand; *provided,* said applicant for help notifies said licensed person within thirty days of the failure of the applicant to accept the position or of the applicant's discharge for cause. If the employe is discharged within one week without said employe's fault, another position shall be furnished or three-fifths of the fee returned to the applicant for employment, if he so elects. Failure of said applicant for help to notify said licensed person that such help has been obtained through means other than said agency shall entitle said licensed person to retain or collect three-fifths of the said fee. No such licensed person shall send out any applicant for employment without having obtained, either orally or in writing, a bona fide order therefor, and if it shall appear that no employment of the kind applied for existed at the place to which said applicant was directed, the said licensed person shall refund to such applicant, within three days of demand, any sums paid by said applicant for transportation in going to and returning from said place, and all fees paid by said applicant. It shall be the duty of such licensed person to give to every applicant for employment from whom a fee shall be received a receipt, in

Return of fee if applicant not accepted.

Proviso.

If employe discharged within week.

Position offered to be bona fide.

Receipt issued.

which shall be stated the name of said applicant, the date and amount of the fee, and the purpose for which it was paid, and to every applicant for help a receipt stating the name and address of said applicant, the date and amount of the fee, and the kind of help to be provided.

Language of section printed.

Every such receipt, excepting only those given by theatrical, and those procuring technical, clerical, sales and executive positions for men only, shall have printed on the back thereof a copy of this section, in the English language, and in any language which the person to whom the receipt is issued can understand. No such licensed person shall receive or accept any valuable thing or gift as a fee or in lieu thereof. No such licensed person shall divide fees with contractors or their agents, or other employers, or anyone in their employ to whom applicants for employment are sent. Every such licensed person shall give to each applicant for employment a card or printed paper containing the name of the applicant, name and address of such employment agency, and the written name and address of the person to whom the applicant is sent for employment. Every such licensed person shall post in a conspicuous place in each room of such agency sections four, five and six of this act, which shall be printed in large type, in languages which persons commonly doing business with such office can understand. Such printed law shall also contain the name and address of the officer charged with the enforcement of this law.

Fees not divided.

Applicant's card.

Sections of law posted in agency.

Not induce servants to leave.

5. EMPLOYMENT CONTRACT.—No such person shall induce or attempt to induce any domestic employe to leave his employment with a view to obtaining other employment through such agency. Whenever such licensed person, or any other acting for him, agrees to send one or more persons to work as contract laborers in any one place outside the city in which such agency is located, the said licensed person shall file with the mayor or commissioner of licenses, within five days after the contract is made, a statement containing the following items: Name and address of the employe; nature of the work to be performed, hours of labor; wages offered, destination of the persons employed and terms of trans-

Statement filed when contract laborer goes outside city.

portation. A duplicate copy of this statement shall be given to the applicant for employment in a language which he is able to understand.

As to morality.

6. CHARACTER OF EMPLOYER; FRAUD.—No such licensed person shall send or cause to be sent any female as a servant or inmate or performed to enter any place of bad repute, house of ill-fame or assignation house, or to any house or place of amusement kept for immoral purposes, or place resorted to for the purposes of prostitution, or gambling house, the character of which such licensed person could have ascertained upon reasonable inquiry. No such licensed person shall knowingly permit any person of bad character, prostitutes, gamblers, intoxicated persons or procurers to frequent such agency. No such licensed person shall accept any application for employment made by or on behalf of any child under the age of fourteen years, or shall place or assist in placing any such child in any employment whatever. No licensed person, his agents, servants or employes, shall induce or compel any person to enter such agency for any purpose, by the use of force or by taking forcible possession of said person's property. No such licensed person, his or her agents or employes, shall have sexual intercourse with any applicant for employment. No such person shall procure or offer to procure help or employment in rooms or on premises where intoxicating liquors are sold to be consumed on the premises, whether or not dues or a fee or privilege is exacted, charged or received directly or indirectly. For the violation of any of the foregoing provisions of this section the penalty shall be a fine of not less than fifty dollars and not more than two hundred and fifty dollars, or imprisonment for a period of not more than one year, or both, at the discretion of the court. No such licensed person shall publish or cause to be published any false or fraudulent or misleading notice or advertisement; all advertisements of such employment agency by means of cards, circulars or signs and in newspapers and other publications, and all letter-heads, receipts and blanks shall contain the name and address of such employment agency, and no such licensed person shall give any false informa-

No applications from children.

Penalty for violation.

No misleading statements.

tion, or make any false promise or false representation concerning employment to any applicant who shall register for employment or help.

Act enforced by police or inspectors.

7. ENFORCEMENT.—The enforcement of this act shall be entrusted to the police departments of all municipalities not having license inspectors and to the license inspector or inspectors in other municipalities. The chief of police or such license inspector as may be appointed by the chief of police, which inspector shall have no other duties except under this act, shall make, at least,

Bi-monthly visits to agencies.

bi-monthly visits to every such agency excepting those agencies exempted from keeping the prescribed registers under section four of this act, which shall be inspected on complaint made to said license inspector. Said in-

Badge of office.

spectors shall have a suitable badge which they shall exhibit on demand of any person with whom they may have official business. Said inspectors shall see that all the provisions of this act are complied with, and shall have

Complaints, how made.

no other occupation or business. Complaints against any such licensed person shall be made in writing to any police magistrate or justice of the peace and reasonable notice thereof, not less than one day, shall be given in writing to said licensed person by serving upon him a concise statement of the facts constituting the complaint, and a hearing shall be had before the police magistrate or justice of the peace within one week from the date of the filing of the complaint, and no adjournment shall be taken for a period longer than one week. A daily

Date of hearing posted.

calendar of all hearings shall be kept by the police magistrate or justice of the peace, and shall be posted in a conspicuous place in his court room or office for at least one day before the date of such hearings. The police

Decision.

magistrate or justice of the peace shall render his decision within eight days from the time the matter is finally submitted to him. Said police magistrate or justice of

Record of complaints and hearings.

the peace shall keep a record of all such complaints and hearings. The said mayor or other said officer may

Issue and revocation of licenses.

refuse to issue and may revoke any license for any good cause shown, within the meaning and purpose of this act, and when it is shown to his satisfaction that any licensed person is guilty of any immoral, fraudulent or illegal

conduct, in connection with the conduct of said business, it shall be his duty to revoke the license of such persons; but notice of the charges shall be presented and reasonable opportunity shall be given said licensed person to defend himself. Whenever for any cause such license is revoked, license shall not be issued to said licensed person or his representative, or to any person with whom he is to be associated in the business of furnishing employment. The violation of any provision of this act, except as provided in sections two and six, shall be punishable by a fine not to exceed twenty-five dollars, and any city magistrate, police justice, justice of the peace, or any inferior magistrate having original jurisdiction in criminal cases, shall have power to impose said fine, and in default of payment thereof to commit the person so offending for a period not exceeding thirty days. Any person may institute criminal proceedings for its enforcement before any court of competent jurisdiction.

Penalty for violations.

8. REPEALING.—All acts or parts of acts relating to employment agencies in cities of the first class inconsistent with this act are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved May 28, 1907.

CHAPTER 231.

Supplement to an act entitled "An act concerning proceedings on bonds and mortgages given for the same indebtedness and the foreclosure and sale of mortgaged premises thereunder," approved March twelfth, one thousand eight hundred and eighty.

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

1. No judgment shall be entered by confession on any bond where a mortgage has or may hereafter be given

Written notice of proposed judgment by confession filed with county clerk.

for the same debt or in any action on said bond unless prior to the entry of such judgment, if the same shall be by confession, or prior to the beginning of such action, if the proceeding be by action, there shall be filed in the office of the clerk of Common Pleas, except in counties where there is a register of deeds and mortgages, then in the office of the register of deeds and mortgages of the county in which the lands described in the mortgage given with such bonds are situate, a written notice of the proposed judgment or action setting forth the court in which it is proposed to enter such judgment or begin such action, the names of the parties to such bond and to such judgment or action, the book and page of the record of the said mortgage, together with a description of the lands or real estate described therein.

Notice recorded.

2. It shall be the duty of the clerk or register with whom any such notice shall be filed forthwith to record the same, together with the time of the filing thereof, in a proper book by him provided and kept in his office for the purpose, which book shall be properly indexed by such clerk or register and be a public record, to which all persons desirous of examining the same shall have access, and which shall be the same book provided for the record of notices of lis pendens.

Record book.

Fees allowed.

3. The following and no other fees shall be allowed for the services required by the previous sections of this act, namely, to the county clerk or register for filing and recording such notice, ten cents per folio; which fee shall be included with the other costs to be taxed and recovered in the judgment or action on said bond.

4. This act shall take effect immediately.

Approved May 28, 1907.

CHAPTER 232.

An Act to regulate the construction and use of dams in the waters of Paulins Kill, in the counties of Warren and Sussex.

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

Dams in Paulins Kill.

1. Hereafter no dam shall be constructed in the waters of the Paulins Kill in the counties of Warren and Sussex, except such dam be provided with what is commonly known as a fish ladder or fish way.

Must have fish way.

2. All dams now in the waters of said Paulins Kill which are not provided with a fish ladder or fish way shall, within sixty days after the passage of this act, be provided with such fish ladder or fish way.

Penalty.

3. Any person violating the provisions of this act shall be guilty of a misdemeanor.

4. This act shall take effect immediately.

Approved June 8, 1907.

CHAPTER 233.

An Act to amend an act entitled "An act to enable any city in this State, other than cities of the first class, to construct, purchase or otherwise acquire water works for the purpose of supplying pure and wholesome water for public and private use in said city or in adjoining municipalities, and providing for the maintenance of the same," approved June eighth, one thousand nine hundred and six.

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

Section amended.

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

Bond issue to complete and operate water system.

10. For the purpose of defraying the cost and expense of the construction of said reservoir and incidental works, and the purchase or condemnation of the necessary lands, water works and reservoirs already in existence, and the pipes, mains and conduits connected therewith, and the franchise and franchises as aforesaid, so as to enable the said city to properly operate and complete a perfect system of water-supply, it shall and may be lawful for said common council, board of aldermen or other governing body of such city to cause to be issued, under the hand of its mayor and the seal of said city, bonds to an amount to be determined upon by said common council, board of aldermen or other governing body, payable within thirty years from the date of issue, and bearing interest at a rate not exceeding five per centum per annum, pledging the faith and credit of said city for the payment thereof, which bonds shall be sold to the highest bidder therefor; and any such city availng itself of the provisions of this act shall, in its annual tax levy, raise sufficient money to pay the interest on said bonds and to provide a sinking fund for their retirement at maturity, and shall also raise in its annual tax levy, in the same manner as it raises the money for repairs to public streets or buildings, the annual expenses of the operation and maintenance of such plant; *provided,* that in raising such annual tax such city or its assessing or collecting officer or officers shall not be restricted by any special act of the Legislature whereby the amount of any tax to be raised in such city is limited to any particular percentage upon the valuation of the assessed property therein.

Amount.

Time and rate.

Sinking fund.

Proviso.

2. This act shall take effect immediately.

Approved June 8, 1907.

CHAPTER 234.

An Act making an appropriation for plans and estimates of cost for the improvement of Manasquan Inlet.

WHEREAS, It is represented by the Geological Reports of New Jersey for the year one thousand nine hundred and five that for a moderate cost the Manasquan inlet can be made available for small craft, at all times, and thereby be a great saving to both life and property, as well as promoting pleasure boating and fishing industries along the coast from Sandy Hook to Barnegat; and Preamble.

WHEREAS, It is believed that the late plans proposed in the report aforesaid, if adopted, are both feasible and economical; therefore

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

1. The sum of two hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of the State fund for the use and purpose of making plans and estimates of cost for the construction of a "reaction jetty," as is indicated in the report of the State Geologist, year one thousand nine hundred and five, part one, showing changes on the Jersey coast. Appropriation.

The aforesaid sum (two hundred dollars) to be used under the direction of the State Geologist, for expenses of survey and estimate, who shall transmit to the Governor a report of the work and his recommendation regarding it. How used. Report.

2. This act shall take effect immediately.

Approved June 10, 1907.

CHAPTER 235.

An Act to amend section six of an act entitled "An act to provide for the marking and designating of the channels of the bays, thoroughfares and sounds flowed by tide water in the counties of Ocean, Atlantic and Cape May," approved June twelfth, one thousand nine hundred and six.

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

Section amended.

1. Section six of an act entitled "An act to provide for the marking and designating of the channels of the bays, thoroughfares and sounds flowed by tide water in the counties of Ocean, Atlantic and Cape May," approved June twelfth, one thousand nine hundred and six, be amended and read as follows:

Salaries of oyster superintendents.

6. Each superintendent shall receive annually, as compensation for the duty required by this act, the sum of one hundred dollars, payable July fifteenth, for each district in which such channel shall be so designated, and shall be allowed for the materials and services necessary to carry this act into effect the additional sums of four hundred dollars for the district embraced by Ocean county, four hundred dollars for the district embraced by Atlantic county and six hundred dollars for the district embraced by Cape May county.

Repealer.

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

Approved June 10, 1907.

CHAPTER 236.

An Act providing for a survey or surveys to show the amount of dredging necessary to deepen the channels of the inland waterways extending from Cape May to Bay Head along the Atlantic coast, and for estimates of the cost of deepening the same and appropriating five thousand dollars to defray the expenses of such surveys and estimates.

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

Estimates for deepening channel made by geologist.

1. The State Geologist of the State of New Jersey is hereby authorized and directed to make an estimate of the amount of expenditures necessary to deepen such portions of the inland waterway extending from Cape May to Bay Head along the Atlantic coast as may be required to be deepened to secure a channel between said points of the minimum depth of eight and ten feet, respectively, at low water, and of the width of fifty feet, and to make a report of the estimate so made by him to the one hundred and thirty-second session of the Legislature of the State of New Jersey at the opening thereof.

Detailed report.

2. Said report to be made by the said State Geologist shall include a detailed statement of the manner in which said estimate is by him made, and shall show the estimated cost of the width named in the preceding paragraph at the two depths respectively named, and shall be accompanied by suitable maps and data to elucidate the same.

Assistance.

3. In making such surveys as may be essential to procure the necessary data from which the estimates referred to in the preceding sections may be made the State Geologist is authorized to employ such assistance as in his judgment may be necessary, and the total cost

of making said survey and estimates shall not exceed the sum of five thousand dollars; and there is hereby appropriated from the treasury of the State of New Jersey the sum of five thousand dollars from which all expenses connected with said survey and estimates which shall be approved by the said State Geologist shall be paid.

Appropriation.

4. This act shall take effect immediately.

Approved June 10, 1907.

CHAPTER 237.

An Act to prohibit sales of merchandise in bulk in fraud of creditors.

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

As to bulk sales.

1. The sale in bulk of the whole or a large part of the stock of merchandise and fixtures, or merchandise or fixtures, otherwise than in the ordinary course of trade, and in the regular and usual prosecution of the seller's business, shall be void as against the creditors of the seller, unless the purchaser shall, in good faith and for the purpose of giving the notice herein required, make inquiry of the seller and receive from him a list in writing of the names and places of residence or business of and indebtedness to each and all of such creditors, and unless the purchaser shall, at least five days before the consummation of the sale, give personal notice of said proposed sale to each of the creditors of the seller as appearing on said list, or use reasonable diligence to cause personal notice to be given to them, or shall deposit in the mail a registered letter of notice, postage prepaid, addressed to each of the seller's said creditors at his post-office address, according to the written information furnished; *provided, however,* that no proceedings at law or equity shall be brought against the purchaser to invalidate any such voidable sale after

Purchaser to protect himself by inquiry and notice to creditors.

Proviso.

the expiration of ninety days from the consummation thereof.

Truthful action by seller.

2. The seller shall make full and truthful answer, in writing, to each and all of the inquiries made of him by the purchaser, as required in section one; and if such seller shall knowingly and willfully make or deliver, or cause to be made or delivered, to said purchaser any false answer to such inquiries, or shall induce a sale by refusing to make answer to such inquiries, or by fraudulently claiming or pretending ignorance of the matters called for by such inquiries, then, in each of said cases, said seller shall be deemed guilty of a misdemeanor, after indictment, upon conviction thereof.

To whom act applicable.

3. Sellers and purchasers under this act shall include corporations, associations, copartnerships and individuals; but nothing contained in this act shall apply to sales made under any order of a court, or to any sales made by executors, assignees for the benefit of creditors, administrators, receivers, or any public officer in his official capacity, or by any officer of a court.

4. This act shall take effect immediately.

Approved June 11, 1907.

CHAPTER 238.

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

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

Pay of constables in first class counties.

1. Constables of the counties of the first class shall receive per day, for each and every day engaged in attending the Circuit Court, Court of Oyer and Terminer and General Jail Delivery, Court of Common Pleas and General Quarter Sessions of the Peace in said counties, a fee of three dollars and fifty cents, which payment shall

be in full and in lieu and stead of all fees, mileage or other allowances heretofore allowed.

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

Approved June 11, 1907.

CHAPTER 239.

An Act fixing the salary of the State Librarian.

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

Salary. 1. The State Librarian shall hereafter receive a salary of three thousand dollars per annum, payable in monthly installments out of the treasury of this State.

2. This act shall take effect immediately.

Approved June 11, 1907.

CHAPTER 240.

An Act to further amend an act entitled "An act relating to the Court of Common Pleas (Revision of 1900)," approved March twenty-third, one thousand nine hundred, which act was amended by an act approved March thirty-first, one thousand nine hundred and two, and further amended by an act approved June twenty-second, one thousand nine hundred and six.

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

Section 16 amended. 1. Section sixteen of the act to which this is an amendment be and the same is hereby amended so as to read as follows:

Salary of county judges.

16. The annual salary of the judges of said court in counties containing more than two hundred thousand inhabitants shall be seven thousand five hundred dollars; in counties having between one hundred and fifty thousand and two hundred thousand inhabitants, six thousand five hundred dollars; in counties having between one hundred thousand and one hundred and fifty thousand inhabitants, six thousand dollars; in counties having between eighty thousand and one hundred thousand inhabitants, four thousand dollars; in counties having between seventy thousand and eighty thousand inhabitants, three thousand five hundred dollars; in counties having between thirty-five thousand and seventy thousand inhabitants, three thousand dollars; in counties having between twenty thousand and thirty-five thousand inhabitants, one thousand eight hundred dollars, and in counties having less than twenty thousand inhabitants, one thousand two hundred dollars. Such salaries shall be paid by the collector or treasurer of the respective counties in equal monthly payments, and shall be in lieu of all fees and compensation whatsoever for the service of said judges in the Courts of Comman Pleas, Orphans' Court, Courts of Oyer and Terminer, Quarter Sessions, and all other services required to be performed by said judges by virtue of their offices. Such salaries shall be determined and paid upon the basis of population shown by the latest State or national census promulgated, without regard to the date of appointment of such judge; *provided,* such judge shall consent thereto in writing, filed in the office of the county clerk; *and provided,* that this act shall only apply to those judges of the Court of Common Pleas whose term of office shall hereafter commence, or to those now in office, who shall file their assent in writing, under their hands, to this act in the office of the county clerk of the county for which they are appointed; and all fees which at any time heretofore were paid to or divided among the judges, or paid to any judge of the Court of Common Pleas, are hereby abolished, and shall not hereafter be taxed or collected.

How paid.

Proviso.

Proviso.

Act how construed.

2. This act shall not be interpreted or construed as

repealing or affecting the provisions of chapter one hundred and forty-nine of the laws of one thousand nine hundred, or of chapter two hundred and forty-two of the laws of one thousand nine hundred and three, or of chapter one hundred and eight of the laws of one thousand nine hundred and four, or of chapter one hundred and forty-one of the laws of one thousand nine hundred and five.

3. This act shall take effect immediately.

Approved June 11, 1907.

CHAPTER 241.

An Act to authorize townships to purchase and acquire sewers, and to provide for the payment of the expense incurred.

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

Petition for purchase of sewer.

1. Whenever a petition, in writing, of any owners of property to be benefited, not less than ten in number, shall be presented to the township committee of any township, asking that any sewer already constructed in any street or streets, road or roads, in such township, or any part or section of any street or road in such township, be purchased or acquired by said township committee, it shall be lawful for such township committee to adopt a resolution declaring its intention to purchase or acquire the said sewer; and the said township committee shall forthwith cause public notice of such intention to be given by the township clerk in two or more newspapers printed in the county in which such township is located, and circulating in such township, for the space of at least two weeks, and to be published during said period at least three times a week in said newspapers, briefly describing the said sewer and approximately the section or part of the township which is

Notice by township committee.

drained or sewered, and may be drained or sewered, by the said sewer, and requesting such owners of land within the approximate drainage area of the said sewer as may wish to object thereto to present their objections in writing at a meeting of said committee, to be held at a time and place in said township appointed by said committee and specified in said notice, which meeting shall be at least three weeks after the first publication of such notice, and a hearing shall be held upon said objections at the said time and place, whereupon it shall be lawful for such committee at such meeting, or at any subsequent meeting to which the matter may be continued, if they deem any of the objections filed well taken, to discontinue all proceedings for the purchase or acquisition of said sewer; but if they deem said sewer necessary for the public good and health, and also deem it for the welfare of the township, or any part thereof, so to do, to adopt an ordinance providing for the purchase of the said sewer, and thereafter to enter into a contract for the purchase of said sewer, with any person or corporation, for a sum not exceeding the fair value thereof, and to receive a conveyance thereof in the corporate name of the township, with all outlets and connections connected therewith, and all the rights and franchises of said person or corporation in and relating to the said sewer, which conveyance, having been duly acknowledged or proved, shall be forthwith recorded by said township committee in the clerk's office of the county; or if the said township committee shall thereafter be unable to agree with the owner or owners of the said sewer for the purchase thereof, then it shall be lawful for the said township committee, by resolution, duly adopted, to institute condemnation proceedings in the name of the township, for the purpose of acquiring the said sewer, which condemnation proceedings shall be had in the manner provided by law for such proceedings at the time they are instituted; and either the said township committee or the said owner or owners may appeal from the award made for said sewer in said condemnation proceedings to the Circuit Court of the county wherein the said township is located.

Hearing.

May adopt ordinance and contract for purchase of sewer.

May institute condemnation proceedings.

Bond issue.

2. The township committee shall issue registered or coupon bonds of such township for the purpose of raising the money necessary to pay for the said sewer so purchased or acquired by condemnation as aforesaid. Such bonds shall be made payable at times therein specified, which times shall not be more than eleven years after date, but always so that an equal amount shall fall due each year after the year of issue, except the first year. The rate of interest on such bonds shall not exceed five per centum per annum, and the denomination of the same shall be fixed by the township committee issuing the bonds, and they may be sold at public or private sale for not less than par. All sums collected for assessments made as hereinafter provided, and the interest thereon, shall be held and used for the payment or redemption of the bonds issued to pay for the cost of the said sewer or sewers, for which such assessments were imposed, and no money so collected shall be used for any other purpose whatsoever until such bonds, with interest thereon, shall have been fully paid.

Time.

Rate.

Redemption of bonds.

Cost assessed by commission.

3. As soon as possible after the purchase or condemnation of the said sewer, three commissioners shall be appointed, by resolution of said township committee, to assess the cost incurred by the said committee in the matter, and all lawful expenses, upon the land and real estate benefited by the purchase or acquisition of the said sewer and in proportion to the benefit received thereby, and in making the said assessment, the same shall be made upon the several lots or parcels of land benefited, in proportion to the benefits actually received by each one of said lots or parcels of land, and no lot or parcel of land shall be assessed more than it is really benefited, and the excess, if any, of such cost and expenses, over and above the amount so assessed upon such land, shall be assessed upon the township at large wherein such sewer shall lie. Said commissioners shall be resident freeholders of said township, but shall not be interested in any land within the drainage area of said sewer, and shall not otherwise be interested in the purchase or acquisition of the said sewer. They shall, before entering upon their duties, take and subscribe,

Oath.

before some officer empowered by law to administer oaths, an oath in which they shall swear that they are not interested in any land within the drainage area of the said sewer, and are not otherwise interested in the purchase or acquisition of the said sewer, and that they are resident freeholders of such township, and that they will faithfully execute the duties of their office. After taking said oath said commissioners may proceed immediately to execute the duties of their office, and they shall, after having first ascertained the exact drainage area of such sewer, and the names of the persons owning the land within such area, and the amount of land owned by each of such persons, cause a map of such drainage area to be made, showing the said sewer, and the subdivisions of the land within said area as owned by such owners. They shall then ascertain the said cost and expenses, and assess the said cost and expenses so ascertained upon the land and real estate benefited by the purchase or acquisition of said sewer in proportion to the benefit received and in the manner aforesaid, which assessment shall be manifested by a report, in writing, to the township committee, signed by said commissioners, or any two of them, and accompanied by the map aforesaid, and which said map shall also show the amount assessed upon each lot or parcel of land, whether such assessments are for immediate benefits, or whether they are for prospective benefits as hereinafter provided, the names of the owners of such lands, so far as the same could be ascertained, and the excess, if any, of said cost and expenses assessed upon the township at large; but no assessment shall be deemed defective by reason of any mistake in the names of any of the owners, or by reason of the omission of the names of any of such owners.

Map prepared.

Benefits indicated in report.

4. In making assessments for benefits arising from the purchase or acquisition of such sewer, such assessment shall, as to lands which front or abut on said sewer, or are in the vicinity of the line of said sewer, whereby a direct tapping or drainage benefit is secured, be collectible forthwith upon the adoption of an ordinance confirming said assessments, but where such benefit is pros-

Collectible assessments.

pective only, depending upon the construction of any other connecting sewer or sewers, such assessments shall be collectible, and bear interest only from the time when the assessments to be made for benefits conferred upon such land by the construction of such other sewer or sewers, along the line of which such land and real estate fronts, or is in the vicinity of, shall be collectible.

Method of apportioning assessments.

5. In ascertaining and estimating assessments for benefits which shall be prospective only, as provided in the preceding section, the benefit conferred upon all the land fronting on such sewer, or in the vicinity thereof, and having an immediate tapping or drainage benefit, shall be first ascertained, and after deducting the amount thereof from the entire amount of the said cost and expenses, the balance, or so much thereof as may properly be assessable upon such land not having an immediate tapping or drainage benefit, but which shall be situate in such drainage area or district, shall, to the extent that the same may be benefited when such connecting sewer or sewers shall have been built, be assessed upon such land.

Report and map filed with clerk.

6. The report and map of the said commissioners shall be filed in the office of the township clerk of such township, and thereafter said clerk shall, at the direction of the township committee, cause a notice to be published for at least three weeks, once in each week, successively, in two or more newspapers published in such county, and circulating in said township, stating that the said commissioners have filed their map and report in the office of said township clerk, and that the township committee will meet at a time and place within said township, specified in said notice, which day shall be at least thirty days after the first publication of said notice, to consider any objections to said report which may be presented in writing to the township clerk, on or before the day fixed in said notice. In case objections to any assessments in said report are made, and the said committee, after such hearing, shall not deem them to be well founded, the said committee may, by ordinance, confirm the said report, and the assessments thereby levied and imposed, or if they refuse to confirm the same they may return it to

Hearing of objections.

the said commissioners with any such obejctions that may have been received, for such amendment as may, to said commissioners, seem reasonable and proper, and the said committee may thereafter, without further notice to any person, by ordinance confirm said report and the assessments thereby levied and imposed, whenever said report is again filed by said commissioners with the township clerk. Said ordinance confirming said report shall be adopted in the same manner as other ordinances are at the time adopted in townships, and the said ordinance shall provide whether said assessments for benefits then payable under said ordinance shall be paid in one payment, or in equal annual installments, not exceeding ten. All assessments shall draw interest from the time they become due and payable, at the rate of six per centum per annum, and, if made payable in installments, there shall be due and payable with each installment thereon and on the unpaid portion of such assessment interest at the same rate; but any assessment on any lot or parcel of land, or any and all installments thereof, may be paid at any time before the same become legally overdue, with all arrearage of interest to the time of payment, and all assessments for immediate benefits shall become due and payable upon the adoption of the said ordinance.

Amended report.

Confirming ordinance adopted.

Interest on assessments.

7. Immediately upon the confirmation by the township committee of any report of commissioners, levying and imposing assessments for benefits, such assessments shall constitute a first and paramount lien on the property assessed for the amount so assessed against it, with interest and any costs of collection, and shall so remain until the said assessments, together with interest and costs of collection, if any, shall be paid, notwithstanding any devise, descent, alienation, mortgage, or other encumbrance thereof.

Assessments a lien.

8. Within five days after the adoption of said ordinance confirming the report of said commissioners, it shall be the duty of the township clerk to deliver to the collector of taxes of said township, a certified copy of such ordinance and of the said report, and thereupon it shall be the duty of such collector to collect all assess-

Notice to, and duty of, collector.

ments then payable according to the terms of the said ordinance, and in the manner therein provided, and to report such collections from time to time to the township committee, and to pay over the moneys so collected to the township treasurer.

Collection of unpaid assessments.

9. Whenever any assessment for benefits, or any installment thereof, shall remain due and unpaid for the period of one year after the same shall become due and payable under the ordinance confirming said report, such assessment or installment may be collected in the same manner as delinquent taxes upon real estate are then enforced and collected in townships, and the land upon which the same is a lien may be sold therefor in the manner at that time provided in the case of delinquent taxes upon real estate in townships; *provided,* that nothing in this section contained shall be construed as regulating the time during which any such assessment shall be and remain a lien on the land against which it has been assessed.

Proviso.

Compensation of commissioners.

10. Commissioners appointed by the township committee for the purpose of assessing benefits shall receive for their services a sum to be fixed by the township committee not exceeding five dollars per day.

11. This act shall take effect immediately.

Approved June 11, 1907.

CHAPTER 242.

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

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

Liquor licenses granted for a year.

1. Hereafter all licenses for the sale of spirituous, vinous, malt and brewed liquors in municipalities in

counties of the fourth class in this State, shall not be granted for a less term than one year, and in such municipalities where such licenses are not granted by the Court of Common Pleas, the board or body having authority to grant the same may grant such licenses at any regular meeting of such board or body or at any special meeting held for that purpose.

Repealer.

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

3. This act shall take effect immediately.

Approved June 11, 1907.

CHAPTER 243.

A Supplement to an act entitled "An act for the formation and government of villages," approved February twenty-third, one thousand eight hundred and ninety-one.

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

Improvement of village streets.

1. The trustees or other governing body of any village are authorized and empowered by ordinance to take up and vacate any of the streets or highways or portions thereof of such village and to relay the same or lay out new streets, except such streets or highways or portions thereof as shall have erected along the same houses or buildings which, with the single lots upon which they are erected, shall occupy one-tenth of the aggregate length on both side of such streets or highway or portion thereof to be vacated, laid out or relaid as public streets; and for that purpose it is hereby made the duty of the said trustees of said village, or governing body by whatever name known, to cause a survey of the streets or portions thereof to be laid out as herein provided to be made, and to erect at suitable

Survey and map.

places in each of said streets or highways or parts thereof permanent monuments of such survey, and to cause a map thereof to be made, which map or a copy thereof, with a return describing said survey and map, with its courses, distances and monuments, shall be filed in the office of the clerk or register of the county in which said village is located and recorded in suitable books in said office, which return, or a duly certified copy thereof, shall be the evidence of the location of the streets so surveyed and returned. A duplicate or certified copy of such return shall also be filed in the office of the clerk of said village, and shall be open to the inspection of all persons interested.

Duplicates.

Petition to precede any action.

Any such street or highway or portion thereof which has been or shall be so taken up, vacated, relaid and laid out by the said board of village trustees, or other governing body of such village, shall not again be taken up, vacated, relaid or changed by the same or any other board of trustees, or other governing body of such village, except upon the request, in writing, in the nature of a petition, signed by the owners of three-fourths of the property fronting on both sides of such street, highway or portion thereof, and filed with such board of trustees, or other governing body of such village.

Hearing.

Before the final passage of any ordinances relating to the taking up, vacating, relaying or laying out of any street, highway or portion thereof in such village, the board of trustees thereof shall give a public hearing upon such proposed action, of which hearing notice shall be given by public advertisements at least one week preceding such hearing, such advertisements to be inserted in a newspaper published in such village, or, if there be no newspaper published therein, in a newspaper circulating therein, which notice shall designate the hour and place of meeting and briefly the business to be brought before such meeting; and at such hearing said board of trustees shall submit to those present maps and surveys showing such proposed changes, together with such information as they may be able to acquire as to improvements thereon, and all other matters in relation thereto as they may be able

to acquire; and at such meeting a hearing shall be given as to said proposed changes.

When street opened.

2. It shall be lawful for the said trustees, from time to time, to fix the time at which said streets shall be opened as public streets.

Encroachments removed.

3. The board of trustees is authorized to open to their full width and extent each and every street so ascertained and defined, and to remove, or cause to be removed, all encroachments therefrom.

Building line.

4. When any dwelling-house, or other building or erection now existing on any lot in said village, shall be removed, taken down, or in anywise destroyed, it shall not be lawful for any person or corporation to rebuild or erect any dwelling-house, or other building or erection, on such lot, except in conformity with the line of the street now or hereafter to be defined by such survey, monuments and relayings.

Assessments for benefits on property improved.

5. The cost of improvements in opening, altering and widening streets (exclusive of compensation for the taking of the land), and the value of the buildings and permanent improvements taken, shall be assessed upon and paid by the lands and real estate benefited by the same, in proportion to the benefit received, and any excess cost over and above what shall be properly deemed to be chargeable to said real estate benefited as aforesaid shall be paid by the village at large in the same manner as is now provided by law for the payment of the cost of sewers and drains which shall be built in any village of this State.

Law applicable to assessments.

6. The costs, expenses and damages incurred by any village for the laying out, opening, altering, vacating and improving of streets or highways or portions thereof, including the taking of land and buildings, specified in this act, shall be ascertained, assessed and collected as provided in an act entitled "An act to provide for the assessment and payment of the costs and expenses incurred in constructing sewers and making other improvements in townships and villages," approved March twelfth, one thousand eight hundred and seventy-eight (Pamphlet Laws 1878, page 70), and the acts supplemental thereto and amendatory thereof.

New Jersey State Library

Commissioners of assessment.

7. If the board of trustees or other governing body of the village shall be unable to agree with the owner or owners of any lands and premises taken for the purpose of laying out, opening, altering or widening such street or highway or portion thereof, as herein provided, as to the value thereof and the amount to be paid to such owner or owners, the same shall be ascertained by commissioners, to be appointed in the same manner and whose duties and powers shall be the same as conferred by the aforesaid act, approved March twelfth, one thousand eight hundred and seventy-eight (Pamphlet Laws 1878, page 70).

Bond issue.

8. The cost to said village of the taking of such lands required for the purposes recited in this act, and of vacating, relaying, opening or widening of streets or highways, or portions thereof, ascertained and assessed as aforesaid, shall be paid by the issuance of

Time.

bonds of said village, to run not to exceed thirty years from the date thereof, and to be in denominations to be fixed by said village trustees or governing body, and to run for such periods as they shall designate and at

Rate.

a rate of interest not to exceed five per centum per annum, which bonds shall be coupon bonds, and shall be a lien upon the property of the entire village until the same shall be paid.

Sinking fund.

9. The governing body shall create a sinking fund for the retirement of the bonds issued for the improvements, damages and costs contemplated by this act, which sinking fund shall be placed in the hands and under the control of the sinking fund commissioners to be appointed as provided in the act for the incorporation of villages, approved March twelfth, one thousand eight hundred and seventy-eight, and the various supplements and amendments thereto. The amount to be

Annual payment to fund.

placed to the credit of said sinking fund shall be so placed annually, and shall be raised by adding the amount thereof (which amount shall be designated by the governing body of said municipality) to the bonus of taxes to be raised annually by the taxing authorities of said municipality.

10. This act shall take effect immediately.

Approved June 12, 1907.

CHAPTER 244.

An Act to create a public holiday to be known as "Good Friday."

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

1. The day commonly known as "Good Friday" shall annually be kept as a public holiday. Holiday.

2. This act shall take effect immediately.

Approved June 12, 1907.

CHAPTER 245.

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

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

1. In all cases where the borough council of any borough in the State shall submit to the voters of said borough, at a special election, to be called for that purpose, the proposition of construction or purchase of a system of water works or water-supply plant, and also the question of the issue of bonds for the cost of construction or purchase of such system, or shall submit the question of the issue of bonds for any other lawful purpose or both, such election shall be conducted as now or hereafter provided by law, with paper ballots and a ballot-box, and in case a voting machine has been or may be assigned to said borough, the same shall not be used at such special election. Voting machine not used in referendum.

2. This act shall take effect immediately.

Approved June 12, 1907.

CHAPTER 246.

An act to set off territory from the borough of Mountainside, in the county of Union, and annex the same to the town of Westfield, in said county.

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

Portion of Mountainside annexed to Westfield.

1. All that land and real estate lying and being in the borough of Mountainside, in the county of Union, bounded and described as follows:

Beginning at a point in the center line of Hillside avenue in the division line of lands of Calvin Kline and lands of J. S. A. Wittke, being the end of the seventh (7th) course in the description of the borough of Mountainside, filed September ———, one thousand eight hundred and ninety-five, in the Union county clerk's office; thence along the eighth (8th) course in said description of the borough of Mountainside, in a northwesterly direction, along said division line to a corner in line of Christian Fritz's, being the westerly corner of James Lloyd's land; thence, along the ninth (9th) course in said description of the borough of Mountainside, northeasterly, following the southeasterly line of said Christian Fritz, a distance of three (3) chains seventy (70) links, more or less, to a point where said last-mentioned line would be intersected by the division line between Phebe A. Wittke and Jessie Dorvall produced; thence southeasterly, across lands of James Lloyd and along said division line between Phebe A. Wittke and Jessie Dorvall to the center line of Hillside avenue aforesaid; thence along said center line of Hillside avenue in a southwesterly direction four (4) chains, more or less, to the place of beginning, be set off from the said borough of Mountainside, in the county of Union, and State of New Jersey, and annexed to the town of Westfield, in said county, so that the same shall

be hereafter a part of, and within the territorial limits of, the said town of Westfield.

2. This act shall take effect immediately.

Approved June 15, 1907.

CHAPTER 247.

An act to provide for the incorporation of pathological and anatomical associations for the advancement of medical and surgical science.

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

Association for advanced medical study.

1. Any three or more physicians duly authorized and licensed to practice medicine under the laws of the State of New Jersey, who shall desire to associate themselves together for the purpose of pathological and anatomical study and the advancement of medical and surgical science may make, record and file a certificate in writing in manner hereinafter mentioned.

Certificate to show.

2. Such certificate in writing shall set forth:

I. The name or title assumed to designate such association;

II. The place or places in this State where the purposes of such association are to be carried out;

III. The purposes for which the association shall be formed;

IV. The names of the governors or directors who shall manage its affairs for the first year of its existence.

Filing of certificate.

3. Such certificate shall be proved or acknowledged and recorded, as is required of deeds of real estate, in a book to be kept for the recording of certificates of incorporation in the office of the clerk of the county where the purposes of such association are to be carried out, and after being so recorded shall be filed in the office of the Secretary of State; the said certificate, or a copy thereof, duly certified by said clerk or secretary, shall be evidence in all courts or places.

Name, powers, etc.

4. Upon making such certificate and causing the same to be recorded and filed as aforesaid, the said physicians so associating, their successors and assigns, shall, by virtue of this act, be a body politic and corporate in fact and in law, by the name stated in such certificate, and by that name they and their successors shall have perpetual succession and power to sue and be sued, plead and be impleaded, answer and be answered unto, in all courts and places whatsoever, to make and use a common seal, and the same to use at pleasure, and take, have, hold, receive and enjoy any lands, tenements or hereditaments in fee-simple or otherwise, and any goods, chattels or property of any description, real or personal, and whether acquired by gift, grant, devise, bequest or otherwise, and the same to grant, convey, lease, assign, sell or otherwise dispose of for the purposes of said association.

By-laws.

5. The directors or governors of such association shall have power from time to time to make, alter and amend by-laws not inconsistent with the constitution of the United States or of this State, fixing or altering the number of its governors or directors for the management of its property and the regulation and government of its affairs and providing for the mode of filling vacancies in and removing any member from their number and prescribing qualifications for membership of the association and to appoint such agents and officers as shall in their judgment tend to promote or advance any purpose of the association, and to prescribe their respective duties.

Vacancies.

Agents.

No compensation.

6. No governor or director of any association organized under this act shall receive, directly or indirectly, any salary or emolument from such association, nor shall any compensation whatever be voted, allowed or paid by the governors or directors thereof, to any governor or director for services, either as governor or director, or in any other capacity.

Amount of property.

Tax exemption.

7. The property of any association organized under this act and held for its purposes to an amount not exceeding five thousand dollars shall not be liable to the imposition of any taxes.

Unclaimed bodies delivered to assocation.

8. Whenever an association shall be formed or organized under this act in any county of this State, all public officers, agents and servants of any such county, or of any city, township, borough, district and other municipality, and of any and every almshouse, prison, morgue, hospital or other public institution in such county, having charge or control over dead human bodies, required to be buried at the public expense, are hereby required to notify the president or other head officer of any such association, or such person or persons as may from time to time be designated by said association as its duly-authorized officer or agent, whenever any such body or bodies come to his or their possession or control, and shall, if such association or its duly-authorized officers or agents request it, without fee or reward, deliver such body or bodies, and permit such association and its duly-authorized officers or agents, who may comply with the provisions of this act, to take and remove all such bodies, to be used within this State for the advancement of medical and surgical science; but no such notice need be given, nor shall any such body be delivered, if any person claiming to be, and satisfying the authorities in charge of said body that he or she is of kindred or is related by marriage to the deceased, shall claim the said body for burial, but it shall be surrendered for interment; nor shall the notice be given or body delivered if such deceased person was a traveler who died suddenly, in which case said body shall be buried.

Travelers excepted.

Receipt and removal of bodies.

9. The said association may employ a carrier or carriers for the conveyance of said bodies, which shall be well inclosed within a suitable encasement and carefully deposited free from public observation. The drivers or persons in charge of such carrier or carriers shall obtain receipts by name, or, if the person be unknown, by a description of each body delivered by him, and shall deposit said receipts with the person or persons in charge of the institution from which the said body was taken.

Bond for proper performance of duties of association.

10. No association organized under this act shall be allowed or permitted to receive any such body or bodies until a bond shall have been given to the State of New

Jersey by the said association, with two or more securities, to be approved by the clerk of the Court of Common Pleas of the county in which such association shall be organized, and shall be filed with the said clerk of said court, which bond shall be in the penal sum of one thousand dollars, conditioned that all such bodies which the said association shall receive shall be used only for the promotion of medical and surgical science within this State; and whosoever shall sell or buy such body or bodies, or in any way traffic in the same, or shall transmit or convey, or cause or procure to be transmitted or conveyed, said body or bodies to any place outside this State shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine not exceeding two hundred dollars or be imprisoned at hard labor for a term not exceeding one year, or both, at the discretion of the court.

Penalties.

All expenses met by association.

11. Neither the State, nor any county or municipality, nor any officer, agent or servant thereof, shall be at any expense by reason of the delivery or distribution of any such body or bodies, but all the expense thereof shall be paid by the association receiving said body or bodies.

Board of distribution.

12. Whenever more than one association shall be organized under this act within the same county it shall become the duty of the board of governors or directors of each association so as aforesaid organized within the same county to appoint two of their own number, who together shall constitute a board of distribution of dead human bodies, subject to delivery to such associations under the provisions of this act, which board of distribution shall be notified, as provided in the eighth section of this act, whenever any body or bodies may be subject to delivery under the provisions of this act; and it shall be the duty of said board of distribution to distribute the bodies which may from time to time be so delivered to it under the provisions of this act equally and in just rotation among the different associations organized under this act.

Duties.

Bodies from other counties.

13. It shall be lawful for any association organized under this act to apply for and to receive from any county in this State dead human bodies which may be re-

quired to be buried at the public expense and which shall not be claimed by any kindred or relation, as provided in the eighth section of this act; and it shall be lawful for any public officer or agent, or any person in charge of a public institution as enumerated and set forth in the eighth section of this act, to deliver such human body or bodies under the restriction of said eighth section of this act to any association organized under this act in any county in this State; *provided, however,* that when any such association shall have been organized in any county, no body or bodies shall be removed to another county without the association or associations, within said county having had an opportunity to receive said body or bodies. Proviso.

14. Any person having duties enjoined upon him by the provisions of this act who shall neglect, refuse or omit to perform the same as hereinbefore required shall, on conviction thereof, be liable to a fine of not less than ten dollars nor more than one hundred dollars for each offense. Penalty for non-performance of duty.

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

16. This act shall take effect immediately.

Approved June 15, 1907.

CHAPTER 248.

An Act making appropriations for the support of the State government and for several public purposes for the fiscal year ending October thirty-first, one thousand nine hundred and eight.

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

1. The following sums, or so much thereof as may be necessary, be and they are appropriated out of the State fund for the respective public officers and for the several purposes herein specified, for the fiscal year ending on the thirty-first day of October, in the year one thousand nine hundred and eight, namely: Annual appropriations.

1.

EXECUTIVE DEPARTMENT.

Executive department.

For the Governor, for salary, ten thousand dollars;

For the secretary to the Governor, for salary, four thousand dollars;

For compensation for assistants in the executive department, three thousand three hundred dollars;

For additional allowance for compensation for assistants in the executive department, six hundred dollars;

For blanks and stationery for the use of the executive department, six hundred dollars;

For postage, expressage and other incidental expenses for the executive department, two thousand dollars.

2.

OFFICE OF THE COMPTROLLER.

Comptroller's office.

For the Comptroller, for salary, six thousand dollars;

For the Deputy Comptroller, for salary, three thousand six hundred dollars;

For compensation for all clerical services and expenses, including the salary and expenses of the State Auditor, ten thousand one hundred dollars;

For blanks and stationery for use in the office of the Comptroller, nine hundred dollars;

For postage, expressage and other incidental expenses for the Comptroller's office, twelve hundred dollars.

3.

OFFICE OF THE TREASURER.

Treasurer's office.

For the Treasurer, for salary, six thousand dollars;

For compensation for clerical services in the office of the Treasurer, nine thousand one hundred dollars;

For additional allowance for compensation for clerical services in the office of Treasurer, one thousand four hundred dollars;

For blanks and stationery for use in the office of the Treasurer, six hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of the Treasurer, six hundred and fifty dollars.

4.

OFFICE OF THE SECRETARY OF STATE.

Secretary of State.

For the Secretary of State, for salary, six thousand dollars;

For the Assistant Secretary of State, for salary, three thousand dollars;

For compensation for clerical services in the office of the Secretary of State eleven thousand three hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of Secretary of State, two thousand five hundred dollars;

For blanks and stationery for use in the office of the Scretary of State, five thousand three hundred dollars;

For the purpose of compiling, indices of wills, deeds and other records, in the general vault of the office of the Secretary of State, two thousand four hundred dollars;

For services and expenses for the purpose of carrying out the provisions of "An act respecting the recording of certificates and other papers relating to and affecting corporations," approved March twenty-eighth, one thousand nine hundred and four, three thousand five hundred dollars.

5.

ATTORNEY-GENERAL'S DEPARTMENT.

Attorney-General's office.

For the Attorney-General, for salary, seven thousand dollars;

For the Assistant Attorney-General, for salary, five thousand dollars;

For compensation and expenses of assistants employed by the Attorney-General, nine thousand seven hundred dollars;

For blanks and stationery for use in the office of the Attorney-General, six hundred dollars;

For postage, expressage and other incidental expenses for the Attorney-General's Department, eighteen hundred dollars;

For the use of the Attorney-General in the employment of counsel to assist in the pending railroad tax cases, five thousand dollars;

For the use of the Attorney-General in the employment of special counsel to institute proceedings to ascertain by final judicial determination of the courts (1) what equity or interest the State of New Jersey has in the "tidewater basin of one thousand eight hundred and sixty-seven," and (2) by what authority the Lehigh Valley Railroad Company operates the Morris canal, since its charter does not authorize it to conduct a canal business, the sum of five thousand dollars is hereby appropriated, and the Attorney-General is hereby directed to use this sum or any part of it in the prosecution of said proceedings.

6.

STATE BOARD OF ASSESSORS.

Assessors.

For the members of the State Board of Assessors, salaries, ten thousand dollars;

For secretary of the State Board of Assessors, for salary, two thousand five hundred dollars;

For compensation for clerical service in the office of the State Board of Assessors, eight thousand dollars;

For blanks and stationery for use in the office of the State Board of Assessors, nine hundred dollars;

For postage, expressage and other incidental expenses for the State Board of Assessors, nine hundred dollars;

For compensation of local assessors and witnesses, and compensation and expenses of surveyors, pursuant to chapter one hundred and one of the laws of one thousand eight hundred and eighty-four, five thousand dollars.

7.

DEPARTMENT OF BANKING AND INSURANCE.

Banking and insurance.

For the Commissioner of Banking and Insurance, for salary, six thousand dollars;

For the Deputy Commissioner of Banking and Insurance, for salary, two thousand five hundred dollars;

For compensation for assistants in the Department of Banking and Insurance, nine thousand dollars;

For additional compensation for assistants in the Department of Banking and Insurance, one thousand dollars;

For blanks and stationery for use in the Department of Banking and Insurance, three thousand dollars;

For postage, expressage and other incidental expenses for the Department of Banking and Insurance, three thousand dollars;

For compensation of building and loan association examiners, fifteen thousand three hundred dollars;

For actual and necessary traveling and incidental personal expenses of building and loan association examiners, five thousand dollars;

For necessary appraisals of real estate and all other incidental expenses in connection with examinations of building and loan associations, one thousand two hundred dollars;

8.

BOARD OF EQUALIZATION OF TAXES.

Board of taxation.

For salaries for president and four members, nineteen thousand dollars; salary for clerk, two thousand five hundred dollars; salary of assistant clerk, one thousand

two hundred dollars; for blanks, stationery, et cætera, four hundred dollars; for postage, expressage and incidentals, five hundred dollars.

9.

STATE LIBRARY.

State library.

For the Librarian, for salary, two thousand dollars;

For additional allowance for the Librarian, for salary, one thousand dollars; *provided,* such sum is authorized by enactment of the present Legislature;

Proviso.

For compensation for assistants in the State Library, two thousand one hundred dollars;

For additional allowance for compensation for assistants in the State Library, three hundred dollars;

For the repair, preservation and purchase of useful books for the State Library, three thousand five hundred dollars;

For blanks, stationery, postage, expressage and other incidental expenses for the State Library, six hundred dollars;

10.

STATE BOARD OF HEALTH.

Board of health.

For the State Board of Health, pursuant to the provisions of chapter sixty-eight, laws of one thousand eight hundred and eighty-seven, one thousand eight hundred and twenty-five dollars;

For compensation of assistants in the office of the State Board of Health, pursuant to said chapter, eight thousand two hundred and forty dollars;

For additional allowance for compensation of assistants in the office of the State Board of Health, pursuant to said chapter, three hundred dollars;

For compensation to the secretary of said board, pursuant to said chapter, two thousand five hundred dollars;

For expenses to be incurred pursuant to chapter two hundred and twenty-five, laws of one thousand eight hundred and eighty-six, two thousand dollars;

For blanks and stationery for use in the office of State Board of Health, one thousand four hundred dollars;

For maintenance of the bacteriological laboratory, five thousand five hundred dollars;

For postage required in sending to the physicians of this State the annual report of the State Board of Health and of the Bureau of Vital Statistics, three hundred and fifty dollars;

For the purpose of carrying into effect the provisions of "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof," passed at the legislative session of one thousand nine hundred and one, and "An act to prevent deception in the sale of oleomargarine, butterine or any imitation of dairy products, and to preserve the public health," pursuant to chapter eighty-four of the laws of one thousand eight hundred and eighty-six, twenty thousand dollars.

11.

BUREAU OF STATISTICS.

Statistics.

For the chief of the Bureau of Statistics, for salary, two thousand five hundred dollars;

For the deputy chief of the Bureau of Statistics, for salary, two thousand dollars;

For the current expenses of the Bureau of Statistics, seven thousand dollars;

For blanks and stationery for use in the office of the Bureau of Statistics, four hundred dollars.

12.

STATE HOUSE COMMISSION.

State House.

For the State House Commission, for the care and safe-keeping of the State Capitol, the property therein and adjacent public grounds, and for expenses to be incurred in carrying out the provisions of chapter three

hundred and thirty-nine of the laws of one thousand eight hundred and ninety-four, sixty-five thousand dollars;

For insurance upon State House and contents thereof, two thousand eight hundred dollars.

13.

STATE MUSEUM.

Museum.

For Curator, for salary, one thousand five hundred dollars;

For the commission to acquire new material for the museum and for blanks, stationery and other incidental expenses, one thousand six hundred dollars.

14.

GEOLOGICAL SURVEY.

Geological survey.

For salaries and expenses of the department of the geological survey, including the continuance of forestry investigations and expenses in connection with the publication of the reports and maps of the geological survey, sixteen thousand five hundred dollars.

15.

SUPREME COURT.

Supreme Court.

For the Chief Justice and Associate Justices of the Supreme Court, for salaries, eighty-two thousand dollars;

For the judges of the Circuit Court, for salaries, forty-five thousand dollars;

For salary of an additional judge of the Circuit Court, three thousand seven hundred and fifty dollars;

For compensation of sergeant-at-arms and criers, one thousand three hundred dollars;

For the payment of expenses incurred by the order of the Supreme Court pursuant to chapter one hundred and

forty-nine of the laws of one thousand nine hundred, two thousand five hundred dollars;

For blanks and stationery for use of the Chief Justice and Associate Justices of the Supreme Court, two hundred dollars.

16.

OFFICE OF THE CLERK OF THE SUPREME COURT.

Clerk of Supreme Court.

For the Clerk of the Supreme Court, for salary, six thousand dollars;

For compensation for clerical service in the office of the Clerk of the Supreme Court, seventeen thousand two hundred and fifty dollars;

For additional allowance for compensation for clerical service in the office of the Clerk of the Supreme Court, two hundred and fifty dollars;

For blanks and stationery for use in the office of the Clerk of the Supreme Court, one thousand one hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of the Clerk of the Supreme Court, one thousand seven hundred dollars.

17.

COURT OF CHANCERY.

Court of Chancery.

For the Chancellor, for salary, ten thousand dollars;

For the Vice Chancellors, for salaries, seventy thousand dollars;

For compensation of sergeants-at-arms, four thousand five hundred dollars;

For compensation of stenographers, and for services pursuant to section one hundred and three of chapter one hundred and fifty-eight, laws of one thousand nine hundred and two, fifteen thousand five hundred dollars;

For compensation and allowance of Advisory Masters, three thousand two hundred and fifty dollars;

For rent of rooms in Camden, Jersey City, Newark and Paterson, for the use of Chancellor, Vice Chancellors and Advisory Masters, seven thousand dollars;

For miscellaneous expenses in connection with such rooms, two hundred dollars;

For compensation of stenographer for the Chancellor, six hundred dollars;

For allowance for stationery for the Court of Chancery, five hundred dollars.

18.

OFFICE OF CLERK IN CHANCERY.

Clerk in Chancery.

For the Clerk in Chancery, for salary, six thousand dollars;

For compensation for clerical service in the office of the Clerk in Chancery, twenty-four thousand five hundred dollars;

For blanks and stationery for use in the office of the Clerk in Chancery, one thousand eight hundred dollars;

For postage, expressage and other incidental expenses for the office of the Clerk in Chancery, two thousand and seventy-five dollars.

19.

COURT OF ERRORS AND APPEALS.

Court of Errors.

For compensation of judges of the Court of Errors and Appeals, nineteen thousand dollars;

For additional salary for the Chancellor, Chief Justice and Associate Justices of the Supreme Court, ten thousand dollars;

For compensation of officers of the Court of Errors and Appeals, one thousand and twenty-five dollars;

For furnishing printed or typewritten copies of draft opinions under the direction of the presiding judge, one thousand dollars.

20.

COURT OF PARDONS.

Court of Pardons.

For compensation for judges of Court of Pardons, two thousand five hundred dollars;

For compensation of subordinate officers and incidental expenses, one thousand five hundred dollars.

21.

LAW AND EQUITY REPORTS.

Legal reports.

For the publication of the Chancery reports, seven thousand five hundred dollars;

For the publication of the law reports, five thousand two hundred dollars;

For salary of Chancery reporter, five hundred dollars;

For salary of Supreme Court reporter, five hundred dollars;

For binding Chancery and law reports, one thousand two hundred dollars.

22.

NATIONAL GUARD.

National guard.

For expenses for division, brigade and regimental headquarters, four thousand dollars;

For allowances for two batteries of artillery, two thousand dollars each, four thousand dollars;

For allowances for two troops of cavalry, at two thousand dollars each, including rent of armory, four thousand dollars;

For allowances for sixty companies of infantry, at five hundred dollars each, thirty thousand dollars;

For allowance for one signal and telegraph corps, two thousand dollars;

For transportation for battalion drills, inspections, parades, and for pay and expenses of inspecting officers, five thousand dollars;

For compensation of officers and employes, and expenses incurred in connection with rifle practice, nine thousand five hundred dollars;

For pay of officers and enlisted men, and expenses in connection with the annual encampment, sixty-two thousand two hundred dollars;

For compensation of the superintendent and employes, and for forage, fuel and maintenance of the State camp grounds, ten thousand dollars;

For fuel, light and maintenance of the State arsenal, one thousand five hundred dollars;

For expenses of military boards and courts-martial, one thousand five hundred dollars;

For transportation of disabled soldiers of the late rebellion and the Spanish-American war, fifty dollars;

For maintaining, heating and lighting armories at Jersey City, Camden, Newark, Paterson and Trenton, at four thousand five hundred dollars each, twenty-two thousand five hundred dollars;

For insuring regimental armories, buildings at the State camp grounds at Sea Girt, the State arsenal and all public military stores, three thousand one hundred dollars;

For ordnance stores, uniforms, clothing, camp and garrison equippage, freight and expressage and miscellaneous supplies, eight thousand dollars;

NAVAL RESERVE.

Naval reserve.

First battalion, in lieu of company allowances, one thousand five hundred dollars;

For battalion headquarters, three hundred dollars;

For pay of shipkeeper, maintenance and expenses, six thousand five hundred dollars;

For pay and expenses of officers and men on annual cruise, two thousand four hundred dollars;

Second battalion, in lieu of company allowances, one thousand five hundred dollars;

For battalion headquarters, three hundred dollars;

For pay of shipkeeper, maintenance and expenses, five thousand five hundred dollars;

For pay and expenses of officers and men on annual cruise, one thousand eight hundred dollars.

23.

ADJUTANT-GENERAL'S DEPARTMENT.

Adjutant-General.

For the Adjutant-General, for salary, two thousand five hundred dollars;

For compensation for clerical service in the Adjutant-General's office, five thousand six hundred and eighty dollars;

For blanks and stationery for use in the Adjutant-General's office, one thousand five hundred dollars;

For postage, expressage and other incidental expenses for the Adjutant-General's office, eight hundred dollars;

For annual dues to Interstate National Guard Association, for the year one thousand nine hundred and eight, fifty dollars;

For clerical service compiling data for the roster of officers and enlisted men of New Jersey in revolutionary and other wars, at Trenton, New Jersey, or elsewhere, four thousand nine hundred and twenty dollars; *provided,* said work is entirely completed to the satisfaction of the Comptroller, within this appropriation.

Proviso.

24.

QUARTERMASTER-GENERAL'S DEPARTMENT.

Quartermaster-General.

For the Quartermaster-General, for salary, two thousand five hundred dollars;

For compensation for assistants in the department of the Quartermaster-General, namely:

For chief clerk, for salary, two thousand five hundred dollars;

For clerks, for salaries, one thousand seven hundred dollars;

For military storekeeper, for salary, one thousand two hundred dollars;

For carpenter, machinist and to persons having in charge accoutrements, et cætera, cleaning arms, et cætera, teamster and laborer, for salaries, four thousand five hundred and seventy-nine dollars and twenty-five cents;

For blanks and stationery for use in the Quartermaster-General's department, five hundred dollars;

For postage, expressage and other incidental expenses for the Quartermaster-General's department, four hundred and fifty dollars.

25.

MONMOUTH BATTLE MONUMENT.

Freehold monument.

For the commission having in charge the Monmouth battle monument and grounds, pursuant to chapter one hundred and eighteen of the laws of one thousand eight hundred and eighty-six, five hundred dollars.

26.

TRENTON BATTLE MONUMENT.

Trenton monument.

For the Trenton Battle Monument Association, for the purpose of keeping said property in good condition and repair, five hundred dollars.

27.

PENSIONS.

Pensions.

For amount required to pay pensions, pursuant to various acts relative thereto, five thousand five hundred and eighty-four dollars.

28.

HOME FOR DISABLED SOLDIERS AT KEARNY.

Kearny home.

For support of the New Jersey Home for Disabled Soldiers at Kearny, and for the chaplain thereof, fifty thousand dollars.

29.

SOLDIERS' STATE PAY.

For claims of volunteers in the Civil War, for State pay pursuant to chapter thirteen of the laws of one thousand eight hundred and sixty-one, one hundred dollars. Civil War claims.

30.

WASHINGTON ASSOCIATION OF NEW JERSEY.

For trustees of the Washington Association of New Jersey, twenty-five hundred dollars. Morristown headquarters.

31.

STATE BOARD OF AGRICULTURE.

For the State Board of Agriculture, seven thousand dollars;

For the State Board of Agriculture, for the purpose of carrying out the provisions of an act to prevent the introduction into and spread of injurious insects in New Jersey, to provide a method for compelling their destruction, to create the office of State Entomologist, to authorize inspection of nurseries and to provide for certificates of inspection, three thousand dollars. Board of agriculture.

32.

TUBERCULOSIS COMMISSION.

For expenses and payments by the State Tuberculosis Commission, fifteen thousand five hundred dollars. Tuberculosis.

33.

AGRICULTURAL EXPERIMENT STATION.

For salaries and expenses of the Agricultural Experiment Station, twenty thousand dollars; Experiment station.

For printing bulletins of the Agricultural Experiment Station, one thousand five hundred dollars;

For expenses incurred by the New Jersey Agricultural Experiment Station in carrying out the provisions of "An act concerning the regulation of the sale of concentrated commercial feeding stuffs," three thousand dollars;

For expenses incurred by the New Jersey Agricultural Experiment Station in carrying out the provisions of "An act to regulate the sale of Paris green," approved April ninth, one thousand nine hundred and six, five hundred dollars;

To the Agricultural Experiment Station, for the purpose of carrying out the provisions of "An act to provide for locating and abolishing mosquito-breeding salt-marsh areas within the State, for assistance in dealing with certain inland breeding places, and appropriating money to carry its provisions into effect," approved April twentieth, one thousand nine hundred and six, ten thousand dollars.

34.

BOARD OF VISITORS TO THE AGRICULTURAL COLLEGE OF NEW JERSEY.

Visitors to agricultural college.

For the Board of Visitors to the Agricultural College of New Jersey, for personal expenses incurred pursuant to chapter three hundred and sixty-five of the laws of one thousand eight hundred and seventy-three, fifty dollars;

For advertising pursuant to chapter nine of the laws of one thousand eight hundred and seventy-nine, ninety dollars.

35.

STATE HOSPITALS.

State asylums.

For traveling expenses of managers, nine hundred dollars;

For expenses in transferring insane convicts, two hundred dollars;

For medical examination of insane convicts, three hundred dollars.

36.

STATE HOSPITAL AT TRENTON.

Trenton asylum.

For maintenance of county patients, at the rate of two dollars per week, one hundred and five thousand dollars;

For support and clothing insane convicts, at the rate of five dollars per week for each insane convict, twelve thousand dollars;

For support and clothing of indigent patients, at the rate of four dollars per week, thirty-five thousand dollars;

For salaries of officers, fourteen thousand dollars;

For additional allowance for salaries of officers, five hundred dollars;

For appraisement of personal property, seventy-five dollars.

37

STATE HOSPITAL AT MORRIS PLAINS.

Morris Plains asylum.

For maintenance of county patients, at the rate of two dollars per week, one hundred and thirty thousand dollars;

For support and clothing of insane convicts, at the rate of five dollars per week for each insane convict, eighteen thousand two hundred dollars;

For support and clothing of indigent patients, at the rate of four dollars per week, eighty thousand dollars;

For salaries of officers, fifteen thousand five hundred and fifty dollars;

For additional allowance for salaries of officers, one thousand dollars;

For appraisement of personal property, seventy-five dollars.

38

COUNTY LUNATIC ASYLUMS.

County asylums.

For the support of county patients in the Essex county lunatic asylum, one hundred and fifteen thousand dollars;

In the Hudson county lunatic asylum, sixty thousand dollars;

In the Camden county lunatic asylum, twenty-three thousand five hundred dollars;

In the Burlington county lunatic asylum, sixteen thousand dollars;

In the Passaic county lunatic asylum, four thousand dollars;

In the Gloucester county lunatic asylum, one thousand dollars;

In the Cumberland county lunatic asylum, fourteen thousand dollars;

In the Salem county lunatic asylum, one thousand eight hundred dollars;

In the Atlantic county lunatic asylum, eight thousand dollars.

39.

STATE PRISON.

State prison.

For maintenance of convicts, one hundred and ten thousand dollars;

For furniture, appliances and repairs of State Prison, twelve thousand dollars;

For the principal keeper, for salary, three thousand five hundred dollars;

For the supervisor, for salary, three thousand dollars;

For the physicians, deputy keepers and employes, for salary, ninety-five thousand dollars;

For additional allowance for the physicians, deputy keepers and employes, for salaries, ten thousand two hundred and eighty-two dollars; *provided,* the "eight-hour bill" does not become a law;

Proviso.

For the six inspectors, for salaries, three thousand dollars;

For the keeper, for payments to discharged convicts, two thousand five hundred dollars;

For teacher and moral instructor to the convicts in the State Prison, pursuant to section seven, chapter one hundred and fifty-five of the laws of one thousand eight

hundred and seventy-six, for salary, one thousand dollars;

For traveling and other necessary expenses incurred by the parole agent, pursuant to chapter two hundred and thirty-two, laws of one thousand nine hundred and five, nine hundred and fifty dollars;

For new closets in wing number six, two thousand five hundred dollars.

40.

STATE HOME FOR BOYS.

Jamesburg school.

For the trustees of the New Jersey State Home for Boys, eighty thousand dollars;

For the trustees of said home, for expenses incurred by them in the discharge of their duties, five hundred dollars.

41.

STATE HOME FOR GIRLS.

Girls' home.

For the trustees of the New Jersey State Home for Girls, for the support and necessary repairs to the home, forty thousand dollars;

For the trustees of said home, for expenses incurred in the discharge of their duties, five hundred dollars.

42.

PRESERVATION OF RECORDS.

Archives.

For the purpose of publishing and completing the early records of this state, known as "New Jersey Archives," three thousand five hundred dollars.

43.

BOARD OF FISH AND GAME COMMISSIONERS.

Fish and game commissioners.

For the fish and game wardens, including the fish and game protector, for compensation, fifteen thousand six hundred dollars;

For expenses of the fish and game wardens and fish and game protector, five thousand one hundred dollars;

For the purpose of stocking the waters of the State with food fishes and for defraying the cost of maintaining a hatchery and for the protection and propagation of birds and game animals within this State, five thousand dollars;

For expenses of the fish and game commissioners, one thousand dollars;

For printing game laws, license blanks, et cætera, seven hundred and fifty dollars.

44.

BLIND AND FEEBLE-MINDED.

Blind and feeble-minded.

For clothing, maintenance, support and instruction of the blind persons, inhabitants of this State, fifteen thousand dollars;

For clothing, maintenance, support and instruction of the feeble-minded persons, inhabitants of this State, seventy-two thousand dollars;

For maintenance, support and instruction of feeble-minded women, forty thousand dollars.

45.

DEPARTMENT OF LABOR.

Labor bureau.

For the commissioner, for salary, two thousand five hundred dollars;

Proviso.

For additional allowance for salary of the commissioner, one thousand dollars; *provided,* such sum is authorized by enactment of the present Legislature;

For the assistant commissioner, for salary, one thousand five hundred dollars;

Proviso.

For additional allowance for the assistant commissioner, for salary, five hundred dollars; *provided,* such sum is authorized by enactment of the present Legislature.

For eleven inspectors, for salaries, eleven thousand dollars;

For additional allowance for eleven inspectors, for salaries, five thousand five hundred dollars; *provided,* such sum is authorized by enactment of the present Legislature; Proviso.

For department clerks, for services, two thousand seven hundred and fifty dollars;

For additional allowance for department clerks, for services, five hundred dollars;

For printing, postage, expressage and other incidental expenses, one thousand five hundred dollars;

For expenses of commissioner, assistant commissioner and inspectors, five thousand six hundred and fifty dollars.

46.

STATE CHARITIES AID ASSOCIATION.

For expenses of the association, six hundred dollars. Charities.

47.

STATE HORTICULTURAL SOCIETY.

To the treasurer of the New Jersey State Horticultural Society, the sum of four hundred dollars. Horticulture.

48.

STATE OYSTER COMMISSION FOR THE DISTRICT OF OCEAN COUNTY.

For the commissioners, for salaries, seven hundred and fifty dollars; Ocean county oyster district.

For the superintendent, for salary, one thousand dollars;

For patrol service, one thousand dollars;

For incidental expenses, five hundred dollars; *provided,* all bills are approved by the Governor; Proviso.

For office rent, fifty dollars;

For surveying oyster lands, two hundred dollars.

49.

ADVERTISING.

Advertising.

For advertising proclamations issued by the Governor, notices of the Attorney-General in relation to delinquent miscellaneous corporations, and notices of the Comptroller in regard to public printing, et cætera, twelve thousand dollars.

50.

PRINTING.

Printing.

For printing and binding public documents, forty-five thousand dollars;

For compensation of an expert printer for services in preparation of specifications for bids, supervision of work, examination of bills, and such other duties as may by law be imposed upon him, six hundred dollars;

For preparing index of session laws, one hundred dollars;

For printing and circulation of the laws, seven thousand dollars.

51.

PUBLIC ROADS.

Roads.

For public roads, three hundred thousand dollars;

For State Commissioner of Public Roads, for salary, five thousand dollars;

For compensation of supervisor for assisting the State Commissioner of Public Roads in supervising, constructing and performing such other duties as necessity may require, two thousand five hundred dollars;

For expenses for clerk hire, consulting engineer, fees, stationery and actual traveling expenses, four thousand dollars.

52.

ARMORY FOR FIRST TROOP, CAVALRY.

Cavalry armory at Newark.

For the purpose of erecting an armory in the city of Newark, for the use of First Troop, Cavalry, pursuant

to chapter two hundred and four of the laws of one thousand nine hundred and three, fifty thousand dollars.

53.

LEGISLATURE.

Legislature.

For compensation of Senators and members of the General Assembly, forty thousand eight hundred and thirty-three dollars and thirty-two cents;

For compensation of officers and employes of the Legislature, thirty thousand one hundred and fifty dollars;

For stationery for use of the legislative session, pursuant to chapter two hundred and eight of the laws of one thousand eight hundred and sixty-eight, five hundred dollars;

For manuals of the Legislature of New Jersey, two thousand dollars;

For indexing the journal of the Senate and minutes of the executive sessions and the minutes of the House of Assembly, and other incidental and contingent expenses of the Legislature, six thousand seven hundred dollars;

For toilet and other necessary supplies for use at the legislative session, to be furnished by the State House Commission, one thousand dollars.

54.

COLLATERAL INHERITANCE TAX.

Inheritance tax.

For surrogates, fees, appraisers' compensation and expenses, legal and other disbursements, pursuant to chapter two hundred and ten of the laws of one thousand eight hundred and ninety-four, fifteen thousand dollars.

55.

REFUNDING TAXES ON MISCELLANEOUS CORPORATIONS.

Refund taxes.

For taxes improperly levied upon corporations and to be refunded, pursuant to law, five hundred dollars.

56.

HIGH SCHOOL INSPECTION.

School inspection.

For high school inspection, two thousand five hundred dollars.

57.

PRACTICE TEACHING.

Practice teaching.

For extra compensation to the teachers in the various school districts in the State, for training the normal school pupils in the art of teaching, five thousand dollars.

58.

BODIES THROWN UPON SHORES OF THE STATE BY SHIPWRECK.

Shipwrecked bodies.

For expenses incurred in viewing bodies cast upon shores by shipwreck, one hundred dollars.

59.

COURT EXPENSES.

Transferred suits.

For compensation of judges of the Court of Common Pleas, pursuant to section forty-nine, chapter one hundred and forty-nine of the laws of one thousand nine hundred, one thousand dollars.

60.

AGRICULTURAL COLLEGE FUND.

Agricultural college fund.

To the treasurer of Rutgers College, for interest on one hundred and sixteen thousand dollars, certificates of indebtedness of the State of New Jersey, due January first and July first, one thousand nine hundred and eight, pursuant to the provisions of chapter one hundred

and thirty-five of the laws of one thousand eight hundred and ninety-six, five thousand eight hundred dollars.

61.

RIPARIAN COMMISSION.

Riparian commission.

For salaries of Riparian Commissioners, six thousand dollars;

For salaries and expenses incurred in the prosecution of the work of the commissioners, six thousand five hundred dollars.

62.

OBSTRUCTIONS TO NAVIGATION.

Removing sunken vessels.

For expenses incurred in removing any boat, barge or scow stranded or sunk in any of the navigable rivers of this State, three hundred dollars.

63.

MANUAL TRAINING AND INDUSTRIAL SCHOOL FOR COLORED YOUTH.

Bordentown school.

For maintenance of the Manual Training and Industrial School for Colored Youth, twelve thousand dollars.

64.

NEW JERSEY SCHOOL FOR THE DEAF.

Deaf-mute school.

For the New Jersey School for the Deaf, for the teaching, maintenance and clothing of pupils taught therein, for purchase and repair of furniture, school apparatus and other appliances, for making needed improvements and repairs in the buildings and grounds, for insurance thereof, and for maintaining the system of manual and industrial education in said school, forty-five thousand dollars.

65.

STATE NORMAL SCHOOL.

Normal school.

For the support of the State Normal School, fifty thousand dollars;

For necessary repairs to the grounds, buildings and furniture, and for keeping the same insured, five thousand dollars.

66.

FREE SCHOOL LIBRARIES.

School libraries.

For the formation of libraries in the free public schools of the State, seven thousand dollars.

67.

FARNUM PREPARATORY SCHOOL.

Farnum school.

For the support of the Farnum Preparatory School at Beverly, two thousand two hundred and fifty dollars.

68.

INDUSTRIAL EDUCATION.

Manual training.

For payments to schools established for industrial education, pursuant to chapter twenty of the laws of one thousuand nine and six, twenty-one thousand dollars;

For payments to schools for manual training, seventy thousand dollars.

69.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Bureau of instruction.

For salary of State Superintendent of Public Instruction, five thousand dollars;

For salary of Assistant Superintendent and for clerical services in the office of State Superintendent of Public Instruction, ten thousand dollars;

For additional allowance for salary of Assistant Superintendent and for clerical services in the office of State Superintendent of Public Instruction, two thousand dollars;

For stationery and blanks, four thousand five hundred dollars;

For necessary incidental expenses incurred by the State Superintendent of Public Instruction in the performance of his official duties, two thousand five hundred dollars;

For one thousand copies of the manual of the Legislature of New Jersey, as provided by chapter one hundred and nine, laws of one thousand nine hundred and four, one thousand dollars; *provided,* manuals are furnished schools not heretofore having received them, so far as possible, and all public schools be included in the distribution. Proviso.

70.

SCHOOL FUND EXPENSES.

For necessary legal and other expenses incurred by or under the direction of the trustees for the support of public schools in the investment and protection of the school fund, and in the collection of the income thereof, three thousand five hundred dollars. School fund.

71.

STATE BOARD OF EDUCATION.

For necessary expenses of the State Board of Education, three thousand dollars; Board of education.

For procuring plans for school-houses, five hundred dollars;

For expenses of bureau of information for teachers and school officers, five hundred dollars.

72.

TEACHERS' INSTITUTES.

For expenses of teachers' institutes, two thousand dollars. Institutes.

73.

TEACHERS' LIBRARIES.

Teachers' libraries.

For the establishment and maintenance of libraries for use of teachers, six hundred dollars;

74.

COUNTY SUPERINTENDENTS.

County superintendents.

For county superintendents of schools, for salaries, forty-two thousand dollars.

75.

EMERGENCY.

Emergency fund.

For the Governor, to enable him to meet any emergency requiring the expenditure of money not otherwise appropriated, the sum of ten thousand dollars, said sum, or any part thereof, to be paid by the Treasurer on the warrant of the Comptroller, upon accounts approved by the Governor.

76.

STATE BOARD OF EXAMINERS.

Examinations.

For expenses incurred by the State Board of Examiners and compensation for the person appointed by the State Board of Education, two hundred and fifty dollars.

77.

STATE SEWERAGE COMMISSION.

Sewerage commission.

For salaries of commissioners, seven thousand five hundred dollars;

For salary of secretary, one thousand two hundred dollars;

For additional allowance for salary of secretary, six hundred dollars;

For rent and necessary expenses of the commissioners, including experimental work, seven thousand five hundred dollars; *provided,* said expenses are approved by the Governor. Proviso.

78.

NEW JERSEY HOME FOR DISABLED SOLDIERS, SAILORS, MARINES AND THEIR WIVES AND FOR THEIR WIDOWS, AT VINELAND.

For salary of commandant, one thousand five hundred dollars; Vineland home.

For salary of adjutant, one thousand dollars;

For salaries of assistants and incidental expenses, two thousand five hundred dollars;

For maintenance and all other expenses, seventeen thousand five hundred dollars;

For cost of changing laundry, and installing electric light plant in laundry building, two thousand dollars.

79.

STATE OYSTER COMMISSION.

For the better regulation and control of the taking, planting and cultivating of oysters on the lands lying under the tidal waters of the Delaware river, Delaware bay, Maurice river cove and Raritan bay, in the State of New Jersey, twelve thousand dollars; Oyster commission.

For the protection of the natural seed oyster grounds on lands lying under the tidal waters of the Delaware river and Delaware bay, north of "southwest line," in the State of New Jersey, four thousand dollars;

For expenses of surveying and mapping lands to be leased for oyster culture under the tidal waters of the Delaware river, Delaware bay, Maurice river cove and Raritan bay, in the State of New Jersey, three hundred dollars.

80.

STATE BOARD OF CHILDREN'S GUARDIANS.

Children's guardians.

To the State Board of Children's Guardians, for expenses, eight thousand dollars.

81.

PUBLIC LIBRARY COMMISSION.

Library commission.

For the purpose of carrying into effect the provisions of chapter sixty-two, laws of one thousand nine hundred; for clerical assistance, necessary traveling and other expenses incurred by the commission, and for carrying into effect the provisions of chapter one hundred and seventy-five, laws of one thousand eight hundred and ninety-eight, and its supplements, providing for the establishing and maintenance of a system of traveling libraries, five thousand dollars;

For the purpose of carrying into effect the provisions of chapter one hundred and fifteen, laws of one thousand nine hundred and six, six hundred dollars.

82.

TEACHERS' RETIREMENT FUND.

Expenses of retirement fund.

For payment of expenses incurred in connection with the administration of the teachers' retirement fund, pursuant to chapter ninety-five, laws of one thousand nine hundred and five, one thousand five hundred dollars.

83.

NEW JERSEY REFORMATORY.

Railway reformatory.

For traveling and other official expenses of commissioners, one thousand dollars;

For the superintendent, for salary, three thousand dollars;

For the subordinate officers and employes, for salaries, forty-five thousand dollars;

For additional allowance for the subordinate officers and employes, for salaries, five thousand dollars;

For maintenance, forty-five thousand dollars;

For furniture, appliances and repairs (including industrial departments), fifteen thousand dollars;

For the superintendent, for payments to discharged inmates, three thousand dollars;

For traveling expenses of parole officers, one thousand five hundred dollars;

For fuel and water, ten thousand dollars;

For sewage disposal plant and sewer, fifteen thousand dollars.

84.

VILLAGE FOR EPILEPTICS.

Epileptic village.

For the superintendent, for salary, three thousand dollars;

For the steward, for salary, one thousand five hundred dollars;

For the first assistant physician, for salary, one thousand five hundred dollars;

For the second assistant physician, for salary, eight hundred dollars;

For maintenance, including fuel and light, fifty thousand dollars.

85.

STATE AGRICULTURAL COLLEGE.

Agricultural college.

To the treasurer of Rutgers College, to pay the State Agricultural College for the benefit of agriculture and the mechanic arts, pursuant to chapter ninety of the laws of one thousand nine hundred and five, twelve thousand dollars;

For salaries, supplies and all other expenses for the maintenance of short courses in practical and scientific

agriculture, pursuant to chapter fifty-five of the laws of one thousand nine hundred and five, six thousand five hundred dollars;

For the purpose of carrying into effect the provisions of "An act to provide for the establishment of a course in practical and scientific instruction in the art of clay-working and ceramics in the State Agricultural College," approved March seventeenth, one thousand nine hundred and two, and a supplement approved March fourteenth, one thousand nine hundred and seven, being chapter seven, laws of one thousand nine hundred and seven, five thousand dollars;

For the further equipment of the short courses in practical and scientific agriculture in the State Agricultural College, twenty-five thousand dollars; *provided,* a bill pending, entitled "A supplement to an act entitled 'An act to provide for short courses in practical and scientific agriculture in the State Agricultural College,' approved March twenty-fifth, one thousand nine hundred and five," becomes a law.

Proviso.

86.

BURIAL GROUNDS.

Cemeteries.

For the care and maintenance of burial grounds purchased by the State, pursuant to chapter one hundred and seventy-one, laws of one thousand eight hundred and ninety-eight, one hundred dollars.

87.

STENOGRAPHIC REPORTERS.

County court stenographers.

For amount to be refunded to the various counties in this State for salaries of stenographic reporters appointed by the justices of the Supreme Court, pursuant to chapter eighty-one of the laws of one thousand nine hundred and one, ten thousand dollars.

88.

STATE SCHOOL TAX.

School tax.

For the purpose of reducing the State school tax to be assessed for the year one thousand nine hundred and eight, a sum equal to twenty per centum of the entire amount to be so raised is hereby appropriated, approximately eight hundred thousand dollars; *provided,* the present railroad tax law is sustained by the courts.

Proviso.

89.

BUREAU OF SHELL FISHERIES.

Shell fisheries.

For the chief of the bureau, for salary, one thousand two hundred dollars;

For blanks, stationery and other incidental expenses, one thousand dollars.

90.

SANATORIUM FOR TUBERCULOUS DISEASES.

Sanatorium.

For maintenance, thirty-five thousand dollars.

91.

VESSELS NAVIGATING THE WATERS ABOVE TIDEWATERS WITHIN THE STATE.

Inland navigation.

For salary of chief inspector, six hundred dollars;

For expenses of chief inspector, two hundred dollars;

For salary and expenses of assistant inspector, five hundred dollars.

92.

TENEMENT HOUSE SUPERVISION.

Tenement house commission.

For rent of offices, two thousand dollars;

For furnishing office, three hundred dollars;

For printing and stationery, two thousand two hundred and fifty dollars;

For clerical service and stenographer, two thousand one hundred dollars;

For architect and plan examiner, three thousand dollars;

For fifteen inspectors, one thousand dollars each, fifteen thousand dollars;

For seven additional inspectors, one thousand dollars each, seven thousand dollars;

For secretary and executive officer, three thousand dollars;

For incidentals, postage and expressage, one thousand two hundred and fifty dollars;

For inspectors' expenses, three thousand dollars;

For traveling expenses of executive officer and plan examiners, four hundred dollars;

For salary of record clerk, one thousand two hundred dollars;

For expenses of members of the Board of Tenement House Supervision, five hundred dollars.

93.

Night schools.

For the purpose of carrying out the provisions of a bill pending, entitled "An act providing for the establishment of evening schools for foreign-born residents in the State of New Jersey," ten thousand dollars; *provided,* said bill becomes a law.

Proviso.

94.

CIVIL SERVICE COMMISSION.

Civil service.

For the purpose of carrying out the provisions of a bill pending, entitled "An act to establish a Civil Service Commission and to regulate the appointment of certain public officers in the State of New Jersey and in the cities and counties thereof," twelve thousand five hundred dollars; *provided,* said bill becomes a law.

Proviso.

95.

For the purpose of carrying out the provisions of a bill pending, entitled "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof (Revision of 1907)," five thousand dollars; *provided,* said bill becomes a law. Pure food law. Proviso.

96.

STATE OYSTER COMMISSION FOR THE DISTRICT OF ATLANTIC COUNTY.

For the commissioners, for salaries, nine hundred dollars; Atlantic county oyster district.

For the superintendent, for salary, one thousand dollars;

For patrol service, one thousand six hundred and eighty dollars;

For incidental expenses, two hundred and seventy dollars;

For surveys, two hundred dollars.

97.

For the purpose of carrying out the provisions of a bill pending, entitled "A further supplement to 'An act to provide for the appointment of a commission to revise and codify the law relating to master and servant,' approved April third, one thousand nine hundred and five," seven hundred dollars; *provided,* said bill becomes a law. Revision of laws. Proviso.

98.

DEPARTMENT OF CHARITIES AND CORRECTIONS.

For salary of commissioner, three thousand dollars; Charities and corrections.

For additional allowance for salary of commissioner, one thousand dollars; *provided,* such sum shall be authorized by enactment of the present Legislature; Proviso.

For salary of assistant (architect), two thousand five hundred dollars;

For additional allowance for salary of assistant (architect), one thousand one hundred dollars; *provided,* such sum shall be authorized by enactment of the present Legislature;

Proviso.

For salaries of draughtsman, two thousand dollars;

For the services of an engineer, seven hundred and fifty dollars;

For allowance for clerical service, two thousand dollars;

For traveling expenses of commissioner and assistant, one thousand dollars;

For blanks, stationery, postage, et cætera, one thousand dollars.

99.

FOREST PARK RESERVATION COMMISSION.

Forestry commission.

For the purchase of forest lands and expenses therewith by the State Board of Forest Park Reservation Commissioners, pursuant to chapter forty-seven, laws of one thousand nine hundred and five, twenty thousand dollars;

For the use of the State Board of Forest Park Reservation Commissioners, pursuant to said chapter, including maintenance of State forest lands, five thousand dollars;

For the use of the State Board of Forest Park Reservation Commissioners, for the purpose of carrying out the provisions of chapter one hundred and twenty-three, laws of one thousand nine hundred and six, three thousand five hundred dollars.

100.

Disapproved.

For the purpose of carrying out the provisions of a bill pending, entitled "An act to provide for the attendance of a part of the National Guard of New Jersey at the dedication of the Soldiers' and Sailors' Monument at Trenton, in the county of Mercer, and to appropriate

money for the cost of their transportation and other expenses incident to said dedication," three thousand dollars; *provided,* said bill becomes a law.

101.

HEALTH OFFICERS OF THE PORT OF PERTH AMBOY.

Health officers at Perth Amboy.

For salary of the health officer of the port of Perth Amboy, pursuant to chapter three hundred and twenty-eight, laws of one thousand nine hundred and six, one thousand dollars;

For salary of the deputy health officer of the port of Perth Amboy, pursuant to said chapter, two hundred and fifty dollars.

102.

COUNTY BOARDS OF TAXATION.

County boards of taxation.

For salaries of members of the County Boards of Taxation, pursuant to chapter one hundred and twenty, laws of one thousand nine hundred and six, eighty-six thousand four hundred dollars;

For additional allowance for salaries of members of the County Boards of Taxation, six thousand six hundred dollars; *provided,* such sum is authorized by enactment of the present Legislature. Proviso.

103.

SECRETARY OF STATE, DEPARTMENT OF MOTOR VEHICLE REGULATION AND REGISTRATION.

Department of motor vehicles.

For salary for the Commissioner of Motor Vehicles, one thousand five hundred dollars;

For salary for the chief inspector, one thousand five hundred dollars;

For compensation for inspectors, six thousand dollars;

For expenses and equipment of inspectors, three thousand dollars;

For compensation for clerical services, five thousand dollars;

For postage, expressage and other incidental expenses,, two thousand dollars;

For blanks and stationery, one thousand dollars;

Disapproved. For expenses in connection with automobile, one thousand five hundred dollars.

104.

BOARD OF RAILROAD COMMISSIONERS.

Railroad commission. For salaries and expenses of members of the Board of Railroad Commissioners, fifteen thousand dollars;

Proviso. *provided*, said commission is authorized by enactment of the present Legislature.

105.

Jamestown exposition. There is hereby appropriated from the appropriation of one thousand nine hundred and seven, for the Jamestown Ter-Centennial Exposition, the sum, if any, that may lapse at the close of the fiscal year ending October thirty-first, one thousand nine hundred and seven.

106.

VOTING MACHINES.

Voting machines. For the State Board of Voting Machine Commissioners, one thousand five hundred dollars.

2. The following sum is hereby appropriated out of the income of the school fund for the purpose specified for the fiscal year ending on the thirty-first day of October, in the year one thousand nine hundred and eight;

FREE PUBLIC SCHOOLS.

Public schools. For the support of free public schools, two hundred thousand dollars;

There shall be paid from the income of the school fund such sums required to pay premiums and accrued interest on bonds purchased by the trustees for the support of public schools.

Approval of plans and contracts by Governor.

3. Before any building or buildings shall be commenced or work undertaken, for the cost of which money is appropriated by this act, the plans, specifications and contracts necessary for the entire completion thereof shall, and each of them shall, be submitted to and approved by the Governor, and such contracts shall not be approved or entered into if the total expenditure under all the contracts necessary to the entire completion of such building, buildings or work according to such plans and specifications shall exceed the amount appropriated by this act for such building, buildings or work; and in any and every case where it shall appear that the appropriation is insufficient to complete such building, buildings or work, the appropriation hereby made therefor shall not be applied toward the construction of such building or buildings, or prosecution of such work, but shall lapse and no payment shall be made therefrom.

If appropriation insufficient, to lapse.

Money used as specified.

4. No money shall be drawn from the treasury except for objects as hereinabove specifically appropriated, and except such sums which are by law devoted to specific purposes, namely, State school tax, United States appropriation to Agricultural College, United States appropriation for disabled soldiers, United States appropriation for disabled soldiers, sailors, marines and their wives, Agricultural College fund and taxes for the use of taxing districts in this State, moneys received by the State from the taxation of railroad and canal property, which may be by law apportioned to the various counties of the State for school purposes, and loans to "State School Fund," which last-named sums shall be paid pursuant to the laws applicable thereto; this section shall not be construed to prohibit the payment due upon any contract made under an appropriation of the previous year.

Effective.

5. This act shall take effect on the first day of November, one thousand nine hundred and seven.

Approved June 15, 1907, except as to paragraph 100 and line 9 in paragraph 103.

I am compelled to disapprove paragraph 100 because the bill upon the passage of which this appropriation is contingent, failed of enactment.

I disapprove item 9, paragraph 103, because the purpose for which this appropriation is made is rendered ineffective by a former veto.

E. C. STOKES.

CHAPTER 249.

An Act relating to appropriations in certain municipalities and unexpended balances thereof.

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

Use of unexpended balance at end of year.

1. In any municipality in this State where the amounts to be raised by taxation are fixed and determined by resolution or ordinance of the Board of Aldermen, Common Council or other governing body thereof, and not by the voters of such municipality at annual or special elections, it shall be lawful for such Board of Aldermen, Common Council or other governing body, by resolution passed after the expiration of any fiscal year, to carry forward the balance of any such appropriation remaining unexpended or unpledged at the end of said year to the same or other account or appropriation of the next, that is to say, the then present fiscal year, or by resolution to provide that such balance shall be paid into the sinking fund of said municipality.

Tax ordinance may be amended.

2. In any such municipality it shall be lawful for the Board of Aldermen, Common Council or other governing body to amend the annual tax ordinance or resolution providing for the raising of moneys by taxation at any time during the fiscal year for which said moneys are to be so raised prior to the date of the fixing and determining of the tax rate of said municipality for said year.

3. This act shall take effect immediately.

Approved June 17, 1907.

CHAPTER 250.

An Act to repeal an act entitled "A supplement to an act entitled 'An act concerning corporations (Revision of 1896),' approved April twenty-first, one thousand eight hundred and ninety-six," which supplement was approved April eighth, one thousand nine hundred and three, and being chapter one hundred eighty-two (182) of the laws of one thousand nine hundred and three.

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

1. An act entitled "A supplement to an act entitled 'An act concerning corporations (Revision of 1896)', approved April twenty-first, one thousand eight hundred and ninety-six," which supplement was approved April eighth one thousand nine hundred and three, and being chapter one hundred eighty-two (182) of the laws of one thousand nine hundred and three, is hereby repealed. Act repealed.

2. This act shall take effect immediately.

Approved June 17, 1907.

CHAPTER 251.

A Further Supplement to an act entitled "An act for the formation of governments of villages," approved February twenty-third, one thousand eight hundred and ninety-one.

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

1. Where a sewer or drainage system has heretofore been laid out and established in any village of this State, Extension of sewer system.

and it is found to be necessary or desirable to enlarge said system, it shall be lawful for the board of village trustees or the governing body of such village, by whatever name known, to make such extensions, upon a petition signed by the owners of seventy-five per centum in lineal feet of the property affected by such proposed extensions, filed with such governing body. Upon the filing of such petition, such governing body shall give two weeks' notice of a special meeting to be called for the purpose of hearing the taxpayers of said village as to the propriety and advisability of making such extensions, notice of which said meeting shall be given by publication for two weeks, once each week, in a newspaper printed and published in such village, or circulating in said village, and by posting notices of such meeting in at least five public places within the limits of the village.

Notice of hearing.

Hearing; maps and estimates presented.

At said time and place, citizens interested shall be granted a hearing and the governing body shall at such meeting submit to those present maps and data as to estimated cost and all other information in their possession relating to said proposed extension. If said governing body shall deem it for the best interests of the village to extend said sewer and drainage system, a resolution shall be passed setting forth such proposed extensions, giving a full description thereof and the property affected thereby, and upon the adoption of such resolution it shall be lawful for such governing body to cause said work to be done and the expense thereof shall be borne and paid for by the property owners affected and by the village at large in the same manner as is now provided in the acts now in force relating to the payment for sewer and drainage systems in villages, and such cost shall be ascertained, assessed and collected in the manner therein provided for.

Ordinance relative to extension.

Bond issue to meet cost.

For the purpose of paying for the cost of said extensions and all charges in connection with the work provided for in this act, the governing body of such village shall cause bonds of said village to be issued, to run not to exceed thirty years from the date thereof, and to be in denominations fixed by the village trustees or governing body by whatever name known, and to run

Time.

for such periods as they shall designate, at a rate of interest not to exceed five per centum per annum, which bonds shall be coupon bonds and a lien upon the property of the entire village until the same shall be paid. Rate.

2. The governing body shall create a sinking fund for the retirement of the bonds issued for the improvements, damages and costs contemplated by this act, which sinking fund shall be placed in the hands and under the control of a sinking fund commission, which shall consist of the village treasurer and two freeholders resident in the village, to be appointed by resolution of the village trustees, and who shall have the powers as provided in the act entitled "An act concerning townships (Revision of 1899)," and the various supplements and amendments thereto; the amount to be placed to the credit of said sinking fund shall be so placed annually, and shall be raised by adding the amount thereof (which amount shall be designated by the governing body of said municipality) to the amount of taxes to be raised annually by the taxing authorities of said municipality. Sinking fund.

Approved June 17, 1907.

CHAPTER 252.

An Act to establish a State Water-Supply Commission, and to define its powers and duties, and the conditions under which waters of this State may be diverted.

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

1. The Governor, by and with the advice and consent of the Senate, shall appoint five citizens of this State to constitute a commission to be known as the State Water-Supply Commission. The commission shall make necessary rules and regulations for the performance of its duties. It shall be charged with a general supervision over all the sources of potable and public Water-supply commission. General duties.

water-supply, to the end that the same may be economically and prudently developed for the use of the people of this State.

All plans for supplying water submitted to commission.

2. No municipal corporation, corporation or person engaged in supplying or proposing to supply the inhabitants of any municipal corporation with water, shall have power to condemn lands or water for any new or additional source of water-supply, or to divert water from such new or additional source until such municipal corporation, corporation or person has first submitted descriptions thereof, which may be accompanied by maps and plans, to said commission, and until said commission shall have approved the same; *provided,* nothing in this section shall be interpreted to restrict any municipality in acquiring, by purchase or condemnation, any existing or operating water works supplying said municipality with water; *and provided further,* that where any such municipal corporation, corporation or person has already acquired lands or water, and has in good faith commenced the construction of works for such new or additional water-supply, this section shall not apply to construction or lands or water necessary to complete such works, or to put in use such water-supply, if maps, plans and descriptions of such lands, works and water-supplies shall be filed with the commission within ninety days of the approval of this act. Nothing in this act contained shall be construed to take from any municipality in this State the right to use and take all the water which it has the right to use or appropriate by purchase or condemnation.

Proviso.

Proviso.

Application for approval of plans.

3. Any municipal corporation, corporation or person may make application by petition, in writing, to the said commission for the approval of its plans for obtaining such new or additional source of water-supply, which application shall show the sources of the proposed supply, the approximate location of the proposed reservoirs or other works, with their estimated capacities, an abstract of any official reports relating to the same, and showing the need for an added supply, and the reasons for the choice made. The commission shall

thereupon give notice, by advertisement in one or more newspapers published in the vicinity, of a public hearing, at which all persons or municipalities affected by the proposed plans may be heard for or against the granting of the application. After due hearing, the commission shall decide whether the plans proposed are justified by public necessity or reasonably anticipated public use, and whether such plans interfere unduly with the opportunity of other municipalities to obtain a water-supply by the taking of waters necessary for their use, or whether the reduction of the dry-season flow of any stream will be caused to an amount likely to produce unsanitary conditions or otherwise unduly injure public or private interests. Such commission shall, within ninety days after receiving the application, and with all convenient speed, either approve such application, reject it entirely, or approve the same subject to such reasonable terms and conditions as the commission may prescribe. The decision of the commission upon any such application shall be in writing and signed by at least a majority of its members, and shall be filed, together with the application and all plans, maps, surveys and other papers or records relating thereto, in its office, and a copy of the decision certified under seal of the commission shall be forthwith served upon the applicant or his attorney or agent named in the application, which copy shall be evidence in all courts and places. The approval of the commission shall constitute the State's assent to the diversion of water and the construction and operation of the water-works in accordance with the terms of the decision and the plans filed therewith. The decisions of the commission shall at all times be subject to review by the courts for reasonableness, legality or form.

Notice of hearing.

Decision after hearing.

Decision filed with all papers.

Approval gives State's assent.

4. The commission shall have power to subpœna and require the attendance before it of witnesses, and the production of books and papers pertinent to the investigation and inquiries which it is by this act authorized to make, and to examine them or such public records as it shall require in relation thereto. In the event of any person or corporation refusing to obey said subpœna he

As to witnesses.

or it may be punished as for contempt of the Supreme Court, on application by petition to a justice of said court.

Annual report required; contents.

5. The commission shall also have power to require annual reports from all municipal corporations, corporations or persons diverting water for water-supply purposes, as to the amount of water diverted by them, the communities and population supplied, the rates charged, and such other matters as shall be requisite to a proper supervision of the water-supplies of the State and the development and public use thereof. It shall be the duty of the officers in control of municipal or other water-works to keep accurate records, by meters or other approved methods, of the amount of water used, and to report the same quarter yearly to said commission. The commission shall also have power to make such investigations of the meters and records of said corporations of the water diverted as may be necessary to determine all matters pertinent to their duties. It shall also have power to examine the plants and works of all public water-supplies in the State, to aid it in ascertaining the sources of the supply.

Water metered.

Examinations.

Seal; term.

6. The commission shall have an official seal. The term of each member thereof shall be for five years, except that the members of the said commission first appointed shall hold office, respectively, one for one year, one for two years, one for three years, one for four years and one for five years. The members of the commission shall receive an annual salary of two thousand five hundred dollars each, to be paid monthly by the State Treasurer, and be paid their necessary and reasonable expenses actually incurred in the prosecution of their duties. The commission is hereby authorized and empowered to employ a secretary and such engineers, clerks and subordinates as the duties imposed upon it by this act may require, and to fix and pay the reasonable salaries and expenses of such subordinate officers for the purposes of this act. All expenses incurred by said commission shall be paid, by the State Treasurer, on warrant of the Comptroller, out of moneys to be annually appropriated for the purpose,

Salary of commission.

Secretary, engineers, subordinates.

Expenses met by State.

upon vouchers duly approved by the president and attested by the secretary of the commission.

Annual report of commission.

7. The commission shall annually, on or before the thirtieth day of November of each year, submit a written report in detail of its proceedings during the preceding year to the Governor.

Payment to State for waters diverted.

8. Every municipality, corporation or private person now diverting the waters of streams or lakes with outlets for the purpose of a public water-supply shall make annual payments on the first day of May to the State Treasurer for all such water hereafter diverted in excess of the amount now being legally diverted; *provided, however,* no payment shall be required until such legal diversion shall exceed a total amount equal to one hundred (100) gallons daily, per capita for each inhabitant of the municipality or municipalities supplied, as shown by the census of one thousand nine hundred and five.

Proviso.

Future diversion.

And every municipality, corporation or private person not at present diverting surface waters for said purpose, but who shall hereafter divert such waters, shall make annual payments on the first day of May to the State Treasurer for all waters diverted in excess of a total of one hundred (100) gallons daily for each inhabitant of the municipality or municipalities supplied, as shown by the census of one thousand nine hundred and five.

Water rates.

Such payment shall be deemed to be a license and its amount shall be fixed by said commission at a rate of not less than one dollar ($1.00) or more than ten dollars ($10.00) per million gallons. If at all times an amount equal to the average daily flow for the driest month, as shown by the existing records, or in lieu thereof one hundred and twenty-five thousand gallons daily for each square mile of unappropriated watershed above the point of diversion, shall be allowed to flow down the stream, the commission shall fix the minimum rate and may increase the rate proportionally as a less amount is allowed to flow down the stream below the point of diversion, due account being taken in fixing said increase both of the duration and amount of said deficiency; *provided, however,* the aforesaid one hundred and twenty-five thousand gallons daily for each square mile of unappro-

Minimum rate.

Proviso.

priated watershed shall be additional to the dry-season flow or any part thereof which may be allowed to flow down from any appropriated watershed or watersheds above said point of diversion. Water diverted within the corporate limits of a municipality for manufacturing and fire purposes only, and returned without pollution to the stream from which it was taken within said corporate limits shall not be reckoned in making up the aggregate amount diverted. Said commission shall certify to the State Comptroller, as soon as practicable after the first day of January, and not later than the fifteenth day of February of each year, the names of all municipalities, corporations or private persons owing money to the State for the diversion of water during the preceding year, with the amount so due. The State Comptroller shall promptly notify said municipalities, water companies or private persons of their indebtedness to the State, and in case said amounts are not paid the State Treasurer on or before the first day of July of the same year, the State Comptroller shall certify to the Attorney-General for collection the names of such delinquent municipalities, water companies or private persons and the amounts due from each, and it shall be the duty of the Attorney-General to take immediate steps to collect the same in the name of the State. Any party aggrieved by the action of the commission, upon filing written complaint on or before March twentieth, shall be heard and permitted to give evidence of the facts, and the sum fixed may be changed, reduced or canceled, as the facts may warrant. All sums received as above provided shall be credited by the State Treasurer to a special fund, to be used by said commission as the Legislature may direct for the control of the waters and conservation of the water-supplies of the State. The provisions herein contained as to payment to the State for water diverted from surface sources shall not apply to water obtained from wells. Nothing in this act shall be construed to confer upon any municipality, corporation or person any franchise not already possessed by said municipality, corporation or person, but the approval of the said commission contained in its decision as above provided shall constitute the assent of the State to the diversion of water as

Water returned not included.

Report to State Comptroller.

Notify debtors.

Collection of delinquencies.

Aggrieved parties entitled to hearing.

Receipts to constitute special fund.

No additional privileges bestowed.

against the State in accordance with the terms of said decision.

Examination of reservoirs, etc.

9. The said commission, with the assistance of expert engineers, shall examine the plans for storage or other reservoirs heretofore or hereafter made by any bureau, department or commission of the State, and shall advise the Legislature, as soon as practicable, as to the need of such reservoir or reservoirs; which plans best meet these needs; the benefits, cost of construction and maintenance thereof; the revenue to be derived therefrom and methods by which such plans may be carried out. It shall be the duty of every such bureau, department or commission to furnish said Water-Supply Commission all information in its possession regarding their respective plans, in order that said Water-Supply Commission may be able to take full advantage of all surveys, estimates and investigations theretofore made.

All information furnished.

Appropriation.

The sum of ten thousand dollars is hereby appropriated to pay the expenses of the investigations in this section referred to.

Exception.

Nothing in this act shall be construed to authorize the commission to grant to any private corporation or persons the right to construct either of the reservoirs heretofore proposed for flood control in the Passaic river.

Repealer.

10. 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 June 17, 1907.

CHAPTER 253.

An Act to provide for the construction of storage reservoirs, the control of flood waters, and the maintenance and regulation of water-supply districts, when established by law.

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

Water supply district under supervision of commission.

1. Whenever the Legislature, by special act, shall create and establish a water-supply district within this

State, defining the territory included therein, such territory, and the development thereof, so far as the purposes of this act are concerned, shall be under the care and supervision of "The State Water-Supply Commission," which shall have, in addition to the powers already enjoyed by it, all other power and authority proper and necessary to carry out and effectuate the purposes and objects of this act.

Authority to control and store water.

2. Said commission is hereby given full power and authority to devise and adopt plans for suitable works for the storage and control of waters flowing through said district or any part thereof, and to make, construct and maintain such dams, reservoirs, sluices, canals, aqueducts and other works as may be appropriate for preventing damage to property in said district from the overflow of any such river or rivers, and also for the preservation, storage and retention of said waters which would otherwise be wasted. The said commission shall have power and authority to purchase and acquire, and, if necessary, to condemn, lands and rights, or interests in lands, within and without the said district, which may be deemed necessary for the construction of such works, and for their maintenance and proper operation, and likewise to purchase, acquire, and, if necessary, condemn, water rights and rights to flowage necessary or appropriate to the establishment and maintenance of the plans so adopted.

May acquire land, water rights, etc.

Construct dams, reservoirs, etc.

3. The said commission shall have power to construct any dams, reservoirs or other works by them undertaken, in accordance with this act, under or over any water course, under or over or across or along any street, turnpike or highway or other public or quasi-public highway, and for that purpose are hereby authorized to take the lands, real estate, water rights or rights and interest in lands other than those used for railroad or canal purposes, and in the case of public highways or other public or quasi-public structures, to require the same to be abandoned as far as may be necessary for the purpose of said works, and to be relaid, if necessary, by some other route or in some other location. Damages for the taking of such other prop-

Right to take land, etc.

As to damages.

erty, as well as the value of such property taken, to be paid for according to law. The same commission shall also have power to alter or change the grade of any highway or public street where necessary for the purpose of carrying out the plans by it adopted. If it shall become necessary to change the location or gradient of any canal or railroad, operated under a charter or a certificate of incorporation or the appurtenances thereof, the corporation owning and operating the same shall be required to so relocate and change the same so far as needful, and to acquire the property necessary for such change, and, if possible, to agree with said commission upon the details thereof, the costs thereof to be paid by the said commission as part of the expense of said works, and if said railroad company is unable to agree with the owner of any land, property or rights required to be acquired by it in order to make such change, then said commission shall, for the benefit of said company, by condemnation or otherwise, acquire the same.

Dealing with canals and railroads.

May proceed by condemnation.

4. The said commission may, by their officers, agents, servants and employes, enter upon any lands or waters within or without said district for the purpose of surveying, leveling and laying out the plans of the dam or dams, aqueducts and other works by it to be constructed, doing, however, no unnecessary damage or injury to private property.

Right to enter upon property.

5. When said commission shall have adopted the plan of works for the purposes aforesaid, it shall file a copy thereof, together with a map showing the lands to be taken, flowed or otherwise affected thereby, and the area or extent of any reservoir to be constructed, in the office of the county clerk of the county or counties within which said lands lie, or within which said works are to be constructed. It shall also cause to be made a careful estimate of the costs of said works, in which shall be included the cost of the lands, water rights and interest in lands to be acquired, and the damages for the taking thereof, together with an estimate of the cost of changing the location of any railroads, canals, highways or other public or quasi-public structures which

Plan of works filed with county clerk.

Estimates of cost.

require to be changed in carrying out said plans, and all other lawful expenses incident thereto, and shall likewise file a copy of said estimate with said plans in the office of the clerk of the county or counties within which said lands lie and in which said works are to be constructed.

Power to borrow money.

6. Said commission shall also have the power to borrow the amount of money necessary to pay for the cost of acquiring any lands, water and water rights, and other property necessary to carry out the provisions of this act, and of constructing any dam or dams, reservoir or reservoirs, and other works, and of paying any other lawful expenses incurred, in accordance with plans adopted by them, as hereinabove directed, and in order to provide for the payment of such sum or sums of money necessary to be borrowed, the said commission

Bond issue.

is hereby authorized to issue, under its seal, its corporate, negotiable bonds, for such amounts and at such a rate of interest and payable in such a time as said commission shall determine, which said bonds shall be the binding obligation of said commission, and shall be secured by all of the property within the said water-supply district. Said commission shall provide a sinking

Sinking fund.

fund for the payment of such bonds, to which shall be made such payments as may be hereinafter specified. Said bonds may be, if desired and so specified therein, redeemable by lot at a time anterior to their maturity, and said commission is hereby authorized to so redeem any or all of said bonds, as it may deem judicious so

When interest on bonds met by State.

to do. Until the said commission is in receipt of an income, as herein or otherwise provided, with which to pay the interest on said bonds, the same shall be paid annually from the State treasury, by an appropriation to be made therefor by the Legislature, upon being certified by the said commission, the amount necessary therefor.

Maintenance and operation by commission.

7. When said works are completed, the same shall be maintained and operated by the said commission, and said commission is hereby authorized and empowered, not only to lease any lands acquired by it, as hereinbefore provided, for any purpose not inconsistent

with the objects of this act, subject always to the right of flowage of said lands by waters impounded by the works constructed by said commimssion, but also the right to sell the water so impounded to any municipality, water company or person desiring to use the same for water-supply purposes, at a rate to be fixed by said commission; and also to sell or lease power to be derived from the flow of water at or near any dam or dams included in said works constructed by said commission, at a rate agreeable to said commission; and also to sell or lease shore privileges or other rights upon, adjacent to or in connection with said reservoir. The moneys arising from these or any other sources shall be applied by the said commission, first, to the maintenance of said work or works; second, to the payment of interest upon said bonds; and, third, to the sinking fund for the redemption thereof, and after said bonds are wholly paid, the balance of said income, over and above that necessary to the maintenance of said work shall be paid into the State treasury for the uses of the State.

May sell water, power, privileges.

Use of rentals.

8. No contract for work or supplies shall be made by the said commission for sums in excess of five thousand dollars unless bids for the same be first solicited by public advertisement and the award made to the lowest responsible bidder.

Proposals and contracts.

9. The said commission shall have power from time to time to adopt all such reasonable rules and regulations for the use, protection, operation and management of its works, property and plant, as may be prudent and necessary; *provided,* the same be not inconsistent with the provisions of this act and the laws of this State.

Rules and regulations.

Proviso.

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

Repealer.

Approved June 17, 1907.

CHAPTER 254.

An Act to provide for the purchase of cites for and the erection and equipment of armories in counties of the third class, and making appropriations therefor, and to provide for the taking of real estate for such sites by commission in case the same cannot be purchased by agreement.

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

Armories in third-class counties.

1. The State Military Board be and they are hereby appointed and constituted a commission for the purposes of this act, to select and purchase, on behalf and in the name of the State of New Jersey, a plot of ground in each, any or either of the counties in the State of the third class wherein there is now or hereafter shall be located a company or companies of the National Guard of the State of New Jersey, suitable for the purposes of an armory, and if such lands, or any part of them, cannot be obtained by agreement with the owner or owners thereof, said commission shall acquire the title thereto by the exercise of the right of eminent domain in proceedings duly taken and had under and in accordance with the provisions of "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use (Revision of 1900)," approved March twentieth, one thousand nine hundred.

Acquire property by eminent domain.

County collector to notify freeholders.

2. The county collector in any such county, whenever a written notice shall be served upon him by the aforesaid commission stating that lands have been contracted for or purchased, or the title thereto has been acquired by condemnation, shall forthwith notify the Board of Chosen Freeholders of such county of the action of the commission, and the said Board of Chosen Freeholders shall set apart, for the use of the said com-

mission, out of any moneys in the county treasury, the amount stated in said notice as required by said commission; and in case said Board of Chosen Freeholders shall not have moneys on hand sufficient to meet such appropriation, then it shall be the duty of such board to issue bonds in an amount sufficient to meet such appropriation, at a rate of interest not to exceed five per centum per annum, and payable at such time as the said Board of Chosen Freeholders shall determine, and to advertise for proposals to sell the said bonds to the highest bidder, for an amount not less than the par value thereof. The said moneys, when so appropriated, or the proceeds of the sale of such bonds, shall be retained by the said county collector, and shall be by him paid out upon the written requisition of the aforesaid commission, by which it shall be applied to the payment of the amount of the purchase price or cost of said land and any damage for awards or compensation which may be made under the proceedings to acquire said title and the costs and expenses of acquiring said title, and the grading, filling, excavating, draining, paving and fencing of said lands, and also the equipping and furnishing of said armories, drillrooms, company-rooms and storerooms when built, and any expenses incident to the carrying out of the provisions of this act, the entire cost of which in any such county shall not in the aggregate exceed the sum of ten thousand dollars.

Funds furnished.

Bond issue.

Use of proceeds.

Incidental expenses.

3. Whenever the lands above mentioned shall be purchased, or the title thereof shall have been acquired by condemnation as aforesaid, it shall be the duty of the said commission forthwith to proceed to obtain, by competition or otherwise, plans and specifications for the construction of a suitable armory, drillrooms, company-rooms and storerooms, including suitable apparatus for heating and lighting the same, the entire cost of which said armory, drillrooms, company-rooms and storerooms in each of said counties, including suitable apparatus for heating and lighting the same, shall not exceed in the aggregate the sum of twenty-five thousand dollars, which sum is hereby appropriated for that purpose, for each of said counties in which such armory

Plans, estimates, etc.

Total cost.

Partial payments.

shall be erected; and the Comptroller is directed from time to time to pay the same, or as much thereof as may be necessary for the aforesaid purpose, out of any money in the treasury, not otherwise appropriated, on the written requisition of the said commission; but no expenditures, except for plans and specifications and for printing notices, shall be made as provided in this section

Title to property.

until the title to a suitable site for such armory in such counties respectively, free from all encumbrances, certified by the Attorney-General to be sufficient and in due form, shall be vested in the State of New Jersey, nor until a contract or contracts for the completion of such armory, drill-rooms, company-rooms and storerooms and necessary fixtures, within the limits of this appropriation, shall have been executed as herein provided.

Erection of armory.

4. When said commission shall have procured suitable plans for an armory to be erected on such site, they shall cause such armory to be erected with suitable drill-rooms, company-rooms, storerooms, and all other necessary and proper appurtenances for the best accommodation of the company or companies of the National Guard of such county, and shall cause the grounds to be suitably graded, drained and otherwise prepared for such armory.

Proposals and contracts.

5. The work aforesaid shall be done by contract, to be awarded to the lowest responsible bidder or bidders, after not less than two weeks' public notice of the time and place when and where bids therefor will be received, at which time the bids shall be publicly opened, but the commision may reject any or all bids and advertise anew for bids; and the commission shall prescribe, in the advertisements and in the contracts to be entered into for the erection of such armories, or for doing any work pertaining thereto, such conditions as they shall deem most for the interest of the State.

Superintendence.

6. Said commission shall have power to employ proper and capable persons to superintend the erection of any such works as aforesaid, and such clerical and other aid as they may need in the performance of the duties herein imposed on them.

Payments.

7. For the payment of any expenditures herein authorized, the Comptroller of the Treasury shall draw his

warrants on the State treasury, and the State Treasurer shall pay the same from time to time as the said commission shall certify to the Comptroller to be necessary, and to such persons as they may designate, but not more than twenty-five thousand dollars shall be drawn from the State treasury in any one year for the purpose aforesaid.

8. This act shall take effect immediately.

Passed June 18, 1907.

CHAPTER 255.

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

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

Residence of applicant.

1. It shall not be necessary hereafter for any applicant for a license to keep an inn or tavern or other house of public entertainment to be a resident of the city, town, township or other municipality in which such inn, tavern or other house of public entertainment exists, for at least one year excepting in counties of the first class.

Repealer.

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

Passed June 18, 1907.

New Jersey State Library

CHAPTER 256.

An Act to amend an act entitled "An act concerning railroads (Revision of 1903)," approved April fourteenth, one thousand nine hundred and three.

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

Section 47 amended.

1. Section forty-seven of the act mentioned in the title hereof be and the same is hereby amended so as to read as follows:

Freight delivered elsewhere than station.

Demurrage.

47. When any freight has been carried on the railroad and delivered by the company at any point specified by the consignor, other than a station of the company, the company shall not, after such delivery, be responsible for the safety and security thereof. Where the consignee of property transported by railroad to any point in this State cannot be found, or refuses to receive and pay charges and remove such property, the company may make and collect a reasonable charge not exceeding one dollar per day, for the detention of any railroad car containing such property, or for the use of the railroad track, occupied by such car or for both such detention and use; *provided,* no railroad company shall be entitled to impose, demand or collect any charge for delay in unloading goods from any railroad car, or for any detention of such car, commonly called demurrage or car service, until after the expiration of three whole days, at least, exclusive of Sundays, from the time such car has been placed in proper position for unloading, and has, except removal for convenience of railroad operation, not exceeding one working hour daily, so remained; *and provided further,* that notice is given to the consignee or owner or to the shipper in cases where the consignee or owner cannot be found on whom to serve such notice, and to add such charge to the charge for the transportation of such property.

Proviso.

Proviso.

Such company shall have a lien upon such property, or so much thereof as has not been taken, for the charges for such detention and use; *provided,* that in all cases where a claim made by any railroad company for detention of any car, or for demurrage, or car service charges is disputed, the consignee or owner or the agent of either shall, on the giving to said railroad company of a bond with sufficient surety, in double the amount of such disputed charge (in no case, however, to be less than fifty dollars), conditioned for the payment of such sum as shall be found to be due, by agreement of the parties, or by judgment of any court in any suit for the same, with costs, be entitled to delivery of the goods transported in the car for the detention of which such demurrage charge is claimed free from any lien or claim for such charge; and, by memorandum of agreement signed by both principal and surety, any such bond may be extended or continued to cover other disputed demurrage charges claimed thereafter.

Lien on freight.

Proviso.

Bond given.

Approved June 26, 1907.

CHAPTER 257.

An Act to amend an act entitled "An act regulating the age, employment, safety, health and work hours of persons, employes and operatives in factories, workshops, mills and all places where the manufacture of goods of any kind is carried on, and to establish a department for the enforcement thereof," approved March twenty-fourth, one thousand nine hundred and four.

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

1. Section forty-five of an act entitled "An act regulating the age, employment, safety, health and work hours of persons, employes and operatives in factories,

Section 45 amended.

workshops, mills and all places where the manufacture of goods of any kind is carried on, and to establish a department for the enforcement thereof," approved March twenty-fourth, one thousand nine hundred and four, be amended to read as follows:

Department of labor.

45. For the purpose of carrying into effect and enforcing the provisions of this act, there shall be and hereby is established a department to be known as the department of labor; the department shall have its main

Consists of.

office in Trenton, and shall consist of a commissioner, an assistant commissioner and eleven inspectors; the Governor shall, immediately after the passage of this act, with the advice and consent of the senate, appoint some suitable person who shall be a resident and citizen

Commissioner and assistants; their salaries.

of this State, as head of the said department, at a salary of thirty-five hundred dollars per year, to be paid monthly, whose term of office shall be three years and until his successor is appointed, and whose title shall be Commissioner of Labor; the commissioner shall, with the approval of the Governor, appoint the assistant commissioner, who shall be an experienced machinist; he shall receive a salary of two thousand dollars per year, to be paid monthly; the Governor shall appoint eleven suitable persons as inspectors, two of whom shall be women, whose salary shall be one thousand five hundred dollars per year each, to be paid monthly; the terms of office of the assistant and the inspectors shall be three years unless sooner removed by the commissioner; the assistant and the inspectors shall each be furnished with certificates of authority by the Secretary of State, and they shall produce the same if so required by any manufacturer; the commissioner shall have the power, out of the appropriation made for the purpose of carrying on the work of the department, to purchase badges for the assistant, the inspectors and himself; the

State divided into inspection districts.

commissioner may divide the State into districts, assign inspectors to such districts, and may, in his discretion, transfer them from one district to another; the commissioner, assistant and inspectors may administer oaths and take affidavits in matters relating to the enforcement of this act; the commissioner shall have the right

to employ such department clerks for carrying on the work of the department as may, in his judgment, be necessary; such clerks shall receive such salaries as the commissioner, with the approval of the Governor, shall fix, to be paid by the Treasurer on warrant of the Comptroller in equal monthly installments; when the work of the department shall necessitate the employment of additional inspectors, the commissioner shall have the power to employ such inspectors at such compensation and for such length of time as he may deem necessary, and such extra inspectors shall have the same rights, powers and privileges as the inspectors appointed by the Governor; all salaries and expenses incurred by the commissioner, assistant and all inspectors, in the discharge of their duties, and all salaries and expenses necessary to carry out the provisions of this act, shall be paid from the funds of the State, out of the moneys appropriated for that purpose, by the Treasurer, upon warrant of the Comptroller, upon presentation of proper vouchers for the same, approved by the commissioner; it shall be the duty of the commissioner to enforce the provisions of this act and to exercise supervision and control over the assistant and the inspectors, and to cause inspections to be made of the factories, mills, workshops, and places where the manufacture of goods of any kind is carried on, by the assistant and the inspectors, as often as practicable, and to make a report of the work of the department to the Governor of the State on or before the thirty-first day of October in each year; to prosecute violations of the provisions of this act in any district court, recorders' courts of cities and before any justice of the peace having due jurisdiction, or in any other court of competent jurisdiction in this State; the commissioner, the assistant commissioner and the inspectors shall have the right at all reasonable hours to enter and inspect factories, mills, workshops and places where the manufacture of goods of any kind is carried on, and each inspector shall make a report in writing of such inspections to the commissioner at least once in each week; inspectors shall make out a list of minors discharged, with the name of child

Clerical help.

Extra help.

Duties.

Annual report.

Right to enter for inspection.

Inspector's list furnished school officers.

in full, residence, street and number, name of place from which such minor was discharged and date of discharge; he shall send or deliver within twenty-four hours, such list to the principal of the public school in the district where the minor resides, or to the truant officer having such school district in charge; every deputy inspector shall devote at least eight hours of every working day except public holidays, and four hours on Saturdays, to the discharge of his or her duties as such deputy inspector, unless prevented by illness or other disability, and no deputy inspector shall engage in any business, occupation or employment during his or her term of office that will in any way interfere with or prevent the full and faithful performance of such duties.

Hours of service.

2. This act shall take effect immediately.

Passed June 27, 1907.

CHAPTER 258.

An Act to defray the incidental expenses of the Legislature of New Jersey for the session of one thousand nine hundred and seven.

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

Treasurer authorized to pay certain sums.

1. It shall be lawful for the Treasurer of the State of New Jersey to pay, upon the warrant of the Comptroller, to the several persons hereinafter named, the following amounts, that is to say:

Item No. 1. To each clergyman for opening the sessions of the Senate and House of Assembly with prayer, during session one thousand nine hundred and seven, ten dollars, $10 00

Item No. 2. To each officer of the Senate and House of Assembly of the session of one thousand nine hundred and six, who were present and rendered services in opening the session of one thousand nine hundred and seven, ten dollars, $10 00

Item No. 3. To Willian N. Conkling, for services as assistant bill clerk to the Senate, for the session one thousand nine hundred and seven, five hundred dollars, $500 00

Item No. 4. To Claude W. Myrose, for services as stenographer to the Senate, for the session one thousand nine hundred and seven, five hundred dollars, $500 00

Item No. 5. To Wm. C. Van Horn, for services as assistant to secretary of the Senate, for the session one thousand nine hundred and seven, five hundred dollars, $500 00

Item No. 6. To James L. Tallon, for services as page to the Senate, for the session of one thousand nine hundred and seven, two hundred dollars, $200 00

Item No. 7. To John H. Peterson, for services as gallery keeper to the Senate, for the session one thousand nine hundred and seven, three hundred and fifty dollars, $350 00

Item No. 8. To Thomas Riley, for services as gallery keeper to the Senate, for the session one thousand nine hundred and seven, three hundred and fifty dollars, $350 00

Item No. 9. To Harry M. Dease, for services as clerk to Committee on Appropriations, for the session one thousand nine hundred and seven, five hundred dollars, $500 00

Item No. 10. To W. W. French, for services as clerk to Senate Committee on

Banks and Insurance, for the session of one thousand nine hundred and seven, three hundred and fifty dollars, $350 00

Item No. 11. To Thomas Sayre, for services as clerk to Senate Committee on Boroughs and Townships, for the session one thousand nine hundred and seven, three hundred and fifty dollars, $350 00

Item No. 12. To John De Hart, for services as clerk to Senate Committee on Corporations, for the session one thousand nine hundred and seven, three hundred and fifty dollars, $350 00

Item No. 13. To Ernest L. Quackenbush, for services as clerk to Senate Committee on Education, for the session one thousand nine hundred and seven, three hundred and fifty dollars, $350 00

Item No. 14. To Fred. A. Ober, for services as clerk to Senate Committee on Game and Fisheries, for the session one thousand nine hundred and seven, three hundred and fifty dollars, $350 00

Item No. 15. To Daniel Brooks, for services as clerk to Senate Committee on Judiciary, for the session one thousand nine hundred and seven, three hundred and fifty dollars, $350 00

Item No. 16. To James E. Moore, for services as clerk to Senate Committee on Labor and Industries, for the session one thousand nine hundred and seven, three hundred and fifty dollars, $350 00

Item No. 17. To J. M. Berrien, for services as clerk to Senate Committee on Municipal Corporations, for the session one thousand nine hundred and seven, three hundred and fifty dollars, $350 00

Item No. 18. To Charles L. Bossert, for services as clerk to Senate Committee on Railroads and Canals, for the ses-

sion one thousand nine hundred and seven, three hundred and fifty dollars, $350 00

Item No. 19. To Chas. E. Heritage, for services as clerk to Senate Committee on Revision of laws, for the session one thousand nine hundred and seven, three hundred and fifty dollars, $350 00

Item No. 20. To Frank Vines, for services as clerk to President of the Senate, for the session one thousand nine hundred and seven, three hundred and fifty dollars, $350 00

Item No. 21. To Owen W. Kite, for services rendered Joint Committee on Appropriations in preparation of annual and supplemental appropriations bills, et cætera, for the session one thousand nine hundred and seven, three hundred dollars, $300 00

Item No. 22. To John Multop, for extra services rendered the Senate, for the session one thousand nine hundred and seven, one hundred dollars, $100 00

Item No. 23. To A. L. Clark, for engrossing blank oaths of Senators and members of the House of Assembly, and officers of the one hundred and thirty-first Legislature, for the session one thousand nine hundred and seven, fifty dollars, $50 00

Item No. 24. To Frederick Petry, Jr., for services rendered Senate Committee on Incidentals, for the session one thousand nine hundred and seven, ten dollars, $10 00

Item No. 25. To George F. Streeker, for traveling expenses incurred as Assistant Sergeant-at-Arms of the Senate, for the session one thousand nine hundred and seven, five dollars, $5 00

Item No. 26. To Harry M. Dease, for traveling expenses incurred as clerk to Committee on Appropriations, for the session one thousand nine hundred and seven, twenty-five dollars, $25 00

Item No. 27. To W. W. French, for traveling expenses incurred as clerk to Senate Committee on Banks and Insurance, for the session one thousand nine hundred and seven, thirty-five dollars, $35 00

Item No. 28. To Thomas Sayre, for traveling expenses incurred as clerk to Senate Committee on Boroughs and Townships, for the session one thousand nine hundred and seven, sixty-five dollars, $65 00

Item No. 29. To John De Hart, for expenses incurred as clerk to Senate Committee on Corporations, for the session one thousand nine hundred and seven, twenty-four dollars, $24 00

Item No. 30. To Ernest L. Quackenbush, for traveling expenses incurred as clerk to Senate Committee on Education, for the session one thousand nine hundred and seven, forty-eight dollars, $48 00

Item No. 31. To Fred. A. Ober, for traveling expenses incurred as clerk to Senate Committee on Game and Fisheries, for the session one thousand nine hundred and seven, sixty-four dollars, $64 00

Item No. 32. To Daniel Brooks, for traveling expenses incurred as clerk to Senate Committee on Judiciary, for the session one thousand nine hundred and seven, seventy-nine dollars, $79 00

Item No. 33. To James E. Moore for traveling expenses incurred as clerk to Senate Committee on Labor and Industries, for the session one thousand nine hundred and seven, fifty dollars, $50 00

Item No. 34. To J. M. Berrien, for traveling expenses incurred as clerk to Senate Committee on Municipal Corporations, for the session one thousand nine hundred and seven, two dollars, $2 00

Item No. 35. To Howard Keasby, for traveling expenses incurred as clerk to Senate Committee on Printed Bills, for the session of one thousand nine hundred and seven, fifty-five dollars, $55 00

Item No. 36. To Charles L. Bossert, for traveling expenses incurred as clerk to Senate Committee on Railroads and Canals, for the session one thousand nine hundred and seven, sixty-five dollars, $65 00

Item No. 37. To Chas. E. Heritage, for traveling expenses incurred as clerk to Senate Committee on Revision of Laws, for the session one thousand nine hundred and seven, thirty-one dollars, $31 00

Item No. 38. To C. Clay Lewis for travel-expenses incurred as doorkeeper to the Senate, for the session one thousand nine hundred and seven, sixty-five dollars, $65 00

Item No. 39. To Edward J. Lyons, for traveling expenses incurred as doorkeeper to the Senate, for the session one thousand nine hundred and seven, sixty-five dollars, $65 00

Item No. 40. To Isaac E. Fisher, for traveling expenses incurred as doorkeeper to the Senate, for the session one thousand nine hundred and seven, forty-eight dollars, $48 00

Item No. 41. To George Walter Homan, for traveling expenses incurred as doorkeeper to the Senate, for the session one thousand nine hundred and seven, sixty-five dollars, $65 00

Item No. 42. To William A. Kline, for traveling expenses incurred as doorkeeper to the Senate, for the session one thousand nine hundred and seven, thirty-two dollars, $32 00

Item No. 43. To James L. Tallon, for traveling expenses incurred as page to the Senate, for the session one thousand nine hundred and seven, two dollars, $2 00

Item No. 44. To Stephen McDermott, for traveling expenses as page to the Senate, for the session one thousand nine hundred and seven, thirty-three dollars, $33 00

Item No. 45. To George H. Carter, for traveling expenses incurred as page to the Senate, for the session one thousand nine hundred and seven, fourteen dollars, $14 00

Item No. 46. To Paul Jamison, for traveling expenses incurred as page to the Senate, for the session one thousand nine hundred and seven, twenty-one dollars, $21 00

Item No. 47. To John M. Mutschler, for traveling expenses incurred as page to the Senate, for the session one thousand nine hundred and seven, twenty-five dollars, $25 00

Item No. 48. To John H. Peterson, for traveling expenses as gallery keeper to the Senate, for the session one thousand nine hundred and seven, forty-six dollars, $46 00

Item No. 49. To Thomas Riley, for traveling expenses incurred as gallery keeper to the Senate, for the session one thousand nine hundred and seven, sixty-six dollars, $66 00

Item No. 50. To William N. Conkling, for traveling expenses incurred as assistant

bill clerk to the Senate, for the session one thousand nine hundred and seven, thirty-nine dollars and forty cents, $39 40

Item No. 51. To William C. Van Horn, for traveling expenses incurred as assistant to secretary of the Senate, for the session one thousand nine hundred and seven, thirty-seven dollars, $37 00

Item No. 52. To Claude W. Myrose, for traveling expenses incurred as stenographer to the Senate, for the session one thousand nine hundred and seven, sixty-five dollars, $65 00

Item No. 53. To Frank Vines, for traveling expenses as clerk to President of the Senate, for the session one thousand nine hundred and seven, sixty-five dollars, $65 00

Item No. 54. To John F. Lovett, for postage for the Senate, for the session one thousand nine hundred and seven, one hundred and ninety-one dollars and forty cents, $191 40

Item No. 55. To the John L. Murphy Publishing Company, for stationery and supplies furnished the Senate, for the session one thousand nine hundred and seven, one thousand one hundred thirty-four dollars and fifty-seven cents, $1,134 57

Item No. 56. To L. N. Clayton, for furnishing toilet supplies to John F. Lovett, sergeant-at-arms of the Senate, for the use of the Senate, for the session one thousand nine hundred and seven, three hundred thirteen dollars and fifty-five cents, $313 55

Item No. 57. To MacCrellish and Quigley, for stationery furnished the Senate, for the session one thousand nine hundred and seven, fifty dollars, $50 00

Item No. 58. To Samuel R. Henderson, Jr., for stationery and supplies furnished the Senate, for the session one thousand nine hundred and seven, three hundred seventy-nine dollars and twenty cents, $379 20

Item No. 59. To the Legislative News Bureau, for copies of bills introduced and passed furnished the Senate, for the session one thousand nine hundred and seven, eighty-four dollars, $84 00

Item No. 60. To Lee & Company, for stationery supplies furnished the Senate, for the session one thousand nine hundred and seven, one hundred and ninety-eight dollars, $198 00

Item No. 61. To Raymond Newman, for services as assistant to clerk of the House of Assembly, for the session one thousand nine hundred and seven, five hundred dollars, $500 00

Item No. 62. To Oliver R. Kugler, for services as assistant to journal clerk of the House of Assembly, for the session one thousand nine hundred and seven, five hundred dollars, $500 00

Item No. 63. To John W. De Mott, for services as assistant to the supervisor of the bills of the House of Assembly, for the session one thousand nine hundred and seven, six hundred dollars, $600 00

Item No. 64. To Lawrence S. Fagan, for services as clerk to Committee on Corporations, of the House of Assembly, for the session one thousand nine hundred and seven, five hundred dollars, $500 00

Item No. 65. To Joseph A. Wright, for services as clerk to Committee on Incidentals, of the House of Assembly, for the session one thousand nine hundred and seven, one hundred and fifty dollars, $150 00

Item No. 66. To Harvey F. Rorbach, for extra services rendered the members of the Legislature as postmaster, for the session one thousand nine hundred and seven, one hundred dollars, $100 00

Item No. 67. To Joseph Cavanagh, for services as assistant postmaster to the House of Assembly, for the session one thousand nine hundred and seven, one hundred dollars, $100 00

Item No. 68. To Terrence J. Devine, for services as clerk to Committee on Banks and Insurance, of the House of Assembly, for the session one thousond nine hundred and seven, three hundred dollars, $300 00

Item No. 69. To John Daly, for services as postmaster to the House of Assembly, for the session one thousand nine hundred and seven, one hundred dollars, $100 00

Item No. 70. To Jos. C. Patterson, for services as doorkeeper to the House of Assembly, for the session one thousand nine hundred and seven, three hundred and fifty dollars, $350 00

Item No. 71. To Robert A. Haggerty, for services as doorkeeper to the House of Assembly, for the session one thousand nine hundred and seven, three hundred and fifty dollars, $350 00

Item No. 72. To John McBarron, for services as doorkeeper to the House of Assembly, for the session one thousand nine hundred and seven, three hundred and fifty dollars, $350 00

Item No. 73. To Harry Moon, for services as doorkeeper to the House of Assembly, for the session one thousand nine hundred and seven, three hundred and fifty dollars, $350 00

Item No. 74. To Jos. Fletcher, for services as doorkeeper to the House of Assembly, for the session one thousand nine hundred and seven, three hundred and fifty dollars, $350 00

Item No. 75. To Andrew Davidson, for services as doorkeeper to the House of Assembly, for the session one thousand nine hundred and seven, three hundred and fifty dollars, $350 00

Item No. 76. To Frederick Petry, Jr., for services rendered the Committee on Incidental Expenses of the House of Assembly, for the session one thousand nine hundred and seven, ten dollars, $10 00

Item No. 77. To Charles Wirth, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and seven, seventy dollars, $70 00

Item No. 78. To William Kilroe, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and seven, sixty-six dollars, $66 00

Item No. 79. To Orville Dilts, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and seven, twenty-three dollars and twenty cents, $23 20

Item No. 80. To Palmer Lindabury, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and seven, eighty dollars, $80 00

Item No. 81. To Michael Donegan, Jr., for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and seven, fifty-two dollars, $52 00

Item No. 82. To Frank Braun, Sr., for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and seven, forty-eight dollars, $48 00

Item No. 83. To Elmer A. Day, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and seven, forty-eight dollars, $48 00

Item No. 84. To Joel M. Harrison, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and seven, forty-eight dollars, $48 00

Item No. 85. To John Daley, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and seven, fifty-five dollars, $55 00

Item No. 86. To Bernard Garvey, for traveling expenses as doorkeeper to to the House of Assembly, for the session one thousand nine hundred and seven, fifty-five dollars, $55 00

Item No. 87. To Irving Daniels, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and seven, fifty-five dollars, $55 00

Item No. 88. To Peter Golden, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and seven, fifty-five dollars, $55 00

Item No. 89. To Herbert Holcombe, for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and seven, ten dollars, $10 00

Item No. 90. To James F. Donnelly, for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and seven, fifty-five dollars, $55 00

Item No. 91. To Julius Lubbert, for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and seven, fifty-five dollars, $55 00

Item No. 92. To James Lyman, for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and seven, sixty-six dollars, $66 00

Item No. 93. To David Smith, for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and seven, seventy dollars, $70 00

Item No. 94. To Joseph Cavanagh, for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and seven, forty-eight dollars, $48 00

Item No. 95. To John McConlogue, for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and seven, forty-eight dollars, $48 00

Item No. 96. To Louis Hopp, for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and seven, forty-eight dollars, $48 00

Item No. 97. To Leo McMahon, for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and seven, forty-eight dollars, $48 00

Item No. 98. To Robert E. Carroll, for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and seven, fifty dollars and eighty cents, $50 80

Item No. 99. To Joseph C. Patterson, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and seven, fifty-three dollars and sixty cents, $53 60

Item No. 100. To Robert A. Haggerty, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and seven, forty-eight dollars, $48 00

Item No. 101. To John McBarron, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and seven, forty-eight dollars, $48 00

Item No. 102. To Harry Moon, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and seven, fifty-one dollars and eighty cents, $51 80

Item No. 103. To Joseph Fletcher, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and seven, forty-eight dollars, $48 00

Item No. 104. To Andrew Davidson, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and seven, forty-eight dollars, $48 00

Item No. 105. To P. Anthony Brock, for stationery supplies furnished the House of Assembly, for the session one thousand nine hundred and seven, eleven dollars and sixty-five cents, $11 65

Item No. 106. To Henry J. Earle, Jr., for traveling expenses as assistant bill clerk of the House of Assembly, for the session one thousand nine hundred and seven, sixty-six dollars, $66 00

Item No. 107. To James D. Moriarty, for traveling expenses as assistant secretary to Speaker of the House of Assembly, for the session one thousand nine hundred and seven, fifty dollars, $50 00

Item No. 108. To A. T. Lyons, for traveling expenses as clerk to Committee on Municipal Corporations of the House of Assembly, for the session one thousand nine hundred and seven, seventy-five dollars and sixty cents, $75 60

Item No. 109. To William Goetzen, for traveling expenses as clerk to Committee on Revision of Laws of the House of Assembly, for the session one thousand nine hundred and seven, fifty-nine dollars, $59 00

Item No. 110. To Raymond J. Newman, for traveling expenses as assistant to clerk of the House of Assembly, for the session one thousand nine hundred and seven, sixty-nine dollars, $69 00

Item No. 111. To Milton G. Levine, for traveling expenses as clerk to Committee on Judiciary of the House of Assembly, for the session one thousand nine hundred and seven, sixty-nine dollars, $69 00

Item No. 112. To John W. De Mott, for traveling expenses as assistant to the Supervisor of Bills of the House of Assembly, for the session one thousand nine hundred and seven, sixty-eight dollars, $68 00

Item No. 113. To Terrence J. Devine, for traveling expenses as clerk to Com-

mittee on Banks and Insurance of the House of Assembly for the session one thousand nine hundred and seven, fifty-two dollars, $52 00

Item No. 114. To W. S. Gallagher, for traveling expenses as clerk to Committee on Railroads and Canals of the House of Assembly, for the session one thousand nine hundred and seven, sixteen dollars and twenty cents, $16 20

Item No. 115. To William G. Riston, for traveling expenses as clerk to Committee on Printed Bills of the House of Assembly, for the session one thousand nine hundred and seven, fifty-nine dollars, $59 00

Item No. 116. To Jos. A. Wright, for traveling expenses as clerk to Committee on Incidental Expenses of the House of Assembly, for the session one thousand nine hundred and seven, forty-eight dollars, $48 00

Item No. 117. To the W. H. Shurts Company, for stationery and supplies furnished the House of Assembly, for the session one thousand nine hundred and seven, two thousand forty-two dollars and twenty-three cents, $2,042 23

Item No. 118. To John J. Mooney, for toilet supplies furnished the House of Assembly, for the session one thousand nine hundred and seven, nine hundred ninety-two dollars and twenty cents, $992 20

Item No. 119. To Pelham Press, for stationery and supplies furnished the House of Assembly, for the session one thousand nine hundred and seven, two hundred fifty-four dollars and nineteen cents, $254 19

Item No. 120. To the John L. Murphy Publishing Company, for stationery supplies furnished the House of Assembly, for the session one thousand nine hundred and seven, eighty-six dollars and twenty cents, $86 20

Item No. 121. To the Legislative News Bureau, for copies of bills introduced and passed, furnished the House of Assembly, for the session one thousand nine hundred and seven, one hundred dollars, $100 00

Item No. 122. To MacCrellish & Quigley, for stationery supplies furnished the House of Assembly, for the session one thousand nine hundred and seven, two hundred and twenty dollars, $220 00

Item No. 123. To Eckelhofer Brothers, for stationery supplies furnished the House of Assembly, for the session one thousand nine hundred and seven, three hundred ninety-eight dollars and fifty cents, $398 50

Item No. 124. To Boylston A. Tompkins, for transcription of shorthand notes taken at hearing on conspiracy charges against Judiciary Committee of the House of Assembly, for the session one thousand nine hundred and seven, twenty-one dollars and twenty cents, $21 20

Item No. 125. To Thomas F. Fitzgerald, for fifty copies of the Legislative Manual for the year 1907 furnished the House of Assembly, for the session one thousand nine hundred and seven, fifty dollars, $50 00

Item No. 126. To True American Publishing Company, for stationery furnished the House of Assembly, for the session one thousand nine hundred and seven, four dollars and sixty cents, $4 60

Item No. 127. To Merchants Express, for freight charges paid and carting from freight station for the House of Assembly, for the session one thousand nine hundred and seven, one dollar and forty-three cents, $1 43

Item No. 128. To Underwood Typewriter Company, for typewriter and cabinet furnished the House of Assembly, for the session one thousand nine hundred and seven, one hundred seventeen dollars and twenty-five cents, $117 25

Item No. 129. To Bayonne Novelty Company, for stationery supplies furnished the House of Assembly, for the session one thousand nine hundred and seven, seven hundred eighty-eight dollars and seventy-five cents, $788 75

Item No. 130. To William M. Wright, for services rendered Senate Committee on Incidental Expenses, for the session one thousand nine hundred and seven, fifty dollars, $50 00

Item No. 131. To J. C. Groel, for expenses for telegrams, telephone calls and postage, as chairman of Committee on Clergy of the House of Assembly, for the session one thousand nine hundred and seven, one dollar and sixty cents, $1 60

Item No. 132. To Michael Donegan, Jr., for extra services in office of Clerk of the Assembly, for the session of one thousand nine hundred and seven, fifty dollars, $50 00

Item No. 133. To Patrick Whalen, for traveling expenses as Assistant Sergeant-at-Arms of the House of Assembly, for the session one thousand nine hundred and seven, fifty-five dollars, $55 00

Item No. 134. To William H. Post, for traveling expenses as bill clerk of the House of Assembly, for the session one

thousand nine hundred and seven, fifty-nine dollars and twenty cents, $59 20

Item No. 135. To Frank Hague, Sergeant-at-Arms of the House of Assembly, for expenses for postage and executing warrants of Speaker for absentees, for the session one thousand nine hundred and seven, eighty-nine dollars, $89 00

Item No. 136. To Joseph Fletcher, for extra services rendered House of Assembly as postmaster, for the session one thousand nine hundred and seven, fifty dollars, $50 00

Item No. 137. To Elmer Day, for extra services rendered the House of Assembly as postmaster, for the session one thousand nine hundred and seven, fifty dollars, $50 00

Item No. 138. To John P. Kerwin, for traveling expenses as Assistant Sergeant-at-Arms of the House of Assembly, for the session one thousand nine hundred and seven, twenty-seven dollars and sixty cents, $27 60

Item No. 139. To Michael W. Higgins, for traveling expenses as Clerk of the House of Assembly, for the session one thousand nine hundred and seven, seven dollars and twenty cents, $7 20

Item No. 140. To Daniel A. Dugan, for traveling expenses as Private Secretary to the Speaker of the House of Assembly, for the session one thousand nine hundred and seven, twelve dollars and fifty cents, $12 50

Item No. 141. To Hervey S. Moore, for two days' services as stenographer and typewriter to the Committee on public Health, for the session one thousand nine hundred and seven, ten dollars, $10 00

2. This act shall take effect immediately.

Passed September 17, 1907.

CHAPTER 259.

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

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

Fish and game commission.

1. The Board of Fish and Game Commissioners shall be appointed by the Governor, with the advice and consent of the Senate, and shall be composed of four competent persons, one of whom shall be appointed for one year, one for two years, one for three years and one for four years, and shall serve until their successors shall have been duly appointed and qualified, and the Governor shall annually thereafter appoint one person to fill the vacancy in the said board, who shall hold office for four years, and until his successor shall have been appointed and qualified. Vacancies occurring by death, resignation or otherwise shall be filled in the same manner, and for the unexpired term of the commissioner whose office shall become vacant. No commissioner shall hold more than one office in the said board at one and the same time.

Terms.

Vacancies.

One position only.

Termination of present commission.

2. The office and terms of office of the commissioners heretofore appointed and now in office under the act to which this act is a further supplement, and of the acts amendatory thereof and supplementary thereto, are hereby terminated and made void, and shall cease at the expiration of sixty days after this act shall take effect.

3. This act shall take effect immediately.

Approved September 25, 1907.

CHAPTER 260.

An Act ratifying and validating elections held in boroughs of this State on the question of the incorporation as a city.

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

Elections incorporating boroughs as cities validated.

1. All elections heretofore held in boroughs of this State for the purpose of determining on the question of the incorporation of any borough as a city, are hereby ratified, validated and confirmed, notwithstanding notice of said election was not given as required by law; *provided, however,* that at said election the question of the incorporation as a city received a majority of the votes of the voters voting at said election.

Proviso.

2. This act shall take effect immediately.

Approved October 2, 1907.

CHAPTER 261.

An Act to amend an act entitled "An act to establish a parole agent for the State Prison," approved May eleventh, one thousand nine hundred and five.

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

Section 5 amended.

1. Section five of the act entitled "An act to establish a parole agent for the State Prison," approved May eleventh, one thousand nine hundred and five, be and the same is hereby amended so as to read as follows:

Violation of parole.

5. Whenever, in the opinion of the keeper, a paroled prisoner has so violated the terms, conditions and lim-

itations of his or her license to be at large that he or she has become unfit to be further at liberty, or if such prisoner has been convicted of crime in any court of this State, or of any other State, or of the United States, it shall be the duty of the keeper to notify the Governor, or person administering the government of the State, and the Governor, or person administering the government of the State, shall have power to issue a revocation of such license to be at large. Such revocation shall be made by an order in writing, and shall be signed by the Governor, or person administering the government of the State, and filed with the keeper of the State Prison. Thereupon it shall be the duty of the keeper of the State Prison to issue a warrant for the apprehension and return to prison of the holder of such license to be at large. Said warrant may be served by the parole agent, or any person authorized to serve criminal process in any county of this State. If the person for whose apprehension and return to prison such warrant is issued is confined in any other penal institution of this State, the serving of such warrant by any authorized person upon the warden or head of such institution shall make it the duty of such warden or head to facilitate the return to State Prison of such person upon the expiration of the then term of imprisonment in such institution. The parole agent appointed by the keeper of the prison may apprehend, without any warrant, any such paroled prisoner, and cause him to be detained in any city prison or county jail until the determination of the Governor, upon such notification of the keeper of the State Prison, whether or not to revoke the license of such prisoner to be at large.

Revocation of parole.

Return to prison.

Parole agent may arrest without warrant.

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

Repealer.

3. This act shall take effect immediately.

Approved October 2, 1907.

CHAPTER 262.

An Act to amend an act entitled "An act to provide a uniform procedure for the enforcement of all laws relating to fish, game and birds, and for the recovery of penalties for violations thereof," approved March twenty-ninth, one thousand eight hundred and ninety-seven.

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

Section 8 amended.

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

All moneys turned into state treasury.

8. All moneys recovered pursuant to the provisions of this act shall be paid to the Treasurer of this State, for the use of the State.

2. This act shall take effect immediately.

Approved October 2, 1907.

CHAPTER 263.

A Supplement to an act entitled "An act to provide for the drainage of any pond, artificial reservoir, marsh, swamp, bog, meadow, low or wet lands, where the same is necessary for the public health," approved March thirty-first, one thousand nine hundred and three.

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

Certificates of indebtedness or bonds issued to pay for portion of of work.

1. Whenever any portion of the cost of the work provided for in the act to which this is a supplement shall be assessed against any municipality or municipalities, such amount so assessed shall be raised and paid

by such municipality or municipalities to the said commissioners within six months after notice of said assessment as provided in section twelve of the said act, and the governing body of such municipality or municipalities is hereby expressly authorized and empowered to raise such amount or amounts either by issuing certificates of indebtedness therefor, payable in not more than six years, with interest thereon not exceeding six per centum per annum, or by the issue of bonds as hereafter provided, or part by the issuance of certificates and the balance by bonds, as the governing body shall determine.

Method of issuing bonds.

2. When the governing body of such municipality or municipalities shall deem it advisable to issue bonds as hereinabove provided, it shall pass a resolution providing for the number of the bonds and the amount thereof, and the time when said bonds, or any of them, shall be payable, and the rate of interest to be paid thereon, which shall not exceed five per centum per annum, which may be either coupon or registered. Said bonds shall be signed by the mayor, chairman or other executive officer of such municipality, and shall have the corporate seal affixed, and shall be attested by the clerk, and the coupons, if any, shall also bear the signature of the clerk of the municipality, which bonds shall be numbered, and the clerk of the municipality shall keep a register of such bonds, the number thereof and to whom issued in a book provided by the municipality for that purpose.

Sinking fund.

3. Whenever bonds are issued pursuant to the provisions of this act, the governing body of the municipality shall provide, by resolution, for a sinking fund to be raised by taxation each year sufficient to pay the bonds in full upon maturity. When bonds are issued as aforesaid, it shall be the duty of the proper officers to assess and raise by taxation each year a sum sufficient to pay the interest accruing on said bonds.

Sale of bonds.

4. The governing body of such municipality may dispose of said bonds either at public or private sale, as they may deem advisable, but in no case at less than par and accrued interest.

5. This act shall take effect immediately.

Approved October 10, 1907.

CHAPTER 264.

An Act to enable boards of chosen freeholders to accept roads or sections of roads in cities, towns, townships or boroughs and to maintain the same as county roads.

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

Improved roads in different municipalities accepted and maintained as county road.

1. Whenever any public road or street, or section of a road or street, located in any township, town, city, borough or other municipality in this State runs to the boundary of such township or other municipality and is maintained as a township road, and at the boundary of such municipality meets and is continued as another road or street in another municipality in the same county, the board of chosen freeholders of such county may, upon the petition of the common council, township committee or other governing body of such municipalities, respectively, accept such road and thereafter maintain the same as a county road and have exclusive jurisdiction thereof in the same manner as other county roads are maintained and cared for.

2. This act shall take effect immediately.

Passed October 10, 1907.

CHAPTER 265.

An Act in relation to the furnishing, supplying and use of water within the limits of municipalities in this State maintaining or operating a public water-supply, whether or not the supply of water furnished by the municipality is obtained by contract or is from a plant owned and controlled by the municipality.

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

Control of water supply vested in municipality.

1. It shall not be lawful for any person, firm or corporation to supply water to any other person, firm or

corporation by means of water pipes or conduits conveying water obtained from without the limits of any municipality operating or maintaining a public water-supply, whether or not the supply of water furnished by such municipality is obtained by contract or is from a plant owned and controlled by such municipality, for use within the limits of such municipality, without the consent of the board or authority having charge of the water-supply of any such municipality.

Obtaining water outside municipality by consent.

2. It shall not be lawful for any person, firm or corporation within the limits of any municipality maintaining or operating a public water-supply, whether or not the supply of water furnished by the municipality is obtained by contract or is from a plant owned and controlled by the municipality, to obtain water by means of pipes or conduits from any source outside the limits of such municipality for use or consumption within such municipality without the consent of the board or authority having charge of the said public water-supply in such municipality.

Right secured by injunction.

3. Any such municipality may maintain an action at law or in equity to enjoin the violation of any of the provisions of this act.

4. This act shall take effect immediately.

Passed October 11, 1907.

CHAPTER 266.

An Act providing for the construction of sewers and sewer systems in cities of this State and the issuance of bonds for the cost thereof, and providing for collecting rentals for the use of such sewers and sewer systems.

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

Cost of sewer system borne by municipality at large.

1. In any city of this State it shall be lawful for the governing body of such city to construct a sewer sys-

tem therein or such sewer or sewers or extensions of sewers as such governing body shall determine upon, and to issue bonds for the entire cost thereof, without making any assessment or assessments against adjacent or other properties in such city for the benefits conferred thereby, so that the entire cost of said sewer or sewers shall be borne by said municipality at large.

Bond issue.

2. The bonds to be issued by said municipality for the purpose of raising money to construct such sewer or sewers, or sewer systems, shall be known as sewer bonds, and shall bear interest at a rate not to exceed five per centum per annum, with interest, payable annually or semi-annually, and the principal of said bonds may be made payable at any time not to exceed thirty years from their date. All restrictions contained in any statute of this State relating to the limitation of indebtedness of such municipality shall be applicable to any city issuing bonds under this act.

Rate.

Time.

Rules and regulations for use, connections, etc.

3. In any city in which the sewers thereof are or have been constructed, it shall be lawful for such municipality to prescribe rules, regulations, conditions and restrictions as to the connection with, operation and use of said sewers, and to fix, determine, charge and collect rentals for the use of any sewer or sewers comprising any part of such sewer system; and such rules, regulations, charges and rentals may be enforced by the governing body of such city under such terms and penalties as shall be by ordinance of such city prescribed.

Rentals.

Sinking fund.

4. The governing body of such city shall create a sinking fund, which, compounded on a basis of four per centum interest per annum, shall be sufficient to retire, at their maturity, all bonds issued in accordance with the provisions of this act; the rentals received by such municipality for the use of said sewers, after the payment therefrom of such amount as may be necessary for constructing, extending and maintaining such sewers during any year, and salaries, charges and incidental expenses connected with the maintenance and operation thereof, shall be applied, first, to the payment of the interest upon the bonds issued for the purpose of constructing such sewers, and next to be placed to the

Application of rentals.

credit of said sinking fund, and safely invested by commissioners of the sinking fund of such city, if any there be, and if none, then by the legislative body, and allowed to remain as a sinking fund, to be applied to the payment of the bonds at maturity; if the amount received from rentals in any year and placed in said sinking fund shall be inadequate, then the additional sum necessary to be placed to the credit of said sinking fund shall be raised and placed to the credit of the said sinking fund by adding the amount thereof to the amount of taxes to be raised annually by the taxing authorities of said municipality.

If deficiency, balance raised by taxation.

5. All moneys received as the proceeds of the sale of bonds as well as all moneys received for rentals for the use of such sewer or sewers shall be deposited with the city treasurer or other custodian of the public funds of such city, and be by such custodian applied in accordance with the provisions of this act.

Proceeds of bond sale.

6. It shall be lawful for such municipality to construct its sewers or sewer system under the provisions of this act without issuing bonds therefor, should such municipality so determine.

Bond issue not obligatory.

7. Any bonds issued under this act shall be a lien on or charge against the property and revenues of such city, and any interest on said bonds or the principal thereof that shall not be provided for under the provisions of this act hereinabove contained, shall be raised and paid by general taxation of such city.

Bonds a lien.

8. In any city wherein there exists a board of sewer commissioners, all the powers, rights, duties and privileges of this act referred to as pertaining to the governing body of said city in relation to the construction and maintenance of sewers and the issuance of bonds therefor, shall be vested in said board of sewer commissioners, and such sewer system shall be under the entire management and control of said board of sewer commissioners; *provided, however,* that no such bonds shall be issued except by the consent and approval of the board of aldermen, council or other legislative body of said city, first manifest by a resolution of said board of aldermen, council or other legislative body for that purpose.

Powers lodged in sewer commissioners.

Proviso.

When act effective.

9. This act shall take effect immediately, but its provisions shall remain inoperative in any city until assented to by a majority of the votes of the legal voters voting upon the question at a special election, to be held in accordance with the provisions of the general election law. Whenever the common council or other governing body of any city shall pass a resolution determining that sewers or a system of sewers shall be constructed, it shall be the duty of the city clerk of such city to transmit the certified copy of said resolution to the county board of registry and election, which board shall thereupon designate a time and place or places for the holding of said election. The only proposition submitted at said

Referendum.

election shall be as follows: "For the adoption of 'An act providing for the construction of sewers and sewer systems in cities of this State and the issuance of bonds for the cost thereof, and providing for colloceting rentals for the use of such sewers and sewer system,' approved .....," and "Against the adoption of 'An act providing for the construction of sewers and sewer systems in cities of this State and the issuance of bonds for the cost thereof, and providing for collecting rentals for the use of such sewers and sewer system,'

Result.

approved ....." If a majority of the votes cast upon such proposition shall be in favor of the construction of sewers, this act shall become operative in any such city, but not otherwise.

Passed October 11, 1907.

CHAPTER 267.

An Act concerning the government of cities of the first class.

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

Expiration of terms of office.

1. In cities of the first class the terms of office of all city officers, members of city boards and other employes appointed by the mayor thereof, whether for a definite

or an indefinite term, shall expire with the term of such mayor, and the successors of such officers, members of city boards and employes shall be appointed by the incoming mayor and shall hold such positions during the term of the mayor so appointing.

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

Passed October 11, 1907.

CHAPTER 268.

An Act to abolish the "State Board of Voting Machine Commissioners," and to cast the duties of said commissioners upon the Secretary of State.

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

1. The "State Board of Voting Machine Commissioners" is hereby abolished, and all the powers and duties now exercised and performed by said commissioners are hereby devolved upon and shall be exercised and performed by the Secretary of State of this State. Duties of voting machine commission transferred to secretary of state.

2. All appropriations of money made to said "State Board of Voting Machine Commissioners" shall enure to the Secretary of State for the purpose of carrying out this act; *provided, however,* that for services rendered by the Secretary of State in the performance of the duties herein imposed upon him he shall receive no compensation in addition to his present salary as Secretary of State. As to appropriations. Proviso.

3. This act shall take effect immediately.

Approved October 12, 1907.

CHAPTER 269.

A Supplement to an act entitled "An act concerning the fire departments in cities of the first class," approved March thirteenth, one thousand nine hundred and three.

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

Salaries to heads of department.

1. Whenever in any city of this State salaries shall have been fixed in accordance with the act to which this is a supplement, it shall be the duty of the board having charge and control of the fire department in such city, and of the board of finance or other body having control of the finances of such city, to provide for and pay to the chief engineer of such department an annual salary of four thousand and five hundred dollars, to the assistant engineer or deputy chief thereof, an annual salary of three thousand five hundred dollars, and to the inspector of horses or veterinary surgeon of such department an annual salary of two thousand dollars.

Repealer.

2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall

Proviso.

take effect immediately; *provided, however,* that none of the foregoing provisions shall take effect in any city until the acceptance or rejection of this act shall have

Referendum.

been submitted to a popular vote, by resolution of the common council, board of aldermen or other governing body of such city, in the manner provided by the general laws of this State for the submission of a question or proposition to the people of the State or any political

Notice of submission.

division thereof; such submission shall be made and the vote thereon taken at the next general election held in such city after the adoption of such resolution; and it shall be the duty of the city clerk of the city wherein such election is held, at least ten days before any such

election, to give public notice thereof by publication in two or more newspapers published and circulating in such city, that such submission will be made at the ensuing election, stating briefly the question to be submitted as herein provided; and there shall be printed upon each official ballot to be used at such election, beneath the list of candidates thereon, the following words: "Act of one thousand nine hundred and seven, increasing the compensation of chief, assistant chief and veterinary surgeon," with the word "for" and the word "against" above and immediately preceding such proposition. And the legal voters of such city shall at such election so decide upon the acceptance or rejection of this act by the use of such ballots. If the said word "for" be marked off or defaced upon the ballot it shall be counted as a vote against the same; if the word "against" be marked off or defaced upon the ballot it shall be counted as a vote in favor thereof; and in case neither the word "for" nor the word "against" be marked off or defaced upon the ballot it shall not be counted as a vote either for or against such proposition.

Ballots.

Voters to decide.

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

Determination of election.

Returns filed with city clerk.

Tabulated statement filed.

Approved October 14, 1907.

CHAPTER 270

An Act confirming the title to certain real estate of which James R. Smith, late of the county of Essex, in this State, died seized.

Preamble.

WHEREAS, One James R. Smith died in the county of Essex, in this State, on or about the twenty-ninth day of July, one thousand eight hundred and ninety-two, seized of an undivided one-half interest in a certain tract of land in the city of Newark, in said county, and particularly described as follows: Beginning at a point in the easterly line of Washington street, one hundred and seventy-eight feet southerly from the southeasterly corner of Market and Washington streets; thence running south, sixty-three degrees and forty-five minutes east, eighty feet; thence south, twenty-three degrees west, twenty-seven feet; thence north, sixty-three degrees and forty-five minutes west, eighty feet, to Washington street; thence along the easterly side thereof north, twenty-three degrees east, twenty-seven feet, to the place of beginning; being the same premises conveyed to the said William H. Allen and James R. Smith by Charles R. Fowler, special guardian, et cætera; and

WHEREAS, In a certain suit in the Court of Chancery of this State for the foreclosure of a mortgage upon said premises given by the said James R. Smith in his lifetime and his co-owner, William H. Allen, in which said suit Abigail Allen, executrix of the last will and testament of Samuel B. Allen, deceased, was complainant, and William H. Allen, Mary R. Allen, his wife, James R. Smith, Walter T. Crane and Job S. Crane, and also, as permitted by the statutes of this State, the unknown heirs, devisees and personal representatives of the said James R. Smith, then deceased, were defendants, such proceedings were had

that the sheriff of the county of Essex, under and by virtue of a writ of execution issued in the said cause, did make sale of the said premises to pay the complainant the sum of one thousand six hundred and eighty-eight dollars, the amount of the principal and interest due upon the said mortgage, and the amount of five hundred and forty-five dollars and thirty-one cents to judgment creditors of the said James R. Smith's co-owner, together with interest on the said sums from the first day of March, one thousand eight hundred and ninety-four, the proceeds of which said sale were insufficient to fully satisfy the said decree; and

WHEREAS, It has only lately been suggested that, by reason of the fact that it is not known whether there were heirs, devisees or personal representatives of the said James R. Smith, some interest or estate in said premises vested in the State of New Jersey, and the said State of New Jersey should have been made a party to the said suit in foreclosure, and in the meantime the said premises have been conveyed for considerations equal to the full value, and all taxes and assessments have been paid by the respective owners of the said premises from time to time, and the title to said premises, subject to the said defect, if any, is now vested in the Metropolitan Realty Company; and

WHEREAS, Notice of the application for the passage of this bill has been published as required by law; now, therefore,

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

1. The title to the said premises in the present owner, the Metropolitan Realty Company, be and the same is hereby confirmed and declared to be as good and effectual as though the said State of New Jersey had been a party defendant in and to the suit for the foreclosure of the said mortgage, and all right, title, interest and estate which the said State of New Jersey has in and to the said premises is hereby released and relinquished to the said owner. Title confirmed.

2. This act shall take effect immediately.

Approved October 14, 1907.

CHAPTER 271.

A Supplement to an act entitled "An act making appropriations for the support of the State government and for several public purposes for the fiscal year ending October thirty-first, one thousand nine hundred and seven," approved May twenty-first, one thousand nine hundred and six.

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

Appropriation for clerical duties.

1. The following sum, or so much thereof as may be necessary, be and the same is hereby appropriated out of the State fund for additional allowance for payment of expenses incurred in connection with the administration of the teachers' retirement fund, one thousand five hundred dollars.

2. This act shall take effect immediately.

Approved October 14, 1907.

CHAPTER 272.

An Act to authorize the construction and establishment of public docks and the shipping facilities connected therewith, and the purchasing and acquiring of riparian lands and rights and other lands and rights in lands necessary therefor or incident thereto, and for the regulation of the same in cities fronting on navigable waters of this State.

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

Action in view of acquiring riparian rights for public shipping facilities.

1. Whenever the board or body having charge of the public docks, or if there be no such board or body, then

the board or body having charge of the public streets of any city fronting on navigable waters in this State, shall, by resolution, determine that it is for the advantage of the city to acquire public docks and shipping facilities, said board or body shall cause to be prepared a plan or map, showing the riparian lands or lands under water and other lands connected therewith, necessary or advisable to be acquired or taken for the purpose of establishing said docks and shipping facilities connected therewith, which lands may, in the discretion of said board or body, be of sufficient size and extent to accommodate and provide not only for the present, but for the future requirements of such city.

Acquisition of rights and lands.

2. It shall be lawful for said board or body of such city, from time to time, as it shall by resolution determine for the best interest of the city, to purchase said lands, rights in lands and riparian rights, or cause any land and rights in land and such lands under water as are unimproved, held by any individual or individuals, corporation or corporations, to be condemned in the manner provided by law; and said boards or bodies of such cities are authorized to purchase from the riparian commission any riparian lands or interest in lands required for the purposes of this act, and the riparian commissioners of this State are hereby given express authority and directed to sell to such cities in fee-simple the lands or any part thereof; *provided, however,* that no grant shall be made by the riparian commissioners to any city unless three months' notice, in writing, shall be given to the owner of the upland, or published for thirty days in one of the newspapers printed, published and circulating in the city wherein the land under water sought to be acquired lie, to the effect that if said owner of the upland shall not apply to and obtain from said riparian commissioners a grant for said land within six months after the giving of the notice, either personally or after the first publication thereof as aforesaid, such city will apply therefor; *provided further, however,* that no city shall have the right to dispose of any of the lands under water acquired under the provisions of this act, and upon any city ceasing to use said

Proviso.

Proviso.

lands for the purposes of this act the same shall revert to the State or to the owner thereof, as the case may be.

Authority to construct wharves, basins, bridges, etc.

3. Whenever such city shall have acquired lands or rights in lands for the purpose of constructing and establishing docks and shipping facilities, it shall, through said board or body, have full authority to construct wharves, piers, bulkheads and structures thereon and in the water adjacent thereto, and slips, basins, docks, wagon roads, railroads, bridges and other facilities for transportation and shipping, and shall have full authority to fill in said lands and make and construct waterways upon or over said lands reaching to the main channel of said navigable waters upon which said lands front, and may also acquire additional lands for the purpose of connecting said docks with the highways and railroads within the city and other public docks, if any, of the said city, and may upon the additional lands so acquired construct waterways, railroads, highways and bridges and all other appliances necessary or convenient for the purpose of affording proper and convenient access to said docks from the railroads and highways and other docks in said city and upon lands adjacent to said waterways, railways, railroads and highways to erect wharves, docks and other structures proper or necessary for the furnishing of docking and shipping facilities; *provided,* that not more than one million dollars shall be spent by the board or body having charge of public docks in any city under the authority of this act.

Make fills.

Connecting roads.

Proviso.

Exclusive control of wharves and appurtenances.

4. Said board or body of such city shall have exclusive right and control of all the wharves, piers, bulkheads and structures thereon and the water adjacent thereto; and the slips, basins, docks, water fronts, lands under water and the structures thereon, and the appurtenances, easements, uses, reversions and rights belonging thereto, which shall be purchased, acquired or owned by said city or to which it may become entitled, and the said board or body shall have exclusive charge and control of the building, rebuilding, repairing, maintaining, altering, strengthening, leasing and protecting said property and every part thereof, and of the cleaning,

dredging and deepening necessary in and about the same; and they are hereby invested with the exclusive government and regulation of all wharf property, wharves, piers, bulkheads and structures thereon and waters adjacent thereto and of the basins, slips and docks, with the land under water, owned by the said city, used or to be used, for dock storage and shipping purposes.

Provision for securing funds.

5. The moneys necessary for the purchase or condemnation of lands, rights in lands or other property, and for the construction of wharves, docks, buildings, waterways, basins railways and roads, and for all other purposes of this act, shall be provided, raised and paid out by the board or body having charge of the finances of such city, and in case said board or body is not the board or body having charge of the public docks under this act, said moneys shall be so provided, raised and paid out by said financial board or body, upon the order or request, by resolution of the board or body having charge of public docks; and for the purposes of raising said moneys the board or body having charge of the finances of said city may, from time to time, as may be necessary, borrow money on temporary loan bonds, at a rate not exceeding four per centum per annum, retiring the same as the bonds hereinafter authorized to be issued are issued and sold.

Temporary bonds.

Issue corporate bonds known as dock bonds.

6. To provide for the payment of the costs and expenses incurred or to be incurred for the purchase of lands, rights or interest in lands, or other property and rights, and in the construction of wharves, docks, basins, canals, railways and other structures herein authorized to be purchased, acquired or constructed under this act, and for the retirement of temporary loan bonds, authorized to be issued under section five of this act, the board having charge of the finances of such city shall have power from time to time to issue the corporate bonds of said city, in an amount not exceeding the total cost, including interest, of the whole work; said bonds shall be called dock bonds; they shall be issued under the corporate seal of the city, attested by the city clerk and signed by the mayor; they shall be in

the form and in the denomination and payable at such
Time. times, not exceeding fifty years, and at such place, either in currency or coin, as said financial board may deter-
Rate. mine, and such bonds shall bear interest at a rate not exceeding four per centum per annum, payable semi-annually, and may be either coupon or registered bonds, or partly coupon and partly registered bonds; and all such bonds may be negotiated, sold and disposed of at not less than their par value. And the said board having charge of the finances of such city shall provide a proper
Sinking fund. and suitable sinking fund, not exceeding in amount in any one year one per centum of the face value of the bonds issued, which sum, together with the interest on said bonds, except as hereinafter provided, shall be raised annually as other taxes are raised in said city.

Application of income. 7. The income derived from the said docks and shipping facilities so constructed and to be constructed shall be applied, first, to the care, maintenance, repair and reconstruction of the said docks and shipping facilities, plant and works, and the surplus shall be applied to the payment of interest and sinking fund charges on outstanding bonds.

Acceptance by referendum. 8. This act shall not take effect until its provisions shall have been submitted to the legal voters in any city desiring to accept the same after a resolution shall have been adopted by the common council, board of aldermen or other governing body of such city, directing that the same shall be submitted to the legal voters of such city for acceptance or rejection. The said act shall be thereafter submitted, at the next annual election, to the legal voters of such city for the purpose of accepting or rejecting the provisions thereof, and for that purpose there
Ballots. shall be printed on the ballots used in such election the words "for docks" and under the same the words "against docks." The voter desiring to vote in favor of docks shall indicate his choice by striking out the words "against docks," and the voter desiring to vote against docks shall indicate his choice by striking out the words "for docks," and the election officers charged with the duty of counting and making the returns at such election in such city shall report the result of such vote to the proper election officers, as in other cases.

When provisions of act effective.

If a majority of the legal voters voting at such election shall vote in favor of accepting the provisions of this act, the same shall go into effect and become operative in such city on the first day of January following such election. The erasure of the words on said ballot, as heretofore indicated by the elector desiring to indicate his choice, shall not be construed in counting the said ballot for other purposes as a marking of the same.

9. This act shall take effect immediately.

Approved October 21, 1907.

CHAPTER 273.

A Supplement to an act entitled "An act to provide for the regulation of the flow of torrential rivers, to protect persons and property from damage by floods, and to provide for the maintenance and regulation of river flood districts when established by law," approved April nineteenth, one thousand nine hundred and four.

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

Salaries of commissioners abolished.

1. From and after the passage of this act the salaries of any flood district commissioners heretofore appointed under the act to which this act is a supplement shall cease.

2. This act shall take effect immediately.

Approved October 23, 1907.

CHAPTER 274.

An Act to annex to the town of Montclair, in the county of Essex, a part or portion of the townships of Acquackanonk and Little Falls, in the county of Passaic.

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

Portion of Passaic county annexed to Montclair, Essex county.

1. All that part or portion of the territory of the townships of Acquackanonk and Little Falls, in the county of Passaic, contained or included within the following described boundaries, to wit: Beginning at a point in the line between the county of Essex and the county of Passaic, where said line intersects the easterly line of the Greenwood Lake branch of the Erie railroad; thence northerly, along the easterly line of said railroad to the line of land of the North Jersey Land Company; thence easterly, along the line between lands of said North Jersey Land Company and lands of the State of New Jersey to the northeasterly corner of the lands of the State of Jersey; thence southerly, along the line of lands of the State of New Jersey to a corner in said lands; thence easterly, to the Valley road; thence southerly, along the westerly side of Valley road to Fifth avenue; thence westerly, along Fifth avenue to a point in the line between the county of Passaic and the county of Essex; thence along said county line to the point or place of beginning, be and the same is hereby taken or detached from the aforesaid townships of Acquackanonk and Little Falls and annexed to and made a part of the town of Montclair, in the county of Essex.

2. This act shall take effect immediately.

Approved October 28, 1907.

CHAPTER 275.

An Act to amend an act entitled "An act concerning the militia of the State," approved May sixteenth, one thousand nine hundred and six.

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

1. From and after the passage and approval of this act, paragraph seventy-eight of said act shall be and the same is hereby amended to read as follows:

Paragraph 78 amended.

78. The national guard of the State shall consist of a major-general, two brigadier-generals, an adjutant-general's department, an inspector-general's department, a judge-advocate-general's department, an ordnance department, a quartermaster-general's department, a subsistence department, a corps of engineers, a pay department, a medical department, a naval reserve, a signal corps, a hospital corps, the existing military organizations, and such others as may be organized hereafter, and such persons as may be enlisted or commissioned therein; the military organizations of the national guard shall constitute a division, and the present brigades, regiments, battalions of naval reserve, troops, batteries, companies and signal corps shall remain as now established, but the Governor shall have the power to alter, divide, annex, consolidate, disband or reorganize the same and create new organizations whenever, in his judgment, the efficiency of the national guard will be thereby increased, and he shall at any time have power to change the organization of the staff departments, regiments, battalions, squadrons, troops, batteries, companies and signal corps of the national guard, so as to conform to any organization, system of drill or instructions now or hereafter adopted for the armies of the United States of America, and for that purpose the number of officers and enlisted men of

Military establishment.

Governor has power to make changes.

any grade in the staff corps, regiments, battalions, squadrons, troops, batteries, companies and signal corps of the national guard may be diminished or increased to the extent made necessary by such organization. The

Adjutant-General's department.

adjutant-general's department shall consist of the commissioned officers of proper grades necessary to perform the duties of the assistant adjutant-general on the staffs of the brigadiers and of the division. The

Medical department.

medical department shall consist of the officers of the proper grades necessary to perform the duties of surgeons and assistant surgeons on the staffs of the brigades and of the division; of the surgeons and assistant surgeons filling the positions in the regiments; of the additional medical officers necessary to assign to separate battalions, squadrons, companies, troops and batteries; and of the medical officers necessary for the organization of such ambulance companies and field hospitals as may be deemed necessary; and of the hospital corps. The

Other departments.

inspector-general's department, the judge-advocate-general's department, the ordnance department, the quartermaster-general's department, the subsistence department, the corps of engineers and the signal corps shall each consist of the officers of the proper grades necessary to perform the indicated staff and other duties prescribed. Ordnance officers, in addition to their other duties, may be detailed to act as

Inspectors of rifle practice.

inspectors of small arms practice. The

Quartermasters.

quartermasters in charge of the means of transportation of the ambulance companies and field hospitals shall be officers of

Staff departments.

the quartermaster's department. The Governor shall have the power to prescribe by order the number and grade of officers in all staff departments, and to assign them to such duties as he may prescribe. In all

To conform to U. S. Army regulations.

organizations of the line and staff of the national guard, the various grades must conform to those of the regular army of the United States of America. All staff

Staff officers nominated.

officers shall be nominated by the commandants of regiments, brigades and the division, and the Governor shall issue commissions to such nominees. The Governor shall have power, in case of war, insurrection,

Right to increase force.

invasion, or imminent danger thereof, to increase the

force beyond the maximum now established by law, and to organize the same with the proper officers, as the exigencies of the service required.

Approved October 28, 1907.

CHAPTER 276.

An Act to amend an act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

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

1. Section seventy-three of an act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three, be and the same is hereby amended to read as follows: Section 73 amended.

73. In every city school district the board of education shall appoint two of its members, and the common council, board of finance or other body in such city having the power to make appropriations of money raised by taxes in said city, shall appoint two of its members, and the four persons so appointed, together with the mayor or other chief executive officer of the city, shall constitute a board to be known as the "Board of School Estimate" of said school district. Said appointments shall be made annually during the month of January. In case of any vacancy occurring in any such board of school estimate by reason of the resignation, death or removal of any member thereof, such vacancy shall be immediately filled by the body which originally appointed such member, appointing another of its members to fill such vacancy. Board of school estimate.

Secretary.

The secretary of the board of education shall be the secretary of the board of school estimate, but shall receive no compensation as such.

2. This act shall take effect immediately.

Approved October 28, 1907.

CHAPTER 277.

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

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

Expenditures over $500 to be made by contract.

1. No contract or agreement for the construction of any building or buildings, for the making of any alterations, extensions or repairs thereto, for the doing of any work or labor, or for the furnishing of any goods, chattels, supplies or materials of any kind whatsoever, the cost or contract price whereof is to be paid with State funds and shall exceed the sum of five hundred dollars, shall be awarded, made or entered into by the board of managers or board of trustees of any State institution, or by any State department or commission, or by any person or persons whomsover acting for or on behalf of the State, without first having publicly advertised for bids upon the same, according to specifications to be furnished to, or for the inspection of prospective bidders, by the board of managers or board of trustees of any State institution, or by the State department or commission, or by the person or persons acting for or on behalf of the State, authorized to procure the same; which advertisement shall be inserted in three or more newspapers once each week for at least three weeks successively next before the time fixed for receiving bids, two of which newspapers shall be printed and published in the county wherein such building or buildings are to be built, such alterations, extensions or repairs made, such work or labor done, or such goods, chattels, sup-

Advertisements.

plies or materials furnished, and one of which newspapers shall be printed and published in the city of Trenton, in this State, and which advertisements shall designate the time and place when and where sealed proposals, which shall be required to be accompanied in each case with cash or a certified check for at least ten per centum of the amount of the bid, will be received and publicly opened and read; at which time and place the contract shall be awarded to the lowest responsible bidder, subject to the execution by him of a proper contract or agreement and the furnishing by him, within a reasonable time, of a bond to the State of New Jersey in double the amount of his bid, with satisfactory security, conditioned for the faithful performance of his contract or agreement, which bond shall be required in all cases; any person or persons authorizing, consenting to, making, or procuring to be made, any contract or agreement in violation of any of the provisions hereof, or making or procuring to be made any payment of State funds for or on account of any contract or agreement made or entered into in violation of any of the provisions hereof, shall be guilty of a misdemeanor.

Proposals accompanied by certified check.

Bond for proper performance of contract.

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

Repealer.

Approved October 28, 1907.

CHAPTER 278.

A Supplement to an act entitled "A further supplement to an act entitled 'An act to regulate elections,' approved April fourth, one thousand eight hundred and ninety-eight," which further supplement was approved April fourteenth, one thousand nine hundred and three.

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

1. Hereafter all candidates of political parties for the following offices, to wit, members of State Senate, mem-

Direct nominations at primaries.

bers of General Assembly, county clerk, surrogate, register of deeds, sheriff, county supervisor, coroner, mayor and for all elective offices of any county in this State, to be voted for at the general election for members of the General Assembly, by the voters of any county in this State, or of any political subdivision thereof, shall be nominated directly without the intervention of delegates or conventions, at the primary elections held pursuant to the act to which this act is a supplement, and the acts amendatory thereof and supplemental thereto; *provided,* that the provisions of this act shall not apply to the nomination of candidates for representatives in Congress.

Proviso.

Nomination by petition.

2. Not less than one hundred voters of any political party may file with the county clerk of their county a petition or petitions endorsing any member or members of their political party as a candidate or candidates for the nomination of said party to any public office of any county and requesting that the name of the person or persons so endorsed be printed upon the official primary ballot of such political party. The said petition or petitions shall be signed in the manner and form provided for the signing and filing of nominating petitions under the act to which this act is a supplement, and shall have attached thereto the affidavit and acceptance as required by said act. Said petition or petitions shall be filed with the respective county clerks at least fifteen days prior to the time fixed by law for the holding of such primary election, and the said county clerk shall certify all of said nominations to the clerks of each municipality in his respective county at least ten days prior to the time fixed by law for the holding of said primary elections, specifying in said certificate the political party to which the person or persons so nominated belong and said municipal clerks shall each respectively prepare the official primary ballot as required by the act to which this act is a supplement and shall cause to be printed upon the respective tickets for each political party under the name of the office or offices to be filled the names of all persons so certified as nominated for the respective offices to be filled, in addition to the other names to be printed thereon as required by

Petition filed with county clerk.

Municipal clerk to prepare ballot.

law. In all cases where more than one person is to be elected to the same or similar office and the petitioners desire and so request in their petition, the municipal clerk instead of printing the names of the various persons so nominated on the primary ballot, alphabetically, as now provided by law, shall print all of the names so endorsed in said petition consecutively and shall bracket all of the names in said petition under the name of the offices to be filled.

In case of several names.

3. The board of registry and election in each election district of every county in this State shall within three days after the primary election in each year file a complete copy of the result of such primary election in their respective election districts signed by the members of said board, with the county clerks of their respective county, who shall forthwith canvass said returns and the person having in the aggregate the highest number of votes shall be the candidate of his respective party for the office to be filled. In case more than one person is to be elected to the same or similar office the persons having the highest number of votes to the extent of the number of offices to be filled shall be the candidates of their respective parties for the said offices. The county clerk shall cause to be printed upon the official ballot of the respective political party, to be used at the succeeding general election, the names of the candidates so nominated to fill the respective offices.

Result filed with county clerk, who is to canvass returns.

Names of candidates on ballots.

4. Not less than fifty voters of any political party in any municipality of this State, other than a county, may file with the clerk of such municipality a petition endorsing any member of their political party as a candidate for the nomination of said party to public office in said municipality in accordance with and in the manner provided by the act to which this is a supplement for the endorsing of candidates for nomination in a single ward or township, and such municipal clerk shall cause the names of all persons so nominated to be printed upon the official primary ballots of the respective political parties, in the election districts, the voters of which are entitled to vote for such candidate, and the result of said primary election shall be certified to the

Petitions in municipalities.

Result certified to county clerk.

county clerk of said county in the manner provided in section three of this act, and the person receiving the highest number of votes shall be the candidate of his political party at the ensuing election, and the county clerk shall cause his name to be printed as such candidate upon the official ballot of his party, to be used in the election districts entitled to vote for said office;

Proviso.

provided, that nothing in this section contained shall interfere with or alter the provisions of the act to which this act is a supplement, providing for the nomination of candidates for public office in a single borough, ward or township.

Construction of act.

5. The provisions of this act shall be construed in conjunction with the provisions of the act to which this is a supplement, except where inconsistent therewith.

6. This act shall take effect immediately.

Approved October 28, 1907.

CHAPTER 279.

A Supplement to an act entitled "An act making appropriations for the support of the State government and for several public purposes for the fiscal year ending October thirty-first, one thousand nine hundred and eight," approved June sixteenth, one thousand nine hundred and seven.

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

Appropriation for feeble-minded women.

1. The following sum, or so much thereof as may be necessary, be and the same is hereby appropriated out of the State funds for the purpose herein specified, namely, to the Home for the Care and Training of Feeble-Minded Women, situated at Vineland, two thousand five hundred dollars, for the purpose and construction of a refrigerating plant.

Approved October 28, 1907.

CHAPTER 280.

A Supplement to the act entitled "An act making appropriations for the support of the State government and for several purposes for the fiscal year ending October thirty-first, one thousand nine hundred and eight," approved June fifteenth, one thousand nine hundred and seven.

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

Appropriation for electrocution plant.

The following sum, or so much thereof as may be necessary, is hereby appropriated out of the State fund for the purpose herein specified, namely, for principal keeper of the New Jersey State Prison, in order to enable him to defray such expenses as shall be incurred in carrying out such duties as are cast upon him by an act of the Legislature, entitled "An act concerning the infliction of the penalty of death," approved April fourth, one thousand nine hundred and six, and the acts amendatory thereof, ten thousand dollars.

When effective.

2. This act shall take effect on the first day of November, one thousand nine hundred and seven.

Approved October 28, 1907.

CHAPTER 281.

A Supplement to an act entitled "A further supplement to an entitled 'An act to regulate elections' (Revision of 1898), approved April fourth, one thousand eight hundred and ninety-eight," which further supplement was approved April fourteenth, one thousand nine hundred and three.

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

Expression of voter at primaries for U. S. senator.

1. In any year preceding the election by the Legislature of a United States Senator it shall be lawful, at the primary election of any political party entitled to hold an election under the provisions of the act to which this act is a supplement, for the voters of such political party in this State to express, in the manner hereinafter provided, the preference of said voters for United States Senator.

Nomination by petition.

2. Not less than one thousand voters of such political party may file with the Secretary of State a petition or petitions in the form required for the nomination of candidates to be voted for at a primary election by the act to which this act is a supplement, except so far as the same is modified by this act, endorsing any member of their political party as a candidate for the endorsement of said political party for United States Senator.

Verified by oath.

Said petition or petitions shall each be verified by the oath or affirmation of two or more of the signers thereof, taken and subscribed before a person qualified under the laws of New Jersey to administer an oath, to the effect that such petition, to the best of the knowledge and belief of the affiants, is signed in their proper handwriting by each of the signers thereof; that such signers are, to the best of the knowledge and belief of the affiants, legal voters of the State, and belong to the political party named in said petition; that the person named

therein has the legal qualifications for the office of a United States Senator; that such petition is prepared and filed in absolute good faith for the sole purpose of securing the endorsement of the person therein named by the voters of said party for United States Senator.

Secretary of State to notify county clerks.

Not less than twenty days prior to the holding of said primary election the Secretary of State shall transmit to the county clerk of each county copies of said petition. The county clerk shall, under his hand and seal, certify to each municipal clerk in his county, not less than ten days prior to said primary election, the name or names of all persons who have been endorsed by petitions transmitted to him as aforesaid. The said municipal clerks, in preparing the official ballot to be used at the said primary election for the said political party, shall insert thereon the words "Favored for United States Senator," and shall place thereunder the names of all persons so certified to said clerk, in alphabetical order.

Municipal clerks notified.

Voting and canvassing.

3. The voting, counting and canvassing of the votes cast for such candidates shall be the same as is provided for the voting, counting and canvassing of votes by the act to which this act is a supplement. Each municipal clerk shall, within five days after the holding of such election, certify the result of the election for endorsement for United States Senator to the county clerk of his county, and the county clerk shall proceed to tabulate the result so certified to him, and shall then certify the results to the Secretary of State, who in turn shall tabulate the results, and, prior to the convening of the session of the Legislature at which the election for United States Senator, is to be held, announce publicly the result, and certify, under his hand and seal, a statement of the total votes received in the State by each candidate for endorsement for United States Senator to each member of the Senate and General Assembly.

Each member of legislature notified by Secretary of State.

Candidates for legislature to make statement.

4. In filing his acceptance of a nomination for the office of State Senator or member of the General Assembly, a candidate may sign and file a copy of one of the two following statements, copies of which shall be prepared by the county clerks and handed to each nomi-

nee for Senator or member of the General Assembly in the respective counties, and when such statement is signed and filed by the nominee, the county clerks shall receive and preserve the same as a public record, and shall publicly announce, as soon as all acceptances of nominations have been filed, what nominees or candidates have signed each form of statement:

STATEMENT NO. 1.

Form of statements.

"I further state to the people of ..... county that during my term of office I will vote for that candidate for United States Senator in Congress who has received the highest number of votes in my party in the county for that position at the primary election next preceding the election of a Senator in Congress, without regard to my individual preference."

.....
(Signature of the nominee.)

STATEMENT NO. 2.

"I further state to the people of ..... county that during my term of office I will vote for that candidate for United States Senator who has received the highest number of votes in my party in the State for that position at the primary election next preceding the election of a Senator in Congress, without regard to my individual preference."

.....
(Signature of the nominee.)

5. This act shall take effect immediately.

Approved October 28, 1907.

CHAPTER 282.

A Further Supplement to an act entitled "An act making appropriations for the support of the State government and for several public purposes for the fiscal year ending October thirty-first, one thousand nine hundred and eight."

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

Additional appropriation for commission on live stock.

1. The sum of five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of the State funds for the use of the commission heretofore created under the authority of Senate Joint Resolution number nine, passed April eleventh, one thousand nine hundred and seven.

When effective.

2. This act shall take effect on the first day of November, one thousand nine hundred and seven.

Approved October 28, 1907.

CHAPTER 283.

An Act concerning the government of cities of the first class.

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

Expiration of terms of office.

1. In cities of the first class the terms of office of all city officers, members of city boards and other employes appointed by the mayor thereof, whether for a definite or an indefinite term, shall expire with the term of such mayor, and the successors of such officers, members of city boards and employes shall be appointed by the incoming mayor and shall hold such positions during the term of the mayor so appointing, but the pro-

Exceptions.

visions hereof shall not apply to the offices of city treasurer and city comptroller in said cities.

Repealer.

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

Approved October 28, 1907.

CHAPTER 284.

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

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

Aiding inmates of girls' home to escape a misdemeanor.

1. Any person who shall aid or assist any girl who is an inmate of "The State Home for Girls" of the State of New Jersey to escape therefrom, or aid or assist any such girl to escape from any place of employment where she shall have been placed by the board of managers of said "The State Home for Girls," or aid or assist any such girl to leave this State, knowing here to be an inmate or charge of said "The State Home for Girls," without the consent of the board of managers of said home, shall be guilty of a misdemeanor and punishable as such.

2. This act shall take effect immediately.

Approved October 28, 1907.

CHAPTER 285.

An Act to empower municipalities to establish and maintain plants for the treatment, disposal or rendering of sewage.

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

1. Municipalities of this State are hereby empowered to establish and maintain suitable plants, works or stations for the treatment, disposal or rendering of sewage. It shall be lawful for the municipal board or body of any municipality having charge of the sewers therein, with the concurrence of the board or commission having charge of the finances of such municipality, to adopt an ordinance or ordinances providing for the construction and maintenance of a plant or works for the treatment, disposal or rendering of the sewage of such municipality in accordance with a general plan in such ordinance or ordinances to be specified. Whenever such ordinance shall be adopted and approved as aforesaid, it shall be the duty of the board or commission having charge of the sewers in such municipality to proceed to carry the provisions of said ordinance into effect and to do and perform all such things as are necessary and proper for the establishment of such plant or works. Such plant or works may be located within or without the limits of such municipality at any place within this State; *provided, however,* it shall not be lawful to locate any such disposal plant or plants in any municipality other than the one desiring the same, unless the municipality in which said disposal plant is intended to be located shall consent and approve thereto, said consent to be given by the governing body of said municipal authorities and board of health of the city, town, township or borough in which it is proposed to locate such disposal plant, upon application in writing for that

Municipalities may, by ordinance, establish sewage disposal plants.

Board of sewage to proceed.

Proviso.

As to consent of State Board of Health.

purpose made; and in case of the refusal of the municipal authorities and local board of health to grant the same, then the municipality making such application may, within thirty days after such refusal, apply to the State Board of Health, which shall have power to reverse the decision of the local authorities and grant the application for said disposal works; and in case the local authorities grant the permit to locate any such disposal plant or plants, and the same shall be deemed objectionable by the inhabitants of the city, town, township or borough where it is proposed to locate, then ten citizen freeholders thereof may, within thirty days after the granting of such permit, apply to the State Board of Health, which shall have power to reverse the decision of the local authorities and prohibit said location, and it is hereby specially provided that all municipalities making application as aforesaid for the location for any such disposal plant or plants shall accompany the same with a descriptive map of the premises they propose to occupy, a copy of which shall be also filed in the office of the State Board of Health.

Acquisition of land by purchase.

2. Any municipality having adopted an ordinance for the purpose mentioned in the preceding section shall have power and authority to purchase and acquire lands and rights or interest in lands within and without the boundaries of such municipality, which may be deemed necessary for the construction of pipes, conduits, drains, buildings, disposal, pumping or other works, authorized by this act and by such ordinances; if in any case the municipality shall be unable to agree with the owner or owners of any lands or rights or interests in lands deemed necessary by said municipality in the construction and operation of the works in such ordinance provided for, or when, by reason of legal incapacity or absence of the owner or owners, no agreement can be made for the purchase thereof, the lands or rights or interests in lands so deemed necessary for the purposes aforesaid shall be acquired by condemnation by said municipality in the manner provided by the general laws of this State relating to the condemnation of lands for public uses; but no private property shall be taken for

By condemnation.

the purposes aforesaid unless compensation therefor shall have first been made or tendered to the owner or owners thereof, or, in lieu thereof, paid to the clerk of the county in which the lands taken are located, for the use of the person or persons entitled to receive the same; and in case such payment or tender to the owner or owners or payment into court is made by the municipality upon the award of commissioners, the municipality shall be entitled to take immediate possession of the property so condemned, notwithstanding any appeal.

Construction of conduit along, under or over highways and streams, etc.

3. The said municipality, through its engineers, officers and agents, shall have power to construct any conduit by it to be made or constructed under or over any water course, under or over or across or along any street, turnpike, railway, canal, highway or other way, and in or upon private or public lands, and in or upon lands of this State, and under highways of this State, in such manner, however, as not unnecessarily or unreasonably to obstruct or impede traffic or navigation; and may enter upon and dig up any street, road, highway or private or public lands for the purpose of constructing or laying conduits upon or beneath the surface thereof, and for maintaining and operating the same, and, in general, may do all other acts or things necessary, convenient and proper to carry out the general purposes expressed in the first section of this act; it shall be the duty of such municipality to restore any and all streets, roads, highways, turnpikes, railways or canals that may be disturbed or dug up in the course of such operations, as nearly as possible to the same condition that they were in prior to such disturbance.

Restoration of disturbed streets, etc.

Right of entry upon land and water.

4. The said municipality may, by its officers, engineers, agents, servants and employes, enter at all times upon any lands or waters for the purpose of exploring, surveying, leveling and laying out the route of any conduit or the site of any works authorized under this act and doing all necessary preliminary work, doing, however, no unnecessary injury or damage to private property.

Sewage conveyed to plant.

5. Upon the completion of said plants and works, such municipality is authorized to convey and cause to be conveyed the sewage of such municipality to the said

plant or works for treatment or disposal in accordance with the plan in said ordinance specified, and there to render, treat and dispose of the same. For this purpose such municipality shall have power and is hereby authorized, through the board having charge of its sewers, to make such regulations and rules governing the general system of sewers in the municipality and the use of the same by householders, manufactures and others as shall be to the public interest, and by appropriate penalties to be prescribed by ordinance to compel obedience to the same. Such municipality is authorized to make all changes in its present system of sewers as may be necessary to adapt the same to the plan and scope of the said plant or works, and to prescribe the terms upon which householders, manufacturers and corporations may connect with said system and contribute their sewage thereto for treatment and disposal.

Change of sewer system to conform to plan of disposal.

Engineers and assistants.

6. Every municipality operating under this act is hereby authorized to appoint such engineers, chemists, superintendents, clerks and other agents and officers as may be necessary for the management, supervision and maintenance of the said plant, both in its construction and in its operation, and at pleasure to remove the same; and to fix and pay to each of such appointees such just salary or compensation as may be fixed. The appointment of such officers and agents and the fixing of their salary shall be done by the board having charge of the public sewers of such city, with the concurrence of the board or commission having charge of the finances.

Appointment and salary.

Work and materials furnished by contract.

7. All work done and materials purchased for the construction or operation of said work or works, the cost of which shall exceed one thousand dollars, shall be by contract awarded, after due advertisement, to the lowest responsible bidder, and all contractors shall be required to give bonds satisfactory in security and amount.

Issue bonds to meet costs.

8. To provide for the payment of the cost and expenses incurred, or to be incurred, for the purchase of lands, rights or interests in lands, or other property or rights, and for the construction of said plant or works, and for engineering, administrative and other expenses connected therewith, such municipalities shall have

power, from time to time, to issue corporate bonds in an amount sufficient to pay for the cost of said construction and the purchase of said property; such bonds shall be payable at a time not exceeding fifty years from date and at such place as the said municipality may determine, shall bear interest at a rate not exceeding five per centum per annum, payable semi-annually, and shall be signed by the mayor of the city and the chairman or president of the board having charge of the finances of said city, and shall be sealed with the corporate seal of the city, and attested by the clerk. Said bonds may be so issued as to make the same or any part thereof fall due at stated periods less than fifty years from date of issue, and may reserve therein the option to redeem or pay the same, or any part thereof, at stated periods at any time prior to the date at which they would otherwise fall due; such bonds may be either coupon or registered bonds, or partly coupon and partly registered bonds, and all such bonds may be negotiated, sold and disposed of at not less than their par value, and the proceeds thereof shall be used by such municipalities only for the purposes provided for in this act; all sales of bonds shall be made after public notice and advertisement calling for bids, and shall be made to the highest responsible bidders. The board or commission having charge of the finances of such municipality shall authorize and supervise the issue and sale of said bonds.

Time; rate.

Payment of bonds.

Sale of bonds.

9. Every municipality, through its board or commission having charge of the finances, may, in anticipation of the issuing of bonds, from time to time, as it may need money, borrow such sum or sums of money, not exceeding at any one time one-third the estimated cost of the whole work, and may issue certificates of indebtedness, promissory notes or other obligations therefor, retiring the same, from time to time, as the bonds hereinbefore authorized to be issued are sold; in order that the said bonds may be retired at maturity, the board or commission having charge of the finances shall provide an appropriate and suitable sinking fund, not exceeding in amount to be raised in any one year, one per centum of the face value of the bonds issued, which sum shall be raised annually beginning with the third year

Issuance of certificates of indebtedness to anticipate bond sale.

after the issuing of the said bonds by a general tax upon the ratables of such municipality; the money so raised for sinking fund purposes shall be kept in a separate account, and shall, under the direction of the board or commission having charge of the finances, be used or invested, from time to time, in the purchase or retirement of said bonds, or in the purchase of securities in which savings banks of this State are authorized to invest.

Sinking fund.

Amount included in tax levy.

10. The board or commission having charge of the finances of such municipality shall annually ascertain the amount of money necessary to be raised for the interest upon said bonds and for such sinking fund, as well as for the operation and maintenance of said plant for the current fiscal year, and the amount thereof shall be included in the tax levy for such fiscal year, and raised by taxation upon the ratables of the municipality as other taxes are raised therein. The amount of any bonds issued under this act shall not be included in any limitation now existing by law upon such municipality as to the amount of bonded indebtedness to be created thereunder, nor shall the annual tax imposed for the operation and maintenance of such plant be counted or included in the limitation as to the maximum tax rate prescribed by law for such municipality.

Amount not included in bond or tax limitation.

Other municipalities may use plant.

11. It shall be lawful for any municipality which has constructed a disposal plant or works under this act to contract with any other municipality for the disposal, treatment and rendition of the sewage of such other municipality upon such terms and conditions as such municipalities may mutually agree upon. It shall be lawful for any two or more municipalities to unite by mutual contract in the construction of one plant or disposal works for the joint benefit and use of such municipalities, and to that end agree upon, enter into and perform such terms and conditions, respectively, as the board or bodies of such municipalities, respectively, having charge of the sewers therein, and of the finances therein, may severally approve, and all the provisions of this act relative to powers, proceedings and operations of municipalities acting alone are hereby applied to and

Union plants.

made available for such municipalities as may unite in one system under mutual contract.

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

Approved October 29, 1907.

CHAPTER 286.

A Supplement to "An act making appropriations for the support of the State government, and for several public purposes, for the fiscal year ending October thirty-first, one thousand nine hundred and eight."

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

1. The following sums, or so much thereof as may be necessary, be and they are hereby appropriated out of the State fund for the several purposes herein specified: Appropriations for expenses of investigating committee of assembly.

For compensation and expenses of the following-named persons in connection with the investigation into State expenditures pursuant to resolution of the House of Assembly, passed April twelfth, one thousand nine hundred and seven, to wit:

John H. Backes, for compensation as counsel to the committee appointed pursuant to said resolution, five thousand dollars;

Edward O'Byrne, for compensation as stenographer to said committee, one thousand three hundred and sixty-three dollars and eighty-three cents;

George W. LaBarre and John W. Brooks, partners, for compensation as accountants to said committee, five hundred dollars;

Frank Hague, for compensation as sergeant-at-arms to said committee, three hundred dollars;

Joseph Fletcher, for compensation as assistant sergeant-at-arms to said committee, two hundred dollars;

Frank Hague, for carfare and expenses in serving subpœnas on witnesses and for witness fees and mileage

paid, two hundred dollars. Said sum, or so much thereof as may be necessary, to be paid on a bill properly sworn to and approved by the counsel of the committee.

Of Senate.

2. To the Senate Investigating Committee, appointed by resolution of the Senate, passed July fifth, one thousand nine hundred and seven, for the purpose of paying for services rendered and expenses incurred by the stenographer, secretary, counsel, sergeant-at-arms, and other employes selected by said committee, five thousand dollars; *provided, however,* that no moneys shall be paid out of this appropriation except on bills presented and approved by a majority of said committee and the Governor, nor unless such bills shall be verified by the affidavit of the claimant.

Proviso.

Printing reports.

3. To MacCrellish & Quigley, for printing reports of Insurance and Riparian Investigating Committees and furnishing supplies for same, six hundred and ninety-seven dollars and fifty-five cents;

John R. Riker, for clerical services for Riparian Committee, five dollars;

Frank Conway, for stenographic and typewriting work for Riparian Committee, eight dollars;

Merchants' Express, for carting freight and express for Riparian and Insurance Investigating Committees, twenty-seven dollars and fifty-eight cents.

4. This act shall take effect immediately.

Approved October 30, 1907.

CHAPTER 287.

An Act authorizing the division of townships into water districts for the purpose of supplying water within such districts for fire purposes, and the election of water commissioners in said district.

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

Water districts in townships.

1. The township committee of any township in any county in this State may, at any time, set off and divide the said township into districts, to be designated by

numbers, and may alter the same from time to time, and shall, by resolution, to be entered at length upon their minutes, define and declare the limits, boundaries and numbers of said districts, and the same being so defined and declared, shall be deemed and taken as water districts, and shall be known as and designated by and under the corporate name of "water district number ————," which said district, when so designated, shall be a body corporate, and shall possess and be deemed to have power to sue and be sued, complain and defend, in any court of law or equity, to make and use a common seal, and all other corporate power necessary for the carrying out the powers hereinafter conferred.

Corporate name.

2. On the second Tuesday in September in each year the legal voters of any such district so designated are hereby authorized to meet for the purpose of electing three persons, who shall be known and designated as "commissioners of water district number ————," and at said time the said legal voters shall determine by ballot, by the vote of the majority of those present and voting, the sum of money to be raised and expended within such district for the ensuing year for a supply of water for fire purposes within such district. The said meeting for the election of said commissioners and the determination of said sum to be raised shall be held at such public place within the district as the said township committee may designate, and notice of said time and place of such election shall be given by the township clerk and set up in at least three of the most public places within the said district ten days before the said election; that the polls on said election shall be open at one o'clock in the afternoon and close at nine o'clock in the evening. The regularly constituted election officers shall officiate as the officers of said election.

Commissioners chosen by ballot and money voted.

Notice of election.

3. The sum fixed and appropriated by the majority of said votes cast shall be certified forthwith to the commissioners elected as aforesaid, who shall certify to the same and give notice to the township assessor of the sum so fixed, who shall assess the same upon the taxable property within said district in the same man-

As to assessment and collection of money.

ner as township taxes are assessed; and said money shall be assessed, levied and collected in the same manner that other township moneys are assessed; and it shall be the duty of the collector of the township in which said district is situate to pay over all moneys received by him which shall have been assessed as aforesaid to the said commissioners.

Organization of commission.

4. Each of said commissioners shall, within one week after his election, qualify by taking and subscribing before the clerk of such township, or some other person authorized to administer oaths, an oath or affirmation faithfully to discharge the duties of his office to the best of his skill and understanding, and shall file the same with the clerk of such township. The said commissioners shall meet on the third Tuesday in September, and they shall immediately select one of their number to act as president of such commission and one of their number to act as secretary thereof, and one to act as treasurer. In case of a vacancy occurring at any time during the year, the commission shall fill the office for the remainder of the year. The acts of a majority shall be the acts of the commission.

Vacancies.

Expenditure of money.

5. The said commissioners are hereby empowered to expend said moneys for a supply of water within said district for fire purposes, and to enter into and make contracts or agreements for said district with the municipal authorities of any adjoining city or township, or with any water company. The sum to be paid by virtue of said contracts or agreements shall not exceed the amount voted for at said election, and the said commissioners are hereby empowered to determine what streets shall be supplied with water for the purpose aforesaid within said district, and where hydrants shall be placed and the number of the same.

Location of streets and hydrants.

6. This act shall take effect immediately.

Approved October 30, 1907.

CHAPTER 288.

An Act regulating the receipt and disbursements of State moneys in certain cases.

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

All payments from treasury on warrants from comptroller.

1. No money shall hereafter be drawn from the treasury of this State to pay the salaries and expenses of employes of this State, or to defray the expenses of any department, institution, commission, board, committee or official of this State, or for or on account of any contract for building or for repairs or supplies, except upon bills presented to the Comptroller of the Treasury of this State, approved as follows:

By whom bills approved.

(*a*) In the case of a department, by the head of the department;

(*b*) In the case of an institution or board, by a majority of the board of managers or trustees of such institution or board, or by such person or persons as shall be designated for that purpose by resolution adopted by a majority of the members constituting said board of managers or trustees;

(*c*) In the case of a commission or committee, by the president and secretary of said commission or committee, or by the chairman and secretary or chairman and one member of such commission or committee;

(*d*) In the case of an official not subordinate to the head of a department, by such official personally.

All moneys reported to comptroller and paid to treasurer.

2. Hereafter all moneys collected by any department, institution, commission, board, committee or official of this State for the use of any such department, institution, commission, board, committee or official, or for the use of the State, shall be reported in detail to the Comptroller of the Treasury and paid to the State Treasurer.

When done.

Such report and payment shall be made not later than the tenth day of the month following that during which

Proviso.

the said moneys were received; *provided, however,* that nothing in this section contained shall be construed to repeal the provisions of any law now in force authorizing any department, institution, commission, board, committee or official to deduct from any moneys received for the use of any such department, institution, commission, board, committee or official, any costs, fees or expenses which they are now entitled by law to deduct.

Detailed report by board treasurers within thirty days.

3. Within thirty days after this act shall take effect the several treasurers of the various boards of managers, trustees and commissions of this State shall make a detailed report to the Comptroller of the Treasury of all moneys then in their possession and of all moneys due or thereafter to become due to such board, trustees or commission, and shall immediately, upon the making of such report, pay to the Treasurer of this State all moneys then in their possession, and all moneys as shown by the said report to become due in the future immediately upon the receipt of the same.

Suits to recover funds.

4. The Comptroller of the Treasury of this State shall cause suit to be instituted in any competent court of this or any other State for the recovery of any moneys due or hereafter to become due to the State of New Jersey, or to any of its institutions, departments, commissions or officials. Said suit shall be in the name of the "State of New Jersey," as plaintiff.

Monthly statements by treasurers of boards.

5. Hereafter the treasurer of any board or of any trustees having charge of any institution of this State, and receiving funds from this State, shall at the close of each month file with the Comptroller an itemized statement of expenses for the preceding month, which statement shall be approved as provided in section one, and shall be paid by the State Treasurer upon the warrant of the Comptroller. Such statement shall be made in duplicate, one of which shall be retained by the Comptroller and the other by the treasurer of the board of managers or trustees, or otherwise, to whom the same shall be issued.

Duplicate statements.

Approval of claims not provided for

6. In case any bill or claim shall be presented against the State the approval of which is not provided for by

this act, the Comptroller of the Treasury shall fix and determine the form and character of its approval.

Exceptions.

7. Nothing in this act contained shall be construed to apply to the withdrawing of moneys from the treasury of this State for the following purposes, namely, State school tax, United States appropriation to agricultural college, United States appropriation for disabled soldiers, United States appropriation for disabled soldiers, sailors, marines and their wives, agricultural college fund, and taxes for the use of taxing districts of this State, moneys received by the State from the taxation of railroad and canal property which may be by law apportioned to the various counties of the State for school purposes, and loans to "State School Fund."

Appropriation for additional clerical help.

8. In order that the Treasurer and Comptroller of the Treasury of this State may carry into effect the provisions of this act, the sum of five thousand dollars ($5,000) is hereby appropriated to said Treasurer and Comptroller of the Treasury, to be used by them jointly for said purpose.

9. This act shall take effect on the first day of November next.

Approved October 31, 1907.

CHAPTER 289.

A Supplement to an act entitled "An act to defray the incidental expenses of the Legislature of New Jersey for the session one thousand nine hundred and seven," filed September seventeenth, one thousand nine hundred and seven.

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

Treasurer authorized to pay certain sums.

1. It shall be lawful for the Treasurer of the State of New Jersey, upon the warrant of the Comptroller, to pay to the persons hereinafter named, the following amounts, that is to say:

Item No. 1. To Howard L. Tyler, for extra services as secretary of the Senate, for the session of one thousand nine hundred and seven, three hundred and seventy-five dollars, $375 00

Item No. 2. To William H. Albright, for extra services as assistant secretary of the Senate, for the session of one thousand nine hundred and seven, three hundred dollars, $300 00

Item N. 3. To John W. Clift, for extra services as journal clerk of the Senate, for the session of one thousand nine hundred and seven, two hundred and fifty dollars, $250 00

Item No. 4. To Ulysses S. Grant, for extra services as assistant journal clerk of the Senate, for the session of one thousand nine hundred and seven, one hundred and twenty-five dollars, $125 00

Item No. 5. To John F. Lovett, for extra services as sergeant-at-arms of the Senate, for the session of one thousand nine hundred and seven, one hundred and seventy-five dollars, $175 00

Item No. 6. To George F. Streeker, for extra services as assistant sergeant-at-arms of the Senate, for the session of one thousand nine hundred and seven, one hundred and twenty-five dollars, $125 00

Item No. 7. To John Heck, for extra services as calendar clerk of the Senate, for the session of one thousand nine hundred and seven, one hundred and twenty-five dollars, $125 00

Item No. 8. To Harry G. Walters, for extra services as bill clerk of the Senate, for the session of one thousand nine hundred and seven, one hundred and twenty-five dollars, $125 00

Item No. 9. To William N. Conkling, for extra services as assistant bill clerk of the

Senate, for the session of one thousand nine hundred and seven, one hundred and twenty-five dollars, $125 00

Item No. 10. To Charles L. Grubb, for extra services as supervisor of bills of the Senate, for the session of one thousand nine hundred and seven, three hundred dollars, $300 00

Item No. 11. To Edward E. Sexsmith, for extra services as assistant supervisor of bills of the Senate, for the session of one thousand nine hundred and seven, one hundred and fifty dollars, $150 00

Item No. 12. To Claude W. Myrose, for extra services as stenographer to the Senate, for the session of one thousand nine hundred and seven, one hundred and twenty-five dollars, $125 00

Item No. 13. To William C. Murphy, for extra services as private secretary to the President of the Senate, for the session of one thousand nine hundred and seven, one hundred and fifty dollars, $150 00

Item No. 14. To William C. Van Horn, for extra services as assistant to secretary of the Senate, for the session of one thousand nine hundred and seven, one hundred and twenty-five dollars, $125 00

Item No. 15. To Frank Vines, for extra services as clerk to the President of the Senate, for the session of one thousand nine hundred and seven, eighty-seven dollars and fifty cents, $87 50

Item No. 16. To Michael W. Higgins, for extra services as clerk of the House of Assembly, for the session of one thousand nine hundred and seven, three hundred and seventy-five dollars, $375 00

Item No. 17. To Myron C. Ernst, for extra services as assistant clerk of the House of Assembly, for the session of one thousand nine hundred and seven, three hundred dollars, $300 00

New Jersey State Library

Item No. 18. To John Schuler, for extra services as journal clerk of the House of Assembly, for the session of one thousand nine hundred and seven, two hundred and fifty dollars, $250 00

Item No. 19. To Frederick F. Munson, for extra services as assistant journal clerk of the House of Assembly, for the session of one thousand nine hundred and seven, one hundred and twenty-five dollars, $125 00

Item No. 20. To P. Anthony Brock, for extra services as supervisor of bills of the House of Assembly, for the session of one thousand nine hundred and seven, two hundred and fifty dollars, $250 00

Item No. 21. To John W. De Mott, for extra services as assistant to the supervisor of bills of the House of Assembly, for the session of one thousand nine hundred and seven, one hundred and fifty dollars, $150 00

Item No. 22. To Frank Hague, for extra services as sergeant-at-arms for the House of Assembly, for the session of one thousand nine hundred and seven, two hundred and fifty dollars, $250 00

Item No. 23. To William H. Post, for extra services as bill clerk of the House of Assembly, for the session of one thousand nine hundred and seven, one hundred and twenty-five dollars, $125 00

Item No. 24. To Henry J. Earle, junior, for extra services as assistant bill clerk of the House of Assembly, for the session of one thousand nine hundred and seven, one hundred dollars, $100 00

Item No. 25. To Raymond Newman, for extra services as assistant to clerk of the House of Assembly, for the session of one thousand nine hundred and seven, one hundred and twenty-five dollars, $125 00

Item No. 26. To John A. Hopkins, for extra services as assistant supervisor of bills for the House of Assembly, for the session of one thousand nine hundred and seven, one hundred and fifty dollars, $150 00

Item No. 27. To James L. DeWitt, for extra services as assistant supervisor of bills for the House of Assembly, for the session of one thousand nine hundred and seven, one hundred and fifty dollars, $150 00

Item No. 28. To Oliver R. Kugler, for extra services as assistant to journal clerk of the House of Assembly, for the session of one thousand nine hundred and seven, one hundred and twenty-five dollars, $125 00

Item No. 29. To Daniel A. Dugan, for extra services as secretary to the Speaker of the House of Assembly, for the session of one thousand nine hundred and seven, one hundred and fifty dollars, $150 00

Item No. 30. To James D. Moriarty, for extra services as assistant secretary to the Speaker of the House of Assembly, for the session of one thousand nine hundred and seven, one hundred dollars, $100 00

Item No. 31. To Charles Wirth, for extra services as doorkeeper of the House of Assembly, for the session of one thousand nine hundred and seven, eighty-seven dollars and fifty cents, $87 50

Item No. 32. To William Kilroe, for extra services as doorkeeper of the House of Assembly, for the session of one thousand nine hundred and seven, eighty-seven dollars and fifty cents, $87 50

Item No. 33. To Elmer A. Day, for extra services as doorkeeper of the House of Assembly, for the session of one thousand nine hundred and seven, one hundred dollars, $100 00

Item No. 34. To John Daly, for extra services as doorkeeper of the House of Assembly, for the session of one thousand nine hundred and seven, one hundred dollars, $100 00

Item No. 35. To Bernard Garvey, for extra services as doorkeeper of the House of Assembly, for the session of one thousand nine hundred and seven, one hundred dollars, $100 00

Item No. 36. To Irving Daniels, for extra services as doorkeeper of the House of Assembly, for the session of one thousand nine hundred and seven, one hundred dollars, $100 00

Item No. 37. To Peter Golden, for extra services as doorkeeper of the House of Assembly, for the session of one thousand nine hundred and seven, one hundred dollars, $100 00

Item No. 38. To Joseph Fletcher, for extra services as doorkeeper of the House of Assembly, for the session of one thousand nine hundred and seven, one hundred dollars, $100 00

Item No. 39. To Herbert A. Holcombe, for extra services as page of the House of Assembly, for the session of one thousand nine hundred and seven, fifty dollars, $50 00

Item No. 40. To Robert E. Carroll, for extra services as page of the House of Assembly, for the session of one thousand nine hundred and seven, fifty dollars, $50 00

Item No. 41. To Julius Lubbert, for extra services as page of the House of Assembly, for the session of one thousand nine hundred and seven, fifty dollars, $50 00

Item No. 42. To James F. Donnelly, for extra services as page of the House of Assembly, for the session of one thousand nine hundred and seven, fifty dollars, $50 00

Item No. 43. To John McBarron, for extra services as doorkeeper of the House of Assembly, for the session of one thousand nine hundred and seven, eighty-seven dollars and fifty cents, $87 50

Item No. 44. To Joel M. Harrison, for extra services as doorkeeper of the House of Assembly, for the session of one thousand nine hundred and seven, eighty-seven dollars and fifty cents, $87 50

Item No. 45. To Isaac E. Fisher, for extra services as doorkeeper of the Senate, session of one thousand nine hundred and seven, eighty-seven dollars and fifty cents, $87 50

Item No. 46. To C. Clay Lewis, for extra services as doorkeeper of the Senate, session of one thousand nine hundred and seven, eighty-seven dollars and fifty cents, $87 50

Item No. 47. To William A. Kline, for extra services as doorkeeper of the Senate, session of one thousand nine hundred and seven, eighty-seven dollars and fifty cents, $87 50

Item No. 48. To Stephen S. McDermott, for extra services as page of the Senate, session of one thousand nine hundred and seven, fifty dollars, $50 00

Item No. 49. To George H. Carter, for extra services as page of the Senate, session of one thousand nine hundred and seven, fifty dollars, $50 00

Item No. 50. To James L. Tallon, for extra services as page of the Senate, session of one thousand nine hundred and seven, fifty dollars, $50 00

Item No. 51. To Thomas Riley, for extra services as gallery keeper of the Senate, session of one thousand nine hundred and seven, eighty-seven dollars and fifty cents, $87 50

Item No. 52. To John H. Peterson, for extra services as gallery keeper of the Sen-

ate, session of one thousand nine hundred and seven, eighty-seven dollars and fifty cents, $87 50

Item No. 53. To John De Hart, special services as clerk to the Senate, session of one thousand nine hundred and seven, eighty-seven dollars and fifty cents, $87 50

Item No. 54. To Walter N. French, special services as clerk to the Senate, session of one thousand nine hundred and seven, eighty-seven dollars and fifty cents, $87 50

Item No. 55. To Daniel Brooks, special services as clerk to the Senate, session of one thousand nine hundred and seven, eighty-seven dollars and fifty cents, $87 50

2. This act shall take effect immediately.

Approved November 2, 1907.

CHAPTER 290.

An Act to amend an act entitled "An act respecting the paving and repaving of streets, avenues and public highways in cities of the first class in this State, and providing for the payment of assessments for especial benefits to property benefited thereby, and the payment of contractors supplying the work and material therefor," approved March twenty-first, one thousand eight hundred and ninety-five, being chapter two hundred and ten of the laws of one thousand eight hundred and ninety-five.

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

Section amended.

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

Provision for payment of improvements.

1. When the board or body having control of the streets and highways of any city of the first class of this

State shall, by ordinance, provide for the paving or repaving of any street, avenue or public highway in such city, under the provisions of this act, and shall enter into a contract for the work and material, or any part thereof, necessary or convenient for carrying out the provisions of such ordinance and for the performance of the work therein provided for, it shall be the duty of such city to pay for such work and material in the manner following: From the sale of temporary loan bonds, to be issued by the common council or other body having charge of the finances of such city, and which bonds shall upon their face indicate that they are issued for street paving and repaving; and it shall be the duty of the proper officers of such city to keep a record of all temporary loan bonds issued under the authority of this act and the time and place of payment, both of principal and interest, and make proper provisions for the payment of the same as herein provided. Said bonds shall bear interest at a rate not exceeding five per centum per annum, and shall be payable at the expiration of not more than five years from the date of issue; *provided,* that not more than five hundred thousand dollars shall be spent by the board or body having control of the streets and highways of any city of the first class in this State in any one year, under the authority of this act, for paving or repaving of streets in such city.

Temporary bonds.

Rate; time.

Proviso.

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

Section amended.

3. When the commissioners of assessment or other body charged with making an assessment upon the property especially benefited by such paving or repaving shall have made its assessment, and the same shall have been confirmed, the amount remaining and unassessed upon property especially benefited and thereby charged to the city at large, shall be incorporated in and raised by the annual tax levy for the then next succeeding year, and raised by general tax for such year; and the moneys received from the assessments and the moneys so raised by general tax, for the purpose aforesaid, shall be reserved and exclusively applied to the payment of the temporary loan bonds issued under and by virtue of the

Portion of assessment included in general tax levy.

Renewal of bonds.

provisions of this act. Temporary loan bonds issued under the provisions of this act may be renewed from time to time until the whole of the assessments for the improvement for which they are issued are paid and collected.

3. This act shall take effect immediately.

Approved November 14, 1907.

JOINT RESOLUTIONS.

Joint Resolutions.

JOINT RESOLUTION No. 1.

Preamble.

WHEREAS, The people of this State are confronted with an unreasonable increase in the price of coal in winter and of ice in summer, brought about, it is popularly believed, by monopolies created under the corporation laws of this State; therefore,

Joint committee on prices of necessities.

Resolved (the House concurring), That the President of the Senate appoint three Senators and the Speaker of the House appoint three members of the Assembly, who shall constitute a joint committee to sit during the recess of the Legislature and take testimony as to the cause of the increase in price each season of those necessaries of life, and whether the corporations that cause the increase are incorporated under the laws of this State, and whether the said corporations enjoy a monoply in the said products, and generally to ascertain the facts from evidence before them, and report upon ways and means to destroy such monopoly if it exist; and further

Appropriations.

Resolved, That the expenses of said commission be paid upon warrants, to be signed by the chairman of said commission, countersigned by the Governor, and that the amount thereof be included in the general appropriation bill.

Approved April 15, 1907.

JOINT RESOLUTION No. 2.

Joint Resolution providing for the appointment of commissioners to ascertain the reasons for the large increase in the cost of constructing stone roads in this State, and to investigate and report upon the advisability of the purchase and operation by the State of stone quarries for the purpose of supplying stone at cost to the several counties of this State for the permanent improvement of public roads and keeping the same in repair, and the probable cost of such quarries and of equipping and operating the same.

Preamble.

WHEREAS, Large sums of money are being annually contributed by this State to defray one-third of the cost of roads improved in accordance with the provisions of an act of the Legislature of the State of New Jersey, entitled "An act to provide for the permanent improvement of public roads in this State (Revision of 1905)," approved March twenty-seventh, one thousand nine hundred and five; and

WHEREAS, A large part of the roads so improved are improved by the construction of a macadam, telford, or other stone road; and

WHEREAS, The cost of constructing and maintaining stone roads has greatly increased, chiefly, as is alleged, by reason of the high price of suitable stone and difficulty in procuring the same, which prevents proper competition between bidders on stone road contracts and precludes local contractors from bidding thereon; therefore,

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

Commission to investigate cost and construction of stone roads.

1. The Governor be and he is hereby authorized to nominate and appoint five commissioners, residents of

this State, whose duty it shall be to investigate the matters referred to in the preamble to these resolutions; to ascertain the reasons for the large increase in the cost of constructing the stone roads in this State which have been and are now being constructed in accordance with the provisions of the act of the Legislature of the State of New Jersey entitled "An act to provide for the permanent improvement of public roads in this State (Revision of 1905)," approved March twenty- seventh, one thousand nine hundred and five, or similar acts of the Legislature of this State, and how and in what manner said cost may be reduced; to investigate the advisability of the purchase and operation by the State of stone quarries for the purpose of supplying stone at cost to the several counties of this State for the permanent improvement of stone roads and keeping them in repair; to ascertain the probable cost of such stone quarries and of equipping and operating the same, and to ascertain and consider any other matter or thing appertaining to the question of lessening the cost of constructing improved stone roads in this State and keeping them in repair, and to report thereon to the Governor before the first day of January next, with such recommendations as they may deem advisable to be made.

Purchase and operation of quarries.

2. Said commissioners shall serve without compensation; they shall meet in the State House in the city of Trenton on the third Tuesday of April next, at the hour of twelve o'clock noon; they shall elect from their number a president; they shall have power to adopt their own rules of procedure; they shall have power to employ a stenographer and such other assistance as may be necessary for the transaction of their business and fix the compensation of such employe; they may employ counsel and fix his fees. The compensation of such employes, the fees of counsel and the actual expenses of said commission shall be paid by the State Treasurer, upon a certificate of the president of the commission, approved by the Governor; *provided, however,* that the expenses of said commission, exclusive of necessary printing, shall not exceed the sum of one thousand dollars.

Organization, etc.

Assistants.

Expenses met by State.

Proviso.

3. The said commissioners shall have the power to summon and compel attendance before them of such per-

Witnesses.

sons as they may deem necessary and proper to testify, and any member of said commission shall have power to administer an oath to any person so summoned, and witnesses appearing before the said commission shall receive the like fees as are now allowed witnesses in any of the courts of this State.

Report.

4. Said commissioners shall conclude their labors within the time limited aforesaid, and shall report the result of their investigation to the Governor, in writing, signed by a majority of the said commissioners, together with such recommendations as they may deem necessary; and it shall be the duty of the Governor to transmit such report and recommendation, with such suggestions as he may desire to make, to the next session of the Legislature of this State.

5. This joint resolution shall take effect immediately.

Approved April 15, 1907.

JOINT RESOLUTION No. 3.

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

Commission on municipal government continued.

1. The commission appointed by the Governor under the authority of Joint Resolution number eight (8), approved May twenty-second, one thousand nine hundred and six, shall have until the next session of the Legislature to further report to the Governor and to the Legislature.

Appropriation.

2. The sum of two thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the use of the commission for clerical services to be rendered to the commission.

Approved May 7, 1907.

JOINT RESOLUTION No. 4.

Joint Resolution concerning the investigation of live-stock raising in New Jersey, providing for a commission to study a method whereby the industry can be improved through the purchase by the State of blooded animals, and providing for a method for the distribution throughout the State and the promotion of live-stock raising by the agriculturists of the State, and to recommend such laws to the next Legislature that will enable the State to carry such a plan into effect.

Preamble.

WHEREAS, Certain sections of the State of New Jersey, owing to the fertility and climate, are adapted to the raising of live stock, such as horses, cattle and sheep; and

WHEREAS, Such industry seems to be unprofitable to the farmers of the State and is apparently on the decline, owing to the low standard of stock raised at the present time, bringing about low prices for such class of live stock; and

WHEREAS, The State of New Jersey, lying as it does between the great cities of New York and Philadelphia, the improved breeding of blooded live stock and the raising of sheep and beeves for slaughtering purposes would benefit the State; and

WHEREAS, There is an increasing demand by the United States Government for high-class weight-carrying horses for cavalry purposes, and for strong, sturdy horses of carriage type and a heavy draught type;

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

Commission on improved breeds of horses and live stock.

1. A commission of seven members, consisting of one Senator, to be appointed by the President of the Senate;

one member of the House, to be appointed by the Speaker thereof; the President and Secretary of the State Board of Agriculture; the Master of the State Grange, Patrons of Husbandry; one member of the State Veterinary Medical Association, to be appointed by the president of said association, and one leading breeder of horses, to be chosen by the six members named, are hereby appointed to take into consideration the foregoing and to report results of their investigation to the next Legislature, together with such recommendations as to them may seem necessary.

Appropriation.

2. The expenses of such joint committee and investigation be paid upon warrants, to be signed by the chairman of said committee and countersigned by the Governor, and the amount thereof be included in the supplemental or general appropriation bill, such sum not to exceed five hundred dollars.

Approved May 14, 1907.

JOINT RESOLUTION No. 5.

Preamble.

WHEREAS, Article five of the constitution of the United States provides that "the congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or on the application of the Legislatures of two-thirds of the several states shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this constitution, when ratified by the Legislatures of three-fourths of the several states, or by convention in three-fourths thereof," et cetera; and,

WHEREAS, The house of representatives of the congress of the United States has on four separate occasions passed by a two-thirds vote a resolution proposing an amendment to the constitution providing for the election of United States Senators by direct vote of the people; and,

WHEREAS, The United States senate has each time refused to consider or vote upon said resolution, thereby denying to the people of the several states a chance to secure this much desired change in the method of electing senators; therefore,

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

Application to congress for constitutional convention.

Under the authority of article five of the constitution of the United States application is hereby made to congress to forthwith call a constitutional convention for the purpose of submitting to the states for ratification an amendment to the federal constitution providing for the election of United States senators by direct vote of the people; and,

Resolutions forwarded by Secretary of State.

Resolved, That the Secretary of the State be and is hereby directed to forward a properly authenticated copy of these resolutions to the President of the United States, to the President of the senate of the United States and to the speaker of the house of representatives of the United States.

Approved May 28, 1907.

JOINT RESOLUTION No. 6.

Joint Resolution establishing a fund to be used in the discretion of the Governor for aiding in detecting and suppressing crime.

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

Addition to emergency fund for detecting kidnaping.

1. In addition to the "emergency fund" annually provided to be used by the Governor for State purposes in case of emergency, the sum of ten thousand dollars is hereby appropriated, when included in the appropriation bill, all or any part of which may be offered by the Governor when in his judgment the ends of justice would be thereby advanced, as a reward to be paid to any

person or persons who may secure the arrest and conviction of any person or persons guilty of the crime of kidnapping, as defined by the laws of this State.

Use of fund limited.

2. The fund provided in section one of this joint resolution or no part of said fund shall be used for any other purpose whatever.

3. This joint resolution shall take effect immediately.

Approved May 28, 1907.

JOINT RESOLUTION No 7.

Joint Resolution providing for the purchase of portraits of former Governors of this State.

Preamble.

WHEREAS, The State has acquired the portraits of many of the former Governors of this State now hanging on the walls of the Executive Chamber; and

WHEREAS, It is desirable that the portraits of a complete line of the Governors of the State, since the adoption of the State constitution (1776) should be secured; and

WHEREAS, The portraits of William Livingston, William Paterson, Aaron Ogden, William S. Pennington, Mahlon Dickerson, Philemon Dickerson, Samuel L. Southard and Elias P. Seeley, have not yet been acquired by the State, but have been painted by Henry Harrison, a resident of and reputable artist of this State, from whom these portraits can be secured at a reasonable price; therefore,

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

Committee to procure portraits of former governors.

1. A committee consisting of the President of the Senate, Speaker of the House of General Assembly and the Adjutant-General of the State, be authorized and requested to purchase, as soon as may be, the portraits of the following ex-Governors of the State, that is to say: William Livingston, William Paterson, Aaron

Ogden, William S. Pennington, Mahlon Dickerson, Philemon Dickerson, Samuel L. Southard and Elias P. Seeley, painted in oil, by Henry Harrison, and to be appropriately framed at a cost to be not more than twenty-eight hundred dollars ($2,800) for all of the said portraits, the same to be paid by the Treasurer out of any moneys in the State treasury not otherwise appropriated, on a warrant drawn by the Comptroller, on approval of the said committee or a majority thereof; *provided,* such sum or sums shall first be appropriated in the annual appropriation bill; *and provided further,* that the frames shall be approved by the Adjutant-General, the President of the Senate and the Speaker of the House, before the portraits shall be paid for.

Cost.

Proviso.

2. The committee on appropriation is requested to place the sum of twenty-eight hundred dollars ($2,800) in the annual appropriation bill of this session.

Appropriation.

3. This resolution to take effect immediately.

Passed June 18, 1907.

JOINT RESOLUTION No. 8.

Joint Resolution validating and confirming the Senate investigating committee created by Senate resolution passed July fifth, one thousand nine hundred and seven, and the Assembly investigating committee, created by Assembly resolution passed June twentieth, one thousand nine hundred and seven, and authorizing and empowering the continuance of said committees after the adjournment of the Legislature.

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

1. That the resolution of the Senate, passed July fifth, one thousand nine hundred and seven, creating the Senate investigating committee, and the resolution

Validating and continuing investigation committees.

of the House of Assembly, passed June twentieth, one thousand nine hundred and seven, creating the Assembly investigating committee, are hereby validated and confirmed, and the committees appointed pursuant thereto are hereby authorized and empowered to sit after the adjournment of the Legislature, and to exercise all the powers conferred on said committees by law and by said respective resolutions.

2. This resolution shall take effect immediately.

Approved October 28, 1907.

PROCLAMATIONS.

Proclamations by the Governor.

PROCLAMATION.

It is a time honored privilege annually accorded to the citizens of this mighty and prosperous Republic, to pause for a day and ponder upon the bounty of an All-Wise and All-Powerful Father. History records another year of plenty, of gifts bestowed upon us in rich profusion. Our civilization is advancing; our influence as a nation, ever widening. The fruits of labor are abundant and he who toils receives a liberal reward. Rich and poor alike share in opportunity, in the blessings of freedom, of justice, of wider knowledge and higher standards. Happiness and contentment abide with us. Pestilence and plunder have long ceased to menace the homes of our people. Hopes of the past, realized in the present, inspire greater efforts for the future and it is meet that a day be set apart to render thanks to Him who has guided us in prosperous paths.

Therefore, I, Edward C. Stokes, Governor of the State of New Jersey, do designate Thursday, the twenty-ninth day of November as Thanksgiving Day and do recommend that the people of this Commonwealth gather together in places of religious worship to lift their voices in songs of praise to our Heavenly Father for the marks of His Divine favor already enjoyed and to ask that He continue to lead us in the way of peace.

Given under my hand and seal at the Executive Chambers, in the city of Trenton, this twelfth day of November, one thousand nine hundred and six.

[L. S.]

EDWARD C. STOKES.

Attest:

EDWARD W. GRAY,
Secretary to the Governor.

PROCLAMATION.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The Comptroller did, on the second day of January, nineteen hundred and seven, under the provisions of an act entitled "A further supplement to an act entitled 'An Act to provide for the imposition of state taxes upon certain corporations and for the collection thereof,' approved April 18, 1884," which supplementary act was approved June 3, 1905, report to the Governor a list of all corporations coming under said act; and

WHEREAS, The following-named corporations so reported have, for the two years preceding such report, failed, neglected or refused to pay the State taxes assessed against them for the year 1904, under the laws of the State of New Jersey, and made payable into the State Treasury; and

WHEREAS, Under the provisions of said act the charters of said corporations are repealed and all powers conferred by law upon such corporations declared inoperative and void, unless the Governor gives further time for payment; and

WHEREAS, The Governor has not given further time to the corporations so reported and hereinafter named for the payment of such taxes, and the same are still unpaid:

Therefore, I, Edward C. Stokes, Governor of the State of New Jersey, pursuant to the provisions of said act of the Legislature, do hereby issue this proclamation that the charters of the following-named corporations so reported and in default, to-wit:

MISCELLANEOUS CORPORATIONS.

Unpaid Tax for 1904.

A. A. Kidder Publishing Company.
Abbott-Duson Canal Company.
Abbott Manufacturing Company.

Acenith Mining Company of Tonopah, Nevada.
Acme Conduit Company.
Aero Pulverizer Company.
A. F. Hawthorn Roof Paint Company.
A. H. Missildine and Company.
Air Cushion Horse Collar Company.
Akron Cold Distilling Company.
Akron Machine Company.
Alabama Coal Mining Company.
Alabama-Tennessee Coal, Iron and Railroad Company.
Aladar Darvas Company.
Alaska Peninsula Packing Company.
Alaska Railway Company.
Alaska-Snettisham Gold Mining Company.
Albion-Bangor Slate Company.
Alexander Dayton Company.
Alex. Hollander and Company.
Alexandria Mica Mining Company.
Allen Patent Lock Company.
Alpha Hotel Company.
Alryan Woolen Mills.
Alsatian Lead and Zinc Company.
Aluminum-Cork Seal Company.
Alvan Clark and Sons Corporation.
Amalgamated Construction and Supply Company.
A. M. Crane and Company. Incorporated.
American Arms Company.
American Automatic Chair Company.
American Automatic Lubricator Company.
American Barrel and Package Corporation.
American Bedding and Machinery Company.
American Beef and Provision Company.
American Black Marble Company.
American Brewing Company.
American By-Products Company.
American Candy Company.
American Carbon and Chemical Company.
American Car Lubricator Company.
American Chemical Company.
American Chemical Manufacturing Company.
American Coal Company.

American Coal and Railway Company.
American College of Sciences.
American Compound Bearing Company.
American Consolidated Mining Company.
American Consumers Alliance.
American Cotton Company.
American Crib Company.
American Cypher Typewriter Company.
American Delivery Company.
American District Telegraph Company of Hoboken, N. J.
American Dowsing Radiant Heat Company.
American Duplex Steel Company.
American Export Company.
American Farm Company.
American Filter Sand Company of New Jersey.
American Flexible Stay Bolt Company.
American Fluff Rug Company.
American and Foreign Industrial Corporation.
American Gold and Copper Mines Company.
American Grocery Company.
American Guarantee Security Company.
American Incandescent Light Company.
American Institute of Literature, Science and the Arts.
American Lamp and Brass Company.
American Linters Company.
American Lock Washer Company.
American Lumber and Supply Company.
American Machine Company.
American Maltose Manufacturing Company.
American Metal Stamping Company.
American Motor and Power Company.
American Naval Exhibition Company.
American Novelty Company.
American Novelty Advertising Company.
American Novelty Manufacturing Company.
American Ore Testing Company.
American Outfitting Company.
American Patent Kid Company.
American Petroleum Company.
American Phonic Company.
American Placer Company.

American Pork and Provision Company.
American Prismatic Light Company.
American Protective League.
American Publishing Company of New Jersey.
American Railway Castings Company.
American Railway Equipment Company.
American Railway Traffic Company.
American Salt Company.
American Saw Manufacturing Company.
American Self Heating Radiator Company.
American Shield Broom Company.
American Shoe and Leather Association.
American Standard Type Company.
American Steel and Electric Company.
American Stone Company.
American Sumatra Tobacco Corporation.
American Supply Company.
American Thorium Company.
American Tin Mining and Smelting Company.
American Tool and Machinery Company.
American Union League Society.
American Wall Tie Company.
American Wax Match Company.
American Wool and Leather Company.
American Zinc Mining Company.
Ampere Electro-Chemical Company.
Amusement Manufacturing Company.
Anderson-Murphy Company.
Andrew M. Shute and Company. Incorporated.
Andrews Lubricator Company.
Anglesea Fish Company.
Anglo-Alaskan Construction Company.
Annual Wind Clock Company.
Anti-Telescoping Railway Train-Guard Company.
Apollo Sparkling Water Company.
Appert Glass Company.
Arizona Ore Company. Formally Copper Cobre Mining Company.
Arlington Copper Company.
Armstrong and Company.
Arthur Thorne Company.

Art Plating Company.
Asala Company.
Asbestolith Company.
Associates Investment Company.
Astoria Steel Company.
Astra Company.
A. S. Valentine Chemical Company.
Atlantic Amusement and Construction Company.
Atlantic Artificial Stone Company.
Atlantic Cable Directory and Code Company.
Atlantic Cafe Company.
Atlantic City Life Publishing Company.
Atlantic City and Suburban Land Company.
Atlantic County Agricultural and Horticultural Association.
Atlantic Land Company.
Atlantic Oil Company.
Atlantic and Philadelphia Investment Company.
Atlantic Phosphate Company.
Atlantic and Western Construction Company.
Atlantic Window Glass Company.
Atlas Broom Company.
Atlas Company.
Atlas Graphite Company.
Atlin-Oroville Dredging Company.
Atsley Manufacturing Company.
Auditorium Company.
Audit and Securities Company.
Aurora Construction Company.
Austin Lumber Company.
Auto-Igniter Company.
Auto-Igniter Exporting Company.
Automatic Car-Lock and Seal Company.
Automatic Electric Signal Company.
Automatic Glass Company.
Automatic Incandescent Light Company.
Automatic Railway Safety Signal Company.
Automatic Sanitary Dish Washing Machine Company.
Automobile Company of New Jersey.
A. W. Morrell Company.
Aylmer Oil Fields, Limited.
Bailey Beaten Biscuit Company.

Ball Check Light Company.
Ballou Electro-Deposit Company.
Baltimore Developing and Financing Company.
Baltimore Manufacturing and Supply Company.
Bankers Investment Company.
Bankers Novelty Company.
Bankers Security and Loan Company.
Barney Chemical Company.
Barry Transportation Company.
Barwest Coaster Brake Company.
Bates Arms and Engine Company.
Bayard Pharmacy Company.
Bayonne Improvement Company.
Bay State Acetylene Generator Company.
Beach Iron Company.
Beecher Farm Mortgage Company.
Bennett Company.
Bennett Steamship Company.
Benson Furniture Company.
Berg Automobile Company.
Berkeley School.
Berks Silk Company.
Bessemer Iron-Ore Company.
Best Car Fender Company.
Bigelow and Hinds Company.
Big Horn Valley Land Company.
Big Indian Manufacturing Company.
Billingsport Land and Construction Company.
Billingsport and Philadelphia Ferry Company.
Binghampton and Pittsburg Construction Company.
Biogene Manufacturing Company.
Blackmore Photo and Art Supply Company.
Blanchard-Fischer Vessel Company.
Bliss Electric Car Lighting Company.
Blockade Mountain Land Company.
Block Light Company of Colorado.
Block Light Company of Nebraska and Kansas.
Blomo Manufacturing Company.
Blood-Molasses Feed Company of America.
Blue Channel Placer Gold Mining Company.
Blue Grass Securities Company.
Bogert Detective Service Company.

Bogota Paper Company.
Bon Ton Manufacturing Company.
Boogher Boiler Compound Company.
Boston and Amesbury Manufacturing Company.
Boston Car Wheel Company.
Bottlers Equipment and Supply Company.
Boulevard Land Improvement Company.
Box, Barrel and Banding Company of America.
Boylston Turkish Towel Company.
Bozeman Light and Traction Company.
Bradley Printing Company.
Bradshaw Electro-Sanitary Odor Company.
Braislin Fire Proofing Company.
Brambel Milling Company.
Braumuller Piano Company.
Bridgeton Woolen Company.
Bridgeville Improvement Company.
Brilliant Hydro-Carbon Burner Company.
Briquetting Company.
British American Power Company.
Brokers Wire Service Company.
Brooklyn Utilization Company.
Brook Ridge Copper Company of Cuba.
Brown Company.
Brown's Iron Bitters Company.
Brown's Mills Company.
Bryant Manufacturing Company.
Bryant Stables Company.
Bryant Steel Wheel Company.
Buckeye Lime Company.
Buckeye Mining Company.
Buena Vista Coffee Company.
Builders and Manufacturers Supply Company.
Buren Veneer Company.
Burgess Realty Company. Formally United States Security Company.
Burling Manufacturing Company.
Burlington Terra Cotta Company.
Burnham Manufacturing Company.
Burnt River Mining Company.
Burt Amusement Company.
Business and Industrial Corporations Company.

Buyten Tuyn Realty Company.
Byk and Lowensohn Company.
Cahill Electric Typewriter Company.
California Package Fruit Company.
Calor Company.
Cambrian Slate Company.
Camden Corporation.
Camden Storage and Warehouse Company.
Camden Supply Company.
Campbell Novelty Company.
Campbells Ledge Water Supply Company.
Canar Company.
Cane Fibre Company.
Canoe Oil and Gas Company.
Capital Art Metal Company.
Carbon Mon-Oxide Gas Company.
Car Builders Supply Company.
Carl Greyer Company.
Carlsbad Sprudel Sanitarium Company.
Carrier Manufacturing Company.
Cartaret Coal and Lumber Company.
Case-Wilson Cyanide Developing Company of Montana.
Cashin-Gough Company.
Casino Company of Spring Lake, N. J.
Central Cigar Manufacturing Company.
Central Development Company.
Central Fruit Company.
Central Lighting Company.
Central Liquidating Company.
Central Lumber and Manufacturing Company.
Central Power and Light Company.
Central Securities Company.
Central Southern Coal and Coke Company.
Central Water Company.
Century Construction Company.
C. E. Pratt Bond Company.
Cero-Fruto Food Company.
C. E. Sherin Company.
Chalmette Transport Company.
Chama Company.
Champion Silk Company.

Chas. E. Baker and Company.
Charles T. Porter Steam Engine Company.
Charles Wilkinson Paper Company.
Charles W. Pike Mercantile Company.
Cherryfield Park Land Company.
Chert Stone Company.
Chicago and Findlay Oil Company.
Chicago and Indiana Oil Company.
Chicago Machine Graining Company.
Citizens Hygeia Ice Company.
Citizens Investment Company.
Citizens Mortgage Refunding and Construction Company.
City Store Company.
Clara Foltz Gold Mining Company.
Clarke and Schoonmaker.
Cleveland Automatic Stoker Company.
Cleveland Correspondence College.
Cleveland-Kentucky Oil Company.
Clipper Lawn Mower Manufacturing Company.
Clyne Mailing and Machine Company.
Coach and Saddle Publishing Company.
Coal and Coke Securities Company.
Coast Guide Publishing Company.
Cohen Automatic Electric Block Signal Company.
Coin Operated Machine Company.
Collingswood Building and Construction Company.
Colonial Brass Company.
Colonial Cement Company.
Colonial Contracting Company.
Colonial Fire Proofing Company.
Colonial Printing and Lithographing Company.
Colorado Baling Company.
Colorado Delta Canal Company.
Colossus Mining Company.
Columbe Coal Company.
Columbia Beef Company.
Columbia College of New Jersey.
Columbia Development Company.
Columbia Scientific Academy.
Columbia Voting Machine Company.
Columbian Finance Company.

Commercial Bronze Ink Company.
Commercial Coffee and Trading Company.
Commercial Securities Company.
Commercial Travelers Cigar and Tobacco Company.
Commonwealth Engineering Company.
Commonwealth Mexican Plantation Association, Incorporated.
Commonwealth Securities Company.
Commonwealth Tobacco Company.
Compound Magnet Brake Company.
Connecticut Tobacco Improvement Company.
Consolidated Coal and Iron Company.
Consolidated Gold and Copper Mines Company.
Consolidated Gold Mining and Milling Company.
Consolidated Incandescent Light Company.
Consolidated Incorporators Agency of New Jersey.
Consolidated Industries Company.
Consolidated Iron and Steel Company.
Consolidated Match Company.
Consolidated Mills Company.
Consolidated Rubber Works.
Consolidated Shoe Manufacturers Company.
Consolidated Stave and Lumber Company.
Continental Brick Company.
Continental Company.
Continental Development Company.
Continental Manufacturers and Traders Company.
Continental Motor Vehicle Company.
Continental Press.
Continental Railway Equipment Company.
Cook Mechanical Appliance Company.
Co-Operative Biscuit and Manufacturing Company.
Co-Operative Book and Supply Company.
Co-Operative Mines Company.
Co-Operative Real Estate Company of New Jersey.
Copper King Mining Company.
Corn-Belt Seed House, Incorporated.
Cornell Construction Company.
Cornerstone Publishing Company.
Cornucopia Mines of Oregon.
Coronet Silk Manufacturing Company.
Corporation Agency Company of Cuba and Porto Rico.

Corporation Security Company.
Cortlandt Street Iron Works.
Cosmopolitan Novelty Company.
Craig Indian Medicine Lodge, Incorporated.
Crater and Moore Company.
Crescent Appliance Company.
Cripple Creek Dry Goods Company.
C. R. Williams Company.
Crystal Maze, Incorporated.
Cuba Dredging Company.
Cuba Exploration Company.
Cuba Securities Company.
Cuban Central Unidad Sugar Company.
Cuban Land and Development Company.
Cuban Segar Manufacturing Company.
Cunningham Manufacturing Company.
Cuyahoga Investment Company.
Cuyahoga Wire and Fence Company.
Dallas Mining and Pottery Company.
Daly Oil Company.
Damascus Steel Company.
Daniel Warner, Jr., Mining Company.
Davenport Hose Coupling Company.
Davies Stoker Company.
Dawson Friction Gear Company.
Dayton Autoelectric Company.
Dean Reversible Window Company.
Debenture Investment Company, Limited.
De Castra Process Sugar Manufacturing Company.
Deerfield Realty Company.
Delaware County Country Club.
Delaware and Northampton Railroad Company.
Delaware Valley Stone Company.
Delmar Coal Company.
Denver and Southwestern Railway Company.
Devey Cement and Electric Supply Company.
Devonian Gas Company.
De Wolfe Hose Handler and Carrier Manufacturing Company.
Diamond Electric Arc Lamp and Manufacturing Company.
Diamond Oil and Refining Company.

Diamond Rock Sand Company.
Dickinson and Roll Dairy Company.
Dill-Matheson Company.
Display Machine Company.
District of Columbia Automobile Company.
Dithridge Steel Car Company.
Dividend Land Orchard and Live Stock Company.
Dividend Plantation Company.
Doctor News Medical Company.
Dogwood Hardy Gardens.
Donnelly-Dunham Coal Mining Company.
Douglas Automatic Straw (formerly Grain) Binder Company.
Dover Cap Company.
Dr. C. H. Dirmitt Medical Company.
Dr. Gunns Sanatorium and Clinic Company.
Dr. Rea Cattle Company.
Dr. Robert Hunter Association.
Dr. Steber Hygienic Water Company.
Duffy Mercantile Company.
Dunovant Rice and Cane Company.
Duquesne Mining Company.
Duquesne Stock Company.
Duran Terminal Company.
D. Wolff and Company.
Dynelectron Company.
Eagle Baking Company.
Eagleswood Cranbury Company.
East End Construction Company.
East Jersey By-Product Coke Company.
Eastern Automatic Telephone Company.
Eastern Development Company.
Eastern Electric Contract Company.
Eastern Glass and Manufacturing Company.
Eastern Grain Company.
Eastern Massachusetts Telephone and Telegraph Company.
Eastern Provision Company.
Eastern Securities Company.
Eaton Wagon Works Company.
Eclectric Investment Company.
Eclipse Co-Operative Packing Box and Lumber Company.

Economic Combustion Company.
Economic Commericial Company.
Ecuador Company.
Edenton Lumber Company.
Edible Nut Company.
Edison Automobile Company of Washington, D. C.
Edison Polyform and Manufacturing Company.
Edmund Quartz Mining Company.
Edward W. Laskey Company.
Edwin B. Giles and Company, Incorporated.
Eglee-Bunting Company.
Eickemeyer Electric Pump Company.
E. J. Knapp Company.
El Alo Mining Company.
Elblight Company of California.
Eldredge and Brother.
Eleanor Steel Company.
Electrical Construction Company of New Jersey.
Electric Block Signal and Semaphore Company.
Electric Protection Company.
Electric Rubber Manufacturing Company.
Electric Thermo Vibra Institute of Philadelphia.
Electric Train Bulletin Company.
Electro Liquid Purifier Company.
Electro-Magnetic Railway Construction Company.
Electro-Protection Safe Company.
Elevated Trunk Supports and Rests Company.
Elevator Fireproof Casing Company.
Elk Manufacturing Company.
Elmhurst Dairy Company.
El-Paso Brewing Company.
E. Masinton Company.
Empire Patent Puddling Furnace Company.
Empire State Tanning Company.
Enterprise Drug and Supply Company.
Enterprise Shoe Company.
Equitable Realty Company.
Equity Loan and Collection Company.
Era Press.
Ernest H. Bennett Land and Improvement Company.
Essex Mining Company.
Essex Photo Supply Company.

Eureka Fibre Paper Company.
Eureka Mercantile Agency.
Evening Hours Publishing Company.
Excelsior Kneading Machine Company.
Excelsior Zinc Mining, Milling and Smelting Company.
Expansion-Plate Storage Battery Company.
Expositors Bible Company.
Fairbank Safe Company.
Fair Haven Art Glass Company.
Family Supply Company.
Fanciers Poultry Association of New Jersey.
Farm Produce and Trading Company.
Farnam Cheshire Lime Company.
Favorite Biscuit Company.
F. B. Horton Company.
Federal Engineering and Construction Company.
Federal Hat Manufacturing Company.
Federal Lamp Company.
Federal Mining Company.
Federal Press.
Federal Refrigerating Company.
Federal Slate Company.
Federal Waste Paper Receptacle Company.
Ferdinand Wolf Cigar Company.
F. G. Farnham Brush Manufacturing Company.
F. H. Earl Manufacturing Company.
Fidelity Finance Company.
Financial Protective Company.
Fireproofing Tile Company.
Fish and Company.
Flamiofumes Company.
Florence Lead and Zinc Company.
Fluck Boot and Shoe Company.
Fontius Shoe Company.
Footwarmer and Heater Company.
Forman Hardware Company.
Fort Bend Sugar Milling Company.
Fox Company.
Fox Tool Manufacturing Company.
Frankfort Big Muddy Coal and Coke Company.
Frankford Steel Company.

Franklin Button Company.
Frank W. Richards and Company.
Franz Furnace Fuel Saving Company.
Fred H. Pell Company.
French-American Wine Company.
French Soup Company.
Frisco Consolidated Mining Company, Limited.
Fruit Jar and Bottle Closure Company.
Frye School.
Fuel Gas Making Machines Company.
Fuel Saver Company of Pennsylvania.
Fullard Manufacturing Company.
Fullerton Hotel and Mineral Spring Company.
Gabel Manufacturing Company.
Gabriel B. Levy and Company.
Gambrinus Brewing and Bottling Company.
Gambrinus Manufacturing and Supply Company.
Garlic Jacquard Works.
Garrett Mountain Land Company.
Garwood Land and Improvement Company.
Gay Brothers and Company.
Gearless Motor Vehicle Company.
Gebbie and Company.
General Automatic Photograph Company.
General Hydroilogen Engine Company.
General Power Company.
General Securities Corporation.
Genesee Valley Gas, Oil and Exploration Company.
Genuine Feather and Down Company.
George Alces Company.
George F. Brandan Railroad Brake and Supply Company.
George T. Eyanson Company.
George T. Johnson Company.
George T. Sullivan Company.
George W. Brown Railway Supply Company.
German-American Koch Installation Company.
German American Provision Company.
German Realty Agency.
Germantown Dairy Company.
G. G. Martin Dentistry Company.
Giant Rivet Cutter Manufacturing Company.

Gibson Jar Company.
Giok Manufacturing Company.
Girard Iron and Metal Company.
Glameol Chemical Company.
Glendale Manufacturing Company.
Glidden Oil and Gas Company.
Globe Automatic Telephone Company.
Globe Fireproofing Company.
Globe Pneumatic Tool Company.
Globe Security Company.
G. Nussbaum Company.
Gold Reduction Company.
Gold Ridge Mining Company.
Gold Stock Company.
Golden Gate Concentrator Company.
Golden Peak Mining Company.
Gongo-Socco Gold Mining Company.
Gosilco Company.
Grand Laundry Company.
Graphite Metal Company.
Great American Automatic Vending Machine Company.
Grecian School of Physical Culture.
Gregory Rubber Company.
Grignard Lithographing Company.
Grossbaum Ceramic Art Syndicate.
Grosset Parisian Amusement Company.
Guarantee Credit Clothing Company.
Guardian Investment Company.
Gulf Dredging Company.
Haddon Heights Inn Company.
Haesaert and Buysee. (Incorporated).
Hallock Company.
Hamilton Company.
Hamilton Land Company.
Hamilton Soap Company.
Hanley Construction Company.
Hardware Specialty Company.
Hardwood Manufacturing Company.
Hart Cycle and Automobile Company.
Hart Drug Company.
Hartford Remedy Company.

Harvey and Lewis Manufacturing Company.
Harvey L. Reed, Incorporated.
Hatch-Marston Manufacturing Company.
H. B. Anthony Shoe Company of Philadelphia.
H. B. Wilbert Company.
H. Clay Russell and Company.
H. Diefenthaeler Company.
Hebe-Hygeia Company.
Helen Hunt Mining Company.
Helvetia Chemical Company.
Henriquez Stevenson and Company.
Hermann Bonitz Company.
Heymann and Company.
H. G. Mulock Company.
H. G. Stone and Bro. Company.
H. H. Green Company.
Higgins Hotel Company.
High Point Fishing Company.
Hillery Varnish Company.
Hillman-Cory Company.
Hill-side Brick Manufacturing Company of Danville.
Hines-Munro Company.
Hinsdale Mining and Milling Company.
Historic Press.
H. J. Hopkins and Company.
Hobart Company.
Hoboken Hygeian Ice Company.
Hoboken Ribbon Company.
Hocking-Vinton Coal Company.
Hoerle Manufacturing Company.
Holbrook Newark Directory Company.
Holbrook Printing House.
Holdrege Company.
Holland American Finance Company.
Holland American Importing Company.
Holland Manufacturing Company.
Hollis Railway De-Obstructor Company.
Holman-Gould Safety Can Company.
Holmes Shipbuilding Company.
Holt Silk Company.
Home Building and Land Association.
Home Investment Company.

Home Safe Company of America.
Home Supply Company.
Home Visitor Publishing Company.
Homestead Company of America.
Honduras Banana Growers Association.
Honduras Fruit Growers Association.
Hood Automatic Window Company.
Hope Underwear Company.
Horner Sanitary Manufacturing Company.
Hotel Beechwood Company.
Hough Explosives Company.
Howard Clay Manufacturing Company.
Howard Realty Company.
Howard Ticket Advertising Company.
Howieson Arithograph Company.
H. T. Mason Chemical Company.
Hudson County Bottlers Protective Association of New Jersey.
Hunt Brothers Company.
Hutchison Acoustic Company.
Hydrogen Cupola and Furnace Company.
Hygienic Filter Supply Company of New Jersey.
Hyle Steel Tool Company.
I. C. Moulton Company.
Idapa Sheep Company.
Ideal Lunch Cafe.
Illinois and Indiana Telephone and Telegraph Company.
Illinois Traction Company.
Imperial Development Company.
Imperial 5 and 10c Company.
Imperial Sand Brick Company.
Improved Rail Joint Company.
Improvement Lighting Company.
Independent Gas Company.
Independent Gas Generator Company.
India Islands Trading Company.
Indiana and Armstrong Coal, Coke and Iron Company
Industrial Realty Company.
Interchange Novelty Company.
Inter-Colonial Trading Company.

International Air Brake and Steam Connections Company.
International Audit Corporation.
International Automatic Photo Company.
International Cash Register Company.
International Coated Metal Company.
International Correspondence School of Music.
International Cream Separator Company.
International Dash and Fender Machine Company.
International Fire Engine Company.
International Iron and Steel Company.
International Kaolin Company.
International Library Company.
International Live Stock Products Company.
International Realty Corporation.
International Securities Corporation.
International Sheahan Rotary Engine Company.
International Smoke Prevention Company.
International Sulphide Process Company.
International Syndicate.
International Tin Plate Corporation.
International Wood Fireproofing Company.
Inter-State Manufacturing Company.
Inter-State Medical Association.
Inter State Osage Oil Producing Company, formerly Stampede Creek Gold Mining Corporation.
Inter-State Paving Company.
Inter-State Publishing Company.
Interurban Traction Company.
Inventors and Investors Company.
Invisible Lacing Corset Company.
Irving Drug Company.
Isolating Method and Apparatus Gas Company of the United States.
Isaac N. Doty Company.
Isthmus Agricultural and Mining Company.
Italian Commercial Association of West Hoboken, N. J.
Jackson Electric Light and Power Company.
Jackson Pettengill Company.
Jacob E. Ridgeway Mines Company.
James Finnigan Shoe Company.
James M. Adamson Manufacturing Company.

James P. Ross Company.
James T. Clyde Company.
J. B. Fisaman and Company, Incorporated.
Jersey Gelatine Works.
Jewell Water Distiller Company.
J. F. Brady Company.
J. F. Hazard and Company.
J. H. Halsey and Smith, Limited.
J. H. Taylor and Cann.
J. Huntington Davis and Company.
J. J. Cuddihy Stone Company.
J. M. Burgner's Machine Made Bread Company.
J. M. Sauder Company.
John Armitage Manufacturing Company.
John Huston Company.
John J. Fulton Company of New York.
John M. Melloy's Sons, Incorporated.
John Parker Company.
John R. Potts Shoe Company.
Johnson-Dunbar Mills Company.
John T. De Baun Company.
John Wood Manufacturing Company.
Joseph Ladue Gold Mining and Development Company of Yukon.
Joyce Safety Elevator Door Manufacturing Company.
J. W. O'Bannon Company.
J. W. Thorn Company.
Kamber Lenson Company.
Kauffeld Malleable Glass Company.
Kay Kay Metal Company.
K. B. W. Novelty Company.
Keeler Transportation Line, formerly Keeler Transportation Company.
Kent Furnace and Smelter Company.
Kerosene Safety Engine Company.
Kerr Manufacturing Company.
Keyport and New York Transportation Company.
Keyser Manufacturing Company.
Keystone Ball Check Lighting Company.
Keystone Boiler and Radiator Company.
Keystone Clothing Manufacturing Company.

Keystone Crayon and Pencil Company.
Keystone Development Company.
Keystone Engineering and Construction Company.
Keystone Pneumatic Horse Collar Company.
Keystone Ranch Company.
Keystone Rapid Transit Company.
Kimmey Electric Light Display Company.
Kinetograph Company.
Knickerbocker Agency Company.
Knickerbocker Historical Society.
Knickerbocker Oil and Gas Company.
Koch Lung Cure of Altoona, Pa.
Koch Lung Cure of Buffalo.
Koch Lung Cure of Chicago.
Koch Lung Cure of Cleveland.
Koch Lung Cure of Detroit.
Koch Lung Cure of Erie.
Koch Lung Cure of Milwaukee.
Koch Lung Cure of Pittsburgh.
Koch Lung Cure of Rochester.
Koch Lung Cure and Koch Inhalations and Medical Council.
Kootenay Copper-Gold Mining Company.
Lackawanna Animal Product Company.
Lackawanna Construction Company, formerly Lackawanna Amusement Company.
Lake Shore Wire Company.
Land and Harbor Development Company.
Land and Marine Supply Company.
Lansdale Ice Manufacturing Company.
La Plume Condensed Milk Company.
La Sabrosa Coffee Plantation Company.
Las Nubes Coffee Plantations Company.
Laughton System Company.
Laureda Company.
Laurentian Asbestos and Mica Company.
La Vake-Washburne Company.
Lawson Boat and Car Company.
Layton-Franklinite and Zinc Mining Company.
L. Bookbinder Company.
L. D. Pond Manufacturing Company.
Leader Manufacturing Company.

Leeds and Deemer, Incorporated.
Lee Electric Insole Company.
Legal Protective Registry Corporation of America.
Legal Union.
Lehigh Concrete Stone Company.
Lehigh Light and Power Company.
Lehigh and New England Investment Company.
Leib Hook and Eye Company.
Lemon Creek Company.
Lenape Coal Company.
Lengert Wagon Company.
Leonard Engine Company.
Leonia Lyceum Association.
Leroux Chemical Company.
Leukos Company.
Lewis Motor-Vehicle Company.
Lewis W. Reeder Company.
Libby Lumber and Building Company.
Libra Mining Company.
Life Saver Manufacturing Company.
Lincoln Coffee Mills Company.
Lincoln Improvement Company.
Lincoln Street Car and Heating Company.
"Lionel H. Leadam."
Literature, Art and Music Publishing Company.
Living Stone Coal Company.
Lix-Em-All Soap Company.
Locust Wood Cemetery Company.
Long Branch Press Company.
Long Island Investment Company.
Lorraine Mining Company.
Louisville and Southwestern Indiana Company.
L. R. Barnard Chemical Company.
Lubricating Company. General.
Lucia Sugar Company.
Ludlow Automatic Fire Alarm Company of America.
Lunar Oil Company.
Lyman Mining Company.
Lyon and Company.
MacAfee Company.
Macey Company.
Macrodi Fibre Company.

Magarge and Green Company.
Magistral Exploration Company of Mexico.
Magna Carta Oil Company.
Mahon Coal Company.
Maize Products Company.
Majestic Mining Company.
Majestic Velvet Mills.
Malta-Vita Pure Food Company.
Manhattan Company.
Manhattan Specialty Manufacturing Company.
Manhattan Switchboard Company.
Manhattan Transport Company of New Jersey.
Manhattan Web Company.
Manning Improved Rail Company.
Mansfield and Eastern Traction Company.
Mansfield Glass Works of Lockport.
Manuel J. Portuondo Company.
Manufacturers Window Glass Company.
Manville Covering Company.
Maple Dale Syrup Company.
Marine Boiler Works Company.
Marine Fish Company.
Maritime Land and Improvement Company.
Markland Paving and Construction Company.
Marsden Fireproof Construction Company.
Marshall Engine Company.
Marshall Ice and Refrigerating Machine Company.
Marshall Paper Company.
Masontown Land and Improvement Company.
Massachusetts Portable Security Vault Company.
Matthews Boat Company.
Maxfield-Francke Company.
Maxwell Company.
Maxwell Stevenson, Jr., and Company.
Mayhew-Dynan Silk Company.
McElroy, Martin and Company, Incorporated.
McGear Dry Goods Company.
McIlvaine and Company.
McKeesport Natatorium and Medical Institute.
McLaughlin Hub and Axle Company.
Medford Fuel Supply Company.
Medric Company.

Melrose Publishing Company.
Mena, Slate City and Hot Springs Railroad Company.
Mercantile Registry Company of America.
Mercantile Trading Stamp Company of New York.
Mercantile Traffic Association.
Mercy Bros. and Company.
Merchants Discount Company.
Merchants Vending Machine Company.
Merriwold Company.
Merritt-Ray Lumber Company.
Mertztown Paint and Ochre Company.
Messerve Land Company.
Metal Casting Company of America.
Metal Doll Company.
Metals Recovery Company.
Metropolis Company.
Metropolitan Home and Real Estate Company.
Metropolitan Shirt Company.
Mexican Cattle and Agricultural Company.
Mexican Clay Manufacturing Company.
Mexican Sugar Company of New Jersey.
Mexican Tobacco Company.
Mexican Tobacco and Cigarette Corporation.
Mexican Venture Company.
Meyer Throwing Company.
Middlebrook Heights Association.
Middle Georgia Fertilizer Company.
Midland Portland Cement Company.
Midland Zinc and Lead Company.
Milford Pink Granite Company.
Milford Steele Company.
Miller Pasteurizing Machine Company.
Millville Crystal Glass Company.
Millville Republican and Publishing Company.
Mining Securities Company.
Minnesota Central Railway Company.
Missouri Brick and Tile Company.
Mohican Harness Oil and Axle Grease Manufacturing Company.
Monclova Coal and Coke Company of New Jersey.
Monmouth Realty Company.
Monongahela Steel Construction Company.

Montana Copper Mining Company.
Montauk Construction Company.
Monterey Electric Railway Company.
Montgomery Auction and Commission Company.
Montville Graphite Mining and Developing Company.
Monument Bond Company.
Moore Automatic Mail Catcher Company.
Moore and Burn.
Morrisse Realty Agency.
Morris-Wilmore Company.
Morse Nailless Horse Shoe Company of America.
Mortgage and Finance Corporation of America.
Mosher Manufacturing Company.
Mount Pocono Sanitarium Company.
Mount Sneffels Mining Company.
Mount Vernon Land Company of Cape May.
M. P. Reinhart Company, formerly Miller and Ward Company.
Murna Medical Company.
Mutual Oil Company.
Mutual Security Company.
Nathans Electrical Manufacturing Company.
National Amalgamated Oil Companies of America.
National Battery Company.
National Bedstead Manufacturing Company.
National Bread Company of Jersey City.
National Brewing Company.
National Cleaning and Disinfecting Company.
National Coal Burner Company.
National Coal and Clay Company.
National Converting and Fermenting Company.
National Directory Holder Company.
National Discount Stamp Company.
National Dough Cutting and Scaling Machine Company.
National Electric Contracting and Construction Company.
National Electric Purification Company.
National Fireproofing Company.
National Hay Company.
National Label Press.
National Leather Mat and Belt Company.

National Liquid Gas Company.
National Mills Company.
National New Process Lime Company.
National Paper Bag Company.
National Portland Cement Company. (No. 2).
National Road Machinery Company.
National Soap Company.
National Specialty Manufacturing Company.
National Steam Heating Company.
National Tag and Paper Company.
Natural Mineral Water Company of Saratoga Springs.
Natures Own Never-Slip Horseshoe Company.
Navesink and Shrewsbury Land Company.
Nazareth Cement-Limestone Company.
Nethery Hydraulic Valve Company.
Newark Directory Publishing and Printing Company.
Newark Electrotype Foundry Company.
Newark Hotel Company.
Newark Ledger Publishing Company.
Newark and Lima Oil Company.
Newark Macaroni Company.
Newark Parafine and Parchment Paper Company.
Newark Patent Leather Company.
Newark Watch and Diamond Company.
New Bedford Product Corporation.
New Brunswick Button Company.
New Brunswick Ice Company.
New Century Hook and Eyelet Company.
New England Amusement Company.
New England Ball Check Light Company.
New England Brick Company.
New England Mineral Water Company.
New England Safety Tread Company.
New England Water Power Company.
New England Zither and Guitaraphone Company.
New Jersey Copper Mining Company.
New Jersey Drill Company.
New Jersey Electro Therapeutic Sanatorium Company.
New Jersey Fuel Saving Company.
New Jersey Hospital and Ambulance Supply Company.
New Jersey Indemnity and Protection Company.

New Jersey Kaolin, Sand and Feldspar Company.
New Jersey Manganese Company.
New Jersey Plumbing Specialties Company.
New Jersey Pneumatic Crane Company.
New Jersey State Dental Association, Incorporated.
New Jersey State General Agency Company.
New Jersey Underwear Company.
New Jersey Voting Machine Company.
New Jersey Wick Company.
New Mexico Mining and Drilling Company.
New Process Metal Rolling Machine Company.
Newsboys Magazine Publishing Company.
News and Democrat Publishing Company.
New System Ticket Company.
Newton Mercantile Company.
Newton Shoe Company.
New Wall Paper Company.
New York-Buffalo Air Car Railway Company.
New York Chemical Refining Company.
New York Dental Parlors.
New York Evening News Company.
New York and Hoboken Steam Fitting Company.
New York Laundry Machinery Company.
New York and Lima Oil Company.
New York and New England Auto-Piano Company.
New York and New England Steamship Company.
New York and Ohio Oil Company.
New York School of Political Science.
New York Steel Fifth Wheel Company.
New York Store Company.
New York Typewriter Company.
New York Weighing Barge and Coaling Company.
New York and West Virginia Oil and Gas Company.
New York and Wilkes-Barre Coal Company.
Norman Cordage and Machine Company.
North Adams Milk Company.
North American Copper Company.
North American Fire Proof Plaster Company.
North American Graphite Company.
North American Quartz and Mineral Company.
North American Rare Minerals Company.
North American Underwriting Company.

North Galveston Improvement Company.
North Jersey Agricultural and Driving Association.
North Somers Point Land and Steamboat Company.
North Umpqua River and Lumber Company.
North Western Power and Transportation Company.
Northeastern Construction Company.
Northeastern Security Company.
Northern Construction Company.
Northern Engineering Company.
Northumberland Hosiery Mills Company.
Novelty Glass Manufacturing Company.
Novelty Patent Company.
N. Stafford Company.
Nushagak Salmon Company.
Nutra Nutine Company.
Nye Construction Company.
Ocean Beach Association.
Oceanside Hotel Company.
Ochs Printing and Publishing Company.
O. G. Dunnom Company.
Ohio Cigar Stores Company.
Ohio Cold Storage Company.
Ohio Grocer Company.
Ohio and North Western Coal Mining Company.
Ohio Table Company.
Ohl Machinery Company.
Old Dominion Lithia Springs Company.
Old Orchard Grocery Company.
Oleon Amusement Company.
Oliphant and Pope Company.
Oliver Rotary Engine Company of Baltimore.
Olympia Bowling Alley Company.
Olympia Velvet Mills.
Omitlan Exploration Company.
Oneida Tonopah Mining Company.
One-Rail Traction Company of New York.
Orange Automobile Exchange and Manufacturing Company.
Orange Central Storage Company.
Oregon Securities Company.
Oregon Sheep and Land Company.
Oregon and Southeastern Railroad Company.

Orient Coal and Coke Company.
Otto Seyd Company.
Overman Automobile Company.
Overpeck Contracting Company.
Owens and Dicker Company.
Pacific Alaska Transportation and Coal Company.
Pacific Coal and Transportation Company.
Pacific Coast Salmon Company.
Pacific Coast Umbrella and Manufacturing Company.
Pacific Oriental Trading Company.
Pacific and Yukon Railway Company.
Packers Sanitary Can Company.
Packsville Lumber Company.
Palace Department Company.
Pamlico Construction Company.
Pamlico School for Girls.
Panama Canal Company of America.
Pan American Electric Light and Power Company.
Pan American Securities Company.
Pan American Steamship Company.
Pan-Coast Ventilator and Manufacturing Company.
Paragon Cover Clamp Company.
Paris Cosmetic Company.
Park Avenue Hotel.
Parker Match Company.
Parkhurst Compound Steam Boiler Company.
Paros Emery Company.
Partridge and Richardson Company.
Passaic City Brown Stone Company.
Passaic County Realty Company.
Passaic Falls Ribbon Company.
Passaic Livery and Trucking Company.
Passaic Plumbing and Heating Company.
Passaic Realty Company.
Paterson Automobile Storage and Exchange Company.
Paterson Electrical Supply Company.
Paterson Paper Tube and Can Company.
Paterson Wool Extract Company.
Patholeine Chemical Company.
Pattenburg Portland Cement Company.
Pawnee Bill's Wild West Company.
Paxton Light, Heat and Power Company.

Pedrick-Smith Company.
Penn Erecting Company.
Penn Investment Company.
Penn Oil Producing Company.
Pennsylvania Construction and Investment Company.
Pennsylvania Gas Improvement Company.
Pennsylvania Labor Exchange Company.
Pennsylvania Marble and Granite Company.
Pennsylvania and Ohio Consumers Coal Company.
Pennsylvania Plantation Company.
Pennsylvania Remedy Company.
Pennsylvania Securities Company.
Pennsylvania Tool, Steel and Forge Company.
Peoples Contract and Guaranty Company.
Peoples Co-Operative and Emergency Hospital Association.
Peoples Medical Aid Guarantee Company.
Peoples Realty Investment and Law Company.
Peoples Trading Company.
Pepsin Relish Company.
Perfection Music Box Company.
Perfect Leather Company.
Perfect Light Company.
Perry Lead and Zinc Mining Company.
P. Hernig Milk Company.
P. H. Harrison and Sons Company.
Philadelphia Amusement Company.
Philadelphia Arms Company.
Philadelphia Art Stained Glass Works.
Philadelphia Automobile Company.
Philadelphia Baking Company.
Philadelphia Courant Printing and Publishing Company.
Philadelphia Interurban Railways Company.
Philadelphia Machine and Manufacturing Company.
Philadelphia Steel and Iron Company.
Philadelphia Worsted Company.
Philippine-Oriental Trading and Development Company.
Philippine Transportation and Construction Company.
Phillips Canning and Pickling Company.
Phœnix Phosphate Company of Florida.

New Jersey State Library

Phœnix Railway Supply Company.
Phosfo Food Company.
Pickering Valley Graphite Company.
Pineland Incubator and Brooder Company.
Pine Lawn Spring Company.
Pittsburg Development Company.
Pittsburg, Fairport and Lake Erie Dock and Terminal Company.
Pittsburg Securities and Guarantee Company.
Pittsburg Turkish Bath Company.
Pittsburgh Union Stock Yards.
Pittsburgh Contracting and Construction Company.
Pittsburgh Electric Manufacturing and Engineering Company.
Pittsburgh Engineering Company.
Pittsburgh and Southern Mining Company.
Pittsburgh Wholesale Grocery Company.
Plainfield Foundry Company.
Plainfield Real Estate Company.
Plainfield Tool and Equipment Company.
Plainsboro Hay and Produce Company.
Plant Tile Company.
Plymouth Libraries.
Pneumatic Company.
Pneumatic Textile Machinery Company.
Pneumatic Wheel Company.
Polaris Placer Company.
Pomeroy and Middleport Water Company.
Portable Gas Company.
Porter Fish Company.
Port Monmouth Steamboat Company.
Port Norris Canning Company.
Porto Rico Railway Light and Power Company.
Positive Railway Sander Company.
Posten Transfer Company.
Potter Coal and Coke Company.
Potts and Kaufmann.
Pottsgrove Mining Company.
Poughkeepsie Manufacturing Company.
Primos Manufacturing Company.
Printing Telegraph Company.
Producer Gas Apparatus Company.

Prudential Laundry Company.
Prudential Oil Company.
Prudential Realty Corporation.
Public Works Construction Company.
Puget Sound Can Company.
Pulis Company.
Pulverized Fuel Company of America.
Puritan Poultry Farms and Manufacturing Company, Inc.
Purity Milk Company.
Pyro-Electric Company.
Quackenbush Hardware Company.
Quaker Dentists.
Quaker Portland Cement Company.
Quality Publishing Company.
Racine-Babcock Fire Extinguisher Company.
R. A. Craig Company.
Rahway Engraving Company.
Rahway Ice Company.
Railroad and Railway Construction Company.
Railways Improvements Company.
Randolph Chemical Company.
Randolph Clowes Company.
Rapid Safety Saddle Girth Company.
Raponda Company.
Raritan River Quarry and Construction Company.
R. A. Williams Company.
Raymond Manufacturing Company.
Raymond Oil Burner Company.
Rea and Company.
Ready Money Finance and Investment Company.
Real Estate Mortgage and Construction Company.
Realty and Exchange Union. (Incorporated).
Realty Improvement Company of Bayonne.
Realty and Security Company.
Realty Trading Stamp Company.
Red Oxide of Iron Mining and Manufacturing Company.
Regan and Roche Company.
Reilly and Fearon Company.
Reliance Coal and Coke Company.
Renkel Reed and Harness Company.

Reset Machine Tool Company.
Retailers Co-Operative Supply Company.
Reynolds "Aertite" Carton Company.
Rice-Beittenmiller Switch Company.
Richards and Company, Limited.
Richland Company.
Riggs Machine Circuit.
Riley Safety Horse Shoe Company.
Ringing Rocks Mining Company.
Ringoes Canning Company.
Rio Blanco Produce and Transportation Company.
Ritzer Transformer Manufacturing Company.
River and Harbor Coal and Ore Company.
Riverside Iron Works Company of New Jersey.
River Street Realty Company.
Robert F. Wentz Engineering Company.
Robert Grant Company.
Robert Grau, Incorporated.
Roberts Steam Piston Packing Company.
Rochelle Dairy Company.
Rock Oil Soap Company.
Rodman Bay Company.
Roller Leather Company.
Rose Company.
Rose Gold Mining and Milling Company.
Rosenstrauch Dry Goods Company.
Ross Remedy Company.
Royal Ball Blue Company.
Royal Gas Stove and Foundry Company.
Royal Marine Band of Italy.
Royal Security Company.
Roycroft Company.
Rozier Manufacturing Company.
Rubel Paper and Lithographing Company.
Rubnomore Manufacturing Company.
Rudman Iron Foundry Company.
Rupert Chemical Company.
Russell-Flannery Company.
Russell Manufacturing Company.
Rylstone Company.
S. A. Barker Manufacturing Company.
Sabino Mining Company.

Safety Appliance Company.
Safety Sash Company.
Samuel C. Cook.
Sanitas Stone Company.
San Jose Company of the Isle of Pines.
Santo Domingo Southern Railroad Company.
Scarborough Manufacturing Company. (No. 2).
Schlicht Combustion Process Company.
Schmalz Publication Company.
Schmidt-Perrin Manufacturing Company.
Science and Arts Corporation.
Scientific Engraving Company.
Scott Snell Lighting Company of America.
Scott Snell Lighting Company of New York.
S. C. Rodgers Carriage Company.
S. D. Drake Securities Company.
Seacoast Canning Company.
Seacroft Company.
Seager and Coryell Gold and Silver Mining Company of Idaho.
Sea Shore and Bay Improvement Company.
Sea Shore Construction Company.
Sea Side Egg and Poultry Company.
Seme Realty Company.
Seminole Manufacturing Company.
S. E. M. Rice.
Sentinel Publishing and Advertising Company.
Sewickley Supply Company.
Shackleton Manufacturing Company.
Shaw Enamel Company.
Sheahan Rotary Engine Company.
Sheridan Coke and Coal Company.
Sheridan Outfitting Company.
Shinn and Company, Incorporated.
Shonnard Manufacturing Company.
Shreveport and Suburban Traction Company.
Shryock Hill Brewing Company.
Simmons Keystone Water Filter Company.
Simon Cigar Company.
67 and 69 Wall Street.
Slovonish Truth Publishing Company.
Smith-Mahon Leather Company.

Snader and Witmyer Company.
Sol Prince Manufacturing Company.
Somerville Stock Farm Company.
Sorosis Corset Makers Company.
Sound Towing Transportation Company.
South American Drug Company.
South Cove Company.
South Jersey Plate Ice Manufacturing and Storage Company.
South Orange Land Improvement Company.
South Western Quarrying and Mining Company.
Southern Ball Check Light Company.
Southern Brick and Tile Company.
Southern Kansas Electric Railroad Company.
Southern Kentucky Interurban Traction and Power Company.
Southern Land and Colonization Company.
Southern Mining and Smelting Company.
Southern and New England Textile Company.
Southern States Construction Company.
Southern Stave Company.
Southern Textile Company.
Southwestern Portland Cement Company.
Southwestern Securities Company of Los Angeles.
Sovereign Coupon Company.
Spear and Tietjen Supply Company.
Special Informer Company.
Specialty Woodworking Company.
Speed Indicator Company.
Spencer Optical Manufacturing Company.
Spencer Stillwell and Company, Incorporated.
Spink Manufacturing Company.
Spiral Riveted Tube Company.
Sportsman Company.
Sprague's Mercantile Agency of Montreal.
Sprague's Mercantile Agency of New York.
Spring Silk Company.
Squaw Lake Ice Company.
S. R. Krom Mining Machinery Company.
Stackhouse and Watkinson Company.
Stamford Mica Company.
Standard Development Company.

Standard Elevator Company.
Standard Glue Works.
Standard Lead and Smelting Company.
Standard Oil Can Company.
Standard Pole and Tie Company.
Standard Publishing Company.
Standard Securities Company.
Standard Steel Company.
Standard Typewriter Company.
Standard Wireless Telegraph and Telephone Company.
Star Enameling and Stamping Company.
Star Examining and Sponging Company.
Star Pointer Pump Company.
State Line Construction Company.
Steel Highway Track Construction Company of America.
Stenograph Company.
Stephens, Cooper and Company, Incorporated.
Sterling Emery Wheel Manufacturing Company.
Sterling Glass Company.
Sterling Power Vehicle Company.
Stewart Cafe and Hotel Company.
Stewart Manufacturing Company.
Stilwell-Bierce and Smith-Vaile Company.
Stirling Metal Company.
St. Joseph Development Company.
St. Joseph Paving and Construction Company.
Stone Construction Company.
Stoughton Mills.
Strand Realty Company.
Sturtevant Manufacturing Company.
Stuyvesant Company.
Suffolk Investment Company.
Sugar Products Company.
Summit Coal Company.
Sumner-Sherman Cattle Company.
Sunday Lode Mining Company.
Superior Brown Stone Company.
Superior Portland Cement Company.
Surety Silk Company.
Sussex Silk Company.

Swift Flyer Golf Ball Company.
Symphonion Manufacturing Company.
Tabard Inn Corporation, successor to the Library Publishing Company.
T. A. Devine Company.
T. E. Chace Company.
T. E. Fitzgerald Company.
Telluride Reduction Company.
Tennant Auto Tire Company.
Tennessee Lumber and Iron Company.
Tennessee Variegated Marble Company.
Tennis Construction Company.
Terry Brothers Company.
Texas Iron Company.
Thermo-Ozone Company.
Thompson and Dundy Shows.
Tide Water Terminal Company.
Tip Top Consolidated Gold Mining and Milling Company.
Toledo Asphalt Patcher Company.
Toledo Construction and Supply Company.
Toledo Investment Company.
Toledo Match Company.
Toledo Stamping Company.
Tonopah Belmont Mining Company.
Tonopah Rail Road Company.
Tontine Company.
Topeka Water Company.
Townsend and Downey Shipbuilding and Repair Company.
T. R. Anderson and Company.
Trans-Atlantic Gas Company.
Treasure Gold Mining Company.
Trenton Bedding Company.
Trenton Heat and Power Company.
Trenton Hygienic Milk Company.
Trenton Sprocket Chain Company.
Trinidad Bitters Company.
Tri State Mining and Manufacturing Company.
Tropical Plantation Company.
T. S. Buck Manufacturing Company.
Tula Iron Company.

Tuscarora Oil and Gas Company.
20th Century Medicine Company.
Twohey and Stafford Silk Company.
Tyng and Company.
Ulika Cigar Company.
Uniform Steel Company.
Union Coal Company.
Union Column Company.
Union Contract Company.
Union County Realty Company.
Union Drug Company.
Union Electric Railway Company.
Union Finance Company.
Union Glass Works Company.
Union Luncheon Box Company.
Union Mills.
Union Pacific Mining Company.
Union Rice and Irrigation Company.
Union Steel and Wire Company.
Union Timber and Stave Company.
United Agencies Company.
United Ballot Machine Company.
United Cereal Company.
United Cleaning and Supply Company.
United Ice and Supply Company.
United Laundry Company.
United Shoe Tree and Shank Company.
United Supply Company.
United Zinc Companies.
United States Advertising Company.
United States Alternating Current Traction Company.
U. S. Automatic Photo Company.
United States Carbon Company.
United States Curtain Company.
United States Dynamite Company.
United States Electric Mail Box Company of Stanwick, N. J.
United States Food Company.
United States Fuel Oil Burner Company.
United States Holder Company.
U. S. Milk Flour Food Company.

United States Music Machine Company.
United States Peroxide Works.
United States Pump and Supply Company.
United States Refining Corporation.
United States Rice Milling Company.
United States Rug and Carpet Manufacturing Corporation.
U. S. Screw, Nail and Machine Company.
United States Sheet Steel Manufacturing Company.
United States Sick and Relief Company.
United States Steam Turbine Company.
United States Sumatra Tobacco Growing Company.
United States Tobacco Stemming Company.
United States Toilet Company.
United States Washer Nut Lock Company.
Universal Amusement Company.
Universal Box Machine Company.
Universal Fuel Oil Burner Company.
Universal Gas Company.
Universal Gate Latch Company.
Universal Oiler Company.
Universal Pneumatic Transmission Company.
University Chemical Company.
University Envelope and Papeterie Manufacturing Company.
University of North America.
University School and Military Institute.
Urban and Suburban Realty Title Company.
Vacuum Refrigerating Company.
Valdez Copper River and Yukon Railway Company.
Valeria Finishing Company.
Valley Forge Tredyffrin Springs Company.
Vandegrift Construction Company.
Van Tascher Realty and Construction Company.
Varley Fruit Company.
Vehicle Equipment Company.
Vehicle Specialty Company.
Velodrome Cycle Track Company.
Venedocia Oil and Gas Company.
Venice Land Company.
Ventnor Heights Land and Development Company.

Vermont Electric Securities Company.
Vici Manufacturing Company.
Victor Cassel Company.
Vilar Cork Company.
Villamil Company.
Villard Contract Corporation.
Vindex Automobile Company.
Virginia Oil Company.
Virginia Railroad and Improvement Company.
Virginia Rolling Mill Company.
Visible Writing Machine Company.
Voting Machine Development Company.
Waddell Smokeless Fuel Company.
Wagner's Bakery.
Walker Manufacturing Company.
Walker Publishing Company.
Walsh Paper Company.
Walters Power Company.
Walton Island Company.
Warp Twisting-In Machine Company.
Warren A. Fuller Company.
Washington Park Supply Company.
Wateree River Electrical Power Company.
Waterman Manufacturing Company.
W. A. Witney Company.
Wells Commercial Company.
Wells Realty and Construction Company.
West Indies Cotton Company.
West Jersey Tube Works.
West Newark Saw and Planing Mill.
West Side Amusement Company.
Western Ohio Oil Company.
Western Reserve Oil and Refining Company.
Westside Land and Home Company.
Wheelock Company.
White Diamond Trading Stamp Company.
Whitehall and Communipaw Ferry Company.
White House Canning Company.
White Knob Copper Company, Limited.
W. H. Rowe and Son, Incorporated.
W. H. West Lumber Company.

Wilcox Paper Box Company.
William A. Carrie Company.
William Coe Bill Company.
William J. Ryan Company.
William P. Roome Company.
William V. Backus Company.
William Winberry Company.
Williams Electric and Manufacturing Company.
Williams Electric Steam and Water Gage Company.
Wilmore Automatic Salesman Company.
Winslow Ballot Machine Company.
Winslow Manufacturing Company.
Wilson Coal and Ice Company.
Wilson Ice and Coal Company of Atlantic City.
Windsor Company.
Winn-Conkling Electrical Company.
Wisconsin Graphite Company.
Wizard Novelty Company.
W. L. Stevenson Company.
Wolff National Chemical Company.
Woodcliffe Manufacturing Company.
Wood's College.
W. V. Smith Company.
W. W. Sly Manufacturing Company.
Wynkoop and Braly Company.
Wynne Brothers Coal Company.
Yankee Girl Knitting Company.
Yarnall Surgical Company.
Young Repeating Arms Company.
Youngs Food Company.
Youngstown Hotel Company.
Ysskin Convertible Baby Carriage Company.
Yukon Construction Company.
Zatuque Mining Company.

The following corporations for non-payment of the tax of 1903:

American Machine and Manufacturing Company,
National Telegraphone Company,
are repealed, and all powers conferred by law upon such

corporations, and each of them, are hereby declared inoperative and void.

In witness whereof, I have hereunto set my hand and caused the great seal to be affixed, at Trenton, this fifteenth day of March, one thousand nine hundred and seven.

By the Governor:

[GREAT SEAL] E. C. STOKES.

S. D. DICKINSON,
Secretary of State.

PROCLAMATION.

Under Joint Resolution of February twenty-first, one thousand eight hundred and eighty-four, the Legislature vested in the Executive the power to set apart a day in each year for the planting of forest trees.

Therefore I, Edward C. Stokes, Governor of the State of New Jersey, by virtue of the authority thus vested in me, do hereby designate Friday, the twelfth day of April, one thousand nine hundred and seven, as

ARBOR DAY

and do recommend that the citizens of this Commonwealth unite in the celebration of the day by planting trees and vines, cultivating and otherwise promoting the growth of the flora of New Jersey.

I do also recommend that exercises appropriate to the spirit of the day be held in the public schools, that the children be taught the value of the forests and the importance of a knowledge of tree culture.

The preservation of the birds too is so necessary to tree and plant life that the minds of the young should be impressed with a proper appreciation of their worth. I therefore suggest that the program of the day include exercises which will stimulate interest and lead to intelligent study of the different species and their habits.

In testimony whereof, I have hereunto set my hand and caused the great
[GREAT SEAL] seal of the State to be affixed, this twenty-eighth day of March, one thousand nine hundred and seven.

E. C. STOKES.

By the Governor,
S. D. DICKINSON,
Secretary of State.

PROCLAMATION.

TERCENTENARY.

WHEREAS, on the thirteenth day of May, one thousand six hundred and seven, a company of weary, storm-tossed voyagers landed at a point on the north bank of the James river, thirty-two miles from its mouth, and founded the first permanent English settlement of the American Continent, and

WHEREAS, this settlement has proved to be the beginning of a Republic founded upon the immutable principles of justice and right, with dominion extending from ocean to ocean and to the islands of the sea, which, through civic and religious freedom, popular education, and the peaceful development of its vast resources, has become the foremost nation of the world, and

WHEREAS, "the children of to-day are the men and women of to-morrow" to whom the destinies of this great Republic must be committed,

Therefore I, Edward C. Stokes, Governor of New Jersey do recommend that

MONDAY, MAY 13TH, 1907

or such portion thereof as shall be deemed necessary, be set apart by each of our *Public and State Schools,* our *Private Schools* and our *Colleges,* for the obser-

vance of the three hundredth anniversary of the settlement of Jamestown, Va., and that exercises be held which will give our youth an intelligent appreciation of the historic setting of the said event, duly impress them with its far-reaching importance and intensify their pride and love of country.

In testimony whereof, I have hereunto set my hand and caused the great [GREAT SEAL] seal of the State to be affixed, this twenty-fourth day of April, one thousand nine hundred and seven.

EDWARD C. STOKES.

By the Governor,
S. D. DICKINSON,
Secretary of State.

PROCLAMATION.

In accordance with the time honored custom of our forefathers, a day is yearly set aside for special worship and thanksgiving and acknowledgement of the blessings we enjoy. Many have been the trials and serious the dangers through which the Nation has passed since our forefathers first gave praise. Today finds us a people who have successfully surmounted grave difficulties and who have grown in the graces of civilization until we are an example and an inspiration to all mankind. We are not unduly exalted by our material advancement but are still mindful of the principles of morality and citizenship upon which the republic was founded. We have wealth without avarice; strength without tyranny; power without oppression. We have sought to extend our blessings to others and have used the power that has been given to us to promote the brotherhood of man.

In these privileges as a Nation, in our material welfare as a people and in the spiritual comfort that have been vouchsafed by Almighty God, we have been bountifully favored.

Therefore I, EDWARD C. STOKES, Governor of the State of New Jersey, do designate Thursday, the twenty-eighth day of November, as a day of praise and thanksgiving, and do recommend that the people gather in places of religious worship and render thanks to our Heavenly Father for the blessings of the past and present and ask for His continued guidance in the years to come.

Given under my hand and seal at Trenton, this fourteenth day of November, in the year of our Lord, one thousand, nine hundred and seven.

[L. S.]

EDWARD C. STOKES.

Attest:

EDWARD W. GRAY,
Secretary to the Governor.

Decrees of Dissolution.

Decrees of Dissolution.

IN CHANCERY OF NEW JERSEY.

In pursuance of Chapter 185 of the Laws of 1896, copies of decrees of dissolution of the charters of the following corporations have been filed in the office of the Secretary of State.

Name.	*Filed.*
Driggs Seabury Gun & Ammunition Company, ...	Jan. 5, 1907.
Franco-American Gelatine Company,...	May 6, 1907.

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