

1869
at City of Bayonne
State of New Jersey.

A N A C T

TO INCORPORATE

THE CITY OF BAYONNE,

IN THE

Bayonne, N.J. Charter.

County of Hudson, and State of New Jersey.

Approved

NEW-YORK:

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1869.

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State of New Jersey.

AN ACT

To incorporate the City of BAYONNE, in the County of Hudson, and State of New Jersey.

TITLE I.

Boundaries, Name, Corporate Title.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey. That all that part of the County of Hudson, lying south of the Morris Canal, included within the following boundaries, that is to say, commencing at a point in Newark Bay, where a line, if drawn from a point where the Morris Canal nears said bay into the same at right angles thereto, would intersect the westerly boundary of the township of Greenville; thence southeasterly along said line to the Morris Canal; thence along the southerly line of the Morris Canal to New-York bay; thence into said bay at right angles thereto, to the boundary line between the States of New Jersey and New-York; thence along said boundary line through New-York Bay and the Kill Von Kull into Newark Bay as far as the boundary of said county extends; thence along said boundary line in Newark Bay to the place of beginning, at present known as the township of Bayonne, shall be one municipal corporation, to be known and called the City of Bayonne, and the citizens of the State from time to time, inhabitants within said boundaries, shall be and constitute said

corporation, they shall have all the powers necessary for carrying out the objects and purposes of this act, and may have a common seal, alterable at pleasure, and by the title of "The Mayor and Council of the City of Bayonne," may sue and be sued in any of the Courts of this State.

Ward Divisions.

2. And be it enacted, that the said City shall be divided into three wards in the manner following, to wit: all that portion of said township south of the centre line of Linnet-street, extended southerly and easterly to Kill Von Kull and northerly and westerly to Newark Bay to constitute the first Ward, and from said line northerly to and including two hundred and thirty feet north of the northerly line of Huron Avenue, and parallel with said avenue from New-York Bay to Newark Bay to constitute the second Ward, and all that portion of said township north of said northerly line of Huron Avenue to constitute the third Ward of said city; and these divisions shall remain until changed by the Mayor and Council, who shall have power, once in four years, dating from the passage of this act, to revise, and if in their judgment it is necessary, alter said divisions or increase the number of said wards.

TITLE II.

City Officers. How elected. Term of Office and how appointed.

3. And be it enacted, that the City Officers of said city shall consist of a mayor, a recorder, a treasurer, a collector of revenue, a city clerk, an overseer of the poor, a chief engineer of the fire department, a street commissioner, one chosen freeholder, and two or more city surveyors, the mayor and recorder shall be elected at the next charter election after the passage of this act; the mayor for the term of two years, the recorder for the term of three years, and the superintendent of schools for the term of one year, and the chosen freeholder for the term of one year; the treasurer, collector of revenue, city clerk, overseer of the poor, street commissioner, city surveyors and such other officers

as are hereinafter provided for, shall be appointed annually by the mayor and council as herein provided, and a majority of concurring votes shall be necessary in all cases, the chief engineer of the fire department shall be elected annually by the fire department, subject to the approval of the mayor and council.

4. And be it enacted, that the ward officers of each ward shall be two councilmen, one constable, one pound keeper, one commissioner of appeals, one assessor, and three inspectors of elections, who shall be elected annually in each ward at the charter election, whose term of office shall be for one year, except that at the first election held after the passage of this act, one of said councilmen shall be elected for two years, and the two shall determine by lot, after the election, which one shall serve for two years; and after the first election held after the passage of this act, there shall be but one councilman elected in each ward at each election, and his term of office shall be for two years; and each ward subsequently created, as provided in this act, shall elect councilmen and other officers for the said ward, the same as above provided for; provided, that in electing inspectors of election not more than two in each ward shall be chosen from one political party; there shall be a school trustee elected annually in each ward, at the charter election, who shall hold his office for three years; provided that they shall not enter upon their duties until the expiration of the terms of office of their predecessors; the councilmen of each ward shall perform such duties, ex-officio, as by the laws of this state devolve on the town committee men in the townships of this State.

5. And be it enacted, that the charter election shall be held on the second Tuesday in April in each year, at the place in each district designated and appointed for that purpose by the inspector of elections, between the hours and in the same manner and under the same regulations in all things as prescribed by law for state elections for members of the legislature; provided, that all the duties, as above, of inspectors of elections shall be performed, as to the first election held after the passage of this act, by the town committee of Bayonne or by inspectors appointed by them.

6. And be it enacted, that every white male citizen of the United States of the age of twenty-one years, who shall have been

a resident of this State one year, and of the county in which he claims his vote, five months next before the election, and of the city thirty days before said election, shall be entitled to vote for all officers elective under this act; and every person voting shall vote in the ward where he shall actually reside at the day of election and in no other ward; and the person or persons receiving the greatest number of votes of those given in the city for any city office, and the person or persons receiving the greatest number of votes given in such ward for an office in that ward shall be deemed elected to that office.

7. And be it enacted, that all future elections to be held within said city for members of the senate and general assembly of this state, for sheriff, county-clerk, surrogate, and coroners of the county of Hudson, and for members of congress and electors of president and vice president of the United States, or for any other office of the general or state government, or officer of the said county of Hudson, to be elected by the people, shall be held by the inspectors of election, in the several wards of said city, at the places therein appointed for holding the city election, by said inspectors, on the day or days which now are or hereafter may be designated by law for holding such elections; and such elections shall be conducted by said inspectors in all things pursuant to the laws of this state applicable to such elections in this state and the said inspectors of elections in said city of all elections hereafter to be held shall be liable to the same obligations, duties and penalties imposed upon the like officers of elections in the townships of this state; and they shall be entitled to the same compensation for their services at all elections as the like township officers are entitled to receive, except as otherwise provided in this act or by ordinance; and in case of absence, disqualification or inability of any of them, the vacancy shall be supplied in the manner prescribed by the laws of this state in such cases; and every person in said city entitled to vote at such elections, shall give his vote in the ward in which he actually resides at the time of such election, and not elsewhere; and any person voting illegally or offering illegally to vote at any such election, shall be subject to the same pains, penalties and forfeitures incurred by persons so offending at such elections in the townships of this State.

8. And be it enacted, that in all elections for city and ward officers of said city, the inspectors of elections of each of the several election districts in said city, in addition to the other duties required of them by law, shall make and sign a statement of the election in said district, for what officers, the number of votes cast for each person voted for any office, specifying the names of the persons so voted for, with the number of votes rejected, which statements shall within forty-eight hours after the closing of the polls, be filed in the office of the city clerk, who shall, within five days thereafter, file a true copy of such election returns in the office of the Clerk of the County of Hudson.

9. And be it enacted, that in case any vacancy shall occur in any of the city or ward offices, by resignation, disqualification or death of the incumbent of said office, or in any other manner whatsoever, (except in the office of mayor, recorder or councilmen,) the board of councilmen shall fill by appointment such office for the unexpired portion of the term; and in case of any such vacancy, happening as aforesaid, in the office of recorder or councilman, the said vacancy shall be filled by a special election, to be ordered by the board of councilmen, upon a day to be fixed by them, and the same notice shall be given of such special election as is required to be given of a general city election; provided, that in case of a vacancy as aforesaid, in the office of recorder, it shall be lawful for the board of councilmen on the nomination of the mayor, to designate any justice of the peace of said city to act as recorder until such vacancy is filled, as herein provided; and such justice of the peace when so designated by resolution of the board of councilmen shall have and exercise all the powers and possess all the jurisdiction of the recorder, while acting as such, as well of cases pending in said court and not decided as of all new matter in said court; and all his official acts as such recorder shall have the same force and virtue and be as valid as if the same had been performed by the recorder himself.

10. And be it enacted, that the mayor shall be elected every two years, but no person shall be eligible to that office unless he shall have resided in said city at least three years, and shall have attained the age of thirty years; it shall be the duty of the mayor to see that the laws of the state and the ordinances of the city are faithfully executed therein, and to recommend to the board of councilmen such measures as he may deem necessary

or expedient for the welfare of the city; he shall be the head of the city police force, and as such shall maintain peace and good order in said city, and shall have power to suppress all riots and tumultuous assemblies, and cause to be arrested, without process or warrant, and to commit for trial, all persons violating, or whom he has reason to believe have violated the laws of this state or the ordinances of the city; he shall possess the same powers and authority in criminal cases with which justices of the peace are now invested; all warrants on the treasurer, all contracts or agreements made under the direction or on behalf of said city shall, before they become valid or binding on the city, be signed or approved by him; and in case of his absence from the city, or his inability to perform the duties of his office the president of the board of councilmen shall, during the continuance of such absence or disability, be vested with the powers and exercise the duties of mayor; and in case of the death or resignation of the mayor, his powers and duties shall devolve upon the president of the board of councilmen until a successor is elected and qualified; and in case of the death, resignation or removal of the mayor, a special election shall be ordered by the board of councilmen for the election of a mayor; provided, three months or more of the term of office is unexpired, and provided, that the mayor thus elected shall only be so for the unexpired portion of said term; it shall be the duty of the mayor to nominate to the board of councilmen all policemen or watchmen of said city; and he shall have power to suspend any policemen or watchmen, and he shall report such suspension to the board of councilmen at its next meeting thereafter, with the reasons therefor, and such officer may then be restored or removed by said board.

11. And be it enacted, that the recorder shall be elected at the next charter election after the passage of this act, and every third year thereafter, and he shall hold his office for three years; he shall have all powers in criminal matters that Justices of the Peace in and for the several counties of the State now have, and shall have like powers as are given to the mayor, to cause to be arrested and committed without process, any person guilty, or that he may have reason to believe guilty of any crime or misdemeanor, or breach of the peace, and to try all causes or complaints arising from the violation of any ordinance of said city.

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12. And be it enacted, that the recorder shall have jurisdiction, and is hereby empowered; on oath, affirmation or affidavit made according to law, that any person or persons has or have been guilty of a violation of any of the ordinances of said city, to issue a process either in the nature of a summons or of a warrant, as to him may seem most advisable, against the person or persons so violating such ordinance, which process shall, when of the nature of a warrant, be returnable forthwith, and when in the nature of a summons be returnable in not less than three nor more than six days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, and in what manner the same has been violated, and then on the return of such process, or at the time to which the recorder shall have adjourned the same, the said recorder shall proceed to hear the testimony, and to determine and give judgment in the matter without the filing of any pleadings; and that the recorder shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels, and against the body of defendant or defendants; provided, that in all cases when the fine or penalty shall exceed twenty dollars, or where the punishment may be imprisonment, there may be a trial by jury, to be conducted as in cases now triable by jury, in courts for trials of small causes, and also an appeal as in cases where appeal may now be had from judgments in courts for the trial of small causes; and provided also, that in all cases an appeal may be made to the board of councilmen for the remission of any penalty that may be inflicted or adjudged; provided further, that no fine shall be imposed exceeding fifty dollars for such offence, and no term of imprisonment imposed as a penalty shall exceed sixty days for each offence; and also provided that all cases and matters pending in the recorder's court at the expiration of his term, or resignation, or death, or inability to serve, shall be continued before his successors who shall have jurisdiction of the same as if such recorder were personally present; all books and records of said court shall be the property of the city, and as such shall be preserved and transferred by the recorder to his successor.

13. And be it enacted, that the officers empowered to serve process issued by the recorder shall be, besides the constables elect-

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ed or appointed, within said city, the policemen of the city, and that said process shall be returned in the same manner so far as circumstances may permit, as warrants for the arrest of persons, issued out of the courts for the trial of small causes are returned, and that the defendant or defendants named therein shall, if the recorder sees fit to adjourn the hearing of the charge made, and so orders, enter into recognizance as near as may be in the manner directed in the courts for the trial of small causes, in the amount of penalty named in the process, or any proceedings to be brought for the recovery of the same, with such surety as may be approved by the recorder unto the mayor and council of the city of Bayonne, for his or their appearance on the day to which said hearing may be adjourned, and in default of such appearance, the said recognizance may be prosecuted and collected in the same manner as the same might have been if the said recognizance had been taken in a proceeding in courts for the trial of small causes.

14. And be it enacted, that in all cases in which persons shall bring certioraries to remove the order, proceedings or judgment given or made by the said recorder, it shall be lawful for the said recorder to charge and receive before delivery of the return thereto at the rate of ten cents per folio for the same.

15. And be it enacted, that no justice of the Supreme Court shall grant or allow any certiorari to remove any order, proceeding or judgment to be had or made by the recorder of said city, unless the party applying for such certiorari shall enter into bond with the mayor and council of the city of Bayonne in the sum of one hundred and fifty dollars, with one or more good surety or sureties, conditioned that such applicant shall prosecute such certiorari in the Supreme Court, shall pay the penalty recovered before the said recorder, with interest and costs, if the judgment be affirmed, and shall in all things stand by and abide the judgment of the Supreme Court respecting the order, proceedings or judgment given or made by said recorder, which said bond shall be tendered to said justice granting such certiorari, to be by him filed with the clerk of the Supreme Court for the benefit of the said mayor and council, and on failure thereof, no certiorari shall be allowed.

16. And be it enacted, that if any proceedings of the said recorder shall, on removal by certiorari, be affirmed by the Supreme Court, the plaintiff in certiorari shall pay to the defendant all costs on such suit in the Supreme Court; but if such proceedings be reversed then the plaintiff in certiorari shall not be entitled to pay any costs: the provisions of this section and of the last preceding section shall extend to the Circuit Court of the County of Hudson.

17. And be it enacted, that the treasurer shall receive, safely keep and disburse, under the direction of the board of councilmen, all money collected for said corporation, and shall pay out the same only upon the warrant of the board of councilmen, signed by the mayor and countersigned by the city clerk; and no warrants on the city treasurer shall be authorized, except in pursuance of an order of said board, passed at a stated meeting, and entered in their minutes; and such warrants shall be made and numbered, payable to the order of the persons to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid.

18. And be it enacted, that the city clerk shall, in addition to the duties required of him in this act, or any other act of this State, have charge of all the records, books and documents of the city; except when the said board shall otherwise direct by ordinance; he shall keep a records of the proceedings of the board; he shall engross all ordinances in a book to be provided for that purpose, with proper indices, which book shall be deemed a public record of such ordinance, and each ordinance shall be signed in said book by the mayor, or acting mayor, and said clerk; copies of all papers duly filed in the office of the city clerk, and transcripts thereof, and of the records and proceedings of the board of councilmen, and copies of the laws and ordinances of said city, certified by said clerk, under the corporate seal, shall be evidence in all courts and places, that all the books in which the said board of councilmen have caused their ordinances and by-laws to be recorded, and such other book or books, record or records as shall be by them provided, shall be taken and received as evidence in all courts and places of the due passage by said board of any and all ordinances and by-laws recorded therein; and until the contrary be proven, all ordinances and by-laws so

recorded shall be presumed to have been regularly introduced, passed and published according to the requirements of the provisions of this act; that the city clerk shall receive and pay over to the collector of revenue all moneys which by any law or usage may be paid to the clerk of said city, and all the records and minutes of proceedings aforesaid, shall at all convenient times be open to the inspection of any citizen of said city.

19. And be it enacted, that the overseer of the poor shall perform such duties as by the laws of this state, now appertain to and devolve upon overseers of the poor in the townships of this State, subject to the provisions of this act, or any ordinance or ordinances passed by virtue thereof; and they shall in addition thereto perform such other duties as the said board shall fix, designate and establish: the street commissioner and city surveyors shall respectively perform such duties as are provided by law and the provisions of this act, and by the ordinances, by-laws or regulations of said board, adopted by virtue thereof.

20. And be it enacted, that there shall be appointed by the said board of councilmen, a collector of revenues for said city, whose duty it shall be to receive and collect all moneys due to said city, whether for taxes, assessments, arrears of taxes, or otherwise and shall do and perform all other duties which the said board may by ordinance, prescribing his duties ordain; and it shall be his duty to keep a record of all his proceedings affecting the revenue of the city, and at the end of each and every current year the said proceedings shall be filed in the office of the city clerk, and the said collector of revenue shall pay over all moneys received by him for the city, as soon as collected, to the treasurer of said city, who shall pay over to the treasurer of the State or to the collector of Hudson County, the full quota of taxes required by law to be raised in said city, for state, and county purposes, so far as the same may have been collected.

21. And be it enacted, that the constables, chosen freeholders, surveyors, pound keepers, commissioners of appeals and inspectors of elections, and assessors in the several wards, shall perform the duties required of such officers by law in the several townships of this state and the ordinances of said city.

22. And be it enacted, that no person elected or appointed to any office in pursuance of this act, or any law or ordinance of the

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board of councilmen, shall enter upon the discharge of his duties unless within twenty days after his election or appointment, he shall take and subscribe before the mayor or city clerk, or some other person authorized to administer oaths, an oath or affirmation, faithfully, fairly and impartially to execute the duties of his office according to the best of his knowledge, skill and ability, and shall file said oath or affirmation with the city clerk, who shall keep all such oaths or affirmations on file in his office, and the oath of the city clerk shall be filed by the mayor; and if any such person shall neglect to take such oath or affirmation for ten days after his election or appointment, or shall neglect within said ten days to give such security as may be required of him, he shall be considered as having declined such office and the same shall be deemed vacant.

23. And be it enacted, that the official term of the several persons who shall be elected in pursuance of this act, shall commence on the last Monday of April next, after their election, and they shall continue in office unto the end of their term; and that the official term of the several officers who shall be appointed by virtue of this act for said city, shall commence on the first Monday of May in every year, except in cases otherwise provided for in this act; and they shall continue in office until the end of their term, and until others are appointed and qualified in their place, unless removed as herein provided.

24. And be it enacted, that the city clerk, treasurer, collector of revenue and such other officers as the board of councilmen may require, shall, before they enter on the duties of their office, give bonds to the city in its corporate name, in such sums and with such sureties as the said board may approve for the faithful performance of their duties; and all constables shall give bonds to the city in the manner required by law, with sureties to be approved by said board.

25. And be it enacted, that for the election of justices of the peace, each ward shall be considered a township, and shall be entitled at least to one justice of the peace.

26. And be it enacted, that the assessors before entering upon the discharge of their duties, shall take and subscribe the oath required by other officers of said city, all taxes for the purposes of the city shall be by them assessed in the manner and within

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the time directed by the laws of this State for assessing township, county and state taxes, and the said assessors, acting as a board of assessors, shall meet together from time to time, as may be necessary before concluding their duties, to determine and compare the justice and propriety of any and all assessments made by them, or either of them, in order that a uniformity in valuation may be established for all portions of said city.

27. And be it enacted, that all fines inflicted by ordinances shall, when received, be paid into the city treasury.

28. And be it enacted, that if any person having been an officer of said city shall not within ten days after he shall have vacated or been removed from the office, and upon notification and request by the city clerk, or within such reasonable time thereafter as the board of councilmen shall allow, deliver over to his successor in office, all property, books and papers belonging to the city or appertaining to such office in his possession or under his control, he shall forfeit and pay to the city the sum of five hundred dollars, to be sued for and recovered with costs.

TITLE 3.

Of the Powers and Duties of the Board of Councilmen.

29. And be it enacted, that the legislative power of the city of Bayonne shall be vested in the board of councilmen, they shall annually elect one of their number to be president of said board, and in his absence shall elect one of their number to preside for the time being, appoint the times and places of meeting, determine and establish the rules of their own proceedings, be the sole judges of the qualifications of their own members, keep a journal of their proceedings, pass ordinances, by-laws and resolutions pertaining to the purposes and objects of said corporation, and necessary and proper for carrying out the provisions of this act, and may expel a member for disorderly conduct or a violation of their rules, but no expulsion shall take place, except by a vote of two-thirds of all the members elected, nor until the delinquent member shall have had an opportunity to be heard in his defence.

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30. And be it enacted, that every ordinance of the common council, and every resolution of the common council affecting the interests of the city shall, before it takes effect, be presented, duly certified, to the mayor, and the report of the clerk shall be conclusive evidence that the said ordinance has been so presented to the mayor, if he approve of it he shall sign it, if not he shall return it with his objections, and file the same with the clerk within ten days after he received it, and the said board shall, at its first regular meeting thereafter, order the objections to be entered at large on its journal, after which it shall proceed to reconsider the same, and if two-thirds of all the members elected shall pass the same, it shall take effect as a law, but in every such case the vote shall be taken by ayes and noes and entered on the journal, and if such ordinance or resolution shall not be so returned by the mayor within ten days after he has received it, it shall become a law in like manner as if he had signed it; provided always, that each and every ordinance so passed as aforesaid, shall be published for the space of ten days, in at least two newspapers published or circulated in said city, before said ordinance shall go into effect, provided also, that no ordinance or by-laws shall be enacted or passed by the said board of councilmen, unless the same shall have been introduced before the said board of councilmen at a previous stated meeting, and shall have been agreed to by a majority of the board of councilmen.

31. And be it enacted, that every councilman shall have the power, and it shall be his duty, without warrant, to arrest, or cause to be arrested, any person or persons engaged in his presence in disturbing the public peace or violating any law of the state or ordinance of the city, for the preservation thereof, or of good order or morality and to bring or cause such person or persons to be brought before the recorder or a justice of the peace, to be dealt with according to law.

32. And be it enacted, that the said board shall, on the first Monday of April in each year, cause to be printed a full statement of all receipts and expenditures of every description for the fiscal year preceding, which statement shall include all moneys which have passed through the hands of the treasurer for any purpose whatever, together with the different sources of revenue and the amount received under each, with all such other infor-

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mation as may be necessary for a full understanding of the financial concerns of the city, and that it shall be the duty of the city clerk to distribute such printed statements among the people of said city, or to furnish a copy of said statement to every citizen upon his applying for the same.

33. And be it enacted, that a majority of the board of councilmen shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day and compel the attendance of absent members, the said board shall hold stated meetings at least twice in each month, at such times and places as they may appoint in said city, but the mayor or any two councilmen may call special meetings, by written notice to each of the members served personally, or left at his usual place of abode, at least twenty-four hours previous to the time appointed for such meeting.

34. And be it enacted, that resignations of any office held under the provisions of this act may be made to the board of councilmen, and said board may fill vacancies in office, as provided in this act, that any officer, except the mayor, may be removed from office for cause by resolution of the said board; provided, that no such removal shall take place until the party sought to be removed has had an opportunity to be heard in his defence, nor unless two-thirds of all the members elected vote therefor, and in cases of any such removal, the ayes and nays shall be entered upon the minutes.

35. And be it enacted, that all contracts in which said councilmen, or any one of them shall be interested as individuals, either directly or indirectly, or in which any one of them may be surety for the faithful performance thereof, shall be null and void; and no member of said board shall become security for any public officer elected or appointed in said city, and no member shall, during the period for which he was elected, be appointed to or competent to hold any other city office or ward office in the city of Bayonne, the pay or emoluments of which would come from the city treasury.

36. And be it enacted, that the board of councilmen shall have power to fix the pay, salary, or compensation of the town clerk, recorder, treasurer, collector of revenue, commissioners of assessments, overseers of the poor; street commissioners, surveyors,

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constables, poundkeepers, commissioners of appeals, assessors, inspectors of election and policemen, and no other officers elected or appointed under this act shall receive any compensation, and the salary or compensation of any officer or officers which has once been fixed as aforesaid, shall not be increased during the continuance of his term of office.

37. And be it enacted, that it shall be the duty of said board, by ordinance or ordinances, to prescribe and define the duties, and establish all needful regulations for the government of all officers in the different departments of said city corporation, and to require any of them to make returns and reports at stated periods during the year, and the payment into the city treasury of all money fines, penalties, or from any other source not herein otherwise provided for.

38. And be it enacted, that the said board of councilmen shall by their title "The Mayor and council of the City of Bayonne" have power to pass, enforce, alter, and repeal ordinances to take effect within said city, for the following purposes, to wit:

[1.] To lay out, open, widen, vacate, alter, grade, fill up, refill establish, alter and regulate the grade, and grading of all streets, avenues and roads, side and cross-walks; to ascertain and establish the boundaries of all streets, public alleys, and roads in said city, and to authenticate any and all of said improvements by maps or otherwise; provided, that such of the powers contained in this section as were conferred by the act entitled "A further supplement to an act entitled "An act authorizing the appointment of commissioners to lay out and map streets, avenues and squares in that part of Bergen township south of the Morris Canal in the county of Hudson," approved the sixteenth day of March, eighteen hundred and fifty-seven, which supplement was approved April seventh, eighteen hundred and sixty-eight, upon the board of commissioners and township committee, commonly known as the map and grade commissioners, shall continue to be exercised by said commissioners until the expiration of their term of office, and not by the city, and after the expiration of the term of office of said commissioners, the mayor and council shall be vested with all the powers conferred by said act upon said commissioners and township committee, and said bill shall then continue in force.

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except as otherwise changed or modified by the provisions of this act, until repealed or amended by the legislature.

[2.] To pave, macadamize, gravel, curb, and gutter the streets, avenues and roads, to construct and build and repair sewers, and drains in and from any, or in and from any parts of the public streets, roads, alleys, places and public or private grounds in said city, and to construct and repair receiving basins.

[3.] To lay sidewalks of flag stone or other materials, to lay out crosswalks of stone, to reset the curbs and gutters in the streets and roads, or any part thereof.

[4.] To lay and regulate, or prohibit the laying of water or gas pipes in or under the streets and roads, or any part thereof, in said city.

[5.] To declare what shall be considered nuisances in streets, roads, lots, and places in said city, to prevent and remove all encroachments, incumbrances, and nuisances in and upon any street, road, sidewalk, lot or enclosure, place or places in said city, and to provide for the sale or other disposition of such incumbrance in or upon the streets or roads.

[6.] To secure in every respect, to the public and the adjoining owners, the safe and convenient use of all streets, sidewalks and public places, for the purpose for which they are, or may be laid out or dedicated in said city.

[7] To regulate and control the driving of cattle, mules, or other animals, in droves, through such streets or roads, only as they shall prescribe.

[8] To order and regulate the building of all docks, piers, and wharves, in and about said city, and the use thereof, when built, and the rates of wharfage, and to make such by-laws and regulations touching the same, not inconsistent with the laws of this State, and of the United States, as to said board may appear proper and necessary, and in the building of any such docks, piers or wharves; if more land is thus filled in than may be necessary for the use of such wharf, as a wharf or dock, to lay out proper streets upon the same.

[9] To make and adopt an assessment map, whereby to describe lands assessed for taxes and improvements.

[10] To make and adopt a general plan of sewerage and drainage for said city, or any part or parts thereof, conformably to

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which all sewers, drains; receiving-basins, and all other appurtenances of public drainage shall be constructed, and to alter and vary the same.

[11] To prevent horses, cattle, sheep, swine, dogs, goats, geese, and all other animals from running at large, and to provide for the impounding and sale of the same.

[12] To prevent immoderate and fast driving in the streets, cruelty to animals, and driving over or upon sidewalks, and to regulate the planting and protecting of shade trees.

[13] To prevent riots, disturbances, and disorderly assemblages in the streets, or in any house or place in said city, to prevent and suppress all gaming houses, and to prohibit gaming, and to restrain and punish all mendicants, vagrants, street beggars, and common prostitutes, to suppress vice and immorality.

[14] To license and regulate or prohibit, inns or taverns, restaurants, and beer-saloons, and to prohibit all traffic in or sale of intoxicating drink or drinks, to license, regulate and prohibit hawkers, hucksters, butchers, slaughter-houses and markets, on such terms and under such regulations or penalties as the said board shall by ordinance impose, and no other license for such purpose, within said city, granted by any other authority, shall be lawful except licenses granted by the governor to hawkers and peddlars.

[15] To prescribe the duties and compensation of all officers herein named, not already fixed by statute.

[16] To manage, regulate, control, and protect the finances and property of the city, and all public buildings, and the erecting and maintaining the same.

[17] To establish, regulate, and control a day and night police, and to regulate and define the manner of their appointment and removal, their duties and compensation; to provide a suitable and proper police station and lock up, and all necessary rooms and cells for the safe keeping of criminals, offenders, or persons under arrest.

[18] To establish, regulate and control a fire department, with power to exempt its members from militia duty in time of peace, and from serving as jurors in courts for the trials of small causes, and the mode of their appointment and removal, to provide fire-engines, apparatus and houses therefor, and for the purpose of

File 3

guarding against fire and protecting the safety of firemen, to regulate the manner of building dwelling houses and other buildings, and of constructing and placing engine chimneys, ovens, flues, pipes and all matters connected therewith, and the keeping of lights in stables, and the manufacture and keeping of gun powder, petroleum, fire-works and all other dangerous and combustible articles, to provide water for extinguishing fires, and to limit the height, and prevent in certain limits, to be from time to time prescribed by ordinance, the erection of wooden buildings.

[19] To provide street lamps, for and to light the streets either by gas or other material.

[20.] To provide health laws, and to establish a board of health.

[21.] To prevent the shooting or trapping of birds within the limits of said city, to punish by fine or imprisonment, or both, in the lock-up of said city, all violations of any ordinance authorized by this act, and to provide all means which they may judge necessary to carry into effect the objects and purposes of said city-corporation, and to have and exercise all the powers provided in this act.

[22.] To regulate or prohibit interments within the city, and bathing within adjacent waters; the exhibition of shows, caravans, circuses, or all other like matters, the firing of guns, fire crackers, or other fire-works in said city.

39. And be it enacted, that the board of councilmen may provide, by ordinance, that the city shall pay one-third of the expense and cost of paving the streets of said city with "Belgian" block, macadamizing, or with such other substantial material as the property holders on the line of the street may desire, and such payment shall be made out of the proceeds of improvement bonds or stock to be issued by the city, with interest thereon, not to exceed seven per centum per annum, payable semi-annually, to run not less than ten nor more than twenty years.

40. And be it enacted, that in all cases which persons shall bring writs of certiorari to remove the proceedings of the board of councilmen, it shall be lawful for the city-clerk to charge and receive from the parties bringing such certiorari, or presenting the same, at the rate of ten cents per folio for the necessary return thereto, in lieu of his other charges.

Certiorari

TITLE 4.

Of Taxes and their Collection.

41. And be it enacted, that it shall be lawful for the board of councilmen to raise by tax every year, so much money as they may deem expedient for the purpose of lighting the streets, supporting a day and night police; for repairing streets and roads, maintaining the poor, supporting and maintaining public schools, a city prison and lock-up, for contingent expenses, and all other purposes authorized by this act, and that the ordinances directing the raising of said tax shall set forth the amount required for each object, and that the expenditures for such specification shall be confined to the objects therein specified, and be appropriated to no other, which tax shall not exceed in any one year fifteen mills on the dollars of the actual valuation of the property assessed, except obligations for war purposes and improvement bonds or stock, and every male resident of said city, over the age of twenty-one years, shall be assessed the sum of one dollar, as a poll tax, to be applied for the purpose of public schools, and said board may borrow such sum or sums of money as may be necessary, and may secure the payment thereof by bond or other instrument under the common seal and signature of the mayor, attested by the city clerk, but it shall not be lawful for said board to raise any sum of money by loan unless the repayment thereof shall be provided for from taxes to be raised in said city in the same year, provided, that in all cases where the said board are authorized to make or levy any assessment for any improvement in said city, they shall be authorized to borrow the amount of any such assessment in anticipation thereof.

42. And be it enacted, that the board of councilmen may establish, by ordinance, certain limits in said city, to be called the lamp district, and shall, in directing taxes to be raised each year, designate how much is to be raised for the expense of lighting the streets, and shall provide that such taxes shall be assessed only on property lying within such lamp district, and the assessors shall assess such taxes separately from all other taxes, in the manner aforesaid.

Table 4

43. And be it enacted, that all taxes for the purposes of the city shall be assessed by the assessors, in the manner and within the time directed by the laws of this State, and in accordance with the provisions of this act for assessing township, county and state taxes, and all taxes so assessed for city purposes shall be collected by the collector of revenue, in the same manner as he is by law directed to collect township, county and state taxes, and shall be paid over by him to the city treasurer as soon as collected, and all taxes shall be paid to said collector at his office in said city, upon his giving notice through two daily newspapers circulating in said city, and by notices posted in twenty public places, that such taxes are due and payable.

44. And be it enacted, that the collector of revenue in said city, in case of the non-payment of taxes, on or before the twentieth day of December in each year, shall make out a list of the names of all delinquents with the sum due from them respectively, and shall deliver the same to the clerk of the city on or before the thirtieth day of December in each year, except when said day shall fall on Sunday, and then on the next day following; and it shall be the duty of the said clerk to lay the same before the board, at a meeting thereof, held next after the same shall be delivered to him, and thereupon the said board shall deliver the same to a justice of the peace of the city, who shall proceed and issue a tax warrant thereon, as provided by law in cases of taxes in township, which shall be directed and delivered to the collector of revenue, who shall have power to collect the same, in like manner, in all things, as the constables in townships are directed by law, but such collector shall, before he delivers such list to said clerk, take and subscribe an oath or affirmation before the mayor or city clerk, or a justice of the peace in said city, that the moneys in said list mentioned have been duly demanded, or due notice given at the usual places of residence of such delinquents who could be found, or may then reside in said city.

45. And be it enacted, that whenever, within the said city, any tax shall remain unpaid after the twentieth day of December in each year, it shall be lawful for and shall be the duty of the collector of revenue to charge, receive and collect in addition to the amount of said tax, interest thereon, to be computed at the rate of twelve per centum per annum from said twentieth day of De-

Table

ember until the same is paid, and such interest shall be paid over by the said collector of revenue to the treasurer of the city, in like manner, at the same time as he may be required to pay over to said treasurer all taxes by him collected.

46. And be it enacted, that all taxes and assessments which shall hereafter be levied, assessed or made upon any lands tenements or real estate, situate in the city of Bayonne, shall be and remain a lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereon; and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited, and appointed by the said board for the payment thereof, it shall and may be lawful for the said board to cause such lands tenements or real estate to be sold at public auction for the shortest term which any person will agree to take the same, and pay such tax or assessment, or the balance thereof remaining unpaid with the interest thereon and all costs, charges and expenses, and to execute under the common seal of said city a declaration of such sale, to be signed by the mayor and city clerk, and to deliver the same to the purchaser, and such purchaser, his executors, administrators or assigns, shall by virtue thereof, lawfully hold and enjoy the said lands, tenants or real estate for his and their proper use against the owner or owners thereof and all persons claiming under him or them, until his said term shall be completed and ended, but said board shall first have caused said sale to be advertised for at least sixty days in at least two daily newspapers generally circulated in said city, and published in the county of Hudson, or by advertisements put up in at least five public places in said city, or by both, which advertisements shall describe said lands, tenements or real estate, and specify the amount of the assessment or tax, and the recitals in such declarations of sale shall be prima facie evidence in all courts and places of the assessment, advertising and sale, provided, that the lands, tenements or real estate so sold may be redeemed by the owner, mortgagee, occupant, or person interested therein, or by any other person for or on behalf of the owner, mortgagee or claimant of such lands, tenements or real estate, at any time within two years after the sale, for either taxes or assessments, or for both, by paying to the treasurer of the city, for the use of the said purchaser, the pur-

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July 4

chase money, together with any other sums paid for taxes or assessments which the said purchaser may have paid chargeable on such lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon, at the rate of fifteen per centum per annum in addition thereto, and the certificate of the treasurer of the city, stating such payment, and showing what lands, tenements or real estate such payment is intended to redeem shall be evidence of such redemption, a mortgagee shall have power to redeem at any time until the expiration of the six months' notice herein specified, no mortgagee whose mortgage shall have been duly recorded before sale for any tax or assessment shall be affected by such sale, unless six months notice in writing shall have been given to him by the purchaser, or those claiming under him, either personally, or if not to be found in said city, then such notice shall be deposited in the post-office in said city, directed to him at his last known place of residence, or at the post-office nearest thereto, but nothing herein contained shall be so construed as to impair the lien created by such tax, assessment or sale, that the said term of time for which any land, tenement or real estate so sold as aforesaid shall not commence, nor shall said purchaser or those claiming under him have a right of possession to said land, tenement or real estate, until the two years limited for the redemption of the same shall have expired; and the said purchaser or those claiming under him shall, at the expiration of such a declaration of sale, quit and surrender the said lands, tenements or real estate in as good state and condition as when he entered thereon, natural wear and accidents excepted.

47. And be it enacted, that the said sale of any lands, tenements or real estate for assessments or taxes may be adjourned or postponed from time to time, or suspended as said board may direct; and if at any sale the whole, or any part thereof, shall remain unsold for want of purchasers, then it shall be lawful for the said board to adjourn the sale not less than thirty days, nor more than sixty days, twenty days notice at least shall be given as aforesaid of the adjournment of said sale, and if at the adjourned sale there shall be no purchaser of said lands, tenements or real estate, or any part thereof, then it shall be lawful for the treasurer of said city to purchase said lands, tenements or real

Mortgage paper

adjournment of sale

The 4

estate for the use and benefit of the city of Bayonne, subject to the redemption as herein provided for; and all moneys paid for the redemption of said lands, tenements or real estate, as aforesaid, together with such taxes and assessments paid by a mortgagee or judgment creditor, shall be a lien on said lands, tenements or real estate, for the amount so paid, with interest at the rate of seven per centum per annum, and said lien shall have the preference over all other liens on said lands, tenements or real estate; and on foreclosure of any mortgage, by such mortgagee redeeming, shall be directed to be made out of said lands, and on the sale of said lands under any such judgment, shall be paid out of the proceeds of the sale, and a complete record of all taxes and assessments shall be kept in the city clerk's office, which record shall contain the time when such assessments and taxes were laid, the time when they were paid, and if the property has been sold therefor, the time of sale, to whom sold, and if redeemed, when and by whom.

48. And be it enacted, that it shall be the duty of the city clerk to record in a book, to be called "record of sales," all declarations of sales as aforesaid, to give certificates of search in relation to liens to any person or persons applying for the same, and to cancel such declarations when the property for which they were given shall be redeemed, on the certificate of the city treasurer of such redemption, and to file such certificate in said clerk's office, it shall be the duty of the treasurer to make out two certificates for all property redeemed one for the person redeeming and one to be filed in the said clerk's office.

49. And be it enacted, that it shall be the duty of the board of councilmen to give notice of the expiration of the time limited for the redemption of all lands sold for assessment and taxes as aforesaid, by virtue of this act, by advertisement as aforesaid, sixty days next preceding the expiration of the time so limited for redemption, specifying the property unredeemed and the amount due thereon.

50. And be it enacted, that all real and personal estate in said city shall be liable to taxation, except mortgages on real and personal property therein, which said mortgages shall be exempt from taxation in the hands of any citizen of this State, and the amount of such mortgage shall not be deducted from the value of the taxable property within said city.

51. And be it enacted, that all taxes shall be assessed, levied and collected in said city in the manner prescribed in this act, and no act shall be deemed to repeal or modify this section, unless expressed in such act to apply to the city of Bayonne, by name.

TITLE 5.

Of Commissioners of Street Improvements.

52. And be it enacted, that it shall be lawful, and shall be the duty of the board of councilmen to appoint three persons, who shall be residents of different wards, and freeholders of said city, to be called commissioners of assessments for street improvements, and they shall take and subscribe the oath required by this act, and shall be appointed annually for the term of one year, as provided in title two of this act, in case any one or more of the said board of commissioners of assessments shall be interested in any assessment or improvement, then the board of councilmen shall appoint some discreet and impartial freeholder or freeholders, residing in said city, to serve with said board of commissioners and assessments in lieu of the commissioner or commissioners so interested, and the person so appointed shall take and subscribe the oath herein required.

53. And be it enacted, that said board of commissioners for street improvements shall possess and exercise all the powers in this act prescribed, in all cases and matters referred to them by the board of councilmen under the control of the mayor and council of said city, but this act shall not effect any proceedings in cases of such improvements now in the hands of commissioners heretofore appointed under acts relating to street improvements in Bayonne township, and all such proceedings heretofore referred shall be conducted and concluded by the commissioners to whom the same have been referred, the same as if this act had not been passed.

54. And be it enacted, that all acts required by this act to be done by said commissioners of assessments shall be valid and effectual if the same are done by a majority of them, but each commissioner of assessment shall be notified of the time and place of meeting to consider the subject.

TITLE 6.

Of Improvements and Assessments therefor.

55. And be it enacted, that it shall be lawful for the board of councilmen, by ordinance to open, grade, pave, curb, gutter, fill up, re-fill, macadamize, lay side and cross walks in any street, road or avenue, or any part thereof, in said city; to build sewers, drains and receiving basins in and upon any streets, road or avenues in said city, or any part thereof, on application in writing to said board of councilmen; and all such applications shall be advertised by the board of councilmen in two of the Hudson County daily newspapers, circulating in said city, for ten days at least before the ordinance is passed to carry out the same, which ordinance shall be referred to the commissioners of assessments, who shall examine into the whole matter impartially, and to the best of their skill, judgment and ability, and who shall cause a survey and preliminary map to be made of said improvement, distinguishing each lot or parcel by numbers on said map, and they shall estimate the whole cost of said improvement according to the best of their judgment, and shall assess such estimated cost upon the lands and real estate benefitted in proportion to the benefits received, and report the names of the owners of the lots or parcels, as far as practicable, with the amounts assessed to each, and shall file said report and map with the clerk of said city, within twenty days thereafter, the clerk shall give notice of the filing of any such report and map within ten days after the same shall be filed with him in two of the Hudson County daily newspapers circulating in said city, and by five notices put up on the line of said improvement.

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56. And be it enacted, that unless within twenty days after the filing of said report, as in the preceding section provided, the owners of a majority of the lands in lineal feet to be assessed for such improvement shall file with the clerk of the city, a remonstrance signed by them or their agents, lawfully authorized, said board of councilmen shall proceed forthwith to execute and carry out said improvement under said application, and all costs and expenses incurred in such proceedings shall be repaid to the said city by the petitioners for such improvements, in case such majority of owners remonstrate against the same, and the board of

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councilmen shall make regulations touching the receiving and proceedings upon such petition, and security for the expenses thereof, as they may deem proper, by resolution or otherwise, and the said board may refer back said report and map to said commissioners of assessments for alterations or corrections in matters of form or substance, when they deem the same necessary.

57. And be it enacted, that all expenses and cost of proceedings for improvements in opening, paving, curbing, guttering, filling up, re-filling, macadamizing, laying side or cross walks, sewerage, draining and building receiving basins in or upon any street, road or avenue in said city, or any part thereof, when the same shall be completed shall be assessed by the commissioners of assessments upon and be paid by the lands and real estate benefitted by the improvement so applied for, in proportion to the benefit received by said lands and real estate, and the said commissioners of assessment shall determine and report in writing to the board of councilmen, what proportion of such expenses shall be assessed upon each separate lot or parcel of land, and shall accompany such report with a final map containing each lot assessed and the name of the owner or owners thereof, which report and map shall be filed in the office of the city clerk, whereupon said clerk shall cause to be inserted in at least two of the Hudson County daily newspapers circulating in said city, for at least ten days, a notice of filing of said report, and he shall also put up five notices on the line of said improvement in said city, and that the board of councilmen, or a committee thereof, will meet at a time and place to be designated in said notice, to be at least ten days from the date of filing of said report, to consider said assessment and to receive and consider all objections thereto, which may be presented in writing.

58. And be it enacted, that if said board of councilmen shall by resolution confirm said assessment, it shall constitute a lien on the property assessed for the amount of such assessment, and shall be collected under and by virtue of a general ordinance made by said board for the collection of assessments, and the said board shall have power to return said map and report for correction, in matters of form and substance, before confirming the same, and in such cases the said commissioners of assessments shall have power to correct the same, and refile it with the

Title 6

city clerk within ten days after it shall have been so referred back to them, and if the persons assessed neglect to pay to the collector of revenue upon written notice of the confirmation of the assessment, the said board may proceed to enforce the lien as prescribed under title four of this act, and whenever within said city any assessment on any lot or parcel of land shall remain unpaid for thirty days after the confirmation thereof, it shall be lawful for said board to charge, receive and collect, in addition to the amount of said assessment, interest thereon, at the rate of twelve per centum per annum, from the time of the confirmation of such assessment until the same is paid.

59. And be it enacted, that all streets, roads or avenues to be laid out or opened, shall not be less than forty, nor more than one hundred feet in width, and all streets widened, extended or altered, not less than forty, nor more than one hundred feet in width, the sidewalks upon either side of any street, road or avenue shall occupy one-fifth of the whole width of said street, road or avenue, and no stoop or step shall project, nor enclosed area extend beyond the line of said street, road or avenue, and said board shall have power by ordinance, to regulate the planting of shade trees upon said side walks, and to protect the same; and they shall have power to take any lands that may be necessary for opening, widening or altering of any street or road in said city, but no lands shall be taken for the laying out, opening, widening or alteration of any street, road or avenue, without allowing or paying to the owner or owners thereof, the fair value of the lands taken, and the improvements and buildings thereon, and the damage done to any district, lot or parcel of land or tenement by taking any part of it for that purpose.

60. And be it enacted, that the valuation of such lands in the last section mentioned, or damages by taking the same shall be a part of the cost and expenses of the improvement requiring such lands or damages, and shall be distinctly estimated, determined, assessed and collected as provided in Title Four of this act, in case any dwelling or other building may be required to be removed for the purpose of said improvement, and such dwelling or other building shall not be removed by the owners, then it shall be sold at public auction and removed by resolution of said board, and the proceeds of such sale or sales, after paying the

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The valuation shall be a part of

Table 6

expenses thereof, shall be divided pro-rata among all persons assessed for said improvement, under such regulations as said board may deem just and proper.

61. And be it enacted, that the benefits to be done to the residue of any lot or parcel of land, a part of which may be taken for such improvements, shall be estimated in the same manner as to other lands, and the commissioners of assessment shall include in their preliminary and final report, the value of the land taken for such improvement, and the value of the erections thereon, and the damages aforesaid, done by taking or removing the same, and to whom said lands belong, and the interest and estate of the several owners in the same, as far as practicable, and in case the lands so valued or damaged by such taking shall be held by a tenant for life or years, and the fee in remainder or reversion the commissioners shall in their report apportion such value and damages between them; and in case any lands assessed aforesaid, or for any other assessments and taxes, shall be held by a tenant for life or years, and such tenant shall pay such assessments or taxes, or the same may be made by a sale of his interest in said lands, said tenant or tenants, in his or their legal representatives, shall, at the termination of his or their estate, be repaid such principal sum, as well as the appraised value of all improvements made thereon by said tenant, by the reversioner, his heirs or assigns, and shall have a lien upon said lands for the same, and may, by bill in chancery, have said lands sold to pay such lien, and the proceedings thereon in the court of chancery, except the allegations in the bill, shall be the same as if said reversioner had given a mortgage on said lands, and said bill was filed for the foreclosure thereof, and such lien shall have a priority over all other incumbrance.

62. And be it enacted, that upon completing the report aforesaid of the commissioners of assessments, assessing the value of the lands so taken, and the damages thereby, the city treasurer shall tender and pay to the owner of said lands, if a resident of said city, the amount of such assessment due him, but if such owner is not a resident of the said city, or if upon inquiry he cannot be found therein, or is a lunatic or idiot, or if, for any other lawful cause he is incapacitated to receive the same, or if said owner will not accept the same and sign a proper receipt therefor when tendered, then the treasurer shall make affidavit of such

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facts, and file the same with the city clerk, and the board of councilmen shall, after inquiry into the facts of the case, by resolution, direct the amount of such assessment to be placed either in the city treasury or some bank for the use of the person to whom it may be due, and upon filing such receipt of the owner, or the passing of such resolution by said board of councilmen, the said lands shall be vested in the said city of Bayonne, and the city officers may proceed with such improvement, and the said money so deposited shall be paid by proper warrant to the person entitled thereto on demand, without interest, except from such time as a demand therefor may be made and payment refused.

63. And be it enacted, that the board of councilmen may by resolution passed at any meeting, direct any repairs in the carriage ways or cross-walks of any street, road or avenue, within said city, whenever they shall deem such repairs necessary, in cases where such repairs or improvements are not applied for in the manner prescribed by this title, such repairs shall be made by contract or otherwise, as said board may direct, shall be superintended by the commissioners of streets, and shall be paid for by said board, upon their approval of the work, out of the moneys raised by tax for repairs of streets, and that all repairs of sidewalks, and curbs and gutters shall be made by the owner or owners of the lands in front of which said repairs are necessary, upon the written notice of the commissioner of streets, and if said owner or owners shall be non-residents of said city, it shall be sufficient for the commissioner of streets to post such notice upon or near the lot or lots in front of which the sidewalk, and curb and gutter may require to be repaired or relaid, and if the same shall not be repaired within ten days from the serving or posting of said notice, then it shall be lawful for the said board, by resolution, to direct the commissioner of streets to cause the same to be made, the costs and expenses for repairing and relaying, as aforesaid, shall be assessed by the commissioners of assessment upon the lands directly in front of which such repairs shall be made, and shall remain a lien thereon, and shall be collected as prescribed by this act for the collection of assessments for improvements.

64. And be it enacted, that the grade of any street, road or

avenue, when established as provided in this act, shall be and remain the permanent grade thereof, and shall not be changed or altered except upon the application to said board of councilmen by the owners of at least three-fourths of the land to be affected thereby, nor without paying to the owners of any buildings where damages are sustained by the alteration of such grade, the amount of the damage which shall be ascertained and determined by the commissioners of assessment making such assessment, and the cost and expenses of establishing and authenticating such grade shall be assessed upon the lands of those applying for said change, and the same shall be and remain a lien thereon, and the payment thereof enforced in the same manner and to the extent as other assessments in this act provided.

65. And be it enacted, that when any sewer or drain heretofore constructed in said city by individuals, at their own expense, shall be adopted by the board of councilmen as a continuation or receiving sewer of or for any sewer or drain to be constructed under their direction, then the owner or owners of the land fronting on such sewer or drain heretofore made shall not be assessed for the same.

66. And be it enacted, that the board of councilmen are hereby empowered to cause all or any of the improvements authorized by this act to be made in any of the streets, roads or avenues, whether the same is used as a plank road, railroad or otherwise, (except so far as such improvements may interfere with the corporate rights of such plank road or railroad) in and upon all streets, roads or avenues, that have been or shall hereafter be dedicated to public use, whether they have been actually opened to the public travel or not, and any or all of the said improvements may be made in a part of any such street, road or avenue in said city, and the said board shall have power to regulate the position and construction of all railroads to be laid in any street, road or avenue of said city.

67. And be it enacted, that the petition filed praying for any improvement contemplated by this act, may embrace any number of improvements upon the same street, road or avenue, or proposed street, road or avenue, but the commissioners of assessment shall return a district map and report, for each of said improvements embraced in said petition or ordinance.

68. And be it enacted, that in all cases where streets or avenues are ordered to be opened, graded or paved, or where side or cross-walks are ordered to be made, the owners of property on the line thereof, may open and grade and pave, or lay side or cross-walks at their own expense, but in the manner directed by the board of councilmen, provided, they do the same within a reasonable time to be fixed by said board, otherwise said improvement shall be done by the city in the manner provided in this act.

TITLE 7.

Miscellaneous Provisions.

69. And be it enacted, that all acts of the township committee of the township of Bayonne that may be in force when this act shall go into effect, so far as the same may be applicable to the city hereby incorporated, and so far as is not inconsistent with this act, shall be and continue in force, until altered or repealed by the board of councilmen hereby created; and nothing in this act shall be construed to invalidate or affect any bonds, contracts, agreements or liabilities of the township of Bayonne heretofore legally given, made or entered into, for any purpose whatever.

70. And be it enacted, that all debts, claims, taxes and assessments due to the township of Bayonne, when this act takes effect shall and may be collected by the mayor and council of the city of Bayonne, for the use and benefit of the corporation by this act created, and in the manner provided herein for the collection thereof.

71. And be it enacted that all officers of the township of Bayonne, now performing duty as such, shall be continued as the officers of the city hereby created, until the end of the term of their election or appointment, and they shall respectively have and exercise all the powers and duties herein prescribed, subject in all things to the provisions of this act, unless otherwise provided for in this act.

72. And be it enacted, that upon the trial of any issue, or upon any judicial investigation, to which issue or investigation the city of Bayonne is a party, or in which said city is interested, no person shall be deemed an incompetent judge, witness or juror, by his reason of being an inhabitant thereof.

Table 7

73. And be it enacted, that the firemen hereafter regularly enrolled and recognized by the constituted authorities of the city shall be exempt during the term of their service, and after having served seven years consecutively, shall forever thereafter be exempted from service on any jury, and also from serving in the militia, except in case of invasion or insurrection, and that certificates of the time that such persons have served as firemen in said city, signed by the mayor and city clerk, shall be evidence thereof, but no fireman of the city shall be exempted from jury duty unless he actually performs all the duties of a fireman in his company, and to entitle him to such exemption, he shall present to the board of councilmen a certificate of the foreman, or other chief officer of his company, that he is a faithful and acting member thereof.

74. And be it enacted, that the mayor and council are hereby authorized and empowered for the purpose of purchasing sites for parks, markets, school-houses, public buildings and wharfs in said city, and for the purpose of erecting suitable buildings thereon, in addition to the powers conferred by "A further supplement to an act entitled "An Act authorizing the appointment of commissioners to lay out and map streets, avenues and squares in that part of Bergen township, south of the Morris Canal, in the county of Hudson," approved the sixteenth day of March, eighteen hundred and fifty-seven, which said supplement was approved April seventh, eighteen hundred and sixty-eight, to issue in the name of the mayor and council of the City of Bayonne, coupon bonds to be denominated on the face thereof "City of Bayonne Bonds," to an amount not to exceed one hundred thousand dollars, bearing interest at the rate of not over seven per centum per annum, payable half yearly, and the principal of said bonds shall be payable at periods not less than ten nor more than thirty years from the date thereof, and the said bonds may be sold at public or private sale, at not less than the par value thereof at such times and in such amounts only as the proceeds may be required as aforesaid, and for the purpose of paying said bonds and the interest thereon, as the same may become due, the said mayor and council are hereby authorized to assess and collect annually, a tax sufficient to pay the interest each year, and to constitute a proper sinking fund for any portion of said debt which

July 18

may exist, which tax shall be in addition to any other tax authorized by this act, and the collector of revenue shall collect and pay the same to the city treasurer in the same manner as other taxes, and said tax shall be kept separate and distinct from all other taxes.

75. And be it enacted, that all bonds issued as aforesaid shall be signed by the mayor of the city and by the city clerk, under the corporate seal of said city, the clerk shall keep a record of all bonds issued or disposed of, and copies of such record shall be made by him and delivered to the city treasurer, all moneys received from the sale, or otherwise, upon said bonds, shall be paid to the city treasurer, who shall pay out the same in the manner that other moneys are paid out in said city.

76. And be it enacted, that whenever it shall be necessary for said city to make any conveyance of real estate, said conveyance shall be signed and executed under the seal of the city, by the mayor, and by the city clerk, and the latter shall keep an accurate record of such conveyances.

TITLE 8.

Board of Education.

77. And be it enacted, that the school trustees of said city shall constitute and be called the board of education of the City of Bayonne, they shall annually elect a president from their own body, and in his absence a president pro tempore, appoint the times and place of meeting, and determine the rules of their own proceedings, they shall also appoint a secretary, who shall keep a journal of their proceedings and perform such other duties as the board may prescribe, a majority of the board shall constitute a quorum for the transaction of business, and no resolution or order of the board shall be adopted unless with the consent of a majority of the whole board, the president of the board shall have power to call special meetings whenever he shall deem it expedient; that said board shall prepare and transmit to the city council, on or before the first day of June in each year, an estimate of the amount of moneys necessary for the support of public schools in said city during the year, which estimate shall specify

Article 8

particularly, under the several heads of repairs of school houses, salaries of teachers, school books, school furniture and school libraries, stoves and fuel, and incidental expenses, as nearly as may be, the several sums required for each branch of expenditure, and all moneys appropriated by said city council for the support of public schools, as well as other taxes or money devoted to that object, shall be expended by said board of education for the support of public schools in the City of Bayonne, that said board of education shall take charge of the public school-houses in said city and shall cause all necessary repairs to be made to the same and they are also empowered to establish schools of different grades adapted to the age and progress of pupils, including evening schools for apprentices, to select and employ teachers, to provide school books, furniture and school libraries, to purchase stoves and fuel and incur such incidental expenses for the maintenance of the schools as may be necessary, to adopt rules and regulations for the admission of pupils, the visitation and inspection of the schools and the government and studies to be pursued therein, and the board of education shall have power to purchase real estate for school purposes, and to erect buildings thereon, when appropriations for those purposes are made by the mayor and council of said city, and the real estate so purchased shall be vested in said city of Bayonne; and all moneys so appropriated shall be expended by the board of education, in compliance with the laws of the state, and the said board shall, at the close of the fiscal year, prepare a report embracing the number of schools under their charge, specifying their grades, the number and names of the teachers, the number of pupils on the roll, and the average attendance in each school, and a full and true account of the expenditures of said board during the year, under the respective heads of repairs to school-houses, salaries of teachers, school books, furniture and libraries, stoves and fuel, and incidental expenses, and shall transmit the annual report to the city council, and a copy thereof to the county superintendent of common schools, and the treasurer of said city of Bayonne shall credit said board of education with the sum or sums of money appropriated for the support of public schools in said city, and it shall be the duty of said treasurer to enter on his books the sums so appropriated under the respective heads to which

File

the same may be appropriated, and the treasurer of said city shall, to the extent of said appropriations pay on presentation all drafts drawn upon him by order of said board of education and duly attested by the signatures of the president and secretary, for the time being, of said board, which drafts shall specify from which appropriation the same is to be paid, and all suits or proceedings brought against any person or persons or body corporate, for damages or injury to any school house, or out building, fences, trees, or other improvements, or to any furniture or school books in any school under the charge of said board, shall be in the name of the treasurer of said city, and all damages received in such actions shall be paid in the city treasury, and shall be credited to the school fund of said city, and it shall be the duty of the assessors of the several wards of said city to make out a list of the children capable of attending school between the ages of five and eighteen years within each of the wards, specifying the age of each child, with their names and the names of their parents or guardians, and to transmit the same under proper certificate on or before the first day of October, annually, to the Secretary of the board of education, and the sum of one dollar for every one hundred names of children contained in said lists respectively shall be allowed to the assessor duly making and transmitting the same, and the city of Bayonne shall be entitled to its just quota of the annual appropriation made by the State for the support of public schools, to be ascertained according to law, which shall from time to time be paid to the treasurer of said city, to be expended by the board of education for the support of public schools in said city.

78. And be it enacted, that all laws and parts of laws relating to the township of Bayonne, inconsistent with the provisions of this act be and the same are hereby repealed, but this repeal shall not affect any proceedings had or commenced under the same when this act takes effect, nor any rights or dues which the township of Bayonne, or any person or persons is or are entitled to by virtue thereof.

79. And be it enacted, that the legislature may at any time hereafter amend or repeal this act, and that this act before going into effect shall be submitted to the legal voters of said township, at a special election, to be held in said township of which five

2

Bayonne

Article 7

days' notice by the township committee shall be given by handbills printed and posted in the most public place in said township, and should the said legal voters determine by a majority of the votes cast or written or printed ballots "For Charter" their acceptance of said charter, then this act to be in full force and effect, otherwise it shall be void and of no effect.

80. And be it enacted, that this act shall take effect immediately.

APPROVED, MARCH 10, 1869.



STATE OF NEW JERSEY.

I, HORACE N. CONGAR, Secretary of State of the State of New Jersey, *do hereby certify*, that the foregoing is a true copy of an Act passed by the Legislature of this State, and approved by the Governor the Tenth day of March, A. D. 1869, as taken from and compared with the original now on file in my office.

In Testimony Whereof, I have hereunto set my hand, and affixed my official seal, this Seventeenth day of March, Eighteen hundred and sixty-nine.

H. N. CONGAR.

OFFICERS OF THE CITY OF BAYONNE.

Mayor:

HENRY MEIGS.

President of the Council:

JACOB R. SCHUYLER.

City Clerk:

FRANCIS J. SMITH.

Council:

FIRST WARD:

RUFUS STORY. WM. L. BEAUMONT.

SECOND WARD:

JACOB R. SCHUYLER. CHAS. C. HOUGH.

THIRD WARD:

JOHN COMBS. JOSEPH ELSWORTH.

Recorder:

WM. O. MYERS.

Treasurer:

— —

Collector of Revenue:

JOHN H. CANAGAN.

Overseer of Poor:

EDWARD PERRY.



MAYOR'S OFFICE,

CITY OF BAYONNE,

April 26th, 1869.

TO THE PRESIDENT
AND MEMBERS OF COUNCIL
OF THE CITY OF BAYONNE.

In assuming the responsible Office to which I have been elected with so much unanimity by my fellow-citizens, irrespective of political party, I cannot refrain from expressing to them, through your honorable body, the gratification afforded by this decided indication of their confidence that I will impartially administer the important duties of the position. It is my desire and intention to promote, to the best of my ability, the interests of all classes of this community, by securing to them the blessings of an honest and faithful municipal government.

Under the Charter we are now inaugurating, we have as a people full power to regulate our own local affairs. If these powers are abused, or not rightly used, we shall experience the disastrous consequences which we see prevailing throughout our land. The expression that there are "Rings" in every department of civil government conveys to us the idea that the servants of the people are abusing the trusts confided to them, and by more or less direct means dishonestly enriching themselves, thereby adding heavily to the burdens of the tax-payer and upon the labor of the country.

What is the remedy for these evils?

There seems to me to be but one which is likely to prove effectual. It is the union of all honest men, irrespective of political party, the great political issues which have divided the country are, with the exception of the financial question, brought to a close. Let us now, "Republicans" and Democrats, at least so far as our own local interests are concerned, co-operate for the prevention

of the monstrous abuses which exist in the administration of civil affairs elsewhere, and endeavor to secure that integrity in the discharge of official duties which made the free government established by the fathers of the Republic a blessing to the governed.

The powers conferred upon us by the Charter are very important in view of the peculiar position in which our City stands in reference to the great commercial Metropolis, New-York. The overflowing population of that City, driven out by heavy taxation and enormous rents, are seeking cheaper homes in its vicinity. They are populating rapidly sections more distant and less easy of access than ours. Why is this? It is because, for want of power and of enterprise we have not furnished the common facilities necessary to attract settlers. We have not a road worthy of the name, and at some seasons we are almost inaccessible. We have had no local laws for the protection of life and property. The City of Bergen, which is less accessible than our own has, I understand built eight hundred houses within the past year. Our City is remarkably healthy. Its situation delightful, and there is no reason, unless it is to be found in the causes I have named, why it has not had its due portion of increase. Let us examine closely into this question, and now that we have sufficient powers, let us apply the remedy. The interest of every class in our community demands it.

I shall endeavor to invite your attention at this time to but a few of the measures of first importance which ought to engage our immediate notice.

The education of a free people is a fundamental requisite. Under our Charter the Board of Education is already organized and is ready to proceed to business. The Schools are not what they ought to be. While faithful men have done the best they could, the schools have languished for want of sufficient interest being taken in them, and for want of adequate building accommodations and support. Make the schools attractive and we shall not only be doing an imperative duty to the rising generation, but we shall thereby attract intelligent men to make this a home, while without it they will certainly go elsewhere. The Board of Education will, under the Charter, inform you of the particular needs of this important object, and I commend their statements and estimates to your liberal consideration.

The subject of roads and streets will engage much of your attention. The foundation is being well laid by the Map and Grade Commission, which is continued in office by the terms of the Charter. They are establishing as rapidly as possible a well-digested plan for all the roads and streets of the City, and fixing the permanent grades, so that the whole may be well drained. It is a very important work and can best be done by continuing in its execution the same minds and judgment as far as practicable, from the commencement to the end. It is necessarily expensive on account of the skill and time required from competent surveyors. By the law appointing the Commission its President is made Superintendent of streets and as such can perform all the duties of Street Commissioner without additional expense. It would therefore be expedient to recognize him as filling that office under the Charter until the term of office of the Commissioner expires. The Commission is doing its work faithfully and with as much economy as possible, and I trust it will have your hearty co-operation.

The Boulevard Commission is one of very great importance and although we were unable to secure a representation in that body, as we ought to have done, yet we can exercise a supervision which may materially protect our interests. The permanent character of the work done as well as the cost of it will be subjects for close scrutiny.

Other roads and streets it will of course be necessary to make and pave. In regard to them I can only recommend a general policy. Where the City is to pay a portion of the expense it would be well to act cautiously, and with reference to the immediate need of the improvement, and not too rapidly to incur a debt which may become a discouragement to the people. As our population increases we shall be better able to meet the necessary taxation. Some provision to keep Roads, when made, in good repair will be a wise economy and ought to be thoroughly provided for.

The subject of Drains is of especial importance to some sections of our City and it should receive early attention. As a Sanitary measure as well as one concerning the comfort of citizens these should be made as soon as possible in those inhabited sections particularly where the surface of the ground does not admit of natural drainage.

The 11th Article of the Powers and Duties of the Board of Councilmen provides for restraining animals of all kinds from running at large. This restriction is necessary in every well-organized community and every citizen has a right to claim the protection of law against the depredations of animals belonging to his fellow-citizens. I therefore recommend the adoption of an ordinance to establish Pounds, with proper provision for the Pound-keepers elected in each Ward.

The power given by the 14th Article of the powers and duties of the Board of Councilmen to "License and regulate or prohibit the traffic in or sale of intoxicating drinks is one which requires to be very wisely exercised. I think it has been proven by experience that prohibitory laws are not only ineffectual to cure the evils resulting from this cause but on the contrary that they have rather aggravated them. The abuse of stimulants is a human infirmity which seems to be too strong to be eradicated even by the most stringent laws of the most despotic governments. But it is, like many other vices, one in which no man has a right to indulge to the injury of his neighbor, and therefore the external manifestations of the evil are eminently proper subjects for legislation. Those who abstain, or who never abuse their freedom in this respect should be protected from annoyance or injury from those who commit excesses. The selling of liquor or the keeping open places for that purpose on the Christian Sabbath ought to be prohibited. The Christian Religion, although not the constitutional nor the statute law of this land, yet is a sort of common law which happily is in some form recognized by all but a small portion of the people of this nation. The vast majority have a right to protection from that which shocks their moral sense, and it is a small concession to make to this great body of people that one day in seven should be at least outwardly respected by those who still have the remaining six days in which to pursue their calling.

Licenses to sell liquor should not be withheld, but they should be issued with extreme caution, and in no case should they be granted where there is good ground to believe that they will result in a public nuisance; and they should be unhesitatingly revoked when they become so.

A Fire Department does not seem to be an immediate necessi-

ty, but as a temporary expedient and precaution it might be well to require by Ordinance that citizens should keep a certain number of buckets to be always at hand ready for use in an emergency. Should any important fire occur our constituents will no doubt call our attention forcibly to the subject.

In regard to Policemen and Watchmen, I think we ought to establish at least a nucleus for such a force. Even on the smallest scale it would serve to inspire a feeling of confidence in our people, and their apprehensions would frequently be allayed by the thought that there were at least one or two faithful, energetic men looking after the security of their lives and property. With due deference to the judgment of your honorable body I recommend that one or two Policemen in each Ward be provided. One of their number should be in command, and he should act as aid to your Chief Magistrate in all efforts to secure and preserve the peace of the City.

Our duty to our fellow-citizens demands that we should keep a watchful eye upon all places of an immoral character, and we should not hesitate in exercising all the powers with which we are invested to abate any practices calculated to encourage vice or immorality.

A building of some sort for the meeting of the Council and other City Officers, as well as for meetings of citizens on important occasions will soon be, if it is not already, a public necessity. We are not yet in a condition to undertake a City Hall, but it has occurred to me that this object might be combined temporarily with a building for a public School in the Second Ward, where it will be indispensable to provide a new school building. That situation is central and a building might be erected which would for a time accommodate a primary School and answer as a Town Hall and which might hereafter be made a High School, an addition to our educational system which will demand attention at no distant day.

As our City is literally surrounded by navigable waters, and as its future interests must be intimately connected with commerce, the subject of Riparian rights is one in which our people are deeply interested. It will therefore be the duty of their representatives to lend such influence as they can command, and to give their best attention to a vindication and protection of these

rights. And as wharf accommodation will be very important, to see that the rights of the public at large to a proper use of them shall be preserved and regulated.

The present financial condition of our City is, as I am informed by the Treasurer of the Township, as follows, viz:

Balance now outstanding of Bonds of Bayonne Township issued for war purposes, bearing interest at seven per cent per annum and maturing January 1.	1872	\$2000
“ “	1873	4000
“ “	1874	4000
“ “	1875	4500
“ “	1876	2500
“ “	1877	2200
“ “	1878	2600
“ “	1879	1500
“ “	1880	2500
“ “	1881	2500
“ “	1884	2600
“ “	1885	2500
“ “	1886	3100
“ “	1887	500
		<hr/>
		\$37,000

And there are in the hands of the Treasurer, Bonds of Hudson County, being the Balance of an issue to the Township on account of expenses for War purposes

\$ 6100

A Bond of the Chosen Freeholders of Hudson County, called a Poor House Bond

\$1569.75

And the City owns a lot of ground, about two and a half acres purchased for a Town Hall and now valued at

\$8000

\$15,669.75

The taxable property of the City, as shown by the Assessor's books for 1868, is as follows, viz:

Lands valued by the Acre	\$2,021,000
Houses and Lots valued at	\$ 604,750
Personal property	\$ 284,425
	<hr/>

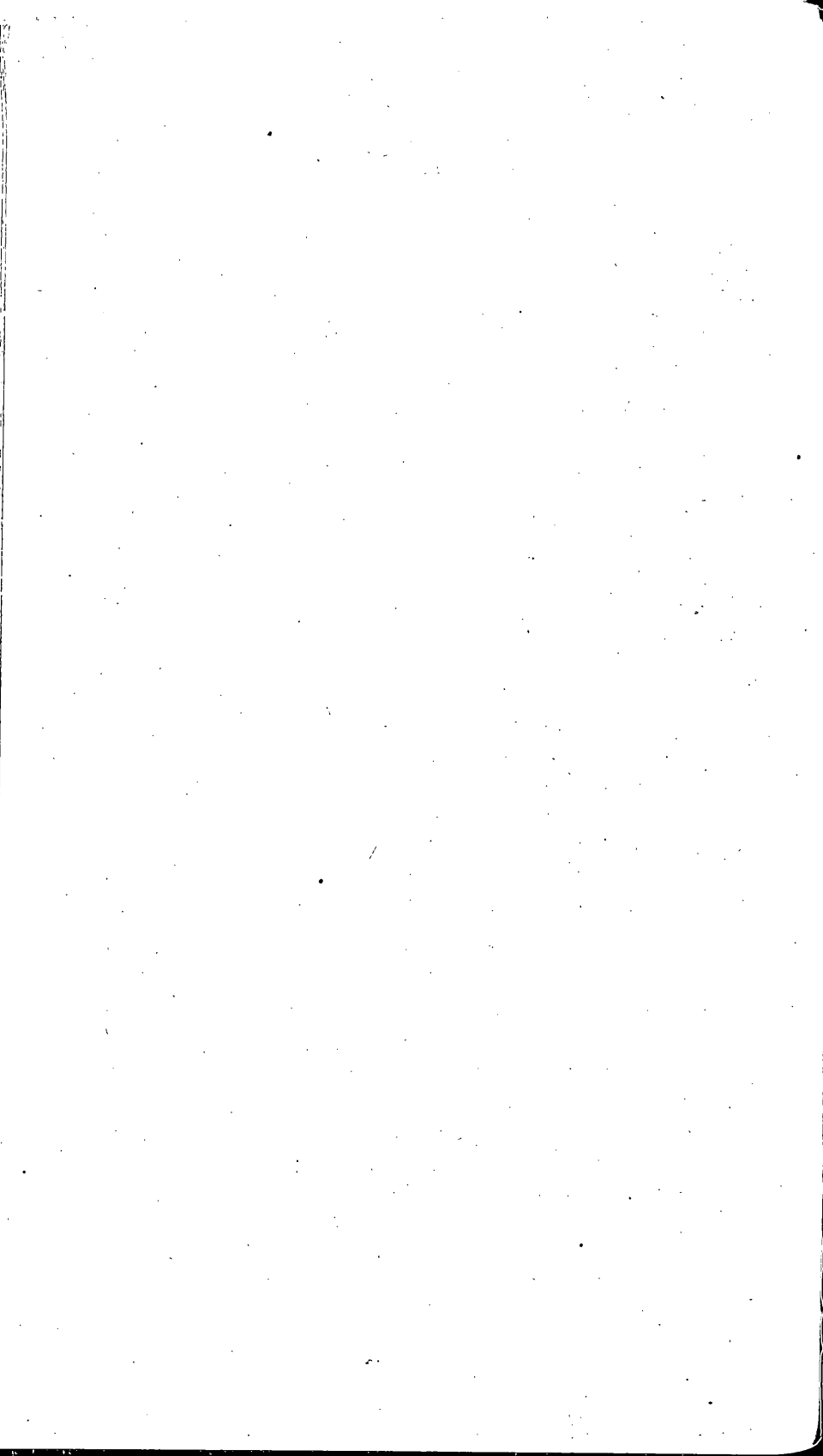
Total Taxables \$2,910,175

The Expenses to be incurred for improvements which are indispensable to the proper development of our City, will necessarily be considerable, and of course the taxes will be increased, but if we properly regard this increase we shall esteem it a good investment which will be amply repaid in an enhanced value of property, and in the opportunities which an enlarged population will afford to every class of the community to obtain profitable employment. Look at the adjoining City of Elizabeth, which is exhibiting a rapid and healthy growth, and which is now attracting valuable settlers in great numbers, notwithstanding the taxes have become quite heavy, and although its natural position is certainly not as desirable as our own.

In conclusion let me impress upon you the importance of suppressing all partizan political feelings in matters of a purely local nature, and of cultivating a spirit of harmony and conciliation in exercising the powers lodged in your hands; remembering that the peace, good order and prosperity of this community depends much upon your wisdom and fidelity in discharging these trusts; and may Divine Providence regard our efforts with favor that they may promote His Glory and the best interests of our fellow-men.

All of which is respectfully submitted.

HENRY MEIGS,
MAYOR.



49

State of New Jersey.

A SUPPLEMENT

To an Act entitled "An Act to incorporate the City of BAYONNE," approved March tenth, Eighteen hundred and Sixty-nine.

— *Sup. James D. ...*

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey,* That in all cases in which persons shall bring writs of certiorari to remove the proceedings of the council, it shall be lawful for the City Clerk to charge and receive from the parties bringing such certiorari at the rate of ten cents per folio for the necessary return thereto, and said parties bringing said certiorari shall pay said sum to said clerk before the return day of said certiorari, and in default thereof, the court shall dismiss said certiorari; no costs shall be allowed the prosecutor in certiorari on his setting aside any ordinance, assessment or proceeding of said council.

2. *And be it enacted,* That no ordinance, assessment or proceeding of the council of said City of Bayonne, shall be set aside on certiorari by reason of the return to said certiorati failing to show that all the requirements of the city charter have been complied with, but after the filing by the prosecutor of the reasons in certiorari, the clerk of said city may make a further return to said writ of certiorari, stating such additional facts as he may be advised are proper and necessary to state in answer to any of said reasons, and said city may take proofs with reference to said facts, and if the same are established to the satisfaction of the court, then the court shall affirm the ordinance, assess-

ment or proceeding in question, the same as if such facts had properly appeared in the minutes, records and proceedings of said council; whenever any assessment is set aside, the said council may appoint new commissioners to make a new assessment.

*Certiorari made
within 3 mos.*

3. *And be it enacted*, That no certiorari shall be allowed or granted to set aside any ordinance for any improvement in said city after the contract therefor shall have been awarded by the council of said city, and no certiorari shall be allowed or granted to set aside any assessment for any improvement in said city after three months shall have elapsed from the date of the confirmation of said assessment by the council of said city.

4. *And be it enacted*, That in case any assessment is set aside on certiorari after a portion of the said assessment has been collected by the corporate authorities of said city, that in that case all sums of money so collected shall be refunded, and paid to the then owners of the lots or parcels of land so assessed, and upon which said payments were so made, and the new assessment for said improvement shall be made without any reference to the fact that any sums of money have been heretofore paid under the said assessment so set aside on certiorari; the sums herein provided to be refunded shall be paid out of the first sums of money collected under the new assessment for said improvement.

5. *And be it enacted*, That whenever said commissioners shall change or alter the location of any street, lane or avenue now laid on said map or now open for public use, the commissioners appointed for the purpose of assessing benefits and damages shall have the power to take into consideration the land or premises which revert to the front owner on said street, lane or avenue so vacated in awarding benefits or damages to the property benefitted or damaged by said alteration of location of said street, lane or avenue so changed, and the lands so made to revert to the said front owners shall be held by the said front owners in fee, and the said commissioners shall file a description of the said lands so reverted, in the office of the County Clerk

of Hudson County, which said description shall be deemed and taken to be a deed of conveyance to the said front property owners, and this shall apply to all alterations now being made or hereafter to be made.

Approved, April 1st, 1869. —



STATE OF NEW JERSEY.

I, HORACE N. CONGAR, Secretary of State of the State of New Jersey, *do hereby certify*, that the foregoing is a true copy of an Act passed by the Legislature of this State, and approved by the Governor the First day of April, A. D., 1869, as taken from and compared with the original now on file in my office.

In Testimony Whereof, I have hereunto set my hand, and affixed my official seal, this Twenty-eighth day of April, Eighteen hundred and Sixty-nine.

H. N. CONGAR.

ACTS RELATING TO BAYONNE TOWNSHIP.

To Erect.	Laws of N. J. 1861. p. 454.
Granting Powers to.	" " 1862. p. 212.
Bounty Act.	" " 1864. p. 89.
" "	" " 1865. p. 160.

COMMISSIONERS ACTS.

An Act authorizing the appointment of Commissioners to lay out and map Streets, Avenues and Squares in that part of Bergen township, south of the Morris Canal in Hudson County.

Approved, March 16th, '57.	Laws, 1857, p. 224.	
Supplement.	Laws, 1863, p. 263.	Copy to Gallatin
Further Supplement.	Laws, 1864, p. 134, 385.	Copy to Gallatin
Further Supplement.	Laws, 1866, p. 435, 659.	
Further Supplement.	Laws, 1868, p. 503, 627, 834, 1073.	

A Further Supplement to an act entitled "An Act authorizing the appointment of Commissioners to lay out and map streets, avenues and squares in that part of Bergen township, south of the Morris canal, in the county of Hudson," approved the sixteenth day of March, eighteen hundred and fifty-seven.

WHEREAS, the appropriation made at that time was insufficient to complete the work assigned to said commissioners, and errors occurred in locating some streets according to the true intent of said commissioners, and many defects have been discovered, and doubts arisen as to the precise locality of certain streets and avenues laid down on the aforesaid map involving much trouble, expense and litigation; therefore,

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Hiram Van Buskirk, Solon Humphreys, Henry Meigs, junior, John Combs, Erastus Randall, and their successors, residents of the township of Bayonne, are hereby appointed, constituted and declared to be a board of commissioners for the purposes and with the powers hereinafter defined and granted.

2. And be it enacted, That said commissioners or a majority of them shall have power and authority, and are hereby empowered to alter or change the width, course, names and location of any of the streets, avenues and squares laid down on the aforesaid map; to lay out new streets or parts of new streets, and avenues, and to vacate streets or avenues, or parts of streets and avenues now open, where and when new streets or avenues when opened would clearly be a public benefit and improvement; to erect as many monuments and no more as will serve to locate clearly and with

X agreement to Chas. Beckwith to review

1866 a volume of laws to be...

1866 the... the...

facility the several streets and avenues of said township of Bayonne; *(provided, such changes, alterations and improvements are requested in writing by the owners of five-eighths in value of the property on the line of said streets, avenues, alterations or improvements;)* *provided, no streets running to Newark or New-York bays or to the river Kill Von Kull shall be vacated but may be altered in location by said commissioners; and the commissioners shall from time to time file in the office of the clerk of Bayonne township there to remain of record a full and complete map and description of the changes, alterations or improvements determined upon, together with the location of all monuments erected to mark said streets or avenues, and this shall be done within thirty days after the same shall be determined, and a copy of said map shall be filed in the office of the clerk of Hudson county; furthermore, it shall and may be lawful for said commissioners or a majority of them to purchase land for the purpose of locating two squares to be used as public parks, one in the northerly and one in the southerly part of said township; and also to purchase four plots of ground for the erection thereon of public school-houses at such times as the inhabitants of said township or district in which each plot is located may elect, one of said plots to be located in the northerly, one in the central, and one in the southerly part of said township, and one in that part of said township now known as Constable Hook, to grade, fence and improve said squares and plots, and to have a general oversight and adopt all needful rules and regulations for the improvement and preservation of the same.*

*alter
before
vacate*

3. *And be it enacted.* That said commissioners or a majority of them are hereby authorized, empowered and directed to establish uniform grades upon all the streets and avenues in said township, and it shall be lawful for said commissioners and all persons acting under their authority to enter upon all lands, tenements and hereditaments which they shall deem necessary to be surveyed for the purpose of establishing said grades, as well as for making such changes, alterations, and laying out of new streets and parts of streets as mentioned in the second section of this act; and the said commissioners or a majority of them shall as soon as practicable, after determining upon said grades, cause a profile map or maps of said grades to be made, attested by the signatures of said commissioners or a majority of them, and filed in the office of the clerk of said township of Bayonne, there to remain of record; *provided, the grades of any of said streets or avenues may be revised or altered only by a majority vote of said commissioners and township committee of said township in joint meeting assembled, upon the application in writing, of the owners of five-eighths of the property per lineal feet along said street or avenue, said application to be made to the chairman of said township committee, who shall within twenty days after said application convene said boards, giving ten*

days' public notice of such meeting at which time all parties interested may be heard, and the action of the joint boards shall be final and conclusive.

4. *And be it enacted*, That to pay for the lands purchased for said squares and plots, and the improvements of the same, or for other improvements in opening and grading streets, it shall and may be lawful, and the township committee of said township of Bayonne are hereby authorized, empowered and directed to issue and sell, from time to time, the bonds of said township, payable not less than twenty nor more than thirty years from the date of said bonds, not to exceed fifty thousand dollars, in such sums as circumstances may require, bearing seven per centum interest, payable semi-annually; and said township committee shall have power and authority, and are hereby directed to provide by taxation for the payment of said bonds and the interest thereon as the same shall become due and payable; *provided*, that any indebtedness incurred for the establishment of said squares and plots shall first be authorized by a majority of the voters of said township at any annual election; and after thirty days' notice has been given thereof by said Commissioners, by posting notices thereof in three of the most public places in said township; but it shall be lawful, and said township committee are hereby empowered and directed to raise by taxation, at the same time and manner as other township taxes are raised, a sum of money sufficient to defray the expenses of the board of commissioners appointed by this act.

5. *And be it enacted*, That the said board of commissioners shall assemble on the first Monday of May, eighteen hundred and sixty-eight, at ten o'clock in the forenoon, and at such time as they shall deem necessary to carry out the provisions of this act; and at their first meeting they shall organize the board by electing a president and secretary, the secretary to be other than one of the commissioners, and a majority of the commissioners shall constitute a quorum for the transaction of business, and shall make such rules and regulations as may be necessary to govern said board; before proceeding to business each of said commissioners shall take and subscribe an oath before the clerk of said township, "to faithfully and impartially execute the duties imposed upon them by the provisions of this act, according to the best of their knowledge and ability;" the president of said board shall be called superintendent of streets, and shall personally superintend all the work to be done under the provisions of this act, and shall, as shall also the secretary, receive such compensation as may be fixed by the board of commissioners; but no compensation shall be allowed to any of the other commissioners for any of the duties imposed upon them by this act; any vacancy that may occur by reason of death, resignation or otherwise, shall be filled by a majority vote of the remaining commissioners, and the township committee of said township in joint meeting assembled; and no act of said board of com-

missioners shall be valid unless approved by a majority of said committee.

6. *And be it enacted*, That all streets and avenues laid, altered, changed, and grades established by the aforesaid commissioners, shall be opened, regulated and graded, in accordance with laws that now are or may hereafter be in force for opening, regulating and grading the streets and avenues of said township; and the aforesaid commissioners, in all cases of vacating streets, shall assess and determine the damage, if any, that may be claimed by the owners of property affected by the vacating said streets or avenues, said assessment to be made and collected in accordance with laws that now are or may hereafter be in force for opening and regulating of streets and avenues in said township; *provided*, that whenever either of said commissioners are interested in any street or avenues so vacated, said commissioners so interested shall be ineligible to act in regard to any assessment for benefits or damages upon said street, avenue or square.

7. *And be it enacted*, That said commissioners are hereby empowered and authorized to employ a surveyor or surveyors, and such other persons as may be necessary, to carry out the provisions of this act.

8. *And be it enacted*, That the power of said commissioners appointed by this act, shall cease on the first day of May, eighteen hundred and seventy-three, and all acts and parts of acts inconsistent with this act, be and the same are hereby repealed.

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

Approved, April 7, 1868.

Supplement to an act entitled "An Act to amend an act entitled 'A supplement to an act authorizing the appointment of Commissioners to lay out and map streets, avenues and squares in that part of Bergen township south of the Morris canal, in the county of Hudson,' which said act to amend an act was approved March twenty-third, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the third section of the act to which this is a supplement shall be amended by adding the following words: "*provided*, this act shall be construed as relating to sidewalks as well as to the roadbed of any streets, avenues, or squares opened in accordance with this act."

2. *And be it enacted*, That the sixth section of the act to which this is a supplement shall be amended by adding the following words: "*provided*, that said chosen freeholders so appointed shall file said certificate, either affirming or altering said assessment, with

*Power
Commissioners
1873*

*where the freeholders
1873
not held out the
freehold*

*See
copy*

the said county clerk within thirty days from the date of their appointment, and in default thereof the said assessment made by said commissioners shall be valid, and final and conclusive; *provided further*, that if said chosen freeholders so appointed shall neglect or refuse to perform the duties imposed upon them by this act, they or either of them so appointed shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be fined not less than one hundred nor more than five hundred dollars; to be sued for by the party appealing aforesaid."

3. *And be it enacted*, That whenever the owner or owners of any land or lands through which any street, avenue, or square may be opened shall elect to actually open, grade and regulate the same, they, the said owners shall notify the township committee of Bayonne township in writing within ten days after receiving notice of the amount assessed against him or them, of their intent to do so; said opening, grading, and regulating to be done by said owner or owners within such time or times as the said township committee shall direct, and in case said owner or owners shall neglect or refuse to open, grade and regulate said street, avenue or square, within the time appointed by said township committee, then said township committee shall cause the same to be done forthwith, and are hereby empowered and directed to do the same; and said owner or owners neglecting or refusing to open, regulate and grade said street, avenue or square, shall be lawfully bound to pay any assessment made against him or them by the provisions of the act to which this is a supplement.

4. *And be it enacted*, That whenever one or more of the owners of land upon either or both sides of any street, avenue, or square now opened, or that may hereafter be opened, shall apply in writing to the township committee aforesaid, for the improvement of sidewalks and crosswalks upon either or both sides of any of said streets, avenues or squares or parts thereof, it shall and may be lawful, and the township committee are hereby authorized, empowered and directed within thirty days after application, to cause an estimate to be made of the probable cost to pave said sidewalk or sidewalks and crosswalks, either with stone, flagging, hard merchantable brick, or pine or spruce planking of not less than one and one-half inches in thickness, said paving or planking to be not less than four feet in width, and as soon as said estimate is made shall notify in writing within ten days thereafter, said owner or owners of the probable cost of making said sidewalk or sidewalks and crosswalks, stating the amount each owner is assessed, which shall be a pro-rata division of said cost per lineal foot upon the property along said street or side of the street, avenue or square on which said sidewalk is laid; and if a majority of said owners do not object to said assessment in writing to said township committee within ten days from the date of said notice, then

C. C. M. J. H. M. S. S. A.

it shall be lawful, and said township committee are hereby authorized, empowered and directed to cause the paving of said sidewalks and crosswalks to be done forthwith, and each of said owners shall be bound to pay to the treasurer of said township the amount so assessed against him or them within sixty days from the date of said notice; said money when so paid and collected, to be used solely for the purpose of making said walks; and in default of the payment thereof within the time specified, said assessment shall be a lien against said property, to be collected in the same manner as other state, county and township taxes are collected; *provided*, that any owner or owners so assessed may pave the sidewalks and crosswalks in front of their own property at their own expense, under the supervision of such person and within such time (not less than thirty days) as said township committee shall direct; said owner or owners to give notice in writing within fifteen days from the date of the notice of said assessment, to said committee, of his or their intention to do said paving; and in case said owner or owners shall pave said sidewalks and crosswalks within the time specified by said committee, and according to the provisions of this act, then said owners shall be exempt from said assessment; and in case all the owners on any of said streets, avenues or squares, or parts of streets, avenues or squares, shall pave the sidewalks in front of their property, and shall neglect to make the crosswalks connecting therewith, then the said township committee shall cause said crosswalks to be made of such material as to them may seem best, and assess the cost of the same pro-rata per lineal foot upon the owner or owners of property along the line of said streets or sidewalks to be collected and paid as aforesaid.

5. *And be it enacted*, That whenever any filling is required upon any street, avenue or square ordered to be opened and graded in accordance with this act and the act to which this is a supplement, it shall not be lawful for any contractor or contractors, or other person or persons acting under the authority or by contract made with the township committee, to sell or dispose of in any way, or remove any earth or stone from the line of said street, avenue or square, except for the purpose of filling in said street, avenue or square to the grade established by the provisions of said acts; *provided*, that said contractors may, after said street or avenue has been fully graded to said established grade, dispose of and remove any surplus earth or stone that may be upon said street or avenue, or part of street or avenue which said contractor or contractors may have contracted to grade.

6. *And be it enacted*, That whenever filling is required to be done to make the grade established on any street or avenue aforesaid, and the amount assessed against the owner or owners of the land in front of whom said filling is required to be done is not sufficient to do said filling, it shall and may be lawful, and the town-

ship committee aforesaid are hereby authorized and empowered to assess upon said owners or owner such additional amount of money, and no more, as will be sufficient to complete said filling, said additional assessment to be paid and collected in the same manner as all other assessments provided for by this act and the act to which this is a supplement.

7. *And be it enacted*, That all acts or parts of acts inconsistent with this act and the act to which this is a supplement, be and the same are hereby repealed.

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

Approved, April 16, 1868.

State of New Jersey.

A FURTHER SUPPLEMENT

To "an Act authorizing the appointment of Commissioners to lay out and map Streets, Avenues and Squares in that part of Bergen township south of the Morris Canal, in the County of Hudson." Approved the sixteenth day of March, eighteen hundred and fifty-seven.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That said commissioners or a majority of them shall have power and authority, and are hereby empowered, to alter or change the width, course, names and location of any of the streets, avenues and squares laid down on the map of said township, to lay out new streets or parts of new streets and avenues, to vacate streets or avenues or parts of streets and avenues, now opened or laid out, where and when new streets and avenues, when opened, would clearly be a public benefit and improvement, to erect as many monuments and no more as will serve to locate clearly and with facility the several streets and avenues of said township: provided, such changes, alterations and improvements are requested in writing by any property owners.

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

Approved, March 31st, 1869.

State of New Jersey.

L. S.

I, HORACE N. CONGAR, Secretary of the State of New Jersey, do hereby certify, that the foregoing is a true copy of an Act passed by the Legislature of this State, and approved by the Governor Thirty-first day of March, A. D., 1869, as taken from and compared with the original now on file in my office.

In Testimony Whereof, I have hereunto set my hand, and affixed my official seal, this Sixth day of May, Eighteen hundred and Sixty-nine.

H. N. CONGAR.

State of New Jersey.

AN ACT,

To amend an Act entitled "A further Supplement to an Act authorizing the appointment of Commissioners to lay out and map Streets, Avenues and Squares in that part of Bergen Township south of the Morris Canal in the County of Hudson," which Supplement was approved April Seventh, Eighteen hundred and Sixty-eight.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey,* That the second section of the act to which this is an amendment shall be amended by striking out the words: "Provided such changes, alterations and improvements are requested in writing by the owners of five-eighths in value of the property on the line of said streets, avenues alterations or improvements, also that the fourth section of said act shall be amended by striking out the words "and plots" from the proviso of said section: also that the sixth section of said act shall be amended by inserting between the words "streets" and "shall" the words "where other streets or avenues are not laid in lieu thereof."

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

Approved, April 1st, 1869.

State of New Jersey.



I, HORACE N. CONGAR, Secretary of State of New Jersey, *do hereby certify*, that the foregoing is a true copy of an Act passed by the Legislature of this State, and approved by the Governor the First day of April, A. D., 1869, as taken from and compared with the original now on file in my office.

In Testimony Whereof, I have hereunto set my hand, and affixed my official seal, this Sixth day of May, Eighteen hundred and Sixty-nine.

H. N. CONGAR.

INDEX.*

	PAGES.	SECTIONS.
AYES and NOES :		
entered on passage of ordinance over veto,	15	.. 30
ASSESSMENTS :		
General provisions for,	27 to 33	.. 55 to 68
Assessment map,	18	.. 38 ¶ 9
New assessments on certiorari, Supplem't.
(See Improvem'ts and assessm'ts therefor.)		
ASSESSORS :		
Ward officers,	5	.. 4
Duties of, official oath, &c., Board of,	12 and 13	.. 21 and 26
(See " Taxes and their collection.")		
ANIMALS :		
Droves of, and driving of in streets,	18	.. 38 ¶ 7
Cruelty to,	19	.. " ¶ 12
Running at large,	19	.. " ¶ 11
APPEAL :		
When it lies from the Recorder and to whom,	9	.. 12
APPOINTMENTS :		
List of appointive officers,	4	.. 3
When term of office commences and expires,	13	.. 23
BATHING :		
Council may regulate or prohibit,	20	.. 38 ¶ 22
BEGGARS, Mendicants, &c. :		
Council may restrain and punish,	19	.. 38 ¶ 13
BIRDS :		
To prevent shooting and trapping of,	20	.. 38 ¶ 21
BOARD OF ASSESSORS :		
Of whom composed, when to meet, duties of,	13	.. 26
BOARD OF COUNCILMEN :		
Vacancies in, how filled,	7 and 16	.. 9 and 34
Majority a quorum—powers of less number, meetings, &c.,	16	.. 33
President of, when acting Mayor,	8	.. 10
Powers and duties of,	14 to 20	.. 29 to 39
To pass, alter and repeal ordinances when,	17 and 27	.. 38 and 55
In relation to city paying one-third of paving,	20	.. 39
To pass ordinances over veto, when,	15	.. 30
To appoint certain officers,	4, 5 and 26	.. 3 and 52
To remove certain officers for cause,	16	.. 34
To fill vacancies in office,	16 and 7	.. 34 and 9
To prescribe duties, regulations, &c., for officers,	17	.. 37
To take bonds of certain officers,	13	.. 24
May allow time to deliver books, &c., to successor,	14	.. 28
To fix certain salaries,	16	.. 36

* This is an index only of Charter of Bayonne, and the Supplement—p. 1 to 51.

	PAGES.	SECTIONS.
BOARD OF COUNCILMEN :		
To remit penalties,.....	9	12
To designate Justice to act as Recorder, when,.....	7	9
To borrow money, when, and what for,	21 and 34	41 and 74
To tax polls and real and personal pro- perty,.....	21 and 34	41 and 74
To deliver delinquent tax-list to Justice,	22	44
May sell lands for non-payment of taxes,	23	46
Should give notice of expiration of time, &c.,	25	49
To make improvements on application, ..	27	55
See "Commissioners of Street Improvements."		
" "Taxes and their collection."		
" "Improvements and assessments therefor."		
BOARD OF EDUCATION :		
Powers and duties of—how constituted,...	37	77
BOARD OF HEALTH : Council to establish,.....	20	38 ¶ 20
BONDS : What officers to give,.....	13	24
City may issue for certain purposes,.....	34	74
City Bonds, how signed, &c. Record thereof,	35	75
BORROWING MONEY :		
When Council may borrow,.....	21 and 34	41 and 74
BOUNDARIES : Of City,	3	1
BUILDINGS : (See "Ordinances.")		
BUTCHERS : Power of Council concerning,.....	19	38 ¶ 14
BY-LAWS : Presumed to be regularly passed until, &c.,	11	18
CERTIORARI :		
General provisions concerning (sup. to char.)		(Sup.)
Prosecutor must give bond. Filing thereof.	10	15
Costs on—who to pay,.....	11	16
Recorder may charge for return to,.....	10	14
City Clerk may charge for return to,.....	20	40
CHARTER : To be submitted to people	37	79
CHARTER ELECTION : When and how and place held,	5	5
Who can vote at and who elected,.....	5	6
CHIEF ENGINEER—FIRE DEPARTMENT : How elected,	4	3
See "Fire Department."		
CHOSEN FREEHOLDER : City officer,.....	4	3
Duties of,.....	12	21
CIRCUSES : (See "Ordinances.")		
CITY : Corporate title, seal and powers of,.....	3	1
City officers; names of, elective and ap- pointive,.....	4	3
Terms of office,.....	4	3
How vacancies are filled,.....	7	9
When to be sworn in and give security, ..	12	22
When term expires,.....	13	23
City Property—Council to control, &c.,...	19	38 ¶ 16
CITY CLERK : City officer, appointed, term of,.....	4	3
His powers and duties,.....	11	18
To take oath of office,.....	12	22
" give bonds,.....	13	24
" administer and file oaths of office,.....	13	22
" have charge of records, books, &c.,.....	11	18
" keep minutes,.....	11	18

	PAGES.	--	SECTIONS.
CITY CLERK : To present ordinances to Mayor,.....	15	--	30
To sign ordinances,.....	11	--	18
" present to Council vetoes of Mayor,....	15	--	30
" countersign warrants,.....	11	--	17
" attest city bonds and sign same,.....	21 and 35	--	41 and 75
" sign conveyances,.....	35	--	76
" " declarations of sale,.....	23	--	46
" give certified copy records, &c.,.....	11	--	18
" file proceedings of Collector of Revenue,	12	--	20
" take oath of Collector of Revenue,.....	22	--	44
" pay over moneys to Treasurer,.....	12	--	18
" distribute financial statements,.....	16	--	32
" charge for return to certiorari (also see supp.).....	20	--	40
" keep record of taxes and assessments, ..	25	--	47
" present list of delinquent tax-payers to Council,	22	--	44
" keep record tax sales and give searches,	25	--	48
" file preliminary assessment map and report,.....	27	--	55
" file remonstrances,.....	27	--	56
" file final assessment map and report,....	28	--	57
" advertise notice of filing same,.....	"	--	"
" post notice of hearing objections,.....	"	--	"
" refile assessments when returned,.....	"	--	58
CITY PROPERTY : Council to control and manage,..	19	--	38 ¶ 16
CITY SURVEYORS : City office, appointive, term of,..	4	--	3
Duties of,.....	12	--	19 and 21
COLLECTOR OF REVENUE :			
City office, appointive, term of,.....	4 and 12	--	3 and 20
To give bonds,.....	13	--	24
Duties of,.....	12 and 22	--	20, 44 & 45
(See " Taxes and their collection.)			
COMBUSTIBLE ARTICLES : Keeping of regulated,....	19	--	38 ¶ 18
COMMISSIONERS OF APPEAL : Ward officers,.....	5	--	4
Duties of,.....	12	--	21
COMMISSIONERS OF ASSESSMENT : Appointment of, ..	26	--	52
Duties of,.....	26	--	53
Majority may act if all notified,.....	26	--	54
(See Improvements and assessments therefor.)			
(See, also, supp. to charter, sec. 5.)			
CONSTABLES : Ward officers,.....	5	--	4
May serve process for Recorder,.....	9	--	13
Duties of,.....	12	--	21
CONTRACTS : Certain contracts null and void,.....	16	--	35
CONVEYANCES : By City—how made,.....	35	--	76
COUNCILMEN : Ex-officio duties of,.....	5	--	4
Power of arrest in certain cases,.....	15	--	31
Can have no interest in contracts,.....	16	--	35
Can't be surety for any public officer,.....	16	--	35
Can't hold certain offices,.....	16	--	35
(See " Board of Councilmen. ")			

	PAGES.	SECTIONS.
DOCKS, WHARVES AND PIERS :		
Council to order and regulate building,.....	18	-- 38 ¶ 8
DANGEROUS ARTICLES: Keeping of regulated,.....	19	-- 38 ¶ 18
EDUCATION:		
School Trustees to be Board of Education,	35	-- 77
ELECTION: When charter election shall be held,....	5	-- 5
List of elective officers,.....	4 and 5	-- 3 and 4
Term, when commences and expires,.....	13	-- 23
EVIDENCE:		
Records, papers, &c., in Clerk's office, and certified copies,.....	11	-- 18
Firemen's exempt certificates evidence,.....	34	-- 73
EXPULSION: Council may expel member,.....	14	-- 29
FAST DRIVING: Council may prevent,.....	19	-- 38 ¶ 12
FINANCES: Council to manage and control,.....	19	-- 38 ¶ 16
FINANCIAL STATEMENT :		
Council to have made and printed and clerk distribute,.....	15	-- 32
FINES: Jury trials where fines exceed \$20,.....	9	-- 12
Fines not to exceed \$50,.....	9	-- 12
All fines to be paid to Treasurer,.....	14	-- 27
FIRE DEPARTMENT: Chief Engineer of—how elected,	5	-- 3
Council to establish, regulate, control, &c.,	19	-- 38 ¶ 18
Members of, when exempt from jury and militia duty,.....	34	-- 75
FIRE WORKS: (See "Ordinances.")		
FIRING OF GUNS: Council may regulate or prohibit,	20	-- 38 ¶ 22
GAMING: Council may prevent and suppress,.....	19	-- 38 ¶ 13
GAS AND GAS-PIPES: (See "Ordinances.")		
GUNPOWDER: Council may regulate keeping of,....	19	-- 38 ¶ 18
GUNS: (See "Ordinances.")		
HAWKERS AND HUCKSTERS:		
To license, regulate and prohibit,.....	19	-- 38 ¶ 14
HEALTH:		
Council to establish laws for, and Board of Health,.....	20	-- 38 ¶ 20
IMMORALITY: (See "Ordinances.")		
IMPRISONMENT: Not to exceed 60 days,.....	9	-- 12
IMPROVEMENT BONDS OR STOCK: When may issue,	20	-- 39
IMPROVEMENTS AND ASSESSMENTS THEREFOR:		
Council authorized to make certain im- provements,.....	17 and 27	-- 88 and 55
Application for and publication thereof,....	27	-- 55
Ordinance therefor and reference of same, ..	"	-- "
Commissioners of assessments to make pre- liminary assessment, &c.,.....	27	-- 55
Commissioners to file map and report,.....	"	-- "
City Clerk to advertise filing and post notices,.....	"	-- "
Remonstrance against improvements,.....	"	-- 56
When Council may proceed,.....	"	-- 56
Expenses when improvement is stopped,....	"	-- "
Council may refer back map and report,.....	28	-- "

	PAGES.	SECTIONS.
MORTGAGES:		
On real and personal property in city exempt from taxation,.....	25	50
NUISANCES: (See "Ordinances.")		
OFFICES AND OFFICERS:		
Elective and appointive—city and ward,...	4 and 5	3 and 4
When official term commences and expires,.....	13	23
Oath and bond, when required, and penalty for neglect,.....	13	22
Penalty for not turning over books, &c., to successor,.....	14	28
May resign and be removed for cause,.....	16	34
Council to fix pay and duty of certain officers,.....	16 and 19	36 & 38 ¶ 15
ORDINANCES: Animals,.....	18 and 19	38 ¶ 7, 11 and 12
Assessment map,.....	18	38 ¶ 9
Avenues,.....	17 and 27	38 ¶ 1 & § 55
Bathing,.....	20	38 ¶ 22
Beer saloons,.....	19	38 ¶ 14
Beggars,.....	19	38 ¶ 13
Birds,.....	20	38 ¶ 21
Board of Councilmen,.....	14	29
Board of Health,.....	20	38 ¶ 20
Buildings,.....	19	38 ¶ 18
Butchers,.....	19	38 ¶ 14
Caravans,.....	20	38 ¶ 22
Cattle,.....	18 and 19	38 ¶ 7 & 11
Certified copy of,.....	11	18
Circuses,.....	20	38 ¶ 22
City Clerk,.....	11 and 15	18 and 30
City Prison,.....	21 and 19	41 & 38 ¶ 17
Compensation of officers,.....	6 and 19	7 & 38 ¶ 15
Contingent expenses,.....	21	41
Cross-walks,.....	27, 17, 18 and 19	55 & 38 ¶ 1 3, 6 & 12
Curbs,.....	27 and 18	55 & 38 ¶ 2 & 3
Disorderly assemblages,.....	19	38 ¶ 13
Disturbances,.....	" "	" "
Docks,.....	18	38 ¶ 8
Dogs,.....	19	38 ¶ 11
Drains,.....	27 and 18	55 and 38 ¶ 2 & 10
Duties of officers,.....	12, 17 & 19	19, 20, 21, 37, 38 ¶ 15
Encroachments,.....	18	38 ¶ 5
Engine chimneys, ovens, flues and pipes,.....	19	38 ¶ 18
Evidence, book of ordinances, &c.,.....	11	18
Fast driving,.....	19	38 ¶ 12
Finances,.....	19	38 ¶ 16
Fines, collected under, paid to Treasurer,.....	14	27
Fire crackers,.....	20	38 ¶ 22

CITY OF BAYONNE,

NEW JERSEY.

SUPPLEMENTS TO CHARTER

PASSED 1871.

LIST OF OFFICERS ELECTED AND
APPOINTED FOR 1871.

MAYOR'S ANNUAL MESSAGE AND TREASURER'S REPORT

JERSEY CITY:

TIMES PRINTING COMPANY, No. 44 MONTGOMERY STREET.

1871.



State of New Jersey.

ASSEMBLY No. 449.

An Act to amend "An Act to incorporate the City of Bayonne, in the County of Hudson and State of New Jersey," approved March Tenth, one thousand eight hundred and sixty-nine, and the several supplements thereto.

1. BE IT ENACTED, by the Senate and General Assembly of the State of New Jersey, That the act entitled "An Act to incorporate the City of Bayonne, in the County of Hudson and State of New Jersey, be and the same is hereby amended, as follows:

1. Amend section three by striking out of said section, the words "and the superintendent of schools for the term of one year."

2. Amend section six by striking out of said section, the word "white" and inserting after the words, "and of the City thirty days," the words "and of the ward twenty days."

3. Amend section nine by inserting therein, after the words ("except in the office of mayor, recorder or councilmen," the words, "or in the board of education," so that said exception will read as follows: ("except in the office of mayor, recorder, or councilmen, or in the board of education.")

4. Amend section nine by adding thereto, the words "but any vacancy occurring in the board of education in any manner whatsoever, shall be filled by a majority

vote of its own body elect, until the last Monday of April next ensuing ; at the next charter election after the said vacancy occurs in said board of education, there shall be elected a school trustee for the remainder of the said unexpired term, and his term of office shall commence on the expiration of the term of office of the person so appointed by said board of education.

5. Amend section twenty-two by striking out the word "ten," wherever it occurs in said section, and inserting in lieu thereof the word "twenty."

6. Amend section thirty-nine by adding thereto these words: "and the said bonds or stock may be sold at public or private sale, or paid to contractors at not less than ninety-five per centum of their par value, at such times, and in such amounts as directed by resolution of the board of councilmen ; and for the purpose of paying such bonds or stock, and the interest thereon as the same may become due, the mayor and council of the City of Bayonne, are hereby authorized to assess and collect annually, a tax sufficient to pay the interest thereon each year, and to constitute a proper sinking fund for all or any portion of said debt which may exist, which tax shall be in addition to any other tax authorized by this act; and the collector of revenue shall collect and pay the same to the city treasurer, and enforce the payment thereof in the same manner as other taxes ; and said tax shall be kept separate and distinct from all other taxes."

7 Amend section three by striking out of said section the words, "two or more city surveyors," and inserting in lieu thereof, the words "one or more city surveyors."

8. Amend section seventy by adding thereto the words, "and the board of councilmen in reference to any tax or assessment due to the former township of Bayonne, may sell the lands, tenements or real estate, upon which the same was assessed or is a lien in the

manner prescribed in sections forty-six and forty-seven of said act, and all the powers and provisions of sections forty-six, forty-seven, forty-eight and forty-nine of said act, shall be applicable to the said taxes and assessments due to the former township of Bayonne, the same as if the terms of said sections had been made specially applicable thereto."

2. *And be it enacted*, That section sixty-seven of an act entitled "An Act to incorporate the city of Bayonne, in the County of Hudson and State of New Jersey," be amended so as to read as follows: "that the petition filed praying for any improvement contemplated by this act and the ordinance in reference thereto, may embrace any number of improvements upon the same street, road or avenue or proposed street, road or avenue; but the commissioners of assessments shall return a separate map and report for such of said improvements embraced in said petition or ordinance, as may be directed by resolution of the board of councilmen, and in all other cases they shall return one map and report for all of said improvements embraced in said petition or ordinance."

3. *And be it enacted*, That section two of an act entitled "An Act to incorporate the city of Bayonne, in the County of Hudson and State of New Jersey, be amended so as to read as follows: "that the said City shall be divided into three wards, in the manner following, to wit: all that portion of said township south of the centre line of Linnet street, extending southerly and easterly to Kill Von Kull and northerly and westerly to Newark bay, to constitute the first ward, and from said line northerly to, and including two hundred and thirty feet north of the northerly line of Huron avenue, and parallel with said avenue, from New York bay to Newark bay, to constitute the second ward; and all that portion of said township north of said boundary line, to constitute the third ward of said city, and these

divisions shall remain until changed by the mayor and council, who shall have power once in four years, dating from the passage of this act, to revise, and if in their judgment, it is necessary, alter said divisions or increase the number of said wards.

4. *And be it enacted*, That section seventy-four of an act entitled "An Act to incorporate the city of Bayonne, in the County of Hudson and the State of New Jersey, be amended so as to read as follows: "That the mayor and council are hereby authorized and empowered, for the purpose of purchasing sites for parks, markets, school houses, public buildings and wharves in said city, and for the purpose of erecting on said sites, suitable buildings or wharves or other structures thereon," in addition to the powers conferred by "a further supplement to an act entitled "An Act authorizing the appointment of commissioners to lay out and map streets, avenues and squares in that part of Bergen township south of the Morris canal, in the County of Hudson," approved the sixteenth day of March, one thousand eight hundred and fifty-seven, which said supplement was approved, April seventh, one thousand eight hundred and sixty-eight, to issue, in the name of the mayor and council of the city of Bayonne, coupon bonds, to be denominated on the face thereof, "City of Bayonne Bonds," to an amount not to exceed two hundred thousand dollars, bearing interest at a rate not over seven per centum per annum, payable half-yearly, and the principal of said bonds shall be payable at periods not less than ten nor more than thirty years from the date thereof, and the said bonds may be sold at public or private sale, at not less than ninety-five per centum of the par value thereof, at such times and in such amounts only as the proceeds may be required as aforesaid, and for the purpose of paying said bonds and the interest thereon, as the same may become due, the said mayor and council are hereby authorized to

assess and collect annually, a tax sufficient to pay the interest each year, and to constitute a proper sinking fund for any portion of said debt which may exist, which tax shall be in addition to any other tax authorized by this act; and the collector of revenue shall collect and pay the same to the city treasurer, in the same manner as other taxes; and said tax shall be kept separate and distinct from all other taxes.

5. *And be it enacted*, That when a petition for an improvement states that the property owners whose names are signed thereto, will pay all the expenses and costs of the improvement applied for, and that they consent that the amounts assessed against their property by the commissioners of assessments, shall be a lien thereon until paid, that then and in that case, the board of councilmen may, by ordinance, proceed forthwith to execute and carry out said improvement under said application; and it shall not be necessary to advertise said petition, make the preliminary map and report, or do any of the matters required by section fifty-five, of an act entitled "An Act to incorporate the city of Bayonne, in the County of Hudson and State of New Jersey.

6. *And be it enacted*, That whenever the act entitled "An Act to incorporate the city of Bayonne, in the County of Hudson and State of New Jersey," or any supplement thereto requires the publication of any petition, application for an improvement, ordinance, notice or other matter or thing, it shall be deemed a sufficient publication thereof under any of said acts, if the same is published in one weekly or one daily newspaper in Hudson County, to be named by resolution of the city council.

7. *And be it enacted*, That the mayor and council of the city of Bayonne, are hereby authorized to enter into a contract with the board of chosen freeholders of the County of Hudson, agreeing to pay the expenses of

erecting a proper stone pier or abutment for a bridge crossing the Morris canal from Greenville to the city of Bayonne, and the money to pay for said pier or abutment, shall be raised by a general tax on all the taxable property in the city of Bayonne, by an ordinance to be passed for that purpose.

8. *And be it enacted*, That the council shall have power to build bridges or the abutment or any portion thereof, or enter into contract, agreeing to pay the whole or any portion of the expense of such erection, and to raise the money therefor by taxation upon all the taxable property in the city of Bayonne.

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

Approved March 31st 1871.

STATE OF NEW JERSEY.

I, HENRY C. KELSEY, Secretary of State of [L. S.] the State of New Jersey, do hereby certify, that the foregoing is a true copy of an act passed by the Legislature of this State, and approved by the Governor the thirty-first day of March, A. D., 1871, as taken from and compared with the original now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed my official seal, this eleventh day of April, eighteen hundred and seventy-one.

HENRY C. KELSEY.

OFFICERS
OF THE
CITY OF BAYONNE,

1871.

Mayor,
HENRY MEIGS.

President of the Council,
FRANCIS I. SMITH.

City Clerk,
WILLIAM C. HAMILTON.

Council,
First Ward,
F. I. SMITH, D. C. HALSTED.

Second Ward,
JACOB R. SCHUYLER, EDMOND ISBILL.

Third Ward,
JOHN COMBS, JOSEPH ELSWORTH.

Chief of Police,
GEORGE B. WHITNEY.

Recorder,
WILLIAM D. MYERS.

Collector of Revenue,
JOHN H. CARRAGAN.

Treasurer,
J. CONNOR SMITH.

Street Commissioner,
HIRAM VAN BUSKIRK.

Overseer of Poor,
EDWARD PERRY.

Commissioners of Assessments,
FIRST WARD.—E. C. BRAMHALL.
SECOND WARD.—H. K. VAN HORN.
THIRD WARD.—GEO. H. SANFORD.

Board of Education,
F. G. PAYN, PRESIDENT. GEO. Y. YATES, SECRETARY.

Trustees,
F. G. PAYN, P. C. DOREMUS, CHARLES DAVIS, NATHAN
BARTLETT, JOHN VAN BUSKIRK, C. V. H. VREELAND,
WILLIAM D. MYERS, J. T. FIELD.

Board of Health,
H. MEIGS, PRESIDENT EX OFFICIO.
M. G. PAYN, M. D., HEALTH PHYSICIAN.
F. I. SMITH, SECRETARY.

Standing Committees,
Assessments, Sewers and Streets.—ISBILL, SCHUYLER, COMBS.

Finance,
SCHUYLER, ISBILL, HALSTED.

Licenses,
ELSWORTH, ISBILL, HALSTED.

Laws and Ordinances,
HALSTED, ELSWORTH, COMBS.

Health,
COMBS, ELSWORTH, SCHUYLER.

Buildings, Docks and Printing,
SCHUYLER, HALSTED, ISBILL.

REGULAR MEETINGS every Tuesday evening, except during
July, August, September and October; and, in those months, on the
first and third Tuesday evenings.

The Mayor's Message.

To the Hon. Board of Councilmen of the City of Bayonne—Gentlemen :

I did not expect to address to your honorable body another annual message, for it was fully my intention to decline a re-election. I desired to retire from the cares and responsibilities of the office, and to make way for some other citizen to receive its honors and assume its duties.

But it has pleased my fellow-citizens to express so decided a preference that I should serve another term, and they have so strongly represented that it was important to the preservation of unity that I should continue in the office, that I have been persuaded that it was my duty to accept.

The extraordinary and almost unprecedented vote for me at the late election indicates a degree of confidence which I did not expect, especially when I remembered that during two years of service in the office, I had been obliged, in the discharge of my duty, to disappoint, if not decidedly offend many of my constituents. I have endeavored to pursue a strictly impartial course, and it is very gratifying to me to find that it has been appreciated.

I have been particularly pleased by the disposition manifested to continue after a trial of two years, the policy with which we commenced our career as a city,

of keeping party politics out of our local affairs. It is undoubtedly a difficult undertaking to accomplish, but it is indispensable to our success.

The progress we have made under the policy of unity to which I have just referred ought to encourage us to persevere. Contrast the work of the last two years in this place with all its previous history! Then all or nearly so, were indifferent or opposed to any attempt at improvement. Now all is activity, and a strong desire pervades the community to make the proper preparations to accommodate the increasing population.

Some items of this progress will show that our City authorities have been busy in the performance of their duties, and that our people have not been slow in calling upon them for action. For instance, within two years there have been streets opened, and graded in part, or proceedings in progress for opening and grading them, to the aggregate length of about nineteen miles.

There have been streets curbed, guttered and flagged in part, and proceedings in progress to complete them, to an aggregate length of about five miles. And there have been sewers constructed and nearly complete to the extent of about a mile and a half.

The foundation work of laying out the City in streets, fixing proper and permanent grades, and placing monuments, which will prevent controversies as to bounds for all time to come, these have happily nearly all been completed by an intelligent and honest commission, to whom the thanks of posterity will certainly be accorded, and they deserve and should receive our own.

Our public school arrangements have been made what they ought to be, on a liberal scale. Four fine new permanent buildings, with every convenience about them, with a proper corps of intelligent teachers, tes-

tify to the importance we attach to this fundamental element of an enlightened community, and it has been a gratifying circumstance to me, that I have heard very slight complaints of the necessarily large taxes required for their establishment and support. The effect of these improvements is manifest in the increased attendance, which now shows an average of 333 pupils compared with 206, attending two years ago — before these improvements were instituted, and the number on the register is now about 832, compared with 539 at that time.

Our police, force since its re-organization, with a proper head, has given general satisfaction, and I have been particularly gratified by Chief Whitney, as well as by the excellent conduct of the men under his command. In a former communication I stated to your honorable body that the smallest possible number of patrolmen with which anything like a day and night service could be performed was six besides the Chief. The experiment of such a service has been tried, and it proves to be almost too arduous a duty to exact from the men, and that some beats, exposed by being remote from the closer settled districts, have to be almost entirely neglected. If a single patrolman is sick, some part of the day or night duty cannot be performed.

I suggest that authority be given to name two or three "chance men," to be used and compensated for such portions of their time as the emergencies of the service require. Our station-house, fitted up at small expense, proves to be an invaluable and indispensable addition to our Police system.

The Annual Report of the Treasurer presents a gratifying statement of our finances. We commenced the fiscal year with a floating debt for money borrowed of \$11,000. We close it without any debt of that kind, and we have in the mean time paid the large sum of

\$26,300 81 in taxes to the treasury of the State and of the County; fully sustained our Public Schools, in their enlarged capacity for usefulness, and met all our other City expenses. For full particulars of receipts and disbursements I refer to the Treasurer's report, a copy of which is appended hereto.

By that report it will be seen that our Bond debt consists of the following items, viz. :

Bayonne Township Bonds, issued for war purposes.....	\$40,500
City Bonds (20 years, 7 per cent.,) issued for School purposes.....	64,000
Improvement Bonds (6 years, 7 per cent.,) issued for Street improvements, Sewers, &c.	105,500
	<hr/>
	\$210,000

These debts must be paid at maturity, and we ought to give them such attention as will certainly secure that result. Of the War debt there is \$2,000 *due on the 1st of January, 1872*. By the act under which they were issued we are authorized to raise the amount in the yearly Tax Levy, and this sum will have to be included in the Ordinance which will soon require your attention. The City bonds issued for school purposes are all twenty year bonds. There ought to be a sinking fund created for their redemption, and I commend the subject to your attention, as of much importance in strengthening the credit of the City. A wise forethought in providing for debts will attract capital to our place, as well as be correct in principle.

The Improvement bond debt is provided for by assessments upon property. As these are payable in cash, or in five annual instalments at the option of the payer, and as they are specially pledged by the charter for the payment of the Improvement bonds, it is extremely important that this fund should be strictly guarded and sacredly devoted to that purpose. In

order to keep this fund entirely apart from other City moneys, and to fully secure its appropriation to the extinction of the City bonds, I propose to submit an Ordinance for your consideration having this particular object in view. Its adoption, I think, will very much promote the negotiation of these bonds at full prices.

The keeping of the accounts of the City has been frequently referred to in my communications, because I have considered it to be a subject of the first importance. The receipts and disbursements are becoming numerous and heavy, and require considerable labor and watchfulness to avoid confusion and errors. The duties usually performed by a "Comptroller" have been heretofore and are now performed by the Treasurer. I am satisfied that thus far these accounts have been correctly kept, but it devolves upon that officer much more labor and attention than properly belongs to a Treasurer, and I recommend that a suitable provision should be made for his performing the duty until it is deemed expedient to have a Comptroller.

I have repeatedly invited your attention to the necessity for some arrangements for office accommodations for our City Clerk and for the Collector of Revenue. This subject is of pressing importance. The multitudes of records and papers in charge of the Clerk will get into inextricable confusion unless some place is provided where they can be properly assorted and filed. They should be kept entirely in that officer's custody, so that he could be held responsible for them. The same remarks apply to the Collector of Revenue. We cannot wait until a public hall is erected, but should at once hire rooms for their use.

A suitable building for the use of our city officers has become a necessity, and I invite your attention to the communication I made on that subject under date of November , 1870. In addition to what I then said, I will only suggest, that a building of moderate

cost should be constructed upon such a plan that it can be in future advantageously converted to the use of a High School, or some other useful public object, in case it should become necessary or expedient to erect a more elaborate and expensive structure for a City Hall.

We shall, I hope, commence at an early day to pave some of our streets. The mud of the past season admonishes us not to delay this any longer. As to the kind of pavement we should put down, I have no hesitation in saying that it will be best for us to try the McAdam pavement, such as has been in use for several years in Orange, N. J. The experiment has been well tested there. The road-bed is *absolutely permanent*. The surface is liable to very little wear, and it is easily and cheaply repaired. The surface particularly should be composed of broken trap rock, which, being very hard, is not liable to be worn into dust. The whole cost of such a road will not exceed one half of that of any other good pavement, and I have no doubt it will outlast any other that can be put down. If the members of the Council will visit Orange and inspect it, as I have done, I have no doubt they will concur in what I say on the subject.

The extent to which the curbing, guttering, flagging, &c. of streets is being carried on, seems to me to render it necessary that the Street Commissioner should be provided with assistance, when he deems it to be necessary, in the way of one or more inspectors under his direction, in order to secure a thorough supervision of these important works.

The Bayonne and Greenville Gas Company is about to construct works within our limits and will desire to lay pipe in the streets. I recommend that every reasonable facility be extended to them, as it will be a great acquisition to our citizens. Should owners of property on any street or avenue consent to be taxed

for the expense, I recommend that street-lamps be established there, as provided in the Charter.

The subject of "Civil Service Reform" is engaging the serious attention of many of the statesmen of the nation. It is a matter of near concern to every community, and we cannot do a greater service to ourselves and to the country than to set the example of selecting for public officers those who have capacity and integrity, and by inculcating the doctrine, that valuable public servants shall not be subject to removal and proscription with every change in the position of political parties. In our private affairs, we do not select employees for their politics, but because they are useful and faithful; nor do we exact from them conformity with our political opinions, by discharging them when they differ from us on that subject, or when our own politics changes from theirs'. When we get a good one, we keep him and feel it to be an evil to be compelled to change. The only difference between a private and a public servant is, that in one case the employer pays the whole wages, while in the other he pays his portion through the taxes. And in case of dishonesty or incompetency, the consequent losses fall upon each in the same proportion. If we should act upon this common sense principle we should always be well served in public affairs, and to some extent aid in remedying an evil which is affecting the country and causing loud complaints from its people.

Our city has been providentially preserved during the past year, from any serious disease of an epidemic character. But a single case of varioloid or small-pox has occurred, and that within a day or two just past. Our Board of health caused the patient to be removed immediately to a hospital in Jersey City, and the premises he occupied to be properly disinfected. I trust we shall escape any further visitation of this kind.

Our Post Office system ought to be immediately re-

organized; we need but one Post Office, and that should be for the City of Bayonne, and some plan for delivering letters promptly, by carriers, would be a most useful improvement.

The Railroad Depots within our limits ought to be re-named, so that strangers shall be made aware that the four stations are so many different points in one municipality. The present names of Post Offices and Railroad Stations lead to much confusion, and the outside world will never acquire a correct idea of our city until these are properly arranged, I recommend that these subjects be put in the hands of a committee without delay.

As other subjects of special interest occur, I shall make special communications to your honorable body in relation thereto.

And now, with a firm trust in a divine guidance, and with a clear conscience, let us endeavor to deserve the confidence reposed in us by our fellow citizens, by a faithful discharge of every duty. All of which is respectfully submitted.

HENRY MEIGS, MAYOR.

CITY OF BAYONNE, April 24, 1871.

Present Financial condition of the City of Bayonne.

LIABILITIES.

Dr.	
Bayonne Township Bonds, issued for War Purposes,.....	\$40,500 00
City of Bayonne 20 year Bonds, issued for School Purposes.....	64,000 00
6 year Improvement Bond, issued for Street Improvements and Sewers, for which Assessments are pledged, 105,500,.....	27,269 63
Balance due City of Bayonne,.....	27,269 63
	\$131,769 63

ASSETS.

Cr.	
Chosen Freeholders Bond,.....	\$1,569 75
School Property, viz:.....	\$10,000 00
1st and 2d Ward School Lots,.....	77,140 43
School Buildings and other Lots,.....	87,140 42
lots Bought for City Hall,.....	10,000 00
Arrears of Taxes.....	32,958 08
Cash Balance in Treasury,.....	101 38
	\$181,769 63

The Board of Education in Account with the City Treasurer.

Dr.	
Cash Paid on School Buildings,.....	\$5,652 76
for Salaries,.....	9,929 77
School Books,.....	254 00
Furniture,.....	3,263 82
Stores and Fuel,.....	682 56
Repairs,.....	121 82
Incidental Expenses,.....	743 82
to City of Bayonne for Appropriation of 1869, unused,.....	762 64
Cash Balance on hand,.....	212 50
	\$21,623 69

Cr.	
Cash on hand, as per Statement April 4, 1870,.....	\$3,296 18
Received from County Superintendent,.....	227 51
City of Bayonne—Balance of Appropriation for 1869.....	4,200 00
on account of " 1870 18,600 00	18,600 00
	\$21,623 69

WM. C. HAMILTON,

City Clerk.

By order of the Council,

J. R. SCHUYLER,

President.

