ACTS

33844

OF THE

One Hundred and Twelfth Legislature

OF THE

STATE OF NEW JERSEY

AND

Forty-fourth Under the New Constitution.

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

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

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

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

HENRY C. KELSEY,
Secretary of State.

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OF THE

One Hundred and Twelfth Legislature

OF NEW JERSEY.

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General Public Laws.

GENERAL PUBLIC ACTS

PASSED BY THE

One Hundred and Twelfth Legislature

CHAPTER I.

Further Supplement to the act entitled "An act constituting district courts in certain cities in this state," approved March ninth, one thousand eight hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every district court now established under the act to which this act is a supplement, and under the supplements thereto, or which may hereafter be established, shall be a continuous court of record, and when any judge thereof shall cease holding his office, every suit and proceeding pending in said court, whether originally commenced in or removed to said court, shall be continued and proceeded with by and before the succeeding judge thereof, who shall also, in any suit or proceeding which may have been previously removed from said district court by appeal or on certiorari, take cognizance thereof and proceed therewith when the necessity to do so shall occur; *provided*, that where the trial of any case has been commenced and not concluded, or if concluded the case has not been decided previous to the entry by such successor upon the duties of his office, such trial shall be continued and concluded, and judgment in such case shall be rendered by the judge before whom said trial was commenced or had, and his judgment therein shall be entered as and shall be the

District courts to be continuous courts of record.

Proviso.

judgment of said court, unless said former judge by and before whom the trial of said case was commenced or had shall have died, or become incapacitated, or shall have removed from the city, then in either event, the said case shall be tried by and before such succeeding judge, as if the trial of it had not been previously had or commenced; and the judge of any district court before whom such trial commenced, if he shall close and decide the case after his successor shall enter upon his office, shall, unless he is his own successor, receive from and be paid by the city in which said district court is established, five dollars for each day that he shall be engaged in such case, not exceeding three days' pay in each case.

Judge may adjourn proceedings.

2. *And be it enacted*, That in any district court mentioned in this act, the judge may adjourn as in his judgment may be necessary, any suit or proceeding, from time to time, and for such periods as he may decide or direct.

When judge ceases to be such, clerk to continue in office until successor is appointed.

3. *And be it enacted*, That when a judge of any district court mentioned in this act, shall cease to be the judge thereof, the then clerk of such court shall continue to be the clerk thereof, until the appointment of a clerk of such court is duly made and bond is given and oath of office taken by the clerk so appointed.

Books, papers, etc., to be delivered to clerk's successor.

4. *And be it enacted*, That all books, papers, proceedings, files, dockets, records and writings, which have been heretofore or shall be hereafter used in any of the said district courts by any clerk thereof, shall belong to said court, and shall, when a clerk of said court shall cease to act, be delivered to the successor of said clerk.

Transcripts by clerk to be received in evidence.

5. *And be it enacted*, That the clerk of any of said district courts may make out transcripts or copies of any books, papers, proceedings, files, dockets, records or writings of said court, and certify them under his hand and the seal of said court, which shall, when so certified, be used as evidence in all courts of law and equity in this state, with the same force and effect as if the original from which such certified transcript or copy was made were produced.

Clerk may issue executions.

6. *And be it enacted*, That the clerk of any district court aforesaid may issue on any judgment heretofore or which may hereafter be recovered in said court, an exe-

cution, an alias or pluries execution, or any executions after a pluries execution which may be necessary; *provided*, that after the lapse of six years from the recovery of judgment, he shall not issue either of such executions until an affidavit be filed that the whole, or if part, what part, of the money recovered and costs, remains unpaid. Proviso.

7. *And be it enacted*, That any execution which within one year heretofore has been, or which shall be hereafter issued out of any of said district courts, by virtue of which there has been or shall be a legal levy made upon goods and chattels, shall, after the expiration of one year from the issue of said execution, remain valid and in full force as against the goods and chattels so levied upon, until the said goods and chattels levied upon shall be sold by virtue of said execution or by virtue of any lien or liens upon said goods and chattels prior to the lien acquired by the levy under said execution, or until the amount of the judgment on which said execution was issued and costs and interest be paid in full; and in case of the death or inability to act of an officer by whom a levy has been made by virtue of any execution issued out of said court, upon due proof thereof to the satisfaction of the judge of said court and of the amount which remains due upon said execution, the said judge may appoint a constable to proceed with and execute said execution, and such constable so appointed shall have the same power he would have had, and shall, in all things then yet to be done, proceed after such appointment in the same manner he would have proceeded if the execution had been originally delivered to him, and he had done what up to the time of his appointment was done by the officer to whom said execution was originally delivered, but so that such officer so appointed shall not be liable for any default or error of the officer to whom the execution was originally delivered. Execution valid after one year from issue, etc. In case of death, etc., of levying officer, judge may appoint constable to proceed with execution.

8. *And be it enacted*, That whenever in any suit for the dispossession of a tenant or tenants, upon the return day of the summons, or any adjourned day, there is no appearance by or on behalf of any tenant named therein, or if any defendant shall appear, but make no defense, the court may, if it appear that said summons has been duly issued and served, hear and determine the cause Proceedings in suits for the dispossession of tenants.

upon the affidavit or affidavits filed, without the production of witnesses or other proofs.

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

Approved January 30, 1888.

ROBERT S GREEN,
Governor.
GEORGE H. LARGE,
President of the Senate.
SAMUEL D. DICKINSON,
Speaker of the House.

CHAPTER II.

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

Sales of land not invalidated by omission to advertise.

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

Proviso.

to the satisfaction of said court or judge that the land has been sold for a fair price, and that it is proper in such case to make the order, and a deed or deeds so given shall operate to transfer the title to the purchaser or purchasers as fully as if the sale had been advertised in two newspapers of the county where the lands are situated, in the manner, and as required by the acts to which this is a further supplement.

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

Approved January 30, 1888.

CHAPTER III.

A Supplement to an act entitled "A further supplement to an act entitled 'An act regulating proceedings in criminal cases,'" approved March seventeenth, one thousand eight hundred and eighty-one.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if one of the justices of the supreme court shall not be present at the court-house in any county of this state on any day when said grand jury desires to make presentments or to be discharged, then the court of general quarter sessions of the peace in and for such county may receive such indictments and presentments as may be presented by said grand jury, and may also discharge the grand jury, the same as the court of oyer and terminer might do if said justice of the supreme court were personally present.

When court of general quarter sessions may receive presentments by grand juries.

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

Approved January 31, 1888.

CHAPTER IV.

Supplement to an act entitled "An act to provide for the purchase of the tract of land on the Atlantic coast, in the county of Monmouth, and to vacate certain streets and to take and extinguish certain easements thereon and therein," approved April twenty-first, one thousand eight hundred and eighty-seven.

Grand army to have use of encampment grounds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the grand army of the republic of this state shall be entitled to the free use of the encampment grounds upon the said tract of land, for an annual encampment thereon, at such times as they may appoint for that purpose, subject to the approval of the governor.

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

Approved February 1, 1888.

CHAPTER V.

An act to extend the time for the completion of railroads whose charters shall expire by limitation during the year one thousand eight hundred and eighty-eight, where work has been performed on said railroads or money expended thereon.

Time for completion of railroads extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the time limited for the completion of any railroad authorized to be con-

structed within this state, under any special or general act or acts, shall expire during the year one thousand eight hundred and eighty-eight, such time shall be and the same is extended for a further period of two years; *provided, however*, that this act shall not apply unless money has been actually expended in surveys or locations of route, or in acquisition of right of way, or in construction; *and provided further*, that this act shall not apply to any corporation unless such corporation shall first, and as a condition precedent to the exercise of any power granted by this act, file in the office of the secretary of state an agreement, to be approved by the governor and the attorney-general, waiving all rights of exemption from taxation, and from privileges and advantages arising from any law or contract (if any there be) establishing any special mode of taxation of any such corporation, and the further agreement to be bound by any general law of this state, now in existence, or that may hereafter be passed, taxing such corporations as are now authorized to be taxed by the legislature of the state under any general law; and further agreeing that the exercise of any power granted by this act shall not in any way affect the rights of the state (if any there exist) to take the property of such corporation under any existing law of the state; and further agreeing that all laws affecting such corporations shall be subject to alteration or repeal by the legislature. Proviso. Proviso.

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

Approved February 6, 1888.

CHAPTER VI.

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

Penalty for mutilating books, etc.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey.* That if any officer, clerk, agent or member of any library association duly incorporated under the laws of the state of New Jersey, or any other person whatsoever, shall willfully cut, mark, mutilate or otherwise injure any book, volume, map, chart, magazine, newspaper, painting or engraving belonging to or deposited with any library so incorporated as aforesaid, or shall procure such injury to be done as herein stated, every such person shall be deemed to be guilty of a misdemeanor, and, upon conviction thereof by any court of competent jurisdiction, shall be liable for each offense to a fine of not more than one hundred dollars, at the discretion of the court; *provided, however*, that no prosecution shall be maintained under this act unless the library association so complaining shall have at least two printed copies of this act conspicuously placed upon the premises.

Proviso.

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

Approved February 6, 1888.

CHAPTER VII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of four thousand dollars be and is hereby appropriated for the current expenses of said bureau. Appropriation.

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

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

Approved February 6, 1888.

CHAPTER VIII.

A Supplement to an act entitled "An act for the incorporation of safe deposit and trust companies," approved April twentieth, one thousand eight hundred and eighty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the provisions of the act to which this is a supplement, and the powers and authority therein and thereby given, it shall and may be lawful for any trust company, incorporated or organized under said act or any special law, and doing business in Authorized to discount bills, notes, etc.

any city in this state where now there is no national or state bank of discount and deposit, to discount bills, notes and other evidences of debt, to buy and sell gold and silver bullion and foreign coins and money, and to buy and sell bills of exchange and commercial paper and to use so much of their capital, deposits and funds for such purposes as their respective directors shall, from time to time, designate; *provided, however*, that the assent in writing be first obtained of two-thirds of the stockholders of such company or companies as may decide by a unanimous vote of its or their board of directors to avail themselves of the privileges of this act.

Proviso.

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

Approved February 6, 1888.

CHAPTER IX.

An Act to amend an act entitled "A supplement to an act entitled 'An act fixing the compensation of certain public officers of this state,'" which supplement was approved March fourteenth, one thousand eight hundred and seventy-nine.

Section amended.

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

State librarian may employ assistants.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state librarian be and he is hereby authorized, by and with the approval of the governor of this state, to employ such assistants as may be necessary in his department; *provided*, that the annual cost thereof shall not exceed the sum of eighteen hundred dollars.

Proviso.

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

Approved February 6, 1888.

CHAPTER XI.

An Act to amend an act entitled "Supplement to an act entitled 'An act concerning taxes,' approved April fourteenth, one thousand eight hundred and forty-six," which said supplemental act was approved April sixteenth, one thousand eight hundred and eighty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of said supplemental act, approved April sixteenth, one thousand eight hundred and eighty-six, and which said section now reads as follows: Section amended.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter there shall not be assessed upon any inhabitant of this state more than one poll tax in any one year, except in districts where a poll tax is levied for school purposes," be and the same is hereby amended so that henceforth the said section shall read as follows, to wit: Section amended recited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter there shall not be assessed upon any inhabitant of this state more than one poll tax in any one year, except in districts where a poll tax is levied for school purposes, which said tax shall be assessed by the assessors and collected by the collectors of the several townships of this state respectively; *provided, however*, that where any incorporated city, town or borough is comprised within the territorial limits of any township, and the governing body of any such incorporated city, town or borough shall, in any year or years, pursuant to its charter or act of incorporation, or any supplement thereto, impose a poll tax upon the inhabitants of such city, town or borough, such tax shall, within the corporate limits of such city, town or borough, be assessed and collected by the assessor and collector of such incorporated city, town or borough, to and for the use of such city, town or borough; and no other poll tax (except for school Assessment for poll tax. Proviso.

purposes) shall, in any such year or years as aforesaid, be assessed upon or collected from the inhabitants of any such city, town or borough by the assessor and collector of any township within the territorial limits of which any such city, town or borough may be included

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

Approved February 11, 1888.

CHAPTER XII.

An Act to facilitate proceedings in the prerogative court.

Vice-ordinary or surrogate-general

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be a vice-ordinary or vice-surrogate-general, who shall be a counselor-at-law of at least ten years' standing, who shall be appointed by the ordinary or surrogate-general from among the vice-chancellors of the court of chancery, and commissioned by the governor under the great seal of the state, and who shall continue in office during his term of office as vice-chancellor.

Ordinary may refer matters pending, etc

2. *And be it enacted*, That the ordinary or surrogate-general may refer to such officer any cause or other matter which at any time may be pending in the prerogative court, to hear the same for the ordinary or surrogate-general, and report thereon to him and advise what order or decree should be made therein; and any matter or cause in which the ordinary or surrogate-general is interested, may be so referred.

Vice-ordinary to take and hear evidence, etc.

3. *And be it enacted*, That when any cause or matter shall be so referred to such officer it shall be lawful for him to take and hear the evidence of any or all witnesses in said cause or matter, orally, in the same manner as the evidence is now taken and heard in the several courts of law in this state on trials before a jury; and if a report

of the evidence so taken before him shall become necessary in the progress of said cause, for use on appeal from the order or decree of the ordinary or surrogate general, then such officer shall settle and sign such report.

Authorized to employ stenographer.

4. *And be it enacted*, That it shall be lawful for such vice-ordinary or vice-surrogate-general to employ a competent stenographic reporter, for the same purposes that vice-chancellors are now authorized by law to employ such reporters, and that such stenographic reporters shall be compensated in the same manner and after the same rates that such stenographers are compensated for services rendered to vice-chancellors.

Compensation of vice ordinary.

5. *And be it enacted*, That the vice-ordinary or vice-surrogate-general shall receive as compensation for the performance of the duties which shall be imposed upon him under this act, an annual salary of fifteen hundred dollars, in addition to his compensation as vice-chancellor, to be paid to him by the treasurer of the state in equal monthly or quarter-yearly payments, as he shall from time to time elect.

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

Approved February 11, 1888.

CHAPTER XIII.

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

Township committees authorized to borrow money and issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of any township in which any sewer or drain shall be constructed under the provisions of a

supplement to the act of which this is a supplement, passed April second, one thousand eight hundred and eighty-five, to borrow money from time to time in the corporate name of said township, and to secure the payment of the same by bond, note or instrument in writing, under the common seal of said township, in anticipation of the collection of any assessment provided for by said supplement; and every such bond, note or other instrument in writing under the common seal of said township, signed by the chairman of the township committee, in pursuance of a resolution of said committee, shall be the valid obligation of said township; and the township committee may negotiate the same on the most favorable terms they may be able to make with the most reasonable care and diligence

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

Approved February 11, 1888.

CHAPTER XIV.

A Further Supplement to an act entitled "An act relative to the jurisdiction and practice of district courts in this state," approved March twenty-seventh, one thousand eight hundred and eighty-two.

When court of common pleas to try cases on appeal de novo.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever in any case in which an appeal shall have been or may hereafter be taken from the judgment of the judge of any district court established in any city of this state, whether by general or special statute, the judge of said court shall have failed for any reason to settle and sign the case as required by law, within the space of three months from the time of rendering such judgment, the court of

common pleas shall, upon such appeal, try the case de novo.

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

Approved February 11, 1888.

CHAPTER XV.

An Act authorizing towns to change the width of streets in certain cases.

1. BE IT ENACTED *by the Senate and General Assembly of of the State of New Jersey*, That it shall be lawful for the council or other governing board of any town in this state having the power to open and improve streets, to change by ordinance the width of any street or section of street in such town, where the same has been established and laid down on the official map of the town and where such street or section of street has not been opened or dedicated to public use: *provided, however*, that the owners of a majority of the land fronting on the street so proposed to be changed shall petition in writing for the passage of such ordinance. Width of streets or sections of streets, how changed. Proviso.

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

Approved February 13, 1888.

CHAPTER XVI.

A Supplement to an act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Conveyance or assignment by debtor, what to state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in every conveyance or assignment, made by a debtor or debtors under the provisions of the act to which this is a supplement, the debtor or debtors shall state in said conveyance or assignment specifically the place at which and the kind of business carried on by him, her or them at the time of the making of the conveyance or assignment; and if the same be carried on in a city, the street and number thereof, and if in a town, borough or village, such apt description as shall identify the debtor or debtors so making the conveyance or assignment as aforesaid.

Approved February 13, 1888.

CHAPTER XVII.

An Act authorizing cities to purchase land and to erect buildings thereon for fire department purposes, within the limits of townships heretofore annexed to cities, and to provide for the payment thereof.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any township has been annexed to an adjoining city, and in said township there were no houses used for fire department purposes, and

the city to which such township was annexed has made no provision for the location of fire department apparatus, then the proper authority or authorities in such city are hereby authorized to purchase a plot of ground within the limits of the township so annexed, and cause to be erected thereon a suitable building for the use of the fire department of such city, at a cost not to exceed seven thousand dollars. Cost.

2. *And be it enacted*, That all work and labor done and materials furnished for the erection of said building shall be done and finished by contract, awarded upon at least two weeks' advertisement in the two official newspapers having the largest circulation, to the lowest responsible bidder or bidders for the same. Erection of building awarded by contract.

3. *And be it enacted*, That the municipal board of any such city having the management and control of the finances of such city are hereby authorized and empowered to issue bonds, either registered or coupon, to an amount not exceeding seven thousand dollars, to raise money to pay for the purchase of such plot and the erection and construction of said building; that said bonds shall be payable in seven years from the date thereof, and shall bear interest not exceeding five per centum per annum, to be sold at not less than par, and that there shall be a sufficient sum appropriated and put in the tax levy of such city each year to pay the interest on such bonds, and also there shall in each year be appropriated and put in the tax levy of such city the further sum of one thousand dollars towards the payment of said bonds, to be properly invested and deposited in the sinking fund of such city to meet the payment of said bonds, when they shall become due and payable. Boards of cities authorized to issue bonds.

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

Approved February 13, 1888.

CHAPTER XVIII.

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

Section amended.

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

Mutual companies may be admitted to this state.

2. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any fire insurance company, not organized under the laws of this state, doing business on the mutual plan, may be admitted to transact business in this state, if it shall appear to the secretary of state that such company is possessed of cash assets, well invested, of one hundred and fifty thousand dollars, and a like amount of premium or deposit notes liable to assessment, to pay losses, and if it shall, in all other respects, comply with the laws of this state, and the requirements of the secretary of state, in pursuance thereof: *provided, however*, that in any action brought for the recovery of any assessment or assessments for losses sustained by such foreign insurance company admitted to do business in this state, if, on the trial of such action, it shall be made to appear that at the time of procuring the certificate of the secretary of state for the year in which such insurance was made and deposit note given, such company was not possessed, bona fide (that is, worth in the market at the time, over and above all liens and incumbrances), of cash assets, well invested, of one hundred and fifty thousand dollars, and a like amount of premium or deposit notes liable to assessment to pay losses, then such insurance shall be deemed fraudulent, and no recovery shall be had

Proviso.

against any such insured for any assessment, and such premium note and policy shall be void as to all parties thereto.

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

Approved February 13, 1888.

CHAPTER XIX.

An Act concerning the construction, care and improvement of the public ways, parks and sewers in certain of the cities of this state, and assessments for the same.

1. Be it enacted *by the Senate and General Assembly of the State of New Jersey*, That in each of the cities of this state, excepting cities of the first class, the opening, construction, care, cleaning, repairing, alteration and improvement of the roads, streets, avenues, lanes, alleys and parks, and of the public sewers and drains within the corporate limits thereof, shall be vested exclusively in the common council or board of aldermen of such city, who shall have power to make, establish, modify, amend and repeal ordinances, rules, regulations and by-laws in relation to the same. Common council or board of aldermen to have exclusive control.

2. *And be it enacted*, That the common council or board of aldermen in each of the cities aforesaid shall from time to time appoint an officer to be known as a street commissioner, who shall have the charge and superintendence, under the direction of said common council or board of aldermen, of all the operations mentioned in the first section of this act, and whose duties, compensation, term of office and official bond shall be regulated and prescribed by ordinance. To appoint street commissioner, etc.

3. *And be it enacted*, That any officer, commission or board (other than the common council or board of aldermen) now possessing any of the powers mentioned in the Powers possessed by other boards or officers abolished.

first section of this act in any of the cities aforesaid shall, as soon as this act shall take effect in such city, cease, determine and be abolished; and all assessments then remaining unpaid for street or sewerage improvements in such city shall be collected for the use of said city by the collector or other officer having charge of the collection of taxes, and he shall be vested with the same power and authority for the collection of such assessments, with the interest and costs accrued thereon, by sale of land or otherwise, theretofore possessed by the officer, board or commission so as aforesaid abolished.

Assessments, how collected.

Assessments to be made upon lands specially benefited.

4. *And be it enacted*, That in order to provide for the expense of opening, constructing or improving any of the public ways or sewers of any of said cities, the common council or board of aldermen shall have power to cause assessments to be made upon lands specially benefited thereby in proportion to and not exceeding the peculiar benefit that each parcel so assessed shall be deemed to have received, the balance thereof to be paid by the city at large, which assessments having been confirmed, and, if need be, corrected by the said common council or board of aldermen upon public notice given to all parties interested therein and public hearing of all objections made thereto, shall be a lien upon said lands with interest at six per centum per annum from the date of confirming the same with subsequent expenses of collection paramount to any mortgage or other incumbrance on said lands, and notwithstanding any error in naming or failure to name the owner of said lands; *provided*, that said lands shall, in the said assessment, be sufficiently described, and shall be recorded by the collector or other officer having charge of the collection of taxes in said city in a book to be provided at the expense of said city for that purpose, and the record thereof shall be open to the inspection of all persons at all proper times.

Assessments to be a lien.

Proviso.

Notice of confirmation of assessments to be made, etc.

5. *And be it enacted*, That notice of the confirmation of such assessment and requiring payment thereof to be made at his office within sixty days from the date of confirming the same, shall be given by the said collector, or other officer having charge of the collection of taxes, by publishing such notice for four weeks, at least once in each week, in two of the newspapers published in said

city, if there be two newspapers there published, and if not, then in one such newspaper, and after the expiration of said period of sixty days the said common council or board of aldermen may, by resolution, direct that the said collecting officer proceed to collect such of the said assessments as shall not have been paid, by sale of the lands upon which the same are liens respectively, which sale shall be made by the said collecting officer in the like manner and upon the like notice and advertisement for the like period, and with the like effect, as sales are or may be made in such city for unpaid taxes.

Common council to provide by general ordinance etc.

6. *And be it enacted*, That the common council or board of aldermen shall, from time to time, by general ordinance, provide for all such matters touching the making, confirming and collection of assessments for the purposes aforesaid as are not provided for in this or some other statute applicable thereto.

Repealer.

7. *And be it enacted*, That all acts and parts of acts, both general and special, inconsistent with this act, be and the same are hereby repealed; *provided*, *however*, that none of the foregoing provisions shall take effect in any city until the acceptance thereof shall have been submitted, by resolution of said common council and board of aldermen, in its discretion, to popular vote, at any regular charter election or general election to be hereafter held in such city, of which submission such notice shall have been given by the city clerk as said resolution shall direct; and the legal voters of said city may, at such election, decide upon the acceptance or rejection of this act, by ballots upon which shall be written or printed the words "for the new law" or "against the new law," or some like phrase, expressing assent or dissent to this act, which ballots shall be cast as other ballots are cast at such election, and may be printed or written upon the same tickets upon which are contained the names of the candidates voted for, and said ballots so cast for or against this act shall be counted and the result thereof returned by the election officers, and a canvass of such return had, in the same manner and at the same time as in case of ballots for candidates voted for at such election, and the acceptance or rejection of this act as so determined shall be declared and entered upon the minutes of said common

Proviso.

council or board of aldermen accordingly, and if there shall be a majority of such ballots in favor thereof, but not otherwise, this act shall take effect in such city immediately; *provided*, that the acceptance of this act may be in like manner submitted as aforesaid at successive elections, at the discretion of the common council or board of aldermen, until the same shall be accepted.

Proviso.

8. *And be it enacted*, That this act shall take effect immediately, as regards the submission thereof to popular vote, as aforesaid.

Passed February 14, 1888.

CHAPTER XX.

A Supplement to an act entitled "An act relative to county lunatic asylums," approved April fourth, anno domini one thousand eight hundred and seventy-three.

Section amended.

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

State treasurer to pay for patients in county lunatic asylums.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of two dollars per week for each county patient confined in any county lunatic asylum established by the board of chosen freeholders of such county shall be paid by the state treasurer, on the warrant of the comptroller, to the director of such board of chosen freeholders, upon a statement to be furnished by him, giving the number of such county patients which may have been thus supported in said asylum during the preceding quarter, computing from the first day of January.

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

Approved February 14, 1888.

CHAPTER XXI.

An act to enable cities to purchase lands for public parks or squares, and improve the same, and to issue bonds for the cost of such purchase and improvement.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any city in this state in which any unimproved meadow land shall lie, its mayor and council or board of aldermen, by ordinance duly approved by the mayor, to purchase a plot of land in such city not to exceed five hundred lineal feet in depth by three hundred lineal feet in width; *provided*, that the cost of such purchase shall not exceed twelve thousand dollars, and to lay out and maintain the said plot for use as a public square or park. Cities may purchase plot of land. Proviso.

2. *And be it enacted*, That for the purpose of raising the said sum of twelve thousand dollars the said the mayor and council or board of aldermen of said city shall have power to issue bonds under the corporate seal of said city and the signature of said mayor, in such sums and payable at such times as said mayor and council or board of aldermen may deem proper, bearing interest not to exceed the legal rate, payable semi-annually with coupons attached and pledging the credit and property of said city for the payment of the same, which bonds may be sold or assigned by said mayor and council or board of aldermen; *provided*, that no bonds shall be sold for less than par value, and that said bonds shall be redeemable at a period not less than twenty years. Authorized to issue bonds. Proviso.

Payment of bonds to be provided for by taxation.

3. *And be it enacted*, That for the purpose of providing for the said bonds and interest the mayor and council or board of aldermen shall have power and authority to provide by taxation a sum of money to pay and discharge the principal and interest of said bonds whenever the same shall become due and payable; *provided*, that not less than two thousand dollars of the principal of said bonds shall be made redeemable in any one year.

Proviso.

Repealer.

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

Approved February 14, 1888.

CHAPTER XXII.

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

Corporations empowered to decrease number of directors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any company or association incorporated under the laws of this state by special act of incorporation shall have the power to decrease the number of its directors by filing in the office of the secretary of state the assent in writing of stockholders representing two-thirds in value of the existing capital stock, and a certificate setting forth the number of directors as decreased, under the hands and seals of said stockholders, which certificate shall be proved or acknowledged and recorded, as required of deeds of real estate, in the office of the clerk of the county where the principal office or place of business of such company in this state shall be established, and after being so recorded shall be filed in the office of the secretary of state, and the certificate of the secretary

Certificate to be filed in office of secretary of state.

of state that such assent and certificate have been filed in his office shall be taken and accepted as evidence of the decrease in the number of its directors, in any court of this state; *provided*, *however*, that such assent and certificate shall be filed as aforesaid, within thirty days after the execution of the same by the said stockholders; *and provided further*, that in no case shall the number of directors in such company be decreased to less than three. Proviso. Proviso.

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

Approved February 14, 1888.

CHAPTER XXIII.

An Act to provide for the further relief of the poor in cities of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where the appropriation now made for the aid and relief of the poor in cities of this state has been already expended, or is or may be inadequate or insufficient for the necessary relief of the suffering and destitute poor, it shall be lawful for the common council or other governing body of any such city, by and with the concurrence of the board having charge or control of the finances in such city, to increase said appropriation, at any time during the fiscal year for which the same was made, in such amount, not exceeding one thousand five hundred dollars, as said board may deem necessary for the purpose of such aid and relief, and it shall be the duty of such board thus making such appropriation to adopt and enforce such measures and regulations respecting the disbursing of such appropriation, or otherwise relieving the poor, as in their judgment will seem a prudent, wise and economical expenditure of such appropriation and afford the desired aid to the poor. Further relief of the poor, how made.

Authorized to borrow money in anticipation of collection of taxes, etc.

2. *And be it enacted*, That the board having charge and control of the finances in any such city is hereby authorized to borrow the amount of money which said board may by this act appropriate for the purpose of such appropriation, in anticipation of taxes next thereafter to be levied, and to issue proper evidences of indebtedness therefor, to be signed by the mayor, sealed with the city seal and attested by the city clerk, and the said board shall provide for the repayment of the said borrowed money in the tax levy to be made next thereafter, unless the same be previously paid; and it is hereby made the duty of said mayor to sign, and the said clerk to attest, and seal with the corporate seal, such evidence of indebtedness, the issue of which may be ordered under this act as herein provided.

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

Approved February 14, 1888.

CHAPTER XXIV.

A Further Supplement to an act entitled "An act to encourage the establishment of mutual loan, homestead and building associations," approved February twenty-eighth, one thousand eight hundred and forty-nine.

Preamble.

WHEREAS, Doubts having arisen as to the legal right of associations formed or incorporated under or by virtue of the above-mentioned act and the several supplements thereto, to issue new or a series of shares under their original acts of incorporation; *and whereas*, a number of said associations have issued new or a series of

shares, believing that they had a legal right so to do; now, in order to remove all doubts on the subject, and to legalize the same and the issuing of certificates of stock therefor, and to hereafter authorize the forming of such new series,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all new or series of shares heretofore issued by any association formed or incorporated under and by virtue of the act to which this is a supplement, and the several supplements thereto, be and the same are hereby confirmed and made valid both in law and equity, notwithstanding the issue of said new series may have increased the number of shares of said association beyond the limit fixed in its certificate of incorporation. Shares issued, confirmed and made valid.

2. *And be it enacted*, That the board of directors of all associations heretofore incorporated or which may be hereafter incorporated under and by virtue of the above-named act and the several supplements thereto, are hereby empowered to authorize the formation of a new or a series of shares upon the same terms and conditions the original shares of stock were issued, whenever at least one hundred shares shall have been subscribed, and to issue certificates of stock for the shares taken in said new series, notwithstanding the issue of said new series may increase the number of shares of said association beyond the limit fixed in its certificate of incorporation. Associations authorized to form new or series of shares.

3. *And be it enacted*, That whenever a new series has been or shall be formed under this supplement, the relative value of the shares of the respective series shall be kept separate and distinct, and the value thereof reported in an annual statement to the shareholders. Value of shares to be kept separate and distinct, and value reported.

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

Approved February 14, 1888.

CHAPTER XXV.

A Supplement to an act entitled "An act for the relief of creditors against absconding and absent debtors" [Revision], approved February nineteenth, one thousand eight hundred and fifty-two.

Section amended

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

Attachment to be issued, and how executed.

62. *And be it enacted*, That any justice of the peace within this state, on application made and affidavit filed before him to the purpose aforesaid, shall, and he is hereby required to issue out of the court for the trial of small causes, an attachment, under his hand and seal, for any sum not exceeding two hundred dollars, directed to a constable, who shall execute the same in manner aforesaid, on the effects, rights and credits of the defendant; and upon the return of such attachment, the said justice shall appoint a day for the hearing of the said cause, not less than twenty days from the issuing of the said writ, on or before which day so appointed, the plaintiff in the said attachment shall file a copy of his account or state of demand, and if the creditor shall make sufficient proof of the debt due to him, the said justice shall give judgment therein for the plaintiff, and award his execution thereof to the constable, against the effects of the defendant, as in other cases cognizable before a justice, but the effects of the defendant thereon taken, shall not be sold in less than three months (unless the same are perishable), to the end that the debtor or his friend may redeem the same, and in the meantime the same shall be inventoried and safely kept in such manner as the justice shall direct.

Upon return of attachment, justice to appoint a day for hearing.

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

Approved February 14, 1888.

CHAPTER XXVI.

An Act to authorize the payment of the sum of three hundred dollars to Charles W. Schanck, for services rendered as clerk to the committee on judiciary of the house of assembly, session of one thousand eight hundred and eighty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be and is hereby authorized to pay to Charles W. Schanck, upon the warrant of the comptroller, which warrant the comptroller is hereby authorized to draw, the sum of three hundred dollars, for services rendered as clerk to the committee on judiciary of the house of assembly, session of one thousand eight hundred and eighty-seven. Payment for services authorized.

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

Approved February 14, 1888.

CHAPTER XXVIII.

Supplement to an act entitled "An act to protect the navigable waters of the Arthur Kill, Kill Von Kull and Staten Island sounds, Newark bay and tributaries, Raritan bay and tributaries, and of New York bay and harbor and Hudson river, over which the state of New Jersey may have jurisdiction," approved March twenty-second, one thousand eight hundred and eighty-two.

Comptroller authorized to pay appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of carrying out the provisions of the act to which this is a supplement the comptroller of the state be and is hereby authorized to pay, or cause to be paid, a sum not exceeding five hundred dollars, upon proper sworn vouchers, certified to by the president and secretary of the board of commissioners of pilotage as such sum or part of it may be required for the purposes above specified, and only till such time as the said commissioners shall have collected from fines or damages or otherwise, such sums as may be deemed necessary to meet the legitimate expenses for the prosecution and bringing to justice delinquents under said act, or for the removal of such obstructions as may from time to time be found necessary.

Not to be used for other purposes.

2. *And be it enacted*, That no part of any appropriation granted for carrying out the purposes of said act shall be used, conveyed or diverted for any other purposes whatever.

Approved February 15, 1888.

CHAPTER XXX.

An Act to regulate the sale of distilled and malt liquors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person or persons not licensed by any municipality to keep a boarding-house, shall, without a license for that purpose first had and obtained according to law, sell any rum, brandy or distilled spirits of any kind, or any liquid of which distilled spirits shall form a component part, or any ale, strong beer, lager beer, wine or other malt or brewed liquors, in any quantity, to be drunk on or about the premises where sold, in the state of New Jersey, he, she or they shall be deemed guilty of a misdemeanor, and, upon being convicted thereof, shall be punished by a fine not exceeding one thousand dollars or imprisonment not exceeding two years, or both, at the discretion of the court. Penalty for selling without license.

Approved February 15, 1888.

CHAPTER XXXI.

An Act for the condemnation of lands which any school district of this state has purchased, or may hereafter purchase, and upon which said school district has built, or may hereafter build, a school-house, the title to which said lands is, or may be, in any way defective; and to provide money for the payment thereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any school district of this state has purchased any lands in this state, or may Proceedings in case title to lands is defective.

hereafter purchase any lands, and has built or may hereafter build thereon any school-house or school-houses, the title to which said lands is in any way defective, it shall and may be lawful for any justice of the supreme court of this state, and the said justice is hereby directed, upon application by the trustees of said school district, upon two weeks' previous notice, served in person, or by leaving a copy thereof at the dwelling-house or usual place of abode of the owner or owners of said lands, or in case of the absence from the state or legal disability of the owner or owners, then the said notice shall be published in a newspaper published in the county where said lands are situate, for two weeks prior to the time fixed for such application, to appoint three disinterested persons commissioners, which said commissioners shall be residents of the county where said lands are situate, to condemn and assess and ascertain the value of the lands so purchased as aforesaid, which commissioners shall appoint a time and place at which they shall meet and execute the duties of their appointment, and shall cause two weeks' notice thereof to be given to the owner or owners thereof, either by personal service or by leaving a copy thereof at the dwelling-house or usual place of abode of said owner or owners, or in case of the absence from the state or legal disability of said owner or owners, then said notice shall be published in a newspaper printed in the county where said lands are situate, for two weeks prior to the time of such meeting; at which time and place the said commissioners, or any two of them, shall meet and view the premises and lands, and hear all the parties interested, and take evidence, if any shall be offered, and for that purpose shall have power to administer oaths and affirmations, and to adjourn from time to time; and the said trustees of said school district shall make and exhibit to the said commissioners at their meeting aforesaid, a description of said lands purchased as aforesaid, either in writing or by maps or drawings or both; and the said commissioners, or any two of them, shall thereupon ascertain and assess the value of said lands and shall execute under their hands and seals, or the hands and seals of any two of them, an award to said trustees of said school district of the lands by them sought in the description afore-

Notice to be given to owner of appointment of commissioners.

Commissioners to meet and view premises and hear parties interested.

To assess value of lands and award compensation.

said, stating therein the amount of compensation therefor by them assessed in favor of said owner or owners, and a description of the said lands, which said award shall be acknowledged by the commissioners making the same and filed in the clerk's office of the county where said lands are situate, and recorded by the said clerk in the same manner and in the same books that deeds for real estate are now recorded.

Trustees to pay owners of lands amounts assessed, etc.

2. *And be it enacted*, That when the said commissioners, or any two of them, shall make their award and assess the value of the lands aforesaid, that it shall be the duty of the trustees of said school district to pay to the owner or owners of said land the amount so assessed by the said commissioners, and in case the said owner or owners refuse to receive the same, or reside out of this state, or are legally disqualified, or cannot be found, then the said trustees shall pay the said amount so assessed to the clerk of the circuit court of the county where said lands are situate.

Lands and premises vested in trustees of school district.

3. *And be it enacted*, That the award of the commissioners aforesaid, or any two of them, and the payment of the money so assessed as aforesaid by the trustees of said school district in the manner aforesaid, shall vest in the trustees of said school district the lands and premises described in said award, the same estate as would have vested in them had the owner or owners thereof conveyed the same to the trustees of said school district under their hands and seals in fee simple.

Proceedings in case of appeal from assessment.

4. *And be it enacted*, That if the trustees of said school district or the owner or owners of said lands are not satisfied with the assessment of the said commissioners of the amount to be paid to the owner or owners of said lands, then and in that case either party may appeal to the next or second term thereafter of the circuit court of the county where said lands are situate, by filing a petition with the clerk of said circuit court, and serving a notice of such appeal upon the opposite party, three weeks prior to such term, or by publication in a newspaper printed in the county where said lands are situate for four weeks prior to such term: which petition, when filed, and the notice served or published as aforesaid, shall vest in said court full power to hear and determine said appeal.

Trial by jury may be had.

5. *And be it enacted*, That in all cases of appeal from the assessment of the commissioners it shall and may be lawful for either party to demand and have a trial by jury, and the assessment of the court or jury shall be final.

School districts may vote money to carry out provisions of act.

6. *And be it enacted*, That it shall and may be lawful for any school district in this state, at their annual meeting, to vote money to carry out the provisions of this act, as money is now voted for said school district under any existing law.

Repealer.

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

Approved February 15, 1888.

CHAPTER XXXII.

An act to provide for the erection or purchase of armories for the national guard in incorporated towns, boroughs or police, sanitary and improvement commissions in this state.

Authorized to erect armories for use of national guard.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all incorporated towns, boroughs or police, sanitary and improvement commissions of this state, not now having an armory for the use of the national guard, and in which there may be any regularly organized and enrolled regiment or company, are hereby authorized to build and erect or purchase in said towns, boroughs or commissions, a suitable armory for the use of the national guard, at a cost not exceeding the sum of ten nor less than five thousand dollars.

Cost.

Commissioners to be appointed.

2. *And be it enacted*, That for the purpose of procuring a site and providing for its erection, or for the purchase of a suitable building already erected, the mayor or president of the governing body of any such incorporated town, borough or police, sanitary and improvement com-

mission, shall nominate and appoint, with the advice and consent of the common council, board of commissioners or other governing body, three commissioners, who shall be residents and freeholders in said town, borough or commission; that said commissioners shall have power to purchase a proper site or building already erected for said armory and to alter or remodel the same; and in case a building already erected is not purchased, to have plans and specifications prepared for the erection of said armory, advertise for proposals for the erection of the same, and award the contract or contracts for the erection thereof, and generally superintend the same during its course of erection or remodeling; and said commission shall serve without compensation; and that the payments for the site purchase, remodeling or cost of erection of said armory shall be paid by the municipal authorities of said town, borough or police, sanitary and improvement commission having the management and control of the finances of such town, borough or commission, upon the certificate of said commissioners, from time to time given to and filed with such last-named financial boards.

Commissioners to purchase sites or buildings.

3. *And be it enacted*, That the municipal board of any such town, borough or police, sanitary and improvement commission, having the management and control of the finances of such town, borough or commission, shall appropriate and put in the tax levy of such town, borough or commission, not less than one-half the sum appropriated for said armory at the time of making the next annual appropriation and assessment after the passage of this act, and the balance of said appropriation shall be placed in the next annual appropriation thereafter.

Appropriation for armory to be collected by taxation.

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

Approved February 15, 1888.

CHAPTER XXXIII.

An Act to permit mutual live stock insurance companies to extend their business territory.

How live stock insurance companies may extend or increase their business territory.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any mutual live stock insurance company incorporated under any law of this state, which is by its charter or certificate of incorporation restricted as to territory within this state, in which it is authorized to do business, may increase or extend the territory in which it may do business by filing in the office of the secretary of state a certificate, signed by the president and directors of such company, stating the boundaries of the territory within this state in which it is proposed to transact the business of said company: and upon the filing of such certificate it shall be lawful for such company to do business within the territory the boundaries of which are therein stated, and the certificate of the secretary of state that such certificate has been filed in his office shall be taken and accepted as evidence, in any court of this state, of the authority for such company to do business within such territory.

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

Approved February 15, 1888.

CHAPTER XXXIV.

An Act to amend an act entitled "An act to amend an act entitled 'A supplement to an act entitled "An act for the preservation of fish,"' approved April fifth, one thousand eight hundred and seventy-eight, which said supplement was approved March seventeenth, one thousand eight hundred and eighty-two," approved April first, one thousand eight hundred and eighty-seven.

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

4. *And be it enacted*, That nothing contained in this act shall be held to apply to fishing above tide-water in the waters of this state, nor any of the provisions of this act be held to apply to the waters of Barnegat bay, or to its tributaries comprised within the limits of the boundaries of the county of Ocean; nor to the fishing of pounds or weirs in the waters of this state, within two miles of the shore line of the county of Monmouth; nor to the waters which are subject to the jurisdiction of this state and of the states of Pennsylvania and Delaware; nor to the fishing with pounds or nets in the waters of the Delaware bay, along the shore line of the county of Cape May; *provided, however*, that it shall not be lawful to fish with pounds or weirs in any of the waters of this state, except as provided for in this section. Act not to apply to certain waters. Proviso.

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

Approved February 15, 1888.

CHAPTER XXXV.

An Act to amend an act entitled "An act to incorporate societies for the promotion of learning," approved April ninth, one thousand eight hundred and seventy-five.

Section to be amended.

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

Trustees, when to be elected.

4. *And be it enacted*, That the trustees of each and every association incorporated under this act, and all such as shall be hereafter incorporated under said act, shall be elected annually on the third Tuesday of April of each and every year, by the members of the said association, at the usual place of meeting of said association, or such other time or place as the board of trustees shall from time to time order and direct; six days' notice of the time, place and purpose of the meeting shall be given by the board of trustees by an advertisement set up in some conspicuous place in the neighborhood of said association; but vacancies happening during the year, that is, between the annual elections, by death, resignation or otherwise, may be filled by the remaining trustees at a regular meeting of the board; *provided*, that no person shall be admitted to vote for trustees unless he or she shall have been duly admitted a member of said association by a majority of the trustees for the time being, and shall have paid to the said trustees, for the use of the association, at least one dollar, and that a majority of the members present at each and every annual meeting shall choose the trustees.

Notice of meeting to be given.

Proviso.

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

Approved February 15, 1888.

CHAPTER XXXVI.

A Supplement to "An act in relation to the distribution of the laws of this state and other documents published under the authority thereof," approved April ninth, one thousand eight hundred and seventy-five.

Preamble.

WHEREAS, Many of the states distribute their public documents through the medium of their respective historical societies, and it would make the documents of this state more accessible to a large number of persons likely to be interested therein were a similar policy adopted by the state of New Jersey; therefore,

State treasurer to transmit documents, etc., to the New Jersey Historical Society.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of the state, in the distribution of the journal of the senate and the minutes of the general assembly of this state, and of such reports of state officers, state boards and reports of legislative committees as may be laid before the legislature from time to time, shall transmit, at the expense of the state, and as soon as conveniently may be after they shall come to his hands, fifty copies of each of such publications to the New Jersey historical society for distribution by said society and exchange with other historical societies.

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

Approved February 15, 1888.

CHAPTER XXXVII.

A Further Supplement to an act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight.

Incorporated boroughs vested with all rights, lands, etc.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the inhabitants of any township in this state shall become a body corporate in fact and in law in the manner provided by the act to which this is a supplement, and such corporation shall embrace the whole of such township, that the mayor and common council of such borough so incorporated as aforesaid shall, by virtue of this act, become and be absolutely and completely vested with, possess and enjoy all the lands, tenements, hereditaments, property rights, causes of action and estates whatsoever, both in law and in equity, in possession, reversion or remainder, which at the time of such incorporation as aforesaid are or may hereafter become vested in or belonging to the inhabitants of any such township as aforesaid, according to such estate and interest as any such township at the time of the passage of this act has or may hereafter have, or of right ought to have in the same: and the powers and duties of the officers of such township shall cease and determine when corresponding officers shall have been elected and duly qualified: and all officers appointed or elected under this act or the act to which this is a supplement, shall respectively possess the powers and perform the duties of the like officers of any township of this state so far as such powers and duties shall be consistent with the provisions of this act.

When powers and duties of officers of townships to cease, &c.

Repealer.

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

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

Approved February 15, 1888.

CHAPTER XXXVIII.

An Act for the promotion of manual training.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any board of school trustees or board of education of any school district in this state shall certify to the state superintendent of public instruction that there has been raised by special district school tax, or by subscription, or both, a sum of money not less than five hundred dollars, for the establishment in such district of a school or schools for manual training, or for the purpose of adding manual training to the course of study now pursued in the school or schools of such district, it shall be the duty of the said state superintendent of public instruction, with the approval of the governor, to draw his order on the comptroller and in favor of said district, for a sum equal to that contributed by said school district as aforesaid, for said object; and when such school or schools shall have been established, or manual training shall have been added to the course of study in any district, there shall be annually contributed by the state, in manner aforesaid, for the maintenance thereof, a sum of money equal to that raised each year in said district for such purpose; *provided*, that the course of manual training established or introduced under the provisions of this act shall be approved by the state board of education; *provided, further*, that the moneys appropriated by the state as aforesaid to any school district, shall not exceed in any one year the sum of five thousand dollars, and that all payments made in pursuance of the provisions of this act shall be paid on the warrant of the comptroller out of the income of the school fund.

When state superintendent of public instruction to draw warrant on comptroller for establishment of schools for manual training.

Annual appropriation by the state.

Proviso

Proviso

2. *And be it enacted*, That the trustees of any school district in this state receiving an appropriation under the provisions of this act, shall annually, on or before the first day of September, make a special report to the state superintendent of public instruction of the progress of

Trustees of districts to make special report annually

manual training in such district, and give such other information in connection therewith as he may require.

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

Approved February 15, 1888.

CHAPTER XXXIX.

An Act to secure in this state the certification of marriages, births and deaths, and of the vital facts relating thereto, and to provide for the record thereof.

Certificate of marriage to be transmitted.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of every judge of any court of common pleas, justice of the peace, recorder, police justice, mayor, minister of the gospel, and other person who shall, under the authority of any law of this state, solemnize any marriage therein, and the clerk or keeper of the minutes of any religious society before which any marriage shall be solemnized in this state, to transmit to the officer hereinafter designated, within thirty days after such solemnization, a certificate of each and every marriage solemnized by any such minister, magistrate or other person, or before any such religious society, which certificate shall set forth particularly the name, age, parentage, birthplace, occupation and residence of each of the persons married, the time and place of the marriage, the condition of each of the persons married, whether single or widowed, the name of the minister, magistrate or person by whom, or of the religious society before which the marriage was solemnized, and the names and residences of the witnesses; any minister, magistrate or other person, or clerk or keeper of the minutes of any religious society, who shall neglect or fail to transmit such certificate to the officer hereinafter designated, within the time aforesaid, shall be liable to a penalty of twenty dollars.

Certificate, what to set forth.

Penalty

2. *And be it enacted*, That it shall be the duty of the physician or midwife present at the birth of any child born in this state, and in case there be no physician or midwife present, then of the parents or either of them, to transmit, within thirty days after such birth, to the officer hereinafter designated, a certificate of such birth, which certificate shall set forth particularly, as far as they can be obtained, the day of the month and year of the birth, the township, city or municipality, and the county, in which the birth occurred, the name of each of the parents, the maiden name of the mother, the birthplace, residence and occupation of each of the parents, the sex and color of the child, the name of the child if it be named, and the name of the attending physician or midwife if any there be; it shall also be the duty of the assessor of every township, and of the clerk or the person acting as registrar of vital statistics in every city, borough, town or other local municipal government, between the first and tenth days of April, in each and every year, to mail to each physician or midwife residing in such township, city, borough, town or other local municipal government, or to supply to every such physician or midwife on application therefor, twelve envelopes of proper size, each with a two-cent postage stamp thereon, to be provided at the expense of the township, city, borough, town or other local municipal government, for the use of said physicians and midwives in transmitting said certificates of birth to the officer hereinafter designated; any physician, midwife or parent whose duty it may be to transmit such certificate as aforesaid, and who shall neglect or fail to perform such duty within the time above limited, shall be liable to a penalty of twenty dollars; and the assessor of any township who shall ascertain that any physician, midwife or parent has neglected or failed to perform such duty as aforesaid, within the time above limited, shall forthwith make and sign a certificate setting forth the particulars hereinabove specified, and shall mark the same with the words "special return" but no such certificate of the assessor and no failure of any assessor, clerk or registrar of vital statistics to mail the envelopes aforesaid, shall release any physician or midwife, or any parent, from the

Certificate of births to be transmitted.

Certificates, what to set forth.

Duty of assessor

Penalty for failure to perform duties

duty of certifying such birth in the manner aforesaid, nor from the penalty incurred by any neglect or failure to certify such birth.

Physicians to furnish undertaker with certificate of death.

3. *And be it enacted*, That when any person shall die within this state, it shall be the duty of the physician who shall have attended such person during his or her last sickness to furnish to the undertaker, or any member of the family applying therefor, a certificate of such death, which

What certificate to set forth.

certificate shall set forth particularly, to the best of such physician's knowledge, the name, age, sex, color, nativity, occupation, last place of residence, the township, city or municipality and the county within which the death occurred and the cause of death; if no physician shall have attended such deceased person during his or her last sickness, or if the physician who shall have attended such deceased person shall be absent or sick, so that no certificate of death can be obtained from him in time for burial, then and in either of such cases it shall be lawful for any physician to whom application may be made, after having viewed and examined the dead body, and being satisfied that the deceased person did not come to his or her death by the contrivance, aiding, procuring or other misconduct of any person or persons, to furnish such

Penalty for refusing to furnish certificate.

certificate as aforesaid; in case the attending physician, or the physician applied to as aforesaid, after having consented to act upon such application and viewed and examined the dead body, shall refuse to furnish such certificate as aforesaid, except upon the ground aforesaid, he shall be liable to a penalty of twenty dollars; and if any physician shall refuse to furnish such certificate as aforesaid, upon the ground aforesaid, the same proceedings shall be had as are provided by law for the investigation of the cause of violent, sudden or casual deaths, and the physician or officer who shall conduct such investigation shall furnish such certificate of death as aforesaid.

Certificates, to whom transmitted.

4. *And be it enacted*, That every certificate of marriage or birth required to be made by the first and second sections of this act shall, in any city, borough, town or other local municipal government, be transmitted to the registrar of vital statistics, if there be such officer, and if not, then to the clerk of the city, borough, town or other municipal government in which such marriage or birth

shall occur; and in any township every such certificate shall be transmitted to the assessor of the township in which such marriage or birth shall occur, or if there be no assessor in office, then to the township clerk.

Certificate of death, to whom delivered.

5. *And be it enacted*, That every certificate of death required to be made by the third section of this act, shall, where the death occurs within any city, borough, town or other local municipal government, be delivered to the registrar of vital statistics of such city, borough, town or other local municipal government, if there be such officer, and if there be no such officer, then to the clerk thereof, and said registrar or clerk shall thereupon issue a permit for the burial of the body of the deceased person described in said certificate of death, and shall forthwith give said permit to the person delivering to him the certificate of death, which permit shall be authority for the burial of such body, but the said certificate of death shall be retained, to be disposed of as hereinafter directed: where the death occurs within any township and the burial is to be made in any place in this state not within the limits of any city, borough, town or other municipal government, every certificate of such death which shall be furnished to the undertaker, or other person acting as undertaker, shall of itself constitute a sufficient authority for such burial: and where the death occurs within any township and the burial is to be made within the limits of any city, borough, town or other local municipal government of this state, every certificate of such death shall be delivered to the assessor of such township, if there be one in office, or if there be no assessor in office, then to the clerk of such township, which assessor or clerk shall thereupon issue a permit for the burial of the body of the deceased person described in such certificate of death, shall give said permit to the person delivering to him the certificate of death, and shall retain the certificate of death, to be disposed of as hereinafter directed: *provided, however*, that when a death shall occur within any city, borough, town or other local municipal government now existing, or which shall hereafter exist, within the limits of any township, then and in such case a permit for burial shall be obtained in the same manner as in other cities, boroughs, towns and local municipal governments: *and*

Registrar or clerk to issue permit.

When certificate to be issued to undertaker.

Certificate authority for burial.

Assessor or clerk to issue permit.

Proviso.

Proviso.

provided further, that when a death shall occur within any township and the burial is to be made within the limits of any city, borough, town or other local municipal government of this state, the certificate of any such death may be delivered, if it be more convenient, by the undertaker or person acting as undertaker, to the registrar of vital statistics, if there be such officer, or if there be no such officer, then to the clerk of the city, borough, town or other local municipal government within which such undertaker or person acting as undertaker may reside, or within which the burial is to be made, but in all such cases it shall be the duty of such undertaker or person acting as undertaker, to deliver with said certificate of death, in writing, to such registrar or clerk, the name and post-office address of the assessor, if there be such officer, and if there be none, then of the clerk of the township in which the death shall have occurred, and also the sum of two cents to pay for postage, and said registrar or clerk shall immediately issue a permit for burial as in other cases and shall immediately transmit such certificate by mail to the assessor or clerk whose name and post-office address shall have been furnished as aforesaid, and for any neglect or failure so to transmit such certificate, such registrar or clerk shall be liable to a penalty of twenty dollars.

In absence of clerk or registrar judge of court or justice of peace may issue permit for burial, etc.

6. *And be it enacted*, That in case where, on account of the absence of the registrar of vital statistics or the clerk of any city, borough, town or local municipal government, or for any other sufficient reason, it may be impossible to obtain from such registrar or clerk a permit in time for burial, it shall be lawful for any judge of the court of common pleas or any justice of the peace of the county in which the death occurred, on presentation of the certificate of death to him, and being satisfied that such certificate is genuine, and that no permit can be obtained in time for burial from the clerk aforesaid, to issue a special permit for burial in the following form: "It being impossible to obtain a burial permit from the registrar of vital statistics or the clerk of the [stating here the name of the city, borough, town or other local municipal government], on account of [state here the reason], I, a judge of the court of common pleas [or a justice of the

Form of permit.

peace], of the county of , do hereby grant this special permit for the burial of , whose death has been duly certified to me," which permit shall be dated and signed by such judge or justice: the said judge or justice shall transcribe a copy of said permit upon the back of the certificate of death, shall give the original permit to the person delivering to him the certificate of death, and shall transmit the certificate, with the transcription thereon indorsed, by mail, in an envelope marked "burial permit," to the state bureau of vital statistics, at Trenton; the judge or justice who shall issue any such permit shall be entitled to charge and receive from the person presenting to him such certificate of death the sum of fifteen cents.

Copy of permit and certificate, where sent.

7. *And be it enacted*, That in case any person shall die without this state, and his or her body shall be brought into this state for burial, it shall be the duty of the family undertaker or other person conveying such body into this state, to bring therewith, or send beforehand, a certificate of death made by the physician who attended such deceased person during his or her last sickness, setting forth the particulars specified in the third section of this act, or in lieu thereof, a certificate of death, setting forth said particulars, may be obtained from any physician duly authorized to practice medicine within this state, who shall reside within the township, city, borough, town or other local municipal government within which the burial is to be made, and who shall have made proper inquiry as to the facts required to be certified, and satisfied himself as to the same; if the burial of such body shall be made in any township of this state, such certificate as aforesaid shall constitute a sufficient permit for burial: but if the burial shall be made in any city, borough, town or local municipal government of this state, the said certificate shall be delivered to the registrar or clerk thereof, who shall issue a permit for burial, as in cases where deaths shall occur within the city, borough, town or local municipal government of which such registrar or clerk is an officer.

Proceedings in case bodies are brought into this state for burial.

8. *And be it enacted*, That any undertaker or other person who shall be about to remove from this state the body of any deceased person who shall have died within this

Proceedings in case of removal of bodies from this state.

state, shall, prior to such removal, obtain a certificate of the death of such person, as required by the third section of this act, and such certificate shall be presented to the assessor of the township in which the death shall have occurred, if there be such officer, or if there be none, then to the clerk thereof, or to the registrar of vital statistics of the city, borough, town or other local municipal government, in which the death shall have occurred, or if there be no such officer, then to the clerk thereof, who shall issue to the person presenting such certificate a general or transit permit, according as the case may require; or, if the death shall have occurred in any township, and it shall be more convenient to present said certificate of death to the clerk of some city, borough, town or other municipal government, such course may be adopted, but the person presenting such certificate shall, in such case, also furnish said clerk with the name and post office address of the assessor, if there be such officer, and if there be none, then of the clerk of the township in which the death shall have occurred, and shall also pay to said clerk the sum of two cents, and said clerk shall thereupon issue a general or transit permit as aforesaid, and shall also forthwith transmit said certificate, by mail, to the assessor or clerk, whose name and post office address shall have been furnished as aforesaid, and for any neglect or failure so to transmit such certificate, said clerk shall be liable to a penalty of twenty dollars.

Keepers of cemeteries to keep record of interments.

9. *And be it enacted*, That it shall be the duty of the keeper of every cemetery within this state, owned by any cemetery company organized under any law of this state, to keep a record of all interments made in such cemetery, which record shall include the name of the person interred, last place of residence and the name of the undertaker, or person acting as undertaker; said record shall be a public record and at all times open to the inspection of any persons who, under any of the laws of this state, shall have duties imposed upon them relating to the procurement or tabulation of vital statistics.

Undertakers to transmit burial certificates.

10. *And be it enacted*, That it shall be the duty of every undertaker in this state, and of every person acting as undertaker in this state, to transmit by mail or otherwise to the assessor of the township, or if there be no assessor,

then to the clerk of the township, within five days after burial, the certificate of death which he may have received and used as a burial permit in the case of any person who shall have died in such township, or of any person who shall have died out of this state and been buried in such township, and if he shall neglect or fail so to do he shall be liable to a penalty of twenty dollars; and any undertaker, or person acting as undertaker, who shall bury within this state the body of any deceased person without having first received a permit for burial, according to the true intent and meaning of this act, and any clerk who shall sign any permit for burial and deliver the same, or knowingly suffer it to be delivered, to any undertaker or other person, without having first received a certificate of death, according to the true intent and meaning of this act, shall be liable to a penalty of fifty dollars.

Penalty for burying bodies without permit.

11. *And be it enacted*, That any minister of the gospel, magistrate, physician, midwife or other person, who shall knowingly make any false certificate of marriage, birth or death, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be liable to a fine not exceeding one hundred dollars or imprisonment in the county jail for a period not exceeding three months, or both, at the discretion of the court.

Penalty for making false certificates.

12. *And be it enacted*, That it shall be the duty of the assessor and clerk of every township, and of the registrar of vital statistics and the clerk of every city, borough, town or other local municipal government in this state, on or before the fifteenth day of each calendar month, to transmit by mail to the state bureau of vital statistics, at Trenton, in an envelope marked "vital statistics," all the certificates of marriages, births and deaths received by such officer, and of all "special returns" of births made during the preceding month; and every such assessor, registrar or clerk, upon receiving a certificate from the medical superintendent of said bureau of the whole number of certificates of marriages, births and deaths returned as aforesaid, shall be entitled to receive from the proper disbursing officer of the township, city, borough, town or other local municipal government in which such assessor, registrar or clerk shall be an officer, the sum of ten cents for each marriage, birth and death so returned,

Certificates to be transmitted to the bureau of vital statistics.

Fee for each certificate.

the receipt for which shall be attached to the said certificate of the said medical superintendent, and no payment shall be made unless such certificate be produced; and it shall further be the duty of the registrar of vital statistics or the clerk of every city containing thirty thousand inhabitants or over, *provided*, he has been or shall be so directed by the common council or other governing body thereof, before transmitting said certificates to the state bureau of vital statistics, to make a complete record of the marriages, births and deaths occurring in such city, which record shall be a transcript of the names and vital facts appearing upon the certificates of marriages, births and deaths delivered to him as hereinbefore directed; the said record shall be so made up that the marriages, the births and the deaths shall appear in separate and distinct classes, in books of such form as may be approved by the local board of health, and for making such record the said registrar or clerk shall be entitled to receive from the disbursing officer of said city the sum of three cents for each certificate thus recorded, in addition to his other fees and salary.

Record of births, marriages and deaths to be kept in certain cities.

Proviso.

13. *And be it enacted*, That it shall be the duty of the medical superintendent of said bureau to cause the certificates of marriages, births and deaths received by said bureau pursuant to the provisions of this act, to be alphabetically indexed, and in connection with said index to cause to be transcribed or otherwise recorded from said certificates such of the vital facts appearing thereon as the state bureau of vital statistics may deem necessary and useful; the index to the certificates of marriages, of births and of deaths, with said record of vital facts, shall be kept separate and distinct from one another, and shall further be so arranged as to present in separate and distinct classes the index and record for each county, and for each city, borough, town and other local municipal government containing five thousand inhabitants or over, which index and record thus prepared and classified shall be preserved as a public record in the office of the state bureau of vital statistics, and the original certificates shall be preserved in the archives of the bureau of vital statistics; any such original certificate, or any copy thereof, certified to be a true copy under the hand of said medical superinten-

Certificates to be alphabetically indexed, &c.

dent, shall be received in evidence in any court of this state to prove the facts therein contained.

State bureau to prepare blank forms of certificates, etc.

14. *And be it enacted*, That it shall be the duty of the state bureau of vital statistics to cause to be prepared blank forms of certificates of marriages, births and deaths, and of burial permits, corresponding to the requirements of this act, which forms, together with such sections of this law and such instructions and explanations thereof as the said bureau may deem useful to persons having duties to perform under this act, shall be printed and supplied in the same manner as the blanks and stationery for the use of the several departments and public offices of the state government are printed and supplied, and shall be distributed from time to time, as occasion shall require, by said bureau, amongst the assessors of the townships and the registrars and clerks of the cities, boroughs, towns and other local municipal governments of this state; and it shall be the duty of every such assessor, registrar and clerk to make and keep a complete list, as far as possible, of all ministers, magistrates, physicians, midwives, undertakers and other persons required to perform any duties under this act, and on or about the first day of May of each year to send to each such person a printed copy of such sections of this act and of such instructions and explanations as may be prepared as aforesaid, and also to furnish to each such person, on application, free of charge, a reasonable number of said blank forms as such person may require; and all certificates of marriages, births or deaths shall be made on the printed forms furnished by said bureau, or if they be written shall conform in all respects to said printed forms.

Duties of assessors, registrars and clerks.

Penalties, how and by whom recovered.

15. *And be it enacted*, That any penalty incurred under any of the provisions of this act, which shall relate to any particular marriage, birth or death, may be recovered with costs in an action upon contract in the name of the local board of health of the township, city, borough, town or other local municipal government, within whose limits such particular marriage, birth or death shall have occurred; and any penalty incurred which shall relate to any particular burial, if the death occur in this state, may be recovered in like manner in the name of the local board of health of the township, city, borough, town or

other local municipal government, within whose limits the death shall have occurred, but if the death occur without this state then such penalty shall be recovered with costs in an action upon contract in the name of the local board of health of the township, city, borough, town or other local municipal government within whose limits such burial may have been made; it shall be the duty of any health inspector, registrar of vital statistics or member of any local board of health, who shall know or be informed of any violation of this act, whereby any penalty may have been incurred, to make, under oath or affirmation, a complaint against the person incurring such violation, setting forth the facts of such violation, and to file such complaint with the clerk of any district court or any justice of the peace, police justice or recorder of the township, city or municipality within which the local board in whose name the suit may be brought shall have jurisdiction, and the clerk of the district court, the justice of the peace, police justice or recorder with whom any complaint shall be filed as aforesaid, setting forth facts sufficient to show that any penalty prescribed by this act has been incurred, is hereby authorized and required to issue process, either in the nature of a summons or warrant, which process, when in the nature of a warrant, shall be returnable forthwith, and when in the nature of a summons shall be returnable in not less than five nor more than fifteen days; on the return of such process, or at any time to which the trial shall have been adjourned, the said court, justice of the peace, police justice or recorder, shall proceed to hear the testimony and to determine and give judgment in the matter without the filing of any pleadings, and if judgment shall be given in favor of the plaintiff, execution shall be forthwith issued against the goods and chattels and persons of the defendant for the amount of the penalty with costs; the officers to serve and execute any process or execution issued as aforesaid, shall be the constables of the county, which service and execution shall be made in the same manner and under the same liabilities as prescribed in cases of the service and execution of process and executions by the act entitled "An act constituting courts for the trial of small causes" and the supplements thereto; all moneys recovered in any

such action shall be paid to the local board of health in whose name the suit may have been brought, for the uses of such board.

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

Approved February 15, 1888.

CHAPTER XL.

An Act to provide for the payment of a compensation to the clerk of the committee on engrossed bills of the house of assembly of the session of one thousand eight hundred and eighty-seven.

1. BE IT ENACTED *by the Senate and General Assemby of the State of New Jersey*, That there shall be paid by the treasurer of the state, upon the warrant of the comptroller, to Thomas Flynn, the sum of five hundred dollars, for services rendered as clerk of the committee on engrossed bills of the general assembly, session of one thousand eight hundred and eighty-seven. Payment for services authorized.

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

Passed February 15, 1888.

CHAPTER XLI.

An Act relative to the court of common pleas, the orphans' court, and the court of general quarter sessions of the peace, in the several counties of this state.

Appointment of and who to act in absence or vacancy in office of law or president judge of any county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case of absence, sickness or other inability or vacancy in the office of the law or president judge of any county in this state, to sit or perform the duties of his office, it shall be lawful for the chief justice or any associate justice of the supreme court, if he shall be unable to perform the duties himself, which he is hereby authorized and required to do, to designate and request the law or president judge of any other county to preside in the place and stead of any such law or president judge thus absent, sick or unable to sit and preside in the courts to which he was especially appointed, which said law or president judge so designated and requested shall have all the power and perform all the duties of any such law or president judge thus absent, sick or unable to attend to the duties of his office, upon filing such designation and request in the office of the clerk of the county in the courts of which he shall have been requested so as aforesaid to preside.

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

Approved February 15, 1888.

CHAPTER XLII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "A supplement to an act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six, which supplement was approved March sixteenth, one thousand eight hundred and eighty-six, be and the same is hereby amended so as to read as follows: Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all incorporated cities in this state, as soon as the election shall be finished and the ballots, poll lists, tally papers and oaths and affirmations deposited in the ballot-box, and the same sealed as now required by law, the ballot-box shall be immediately taken in charge by the two inspectors of election of the precinct, and by them forthwith carried to the office of the city clerk of the city in which such election may be held, by the most direct route, and without delay; and said inspectors shall not stop at any place between the polls and the city clerk's office: the clerk of any city in which the election shall be held, shall attend at his said office on election day, and keep his office open from the time the polls shall be closed until all the ballot-boxes used at the various polls in said city at such election shall have been delivered at his office; and he shall thereupon keep such boxes containing the tickets and other documents, and said clerk shall not open nor permit to be taken or opened, any ballot-box deposited as aforesaid, for the space of three months after the same has been deposited as aforesaid, except when he shall be called upon by some court or other tribunal authorized to try the merits of such election, or take testimony regarding the same: and after such trial or investigation, it shall be

Ballot boxes, etc., where deposited.

City clerks to keep office open on election day.

New Jersey State Library

the duty of the clerk to have said box or boxes returned and deposited in his office; the city clerk shall either attend personally at his office, or appoint one of the clerks in his office to act for him: *provided*, that when any special election is required to be held for any purpose, within the time that said ballot-boxes are required to remain in the custody of said city clerk, it shall be lawful for the judge of the circuit court of the county, upon application of the city council or other governing body, to direct the contents thereof to be removed and carefully preserved, and the said ballot-boxes to be used at said special election.

Proviso.

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

Repealer.

Approved February 15, 1888.

CHAPTER XLIV.

An Act to take for public use a tract of land on the Atlantic coast, in the county of Monmouth, and to vacate the streets and ways thereon, and to take and extinguish certain easements thereon and therein.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William L. Dayton, of Mercer county, and James Smith, junior, of Essex county, be and they are hereby appointed commissioners to acquire for the public use of the state, all that certain tract of land situate at Sea Girt, in the township of Wall, in the county of Monmouth, and state of New Jersey, and being a part of a larger tract belonging to the Sea Girt land improvement company, beginning at a stake in the middle of Sea Girt avenue, which stake is at the distance of four chains and fifty links, measuring on a course south, forty-five degrees east, from a stone in the southeast corner of lands formerly belonging to Charles Graham, deceased,

Commissioners appointed to acquire certain tract of land.

and now of said Sea Girt land improvement company, and in the line of land belonging to William Harris, and running thence along the middle of said Sea Girt avenue south, forty-three degrees forty-five minutes east, two thousand nine hundred and eighty-eight feet and six-tenths of a foot to a stake, a corner of other lands of said company; thence by said other land south, forty-three degrees forty-three and one-half minutes west, eight hundred and seventy-one feet and eleven-hundredths of a foot to a stake; thence south, seventy-one degrees twenty-four and one-half minutes east, one thousand six hundred and two feet and thirty-one hundredths of a foot to ordinary high-water mark of the Atlantic ocean; thence along said high-water mark south, eighteen degrees thirty-five and one-half minutes west, four hundred and eighty feet to a point; thence north, seventy-one degrees twenty-four and one-half minutes west, one thousand seven hundred and sixty-two feet and sixty-hundredths of a foot to a stake; thence south, forty-three degrees forty-three and one-half minutes west, one hundred and fifty-three feet and two-tenths of a foot to a stake on the northerly side of Stockton lake or Newbury's pond; thence along the same course produced into the said lake or pond to the middle thereof; thence along the middle of said lake or pond and along the middle of a small stream emptying thereinto, the several courses and distances thereof respectively to a point where a line running south, twenty-seven degrees forty-five minutes west, one thousand seven hundred and forty-five feet and twenty-four hundredths of a foot from the first-mentioned stake and place of beginning strikes the middle line of said stream; thence along said last-described course and line to the place of beginning, the upland containing one hundred and nineteen acres and eight hundred and twelve one-thousandths of an acre; the foregoing description, courses and distances of the said upland being taken from a survey of said tract of land made by William Segorne on the twenty-eighth day of November, anno domini one thousand eight hundred and eighty-four; and also to acquire by purchase for the public use all rights, private ways, easements or servitudes held, exercised or used by any person or corporation in, upon or over the said tract of land, or any part thereof;

Proviso.

Proviso.

provided, that the said land, private ways, easements, rights or servitudes can be acquired for a sum not exceeding the amount hereby appropriated; *and provided also*, that the said commissioners can ascertain such owners or persons, and such owners or persons are competent to make and execute valid conveyances for the same.

Commissioners to take oath.

2. *And be it enacted*, That the said commissioners, before entering upon the discharge of their duties, do severally take before a master in chancery of this state, an oath or affirmation faithfully, impartially and justly to perform all the duties required of them by this act, and that if the said commissioners shall be unable to agree with the owners of the estate in fee simple in said land, and the persons holding or entitled to incumbrances, rights, private ways, easements or servitudes in, upon or over said tract of land, or any part thereof, for the purchase, conveyance or extinguishment thereof, or cannot satisfactorily ascertain such owners or persons, or if such owners or persons cannot make and execute valid conveyances for the same, then the said commissioners shall proceed to examine into and adjudge the true value of the said land, rights, private ways, easements, or servitudes in or upon said land, or any part thereon, and that thereupon they do fix a time and place of meeting in the village of Manasquan, in the county of Monmouth; and that they do summon to attend, and be heard before them, at such time and place, all persons claiming to be owners of said tract of land, or to hold incumbrances thereon, and also all persons or corporations claiming to have lawfully acquired and to be entitled to any private ways, or other easements or servitudes whatever in, upon or over the said tract of land or any part thereof; such summonses shall declare that the state of New Jersey is about to take for the public use said lands and all rights, private ways, easements or servitudes whatever in, upon or over the same, or any part thereof; and that the said commissioners are about to ascertain the values thereof respectively, and shall be served upon all residents of this state known to the commissioners to be claimants of said tract of land, either as owners or incumbrancers of or upon said tract of land, or any part thereof, or as holders of any rights, private ways, easements or servitudes therein

Proceedings when commissioners cannot agree with the owners of the land.

or thereon: and such summonses shall be served by agents to be appointed by said commissioners, and in the same manner as summonses issued out of the supreme court of this state are now required by law to be served, and in like manner, upon all persons claiming to be entitled to any private ways or other easements or servitudes whatever in, upon or over the same, or any part thereof: the said commissioners shall also publish for one month in at least two newspapers printed and published in the county of Monmouth, and in the newspaper styled the Public Ledger, printed and published in the city of Philadelphia, and the state of Pennsylvania, a like summons, addressed to all persons not resident in the state of New Jersey, and to all persons resident in or out of said state and unknown to said commissioners, who claim to be owners of or incumbrancers upon said tract of land, or any part thereof, or to be entitled to any rights, private ways, or other easements or servitudes whatever in, upon or over said tract of land or any part thereof, requiring such persons to attend and be heard before them, in the village of Manasquan, in the county of Monmouth aforesaid, at the time and place fixed by said commissioners as hereinbefore directed; and such service and publication shall be deemed and taken to be due notice to all persons interested, of the intention of the state of New Jersey to take the said lands, private ways, easements or servitudes for the public use of the state, and due notice to such persons of the opportunity afforded them to be heard thereon.

Proceedings at the hearing.

3. *And be it enacted*, That at the time and place so fixed the said commissioners shall hear representations of all the claimants as aforesaid, who shall attend before them for that purpose, in respect to the value of the said tract of land, and of the private ways, easements or servitudes aforesaid, and shall inspect all documentary proofs offered by such claimants before them, and shall take the depositions of such witnesses as shall be produced to testify before them, either in behalf of said claimants or of the state, and for that purpose they are hereby empowered to administer oaths or affirmations to such witnesses, and to employ a stenographer to reduce such depositions to writing, who shall receive the compensation now pre-

scribed by law to be paid to stenographers appointed by the circuit courts of the state; the attorney-general shall appoint a proper counselor-at-law to represent the state in the proceedings before the commissioners, who shall receive such compensation as the governor and attorney-general shall approve; the said commissioners may adjourn the proceedings before them from time to time, and shall orally announce at the close of each of their meetings the time and place at which their next meeting will be held.

After hearing, commissioners to ascertain value of tract and file award in office of state comptroller, etc.

4. *And be it enacted*, That after the hearing before prescribed, the said commissioners shall proceed and ascertain the value of the said tract of land, and also of each private way, or other easement, or servitude whatever, in, upon or over the same or any part thereof, and shall make their award thereof in writing, and return and file the same in the office of the state comptroller, and the said return and award shall be inspected by the governor and state comptroller; and if approved by them the amounts of such valuation and award to an amount which shall not exceed the amount hereby appropriated, shall be paid by the state treasurer upon a warrant of the comptroller, into the court of chancery of the state to the credit of the several parties named in said award, and a copy of said award shall be filed in the office of the clerk of said court; and it shall be the duty of the chancellor to give notice, in such manner as he shall prescribe, to the several claimants of said funds named in said award, and to all other persons claiming the same, to appear before him and present their claims thereto, and the said chancellor shall adjudge the validity of their claims and order payment thereof as he shall deem equitable and just.

When funds paid into court of chancery, governor to take possession of tract, etc.

5. *And be it enacted*, That so soon as the said funds shall have been paid into the court of chancery as aforesaid, the governor of this state shall take possession of the said tract of land, and of all private ways or other easements or servitudes whatever, in, upon or over the same, for the public use of the state of New Jersey; and that upon such taking, Westminster, Myrtle, Holly, Lake, Atlantic and First avenues, and Greenwich, Brunswick, Essex, Somerset and Arch streets, designated on a map of Sea Girt, or plan of streets and lots, made by Charles F. Ingham and revised by Frederick J. Anspach, and filed in the clerk's

office of the county of Monmouth as a public record, September twelfth, one thousand eight hundred and seventy-eight, so far as the same are embraced within the limits of the tract of land aforesaid, and all other roads, avenues, streets or ways, whether public or private, embraced within the limits of said tract of land, be and the same are hereby vacated and made void; and it shall not be lawful for any public or municipal body, or any person or corporation, to open or use the same, and the land when so taken shall be held by the state free from any and every easement of way over the same, and in fee simple absolute.

Appropriation for compensating owners of the land.

6. *And be it enacted*, That the sum of seventy-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of making compensation for the taking for public use of the said tract of land, rights, private ways, easements or servitudes, and for all liabilities incurred and expenditures to be made by virtue of this act.

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

Approved February 21, 1888.

CHAPTER XLV.

An Act for the better protection of homing pigeons.

Penalty for detaining homing pigeons.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter any person or persons who shall forcibly detain any homing pigeon, which may be identified by any device or mark, shall be deemed guilty of a misdemeanor, and, on conviction thereof before any justice of the peace, shall be punished by a fine not exceeding fifty dollars, or by imprisonment in the county jail not exceeding three months, or both, at the discretion of the court.

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

Approved February 21, 1888.

CHAPTER XLVI.

An Act authorizing the common council or other governing body of the cities of this state to abolish the office of surveyors of the highways within such city.

Authorized to abolish office of surveyor of the highways.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the common council or other governing body of any city in this state, by an ordinance duly passed for that purpose, to abolish the office of surveyor of the highways within the limits of such city, when in such city the duties by law imposed upon such surveyor or surveyors are or may be performed by a city surveyor or other city officer or legislative body.

Repealer.

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

Approved February 21, 1888.

CHAPTER XLVII.

A Supplement to an act entitled "An act to regulate the acquiring of land for exclusive public uses by the state of New Jersey," approved May second, one thousand eight hundred and eighty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement be amended so as to read after the enacting clause, as follows: That whenever it shall be deemed necessary by the legislature to acquire land for the exclusive public use of the state of New Jersey, commissioners shall be appointed by a statute duly passed for that purpose, designating by general description the land necessary to be acquired, and empowering and directing the commissioners therein and thereby appointed, to acquire the same by contract of bargain and sale to be made by them with the owners of the estate in fee simple in said land, and such other persons as may hold or be entitled to special, legal or equitable rights or easements in said land, if they can ascertain such owners or persons; *provided*, such owners or persons can make and execute valid conveyance for the same; and such statute shall fix and designate the limit of the purchase-money to be paid therefor and prescribe the mode of payment thereof.

Section amended.

When necessary to acquire land, commissioners to be appointed by statute.

Proviso.

2. *And be it enacted*, That section two of said act be amended so as to read as follows: That in case the said commissioners shall be unable to ascertain, or to agree with the owners of the estate in fee simple in said land, and with the persons entitled to legal or equitable rights therein or easements therein or thereon, or if the said owners or persons shall be unable to make valid conveyances of the same, then the said commissioners shall be authorized and directed by said statute to examine into and adjudge the true value of the said lands, rights and easements, upon due notice to all persons whom they can

Section amended.

When commissioners authorized to examine into the true value of lands.

When governor to take lands.

ascertain to be interested; and the governor of the state, upon compensation being paid into a competent court for the use of such owners and persons, to the amount of the award of said commissioners, shall take the said lands in fee, and the said rights and easements, for the public use;

Moneys to be paid out of state treasury.

and the moneys necessary to make such compensation shall be provided and appropriated in such statute, to be paid out of the treasury of this state in the manner prescribed by such statute.

When land taken, streets, etc., vacated.

3. *And be it enacted*, That upon said lands being taken in fee, as above provided, all streets, highways, ways, rights and easements, on or over any of the said lands, shall become and be vacated and made void.

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

Approved February 21, 1888.

CHAPTER XLVIII.

An Act to authorize horse railroad companies incorporated under the laws of this state to merge and consolidate their corporate franchises and other property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any

Lawful for horse railroad company to consolidate with other companies having lines in same county.

horse railroad company or corporation organized under the laws of this state to merge and consolidate its capital stock, franchises and property, with those of any other horse railroad company or companies having lines of railway in the same county, which consolidation shall be made under the conditions, provisions, restrictions and with the powers hereafter in this act mentioned and contained, that is to say:

Directors may enter into joint agreement for consolidation.

I. The directors of the several corporations proposing to consolidate may enter into a joint agreement, under the corporate seal of the company, for the consolidation

of said companies and railroads, and prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation; the number and names of the directors and other officers thereof, and who shall be the first directors and officers, and their places of residence; the number of shares of the capital stock; the amount or par value of each share, and the manner of converting the capital stock of each of the said companies into the new corporation, and how and when directors and officers shall be chosen, with such other details as they shall deem necessary to perfect such new organization and the consolidation of said companies or railroads:

Agreement to be submitted to the stockholders of each company, etc.

II. Said agreement shall be submitted to the stockholders of each of said companies or corporations at a meeting thereof, called separately, for the purpose of taking the same into consideration; due notice of the time and place of holding such meeting, and the object thereof, shall be delivered to such persons respectively, or sent to them by mail, when their post-office address is known to the company, and also by a general notice published in some newspaper in the city where such company has its principal office or place of business; at said meeting of stockholders the agreement of the said directors shall be considered, and a vote by ballot taken by each company separately, for the adoption or rejection of the same, each share entitling the holder thereof to one vote, and said ballots shall be cast in person or by proxy, and if three-fourths of all the votes of all the stockholders of each company voting separately shall be for adoption of said agreement, then that fact shall be certified thereon by the secretary of the respective companies, under the seal thereof; and the agreement so adopted or a certified copy thereof shall be filed in the office of the secretary of state, and shall, from thence, be deemed and taken to be the agreement and act of consolidation of the said companies; and a copy of said agreement and act of consolidation, duly certified by the secretary of state, under the seal thereof, shall be evidence of the existence of said new corporation.

Agreement or copy to be filed in office of secretary of state.

Copy evidence.

2. *And be it enacted*, That upon the making and perfecting the agreement and act of consolidation, as provided

When agreement perfected and filed, parties to be deemed one corporation.

in the preceding section, and filing the same or a copy with the secretary of state as aforesaid, the several corporations parties thereto shall be deemed and taken to be one corporation, by the name provided in said agreement and act, possessing all rights, privileges and franchises, and subject to all the restrictions, disabilities and duties of each of such corporations so consolidated; and if there shall be any difference in gauge or width of track of said railroads so consolidated, the same may be changed and harmonized as the board of directors shall prescribe.

Gauge of track may be changed.

When act of consolidation consummated, rights, property, etc., vested in new corporation.

3. *And be it enacted*, That upon the consummation of said act of consolidation as aforesaid, all and singular the rights, privileges, and franchises of each of said corporations, parties to the same, and all property, real, personal and mixed, and all debts, due on whatever account, as well as of stock subscriptions, shall be taken and deemed to be transferred to and vested in such new corporation, without further act or deed: and all property, all rights of way, and all and every other interests shall be effectually the property of the new corporation as they were of the former corporations, parties by said agreement, and the title to real estate, either by deed or otherwise under the laws of this state, vested in either of such corporations, shall not be deemed to revert, or be in any way impaired by reason of this act; *provided*, *however*, that all rights of creditors and all liens upon the property of either of said corporations shall be preserved unimpaired, and the respective corporations may be deemed to continue in existence to preserve the same; and all debts, liabilities and duties of either of said companies shall thenceforth attach to said new corporation, and be enforced against it to the same extent as if said debts, liabilities and duties had been incurred or contracted by it.

Proviso.

Suits may be brought against new company.

4. *And be it enacted*, That suits may be brought and maintained against such new company in any of the courts of this state, in the same manner as against other railroad companies therein.

Subject to taxation as other horse railroad companies.

5. *And be it enacted*, That such consolidated company and all its real estate and other property shall be subject to taxation and assessed in the manner provided by law for the taxation and assessment of the property of other horse railroad companies.

How stockholders, refusing to convert stock into new company, may proceed to have damages estimated.

6. *And be it enacted*, That any stockholder of any company hereby authorized to consolidate with any other, who shall refuse to convert his stock into the stock of the consolidated company may, at any time within thirty days after the adoption of the said agreement of consolidation by the stockholders as in this act provided, apply by petition, to the court of common pleas of the county in which the chief office of said company may be kept, or to a judge of said court in vacation, if no such court sits within said period, on reasonable notice to said company, to appoint three disinterested persons to estimate the damage, if any, done to such stockholder by said proposed consolidation, and whose award or that of a majority of them, when confirmed by the said court, shall be final and conclusive, and the person so appointed shall also appraise said stock of such stockholder at the full market value thereof, without regard to any depreciation or appreciation in consequence of the said consolidation, and the said company may, at its election, either pay to the said stockholder the amount of damages so found and awarded, if any, or the value of the stock so ascertained and determined, and upon the payment of the value of the stock as aforesaid the said stockholder shall transfer the stock so held by him to said company, or be retained for the benefit of the remaining stockholders: and in case the value of said stock as aforesaid is not so paid within thirty days from the filing of the said award and confirmation by said court and notice to said company, the damages so found and confirmed shall be a judgment against said company, and collected as other judgments in said court are by law recoverable.

Consolidated company may issue bonds.

7. *And be it enacted*, That in all cases of merger or consolidation of two or more horse railroad companies under and by virtue of the provisions of this act, the said consolidated company shall have power and authority to issue bonds, with coupons or interest certificates thereto attached, to an amount sufficient to cover all the indebtedness of the companies so merged and consolidated, and to aid in the completion, reconstruction and better equipment of said railroads, to secure the payment of which it shall be lawful for them to create a mortgage covering their corporate franchises, rights, privileges and property,

How secured.

real and personal, and said mortgage shall be a valid lien, when properly executed and recorded, upon the property described; *provided*, that the bonds shall not bear a greater rate of interest than six per centum per annum, and the bonds so issued may be given in lieu, exchange and satisfaction of and for all bonds, coupons or other debts or liabilities against the companies thus merged and consolidated, upon such terms as may be agreed upon by and between the holders of said debts or claims and the board of directors of said consolidated company.

Proviso.

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

Approved February 21, 1888.

CHAPTER XLIX.

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

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

Section amended.

4. *And be it enacted*, That the said council or township committee of any such town or township, and the proper municipal authorities of such adjoining municipality, instead of making the contract or agreement provided for by the first section of this act, may each appoint one disinterested commissioner, who, after first making oath or affirmation in writing that they will exercise the powers and discharge the duties vested and imposed upon them

Municipal authorities may appoint commissioners instead of making contract.

honestly and faithfully and to the best of their ability and understanding, shall appoint an additional disinterested commissioner to act with them, who shall reside in the county but shall be a non-resident of either such town or township or such adjoining municipality, who shall make the same oath or affirmation as is above required to be made by the other commissioners, all of which oaths or affirmations aforesaid shall be filed in the office of the clerk of the county in which such municipalities are situated; the compensation of each of the said commissioners shall be the sum of three hundred dollars for the services required of them under the provisions of this act, which said compensation shall be apportioned in equal amounts between or among such municipalities, and said commissioners shall draw an order on each municipality in favor of the chairman of the said commission, which order shall be paid on presentation by the municipality on which it is drawn, and it shall then be the duty of the chairman of said commission to pay to each of said commissioners the compensation herein specified: *provided, however*, that at no time before said work shall be fully completed shall the said commissioners draw orders for said compensation as aforesaid.

Compensation of commissioners, how paid.

Proviso.

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

Section amended.

8. *And be it enacted*, That the said commissioners shall have power to take any lands that may be necessary for the building or constructing of such sewer, upon paying to the owner or owners thereof the fair value of the lands taken and of the improvements thereon and the damage done to any lot, tract or parcel, tenement or building, by taking part of it for such purpose; and any person whose lands and property shall or may be injuriously affected by the location of the outlet of said sewer, shall be entitled to have and receive a just compensation for such injury, which value, damages and compensation shall be ascertained and determined by the said commissioners, and the moneys necessary to pay the same shall be advanced and paid by the said municipalities on the order of the said commissioners in the proportion provided in

Commissioners empowered to take lands for construction of sewer upon making compensation therefor and damages.

Proviso.

and by the report of the commissioners; *provided, however*, that the said commissioners shall not enter into possession of any such lands or construct said outlet until after the amount of such value and damages and compensation shall have been paid or tendered to the owner thereof; but if such owner shall not reside in the county, or if he will not accept the amount so tendered, or if he is a lunatic, or idiot, or an infant, then the said commissioners shall deposit the amount of such value and damages in a national bank, situate in the county in which said municipalities are situated, for the use of such owner, and may then take possession of such land.

Section amended.

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

Sewer not to empty into creek, etc., except at points designated by state board of health.

15. *And be it enacted*, That no sewer authorized to be constructed by this act shall be located or constructed so as to empty, drain or discharge its contents into any creek, pond or water-course except at such point or place therein as will be the least dangerous to public health, which point or place shall be designated and fixed by the board of health of the state of New Jersey, upon application by said commissioners and upon notice to all municipalities bordering on said creek, stream, pond or water-course; and no such sewer shall in any event be located or constructed as aforesaid so as to empty, drain or discharge its contents into any creek in which there is a sluice, unless it be at a place therein between such sluice and the mouth of said creek, or located so as to drain as aforesaid into any creek, stream, lake, pond or water-course the waters of which are used for or connect with the waters of any river, creek, stream, lake, pond or water-course used for the supply of water to any aqueduct, water-main or reservoir of any city, town, township or municipality of this state.

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

Approved February 21, 1888.

CHAPTER L.

A Supplement to an act entitled "An act for the more easy partition of lands held by coparceners, joint tenants and tenants in common" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any executor or administrator with the will annexed, whose testator has or shall have died seized of an undivided share of any lands, tenements or hereditaments situated in this state, and who has or shall have, under the provisions of such testator's will, power to sell such undivided share, shall hereafter have the same power to bring an action to effect a partition of such lands, tenements or hereditaments in any court in this state of competent jurisdiction, that such testator might have brought, if living.

Executor with will annexed empowered to bring action for portion of lands.

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

Approved February 21, 1888.

CHAPTER LI.

An Act to amend an act entitled "An act to encourage the establishment of public libraries in any town or municipality in this state, and to provide for taking care of and perpetuating the same," approved March first, one thousand eight hundred and eighty-two.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "An act to encourage the establishment of public libraries in any town or municipality in this state, and to provide for taking care of and perpetuating the same," approved March first, one thousand eight hundred and eighty-two, be and the same is hereby amended so that the same shall read as follows:

When trustees of public library shall become a body corporate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any person or number of persons shall have heretofore or shall hereafter subscribe any amount of money, not less than one thousand dollars, for the purposes of a public library in any town or municipality in this state, and shall, by deed acknowledged in due form of law, appoint certain persons as trustees, not less than ten in number, to use and administer said trust or gift for the benefit of a public library, and shall, by said deed, provide that the said trustees may, for the proper management of any such library and taking care of and perpetuating she same, fill any vacancies in their own number: such trustees shall, upon the recording of any such deed in the office of the clerk of any county where the said library is located, and in the office of the secretary of state, be and become a body politic and corporate in law, without capital stock, with such corporate name as may be provided for in any such deed of trust appointing said trustees.

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

Approved February 21, 1888.

CHAPTER LII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the support and maintenance of the state industrial school for girls and for necessary repairs and the purchase of a strip of land containing about seven acres of land adjoining the lands of said school, the sum of ten thousand dollars be and is hereby appropriated, and the state treasurer is hereby authorized to pay the said sum to the treasurer of said school upon the warrant of the comptroller. Appropriation for support, repairs and purchase of land.

2. *And be it enacted*, That the trustees of the said industrial school, by and with the approval of the governor, are authorized to purchase said tract of land at such price as he may approve. Trustees may purchase tract of land, with the approval of the governor.

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

Approved February 21, 1888.

CHAPTER LIII.

An Act to increase the powers of boards of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all towns in this state where the governing power has been committed to a board of commissioners elected annually by a vote of the freeholders of such town, such board of commissioners shall, in addition to the powers now vested by law in Boards vested with additional powers.

them, hereafter have the power to pass, alter, amend and repeal ordinances for the following purposes:

To prevent breaches of the peace and suppress disorderly houses.

I. To prevent and suppress breaches of the peace and disorderly assemblages, and to define and suppress disorderly houses in said town;

To provide for board of health.

II. To provide for a board of health to act in case of the prevalence of epidemic diseases;

Abate nuisances

III. To abate and cause the removal of nuisances, and, at the expense of the owner or occupant, the cleansing and disinfection of premises where nuisances are maintained detrimental to health;

Compel owners to pave sidewalks.

IV. To compel the owner of abutting lands to pave or flag sidewalks, and upon the refusal or neglect of such owner to comply with such ordinance, to cause the same to be done at the expense of such owner, said boards of commissioners being hereby empowered to recover such cost or expense of such owner, in an action of debt in any court of competent jurisdiction;

Compel owners to keep side walks free from snow, etc.

V. To compel the owners or occupants of abutting lands to keep the sidewalks and gutters free from snow and ice and other impediments, and to keep the said sidewalks in a safe, convenient and passable condition at all seasons;

Regulate the dumping of ashes, etc.

VI. To regulate and prevent the dumping or throwing of waste matter, ashes or garbage in the public streets or on lands belonging to or under control of the public;

License public hacks, etc.

VII. To license and regulate public hacks, carriages, carts, trucks and other vehicles used for hire;

License peddlers, exhibitions, etc.

VIII. To license and regulate peddlers, hucksters and other street venders, and all circuses or other shows and exhibitions whatsoever proposed to be performed or exhibited within the limits of said town;

Establish a police force.

IX. To establish, regulate and control a day and night police, and to regulate and define the manner of their appointment and removal, their duties and compensation;

Fix penalty for violation of ordinances.

X. To fix the penalty for the violation of any ordinance authorized by this act or other acts now in force applicable to the powers of such board of commissioners, which may be passed by said boards, which penalty may be imprisonment in the county jail, not exceeding ten days, or a fine not exceeding fifty dollars, or both; all prosecutions for the violation of any ordinances so authorized

shall be made before any justice of the peace residing within the limits of said town, jurisdiction being hereby conferred.

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

Approved February 21, 1888.

CHAPTER LV.

An Act to ratify and confirm an agreement made between the commissioners appointed by the governor of the state of New York and the commissioners appointed by the governor of the state of New Jersey, to locate and mark out by proper buoys the boundary line between the two states in lands under water in Raritan bay.

Preamble. WHEREAS, Commissioners duly appointed on the part of the state of New York and commissioners duly appointed on the part of the state of New Jersey, for the purpose of locating and marking out by proper buoys the boundary line between the two states in lands under the water of Raritan bay, have executed certain articles, two copies for each state, which are contained in the following words:

Articles of agreement. An agreement, made the twelfth day of October, in the year one thousand eight hundred and eighty-seven, between Mayo W. Hazeltine, Robert Moore and Lieutenant G. C. Hanus, U. S. N., commissioners on the part of the state of New York, and George H. Cook, Robert C. Bacot and A. B. Stoney, commissioners on the part of the state of New Jersey:

Whereas, By chapter sixty-nine of the laws of the state of New York for the year one thousand eight hundred and eighty-seven, the governor was authorized to appoint

three commissioners on the part of the state of New York, with full power to meet with the commissioners duly authorized on the part of the state of New Jersey, and with them locate and mark out by proper monuments and buoys the true boundary line between the two states in lands under water in Raritan bay; and

Whereas, The said Mayo W. Hazeltine, Robert Moore and Lieutenant G. C. Hanus, U. S. N., were duly appointed commissioners on the part of the state of New York, for the purposes mentioned in said act; and

Whereas, By an act of legislature of the state of New Jersey, passed April twentieth, one thousand eight hundred and eighty-six, entitled "A joint resolution authorizing the appointment of a commission to locate and mark out the boundary line between the state of New Jersey and the state of New York in Raritan bay," the governor of the state of New Jersey was authorized to appoint three commissioners, with power on the part of the state to meet any authorities duly authorized on the part of the state of New York, and with them locate by proper buoys the boundary line between the two states of lands under water in Raritan bay; and

Whereas, The said George H. Cook, Robert C. Bacot and A. B. Stoney were duly appointed commissioners for the purposes of said act; and

Whereas, The said commissioners, acting for and on behalf of their respective states, have entered upon the performance of the duties imposed upon them by said act, and have, in pursuance of the authority to them severally given as aforesaid, agreed and hereby do agree upon a boundary line between the two states in lands under water in Raritan bay, and locate the same, as follows:

Location of boundary line.

First. From the "Great Beds light-house" in Raritan bay, north, twenty degrees and sixteen minutes west, true, to a point in the middle of the waters of Arthur Kill or Staten Island sound, equi-distant between the southwesterly corner of the dwelling-house of David C. Butler, at Ward's Point, on Staten Island, in the state of New York, and the southeasterly corner of the brick building on the lands of Cortlandt L. Parker, at the intersection of the westerly line of Water street with the northerly line of Lewis street, in Perth Amboy, in the state of New Jersey;

Second. From "Great Beds light-house" south, sixty-four degrees and twenty-one minutes east, true, in line with the center of Waackaack or Wilson's beacon, in Monmouth county, New Jersey, to a point at the intersection of said line with a line connecting "Morgan number two" triangulation point, United States coast and geodetic survey, in Middlesex county, New Jersey, with the granite and iron beacon marked on the accompanying map as "Romer stone beacon," situated on the "Dry Romer shoal;" and thence on a line bearing north, seventy-seven degrees and nine minutes east, true, connecting "Morgan number two" triangulation point, United States coast and geodetic survey, in Middlesex county, New Jersey, with said Romer stone beacon (the line passing through said beacon and continuing in the same direction), to a point at its intersection with a line drawn between the "Hook beacon," on Sandy Hook, New Jersey, and the triangulation point of the United States geodetic survey, known as the Oriental hotel, on Coney Island, New York; then southeasterly, at right angles with the last-mentioned line, to the main sea:

Third. The monumental marks by which said boundary line shall be hereafter known and recognized are hereby declared to be as follows: Monumental marks.

I. The "Great Beds light-house;"

II. A permanent monument marked "state boundary line New York and New Jersey," and to be placed at the intersection of the line drawn from the "Great Beds light-house" to "Waackaack or Wilson's beacon," Monmouth county, New Jersey, and the line drawn from "Morgan's number two" triangulation point, United States coast and geodetic survey, in Middlesex county, New Jersey, to the "Romer stone beacon:"

III. Eight buoys or spindles, to be marked like the permanent monuments above mentioned and placed at suitable intervening points along the line from the said permanent monument to the "Romer stone beacon:"

IV. The Romer stone beacon;

Fourth. The maps accompanying and filed with this agreement, showing the location of the above-described boundary line between the state of New York and the state of New Jersey in Raritan bay to the main sea, and

the monumental marks by which it is marked and to be marked, duly authenticated and attested by the signatures of the said commissioners, and placed on file in the offices of the secretaries of state of the respective states, shall constitute the permanent and authentic records of said boundary line, and are hereby adopted by the parties thereto and made a part of this agreement.

In witness whereof, the said commissioners have hereto set their hands and seals in duplicate, this twelfth day of October, in the year of our Lord one thousand eight hundred and eighty-seven.

M. W. HAZELTINE, [L. S.]
ROBERT MOORE, [L. S.]
G. C. HANUS, Lieut, U. S. N., [L. S.]
GEORGE H. COOK, [L. S.]
ROBERT C. BACOT, [L. S.]
A. B. STONEY. [L. S.]

Certified to—

EDWARD P. DOYLE, *Secretary of Joint Commission.*

Therefore,

Agreement ratified.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the aforesaid agreement, and every article, clause, matter and thing therein contained, shall be and the same is hereby fully and amply ratified and confirmed on the part of the state of New Jersey.

Approved February 21, 1888.

CHAPTER LVI.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That local boards of health, except township boards, shall, in addition to the powers enumerated in the act to which this is a supplement, have power to pass, alter or amend ordinances, and make rules or regulations within their respective jurisdictions: Local boards of health invested with additional powers.

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

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

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

3. *And be it enacted*, That the conviction in prosecutions by any local board of health to recover penalties for the violation of the ordinances of said board, shall be in the following or similar form: Conviction in prosecutions for violation of ordinance, form of.

STATE OF NEW JERSEY, }
County of ——— } *ss.*

Be it remembered, that on this day of A. D. at in said county, defendant, was, by the second district court of the city of N. (or by E. F., a police justice, or as the case is), convicted of violating section of the sanitary code of the board of health of the said city of N. (or of an ordinance entitled "An Ordinance," &c.), in a summary proceeding, at the suit of the said the Board of Health of the city of N., plaintiff, upon a complaint made by ; and further, that the witnesses in said proceeding who testified for the plaintiff were (name them), and the witnesses who testified for the defendant were (name them); wherefore, the said court (or police justice, or as the case is,) doth hereby give judgment that the plaintiff recover of the defendant dollars penalty and dollars and cents costs of this proceeding.

To be signed by magistrate before whom had, &c.

The said conviction shall be signed by the judge of the district court, police justice or other magistrate, before whom the conviction is had; in case of the infliction of a penalty, the amount of which is increased by the fact that it is for a second or additional violation, the conviction shall state that it appeared that the defendant had been guilty of a previous violation of the same section of said code or ordinance; the costs in prosecutions under the act to which this is a supplement, shall be the same as costs before justices of the peace, police justices or recorders, or in district courts in other civil actions.

Costs.

Judgment may be docketed in court of common pleas.

4. *And be it enacted*, That any judgment rendered on conviction of a violation of any section of any ordinance or code of any local board of health, by any court having jurisdiction of such proceeding, may be docketed in the court of common pleas, as other judgments recorded in said courts may be, and in the same manner, and such judgment shall, from the time of said docketing in the court of common pleas, operate as a judgment obtained in a suit originally commenced in said court, and satisfaction thereof may be entered in the margin of the docket in the same manner and on the same evidence as is now provided by law in case of judgments rendered in

the courts of common pleas; and the execution issued thereon shall be of the same effect as to the property of the defendant, either of a personal or real nature, as if issued on a judgment originally obtained in the court of common pleas upon a suit commenced therein; and after said docketing, no further proceedings shall be had in the said district, police, justice's or recorder's court, in which said judgment was obtained.

Approved February 22, 1888.

CHAPTER LVII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of land heretofore made, shall be invalidated by reason of the omission to publish the advertisement of such sale for four entire weeks, successively, once in each week next preceding the day of sale; *provided*, that said advertisement shall have been published for four successive times once each week: *and provided*, that said sale has been or shall hereafter be confirmed by the court under whose authority such sale was made. Sale not invalidated by omission to publish advertisement of sale. Proviso. Proviso.

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

Approved February 22, 1888.

CHAPTER LVIII.

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

County superintendent may declare office of district clerk vacant, and appoint successor in certain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any county superintendent of schools shall receive satisfactory evidence that any district clerk in his county has neglected or refused to perform any official duty assigned to him by law, he may declare the office of said district clerk vacant and proceed to fill, by appointment, such office for the unexpired term; *provided*, that due notice of his proposed action shall be sent by the county superintendent to such district clerk, who shall have opportunity to present satisfactory reasons for such neglect or refusal, and that the office of such district clerk shall not be declared vacant until the expiration of three weeks from the date of said notice; *and provided further*, that the action of the county superintendent shall be approved by the state superintendent of public instruction.

Proviso.

Proviso.

Trustees of school district to call special meeting of voters of district when requested by one-fourth thereof.

2. *And be it enacted*, That it shall be the duty of the trustees of any school district in this state to call a special meeting of the legal voters of such district whenever one-fourth of such legal voters shall request them, by petition, so to do; and in the notices calling such special meeting shall be inserted the purpose or purposes named in said petition.

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

Approved February 22, 1888.

CHAPTER LIX.

An Act to amend an act entitled "An act for building school-houses in townships," approved March eleventh, one thousand eight hundred and eighty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title of the act to which this is an amendment shall be amended so as to read as follows: Title amended.

An Act to authorize the purchase or acquirement of lands for school purposes and the construction of school-houses. Title as amended.

2. *And be it enacted*, That section one of said act shall be amended so as to read as follows: Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any school district of this state, at their annual meeting, or at any special meeting called for that purpose upon legal notice, to vote and appropriate money for the purchase or acquirement of lands and the construction of a school-house, or for the purchase or acquirement of additional lands to increase the present school-grounds of said district, at such place in the said school district as the school trustees thereof may designate, and for that purpose the said school trustees may acquire the said land by purchase or condemnation: *provided*, a majority of the taxable voters of said school district shall be present at any meeting as aforesaid and shall vote on any proposition presented for the condemnation of land; and any money heretofore raised by tax for any of the purposes aforesaid in any school district, and not otherwise appropriated or expended, may be used for such purpose, upon the order of the school trustees of such district. Lawful for school district to vote money for purchase of lands and construction of school house, etc. Provise.

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

Approved February 22, 1888.

CHAPTER LX.

An Act to provide compensation for one John G. Babcock, for loss of pay caused by transfer from New Jersey state troops to regular army.

Preamble.

WHEREAS, John G. Babcock, of Sussex county, state of New Jersey, enlisted in the state troops of New Jersey, on the sixth day of August, one thousand eight hundred and sixty-two, and was transferred from the state troops to the regular army on the twenty-sixth day of October, one thousand eight hundred and sixty-two; *and whereas*, by the act of May eleventh, one thousand eight hundred and sixty-one, laws of New Jersey, section one, page five hundred and sixty-three, the sum of six dollars per month was to be paid to the families of married persons of the militia of this state; *and whereas*, by his transfer from the state troops to the regular army, his family was deprived of the six dollars per month; *and whereas*, he served in the regular army for the term of two years, nine months and fifteen days; therefore,

Payment directed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there be paid to the said John G. Babcock, from the treasury of the state, of the money not otherwise appropriated, the sum of two hundred and one dollars, being the amount his family would have received had he remained in the service of the state.

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

Approved February 22, 1888.

CHAPTER LXI.

An Act to enable certain municipal corporations of this state to raise increased sums of money for public purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any city, town or other municipal corporation of this state, incorporated or existing under or by virtue of any special act of incorporation, is now limited by its charter or act of incorporation, or any supplement thereto, to raising by taxation in any one year, a less sum than twenty thousand dollars, it shall and may be lawful for the governing body of any such city, town or other municipal corporation, by whatever name such governing body may be called or designated, in the discretion of such governing body and by a majority vote thereof, to order and raise by taxation, in any year or years, any sum not exceeding twenty thousand dollars, as such governing body may deem necessary and proper, anything in any such special act of incorporation, charter or supplement thereto, to the contrary notwithstanding.

Lawful for certain municipal corporations to raise increased sums of money

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

Approved February 22, 1888.

CHAPTER LXII.

A Supplement to the act entitled "An act providing for the pensioning of police officers and policemen in certain cities of this state, and regulating the method by which the same may be accepted and become operative in said cities," approved March thirty-first, one thousand eight hundred and eighty-seven.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four (4) of the act to which this is a supplement be and the same is hereby amended so as to read as follows, to wit:

Member of force to be paid one-half compensation during temporary disability.

4. *And be it enacted*, That every member of such force shall be paid one-half compensation or salary only during temporary disability occasioned while in the performance of his or their duty: *provided*, *however*, that it shall be lawful for the board or body having control of the police force in any city where the act to which this is a supplement is in operation, by resolution, to give such members of the force as may be or become disabled full compensation, if, after examination, the circumstances and character of such disability, in the judgment of said board, shall justify such full compensation, and not otherwise.

Proviso.

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

Approved February 22, 1888.

CHAPTER LXIII.

An Act concerning taxes and assessments in villages and other municipal corporations governed by a board of trustees, and making same a first lien on real estate, and authorizing sale for the payment of the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That such taxes and assessments as may be lawfully levied, imposed or assessed by any board of trustees of any village or other municipal corporation, governed by a board of trustees, against any person or persons or corporations, for and on account of any lands, tenements, hereditaments or real estate situate, lying and being in such village or municipality so governed, together with lawful interest thereon, and all costs, fees, charges and expenses in relation thereto, shall be, become and remain a first and paramount lien upon the lands or real estate on account of which the same were so levied or assessed until paid; and that any and all estates therein, whether legal or equitable, and any and all mortgages, alienations, descents, liens or incumbrances of any kind or nature of, in or upon or against the said lands, tenements, hereditaments or real estate shall be, in every respect, subject and subservient to the lien of the aforesaid taxes, assessments, interest, costs, fees, charges and expenses.

Taxes levied by trustees to be a first lien until paid.

2. *And be it enacted*, That in case any taxes or assessments referred to in the last section, together with interest thereon, costs, fees, charges and expenses aforesaid, shall remain unpaid and in arrears for the space of sixty days after the time when payable, according to the charter of such village or other municipal corporation so governed, then and in that case the said board of trustees shall have full power and authority to issue their warrant, under the common seal of said village or municipality, signed by the chairman of the board of trustees, and attested by the clerk thereof, directed to the collector of taxes of said

When taxes in arrear for sixty days, payment of same by sale of lands authorized.

village or municipality or board of trustees, commanding him to make sale of such taxes or assessments, with the interest, costs, fees, charges and expenses aforesaid, out of the lands, tenements, hereditaments or real estate on account of which the same were assessed or incurred, by selling the same or any part thereof, in the same manner, to like extent and with same force and effect in all things as provided in and by the act entitled "A further act concerning taxes, making the same a first lien on real estate and authorizing sales for the payment of the same," approved March fourteenth, one thousand eight hundred and seventy-nine, and the supplements thereto.

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

Approved February 22, 1888.

CHAPTER LXIV.

An Act concerning cities.

Lawful for municipal authorities to borrow money in anticipation of taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council, board of aldermen or other governing body of any city, after the adoption of the annual ordinance for the assessment of taxes in such city, to borrow in anticipation of the taxes so ordered and assessed, any amount or amounts not exceeding one-half of the total amount ordered assessed for that year; *provided*, that nothing herein shall be construed to limit any power possessed by any city to borrow a larger sum.

Proviso.

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

Approved February 22, 1888.

CHAPTER LXV.

An Act relative to the state reform school for boys.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there be appropriated the sum of five thousand dollars, to be used by the trustees of the reform school for boys in providing suitable lighting facilities for that institution, and that the sum appropriated by the act approved April twenty-eighth, one thousand eight hundred and eighty-six, may be used by the said trustees, together with the sum appropriated by this act, for the purposes of this act. Appropriation for lighting purposes

2. *And be it enacted*, That there shall be appropriated to the said board of trustees of the reform school for boys the sum of one thousand dollars for the purchase of a library for the use of the school. For a library

Approved February 22, 1888.

CHAPTER LXVI.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all savings banks shall pay an annual tax on the amount of their deposits of one-half of one per centum, after deducting therefrom such available funds then on hand or on deposit to meet current payments or expenses, and the amount invested in any securities issued by this state or by any town or city in Savings banks to pay an annual tax of one-half of one per cent. on amount of deposits, after deducting certain funds

this state, or which, by the statutes of this state or of the United States, are exempt from taxation, and the cost of the real estate purchased under foreclosure, which real estate shall be subject to the same tax as other like property; *provided*, *however*, that the provisions of this act shall not apply to any savings bank or institution having a capital stock.

Proviso.

May invest funds in mortgage bonds of certain railroad companies.

2. *And be it enacted*, That it shall be lawful for any savings bank in this state to invest its funds in first-mortgage bonds of any railroad company which has paid dividends of not less than four per centum per annum regularly, on their entire capital stock, for a period of not less than five years next previous to the purchase of such bonds, or in any consolidated mortgage bonds of any such company authorized to be issued to retire the entire bonded debt of such company.

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

Approved February 22, 1888.

CHAPTER LXVII.

An Act to authorize the payment to Thomas J. Cummings the sum of three hundred dollars, for services rendered as assistant to the engrossing clerk of the house of assembly, session of one thousand eight hundred and eighty-seven.

Treasurer authorized to pay.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be and is hereby authorized to pay to Thomas J. Cummings, upon the warrant of the comptroller, which warrant the comptroller is hereby authorized to draw, the sum of three hundred dollars, for services rendered as an

assistant to the engrossing clerk, house of assembly, one thousand eight hundred and eighty-seven.

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

Approved February 25, 1888.

CHAPTER LXVIII.

A Supplement to an act entitled "An act for the maintenance of bastard children," approved March twenty-seventh, one thousand eight hundred and seventy-four.

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

24. *And be it enacted*, That when any bond shall be taken as hereinbefore mentioned, to perform any order of filiation, and any breach shall happen in the condition thereof, the same may be prosecuted by the prosecutors of the pleas of the county in which proceedings were originally taken under this act, or by the counsel or attorney of any township at whose instance such proceedings were originally taken, which suit shall be in the name of the state of New Jersey, and judgment, if it passes against the defendants, shall be for the penalty thereof; in such actions the breaches shall be assigned as in actions brought on bonds with condition other than for the payment of money, and the same proceedings shall be had in all respects; it shall not be necessary to prove the actual payment of money by any township or overseer of the poor, but the neglect to pay any sum which shall have been ordered to be paid by any competent authority under this act, shall be deemed a breach of the conditions of such bond, and the amount of damages to be assessed in such case shall be the sum which

was so ordered to be paid, and which was withheld up to the time of the commencement of such suit, with interest thereon; for any breaches of such bond which shall happen after the recovery of any damages or the commencement of any suit, a scire facias may issue, upon which the damages shall be assessed from time to time in manner aforesaid; and all moneys which shall be collected on such bond shall be paid to such township or townships as may have incurred or been put to expense in supporting said bastard, or its mother during her confinement, or from costs therefrom arising.

Provisions of section as amended applicable to bonds heretofore taken.

2. *And be it enacted*, That the provisions of said section twenty-four of said act, as hereby amended, shall be applicable in all respects to bonds heretofore taken under the provisions of the act to which this is a supplement, to perform any order of filiation, in the conditions of which bonds breaches may have happened or shall hereafter happen.

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

Approved February 25, 1888.

CHAPTER LXX.

An Act fixing the compensation of certain public officers of this state.

Compensation of state treasurer and comptroller.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several public officers of this state, for the time being, hereinafter named, shall respectively be entitled to receive the compensation hereinafter mentioned, that is to say: the comptroller of the treasury of the state a salary at the rate of six thousand dollars by the year and no fees; the treasurer of the state a salary at the rate of six thousand dollars by the year and no fees.

2. *And be it enacted*, That this act shall take effect at the commencement of the next ensuing terms of the public officers herein named. When act to take effect.

Approved February 27, 1888.

CHAPTER LXXI.

Supplement to an act entitled "An act to establish in this state boards of health and a bureau of vital statistics, and to define their respective powers and duties."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if in the judgment of the state board of health it is found that clerical aid is needed by the secretary of the said board in dealing with the investigations and inquiries authorized by the act to which this is a supplement, and in the general necessary work of his office, it shall be lawful for the board to employ for this purpose so much of the appropriation of said board not exceeding eight hundred dollars as it may deem necessary. State board may employ portion of appropriation for clerical assistance to the secretary of the board.

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

Approved February 27, 1888.

CHAPTER LXXII.

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

Orphans' court may certify questions respecting probate of wills on application of appellants or executors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case of any appeal heretofore or hereafter taken from proceedings of surrogates respecting the probate of wills, the orphans' court to which any such appeal has been or shall be taken shall have the same power, on application of the appellants or of the executors, to certify the questions involved in such controversy into the circuit court of the same county for trial before a jury, and such proceedings shall be thereupon had or taken in the circuit court, as if such appellants had been caveators.

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

Approved February 27, 1888.

CHAPTER LXXIII.

A Supplement to an act entitled "An act to authorize cities in this state to erect buildings to be used for fire department purposes, and to provide for the payment and cost of erection," approved April fifth, one thousand eight hundred and eighty-seven.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any building used for fire department purposes in cities of this state has or shall hereafter become unsafe, and has been or shall hereafter be declared to be such by the proper authority or authorities of any such city, it shall be lawful for the proper authorities to build and erect in said city proper and suitable buildings, to be used for fire department purposes in the place and stead of the buildings so declared to be unsafe, at a cost not to exceed the sum of six thousand dollars for any one building. When buildings used for fire department purposes become unsafe, others may be erected. Cost.

2. *And be it enacted*, That section two of the act to which this is a supplement be amended so as to read as follows: Section amended.

2. *And be it enacted*, That all work and labor done and materials furnished for the erection of said buildings shall be done and furnished by contract, awarded upon at least two weeks' advertisement in the two official newspapers having the largest circulation, to the lowest responsible bidder or bidders for the same. Work to be done and materials furnished by contract.

3. *And be it enacted*, That section three of the act to which this is a supplement be amended so as to read as follows: Section amended.

3. *And be it enacted*, That the municipal board of any such city having the management and control of the finances of such city, are hereby authorized and em- Board of finance may issue bonds to raise money for construction of buildings.

powered to issue bonds, either registered or coupon, in an amount not exceeding six thousand dollars for any one building, to raise money to pay for the erection and construction of said buildings: that said bonds shall be payable in six years from the date thereof, and shall bear interest not exceeding five per centum per annum, to be sold at not less than par, and that there shall be a sufficient sum appropriated and put in the tax levy of such city each year to pay the interest on such bonds, and also there shall, in each year, be appropriated and put in the tax levy of such city, the further sum of one thousand dollars for each building, towards the payment of said bonds, to be properly invested and deposited in the sinking fund of such city, to meet the payment of said bonds when they shall become due and payable.

When and how bonds payable.

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

Approved February 28, 1888.

CHAPTER LXXIV.

A Supplement to an act entitled "An act to amend and consolidate the several acts relating to game and game fish," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person shall kill any buck, doe, fawn or wild deer for two years from the passage of this act, and thereafter only between the last day of October and the first day of December of each year, and any person so offending against this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of fifty dollars and six months in the state prison, one-half of said fine to go to the informer.

Deer not to be killed for two years, and thereafter between certain times.

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

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

Approved February 28, 1888.

CHAPTER LXXV.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to enable the commission appointed and empowered by a supplement to the above-recited act to select a site and build a new soldiers' home, to properly complete and furnish said new soldiers' home and prepare the same for occupancy, that the sum of fifty thousand dollars, or so much thereof as shall be necessary for the purpose aforesaid, be and the same is hereby appropriated out of the money in the treasury of this state not otherwise appropriated, to be drawn on the warrant of the comptroller of the state upon the order in writing of said commission or its successors. Appropriation for new soldiers' home.

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

Approved February 29, 1888.

CHAPTER LXXVI.

A Supplement to an act entitled "An act for the formation of borough governments in seaside resorts," approved March twenty-ninth, one thousand eight hundred and seventy-eight.

Books and records of ordinances and by-laws to be received in evidence.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the books of records of the ordinances and by-laws of any borough incorporated under the act to which this is a supplement, shall be taken and received in courts of law as evidence of the due passage and publication by the borough council of such borough of all ordinances and by-laws recorded therein: *and, further*, the volume of ordinances and by-laws printed and published by authority of such borough council, shall, in like manner, be taken and received as evidence of the ordinances and by-laws of such borough, and the publication and due passage of the same; and the publication and due passage of such ordinances and by-laws shall in all cases be presumed to have been made until the contrary be proved.

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

Approved February 29, 1888.

CHAPTER LXXVII.

A Supplement to an act entitled "An act providing for sewerage in and from certain towns in this state," approved April twentieth, one thousand eight hundred and eighty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section fourteen of an act entitled "An act providing for sewerage in and from certain towns in this state," approved April twentieth, one thousand eight hundred and eighty-six, be and the same hereby is amended so as to read as follows: Section amended.

14. *And be it enacted*, That any assessment made or levied under this act shall be and remain a lien upon the lands assessed until paid, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereon, and such assessment may be collected and enforced in the manner prescribed by law with respect to assessments for other improvements in said town, and shall be subject to the like interest and penalties. Assessments under act to remain a lien until paid, etc.

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

Approved February 29, 1888.

CHAPTER LXXVIII.

An Act to amend an act entitled "An act to amend 'An act to provide for the election of road overseers in their respective districts,' approved April twenty-eighth, one thousand eight hundred and eighty-four," which amendatory act was approved April seventeenth, one thousand eight hundred and eighty-five.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of said amendatory act, approved April seventeenth, one thousand eight hundred and eighty-five, mentioned in the title hereof, be and the same is hereby amended so that henceforth the same shall read as follows:

Election of road overseers in certain townships, when held.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in all townships of this state where the overseers of roads are not now elected at the annual town meeting therein, the overseers of the roads shall be elected in their respective districts by the legal voters residing therein, on Thursday following the regular annual town meeting, in each and every year, and the overseers in each and every district in the township shall set up at least two written or printed notices in two or more public places in their respective road districts, of the election of overseers, stating the time and place of such election (which shall be between the hours of two and five o'clock post meridian), five days before the date herein fixed for such elections, and in case of the failure of any overseer to give such notice, then the town committee shall appoint some suitable person to fill any vacancy that may occur by failure of the legal voters to elect, but in no event shall the overseer failing in any year to give notice of said election be eligible for re-appointment in that year to the office of road overseer by the town committee; said election may be by ballot or otherwise, as the said legal voters, when assembled, may determine.

Notice of election.

2. *And be it enacted*, That so much of said amendatory act, entitled "An act to amend 'An act to provide for the election of road overseers in their respective districts, approved April twenty-eighth, one thousand eight hundred and eighty-four,'" which said amendatory act was approved April seventeenth, one thousand eight hundred and eighty-five, as conflicts herewith, be and the same is hereby repealed, and that this act shall take effect immediately. Portion of act repealed.

Approved February 29, 1888.

CHAPTER LXXIX.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerk in chancery, with the approval of the chancellor, shall provide at the expense of the state duly-furnished rooms in the cities of Camden, Jersey City and Newark for the use of the chancellor, vice-chancellors and advisory masters in the hearing of causes and motions, and that the rent and expenses thereof shall be ascertained and certified by the chancellor and paid by the treasurer of the state, and shall not exceed in all four thousand five hundred dollars per annum. Clerk in chancery to provide rooms for chancellor, vice-chancellor and advisory masters. Rent and expenses, how paid, etc.

2. *And be it enacted*, That section one of an act entitled "A further supplement to an act entitled 'An act respecting the court of chancery,'" approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved March eighth, one thousand eight hundred and eighty-two, be and the same is hereby repealed. Section repealed.

3. *And be it enacted*, That section one of an act entitled "A further supplement to an act entitled 'A supplement to Section repealed.

the act entitled "An act respecting the court of chancery," [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-five," which supplement was approved March first, one thousand eight hundred and seventy-seven,' which further supplement was approved February second, eighteen hundred and eighty-six," be and the same is hereby repealed.

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

Approved February 29, 1888.

CHAPTER LXXX.

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

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the tenth section of the said act, and which section was amended by chapter seventy of the laws of one thousand eight hundred and eighty, be and the same is hereby amended to read as follows:

Purposes for which companies may be formed.

10. *And be it enacted*, That it shall be lawful for three or more persons to associate themselves into a company to carry on any kind of manufacturing, mining, chemical, trading or agricultural business, agricultural fairs and exhibitions for the encouragement of competition in agriculture, horticulture, breed of stock and development of speed in horses; the transportation of goods, merchandise or passengers, upon land or water; inland navigation; the building of houses, vessels, wharves or docks, or other mechanical business; the reclamation and improvement of submerged lands; the improvement and sale of lands; the examination, insurance and guaranty of the title to lands; the constructing, maintaining and operating (except in a town or city in which

water-works are established and owned by the corporate authorities) works for the special purpose of supplying water for extinguishing fires in mills, factories, manufacturing establishments and other buildings; the damming of rivers and streams, including the storage, transportation and sale of water, and water-power and privileges, with the right to take rivulets, race-ways and lands, and erect and maintain dams, reservoirs, race-ways, mills, manufactories and other erections, and lease, mortgage, sell and convey the same, or any part thereof; the making, purchasing and selling manufactured articles, and also of acquiring and disposing of rights to make and use the same; the renting buildings and steam or other power therewith; the cutting and digging peat, stone, marl, clay, or other like substance, and dealing in the same, manufactured or unmanufactured, or any wholesale or retail mercantile business, or any lawful business purpose whatever, upon making and filing a certificate in writing of their organization, in manner hereinafter mentioned; *provided*, that nothing herein contained shall be construed to authorize the formation of any insurance company (except companies for the insurance or guaranty of the title to lands or any estates or interests in lands), banking company, savings bank or other corporation intended to derive profit from the loan and use of money, nor of any railroad company, turnpike company or any other company which shall need to possess the right of taking and condeming lands, except for the damming of rivers and streams, and for the purposes pertaining thereto, as hereinbefore specified; *and further provided*, that this act shall not apply to any river or stream of a less width and volume of water than the Delaware river, ordinarily, at Phillipsburg, in this state, below its junction with the Lehigh, nor to any river or stream below the head of tide-water in the same. Proviso. Proviso.

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

Approved February 29, 1888.

CHAPTER LXXXI.

An Act to fix the minimum amount of salary of the prosecutor of the pleas in the counties of the second class in this state.

Prosecutors of the pleas in counties of the second class to receive a salary in lieu of fees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all the counties of the second class the prosecutors of the pleas shall receive an annual salary in lieu of all fees and costs now received by them; and all such fees and costs shall be taxed in all bills of costs, the same as now taxed, and shall be collected by the sheriffs of the several counties, and be by them paid over to the respective county collectors for the use of the said counties.

Amount of salary, and how paid.

2. *And be it enacted*, That each of the prosecutors of the pleas of such counties shall receive an annual salary of at least fifteen hundred dollars, to be paid to him in quarterly annual payments by the county collector of such county.

To whom act to apply.

3. *And be it enacted*, That this act shall only apply to those prosecutors of the pleas whose term of office shall hereafter commence, or to those now in office who may file their assent in writing under their hands to the provisions of this act, in the office of the clerk of the county of which he is such prosecutor; *provided, however*, that nothing in this act contained shall in any wise be construed or held as reducing the salary of any of the prosecutors of the pleas in any of the counties of the second class in this state.

Proviso.

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

Approved February 29, 1888.

CHAPTER LXXXII.

An Act to authorize the payment to Frank Gulick the sum of three hundred dollars, for services rendered to the committee of municipal corporations, and clerk to the standing committee on elections, of the house of assembly, session of one thousand eight hundred and eighty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be and is hereby authorized to pay to Frank Gulick, upon the warrant of the comptroller, which warrant the comptroller is hereby authorized to draw, the sum of three hundred dollars, for services rendered to the committee of municipal corporations, and clerk to the standing committee on elections, of the house of assembly, session of one thousand eight hundred and eighty-seven. Treasurer authorized to pay.

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

Passed February 29, 1888.

CHAPTER LXXXIII.

An Act to authorize the payment to Wilson S. Runkle the sum of three hundred dollars, for services rendered as clerk to the committee on railroads and canals and corporations of the house of assembly, session of one thousand eight hundred and eighty-seven.

Treasurer authorized to pay

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be and is hereby authorized to pay to Wilson S. Runkle, upon the warrant of the comptroller, which warrant the comptroller is hereby authorized to draw, the sum of three hundred dollars, for services rendered as clerk to the committee on railroads and canals and corporations of the house of assembly of one thousand eight hundred and eighty-seven.

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

Passed February 29, 1888.

CHAPTER LXXXIV.

An Act to amend an act entitled "An act concerning division of wards in cities of this state," approved April twenty-fifth, one thousand eight hundred and eighty-four.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "An act concerning division of wards in cities of this

state," approved April twenty-fifth, one thousand eight hundred and eighty-four, be amended so as to read as follows:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city council or other legislative body of any city in this state, shall have power to divide one of the wards of said city into two wards, once in five years, by an ordinance to be passed for that purpose, in accordance with the charter of such city, but by a two-thirds vote of the members of said legislative body. City council empowered to divide wards

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

Passed February 29, 1888.

CHAPTER LXXXV.

Supplement to "An act for the punishment of crimes," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person being in the possession of any dwelling-house, or any kitchen, shop, barn, stable or other out-house that is parcel thereof or belonging or adjacent thereto, under lease or other lawful possession, but not being the owner thereof, shall willfully and maliciously burn or cause to be burned, or aid, counsel, procure or consent to the burning of such dwelling-house, or such kitchen, shop, barn, stable or other out-house that is parcel thereof or belonging or adjacent thereto, or any other building, by means whereof a dwelling-house shall be burnt, then, and in every such case, the person so offending shall be adjudged guilty of arson, and, on conviction thereof, shall be punished by imprisonment not exceeding fifteen years, or by fine not Penalty for burning dwelling house, etc

exceeding two thousand dollars, or both, at the discretion of the court.

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

Approved March 1, 1888.

CHAPTER LXXXVI.

A Supplement to an act entitled "An act for the imposition of state taxes upon certain corporations and for the collection thereof," approved April eighteenth, one thousand eight hundred and eighty-four.

When corporation not liable to taxation, tax to be refunded

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any corporation upon which taxes have been or shall be levied under the provisions of the act to which this is a supplement shall afterwards be found by the state board of assessors to be not liable under the said act for such tax, it shall be the duty of the said board to report and certify to the comptroller of the treasury the fact that such corporation has been found to be exempt from the tax imposed by the said act, and to cancel and declare null and void any taxes which may have been or shall be imposed upon such exempted corporation, and if any corporation has paid or shall pay the tax so improperly levied the comptroller of the treasury shall be and is hereby authorized upon receipt of such certificate to draw his warrant upon the state treasurer in favor of the proper officer of such corporation for any and all of such taxes which have been or shall be paid into the state treasury.

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

Approved March 1, 1888.

CHAPTER LXXXVII.

An Act respecting the taxation of personal tangible property used in connection with any business or employment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all personal tangible property used by the owner or owners, or by any lessee, employe or agent for such owner or owners, in connection with any business or employment, unless such business or employment is only temporary, shall be assessed for taxes at the place and within the taxing district where such business or employment is carried on or conducted, and not elsewhere, and shall remain a lien on the same for the term of one year from date of assessment; *provided*, nothing in this act shall apply to the assessing of ships or sea-going vessels. Property to be assessed for taxes at the place where business is carried on. Proviso.

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

Approved March 1, 1888.

CHAPTER LXXXVIII.

A Further Supplement to an act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, every collector of borough taxes shall receive Compensation of borough collector for disbursing moneys collected by tax.

and be allowed for disbursing the moneys by him collected and disbursed under the name of borough tax, by virtue of the provisions of the act to which this is a further supplement, the sum of one dollar, and no more, for every hundred dollars of such moneys so by him disbursed.

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

Approved March 1, 1888.

CHAPTER LXXXIX.

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

Associations may issue stock for purchase of property, etc.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any association of persons formed under the act to which this is a supplement, or hereafter to be formed, may issue stock for the purpose of purchasing property or for the purpose of clearing off the indebtedness on property already purchased, and may designate the persons who shall take such stock as property members of such association, and may confer upon such property members, by their constitution or by-laws, special or exclusive rights in the election of the officers and trustees of such association.

Must state in certificate amount of stock intended to be issued.

2. *And be it enacted*, That whenever any association as aforesaid shall intend to issue stock pursuant to this act, it shall be necessary to state in the certificate mentioned in the second section of the act to which this is a supplement, or in case the same is already filed and recorded, then an additional certificate to be filed and recorded in the same manner as the original one, the total amount of stock intended to be issued, the number of shares into

which the same is divided and the par value of each share.

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

Approved March 1, 1888.

CHAPTER XC.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the president judge of the court of common pleas in any county, when in his judgment the administration of justice will be facilitated thereby, to call upon the stenographer of the circuit court to attend, either in person or by proxy, in the court of general quarter sessions of the peace, or in the court of special quarter sessions of the peace of such county; for which service the stenographer shall be entitled to the same compensation as for like services in the circuit court. When stenographer of circuit court to attend court of quarter sessions.

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

Approved March 1, 1888.

CHAPTER XCI.

A Further Supplement to an act entitled "An act to secure to creditors an equal and just division of the estate of debtors who convey to assignees for the benefit of creditors" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Assignees may make sale of lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any assignee or assignees to whom any land shall be or shall have been conveyed, by any debtor or debtors for the benefit of creditors, to make sale of the whole or any portion of the lands so conveyed, at private sale, under the order and direction of the court of chancery.

Assignee may petition court, and what petition to contain.

2. *And be it enacted*, That in all cases where any assignee or assignees as aforesaid shall deem it to be for the best interest of the creditors of the assigned estate to make sale of the whole or any portion of the lands so assigned, at private sale, it shall and may be lawful for such assignee to apply by petition to the court of chancery, setting forth the date and place of record of the deed of assignment, a description of the lands proposed to be sold, the fair market value thereof, and the name of any proposed purchaser, if such there be, with the price which such purchaser proposes to pay for the same, and that in the judgment of the said assignee or assignees the interest of the creditors of the assignor will be benefited by a sale of such lands at private sale, and that such assignee or assignees hath or have no interest, directly or indirectly, in the sale or purchase of such lands except to benefit the creditors of such assignor or assignors; which petition shall be verified by the affidavit of such assignee or assignees, which affidavit shall, in addition to verifying the facts stated in such petition, generally, particularly set forth that in the judgment of such assignee or assignees, the interests of the creditors of such

assignor or assignors will be benefited by a sale of such lands at private sale, and that such assignee or assignees hath or have no interest, directly or indirectly, in the sale or purchase of such lands, except to benefit the creditors of such assignor or assignors.

Notice of application for order to be published.

3. *And be it enacted*, That such assignee or assignees shall give public notice, by advertisement published for two weeks next preceding the day on which such order will be applied for, in two newspapers of the county or counties in which said lands may lie, setting forth briefly the location and description of said lands and the time and place when and where such order will be applied for; if it shall appear to the court of chancery that such notice has been given, and that the facts stated in said petition and affidavit are true, and no cause being shown to the contrary, it shall and may be lawful for said court forthwith to make an order directing such assignee or assignees to make sale at private sale of such lands, assigned as aforesaid, at a sum not less than a price or prices to be prescribed by said court, which sale, when so made, shall be reported by such assignee or assignees to said court, and upon being confirmed by said court, such assignee or assignees shall execute and deliver a deed or deeds to the purchaser or purchasers of such lands, and such deed or deeds when delivered as aforesaid shall vest in the purchaser or purchasers of such lands so sold the same and no other estate or interest in said lands as would have passed to such purchaser or purchasers had such land or lands been sold at public sale by such assignee or assignees after due advertisement thereof.

Court authorized to issue order.

Sale of lands heretofore made by assignees may be confirmed by court.

4. *And be it enacted*, That in all cases where any lands have been heretofore sold or conveyed by any assignee or assignees for the benefit of creditors at private sale, it shall and may be lawful for such assignee or assignees, upon like notice of intention to apply to said court of chancery in the manner aforesaid, to apply by petition to said court, setting forth the several matters hereinbefore stated, which petition shall be verified as aforesaid, and upon the filing of such petition, and due proof of the publication of the notice hereinabove required, if no cause be shown or appear to the contrary, and if the said court shall be of the opinion that the sale or conveyance

of said lands heretofore made at private sale by such assignee or assignees was made at the fair market value thereof at the time of such sale, that such sale was beneficial to the interests of the creditors of said assigned estate, and that such assignee or assignees had and hath no interest in the sale or purchase of the lands so sold at private sale, except to benefit the creditors of such assignor or assignors, it shall and may be lawful for said court to confirm said sale, and upon such confirmation, when made as aforesaid, the deed or deeds heretofore made by said assignee or assignees for such lands so sold shall have the same force and effect, and no other, as if said sale or sales and conveyance or conveyances had been made in accordance with the provisions of the preceding section of this act.

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

Approved March 1, 1888.

CHAPTER XCII.

A Further Supplement to an act entitled "An act to provide for the incorporation and regulation of insurance companies," approved April ninth, one thousand eight hundred and seventy-five.

Section to be amended.

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

Securities in which capital of insurance company may be invested.

32. *And be it enacted*, That it shall be lawful for any insurance company existing by virtue of the laws of this state, created by special charter or otherwise, for the purpose of investing its capital, surplus and other funds, or any part thereof, to purchase and hold as collateral security or otherwise, sell and convey, any bonds or public

stock issued or created by the United States, or by this state, or by any of the states in which the said insurance company shall have been admitted to do business by the insurance department thereof, or any or either of them, or by any of the incorporated cities or counties of said states, or to invest said capital, surplus or other funds, or any part thereof, in bonds secured by mortgages or unincumbered real estate located within said states, or either of them, worth at least double the sum invested or loaned, or to loan on or purchase first-mortgage bonds of railroad companies organized under the laws of said states, or either of them, or operated therein; *provided*, said loan on railroad bonds shall not be for a greater amount than fifty per cent. of their market value at the time said loan is made: and any life insurance company existing and created as aforesaid, may purchase for its own benefit any policy of insurance or other obligation of the company, and any claims of policy-holders, and may loan to the holders of the policies of the company a sum not exceeding the surrender value of the policies at the time the loan is made, for the payment of which loan the policies and all profits thereon shall be pledged; and any company organized for the purpose of marine insurance may, in addition to the foregoing, loan their funds on bottomry and respondentia, and change and re-invest the same, as occasion may from time to time require; *provided*, that no investment be made in bonds or public stock of any city that has not regularly paid its debts for the ten years last past, and wherein the total debt, including the city's share of the county's debts, shall exceed fifteen per centum of the assessed valuation of property within said city. Proviso. Proviso.

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

Approved March 1, 1888.

CHAPTER XCIII.

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

Establishment of schools for education of feeble-minded children to be one of the purposes of act.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the establishment and maintenance of schools for the mental, moral and physical education of children of idiotic and feeble mind, is hereby declared and provided to be one of the purposes contemplated by the said act, and for which corporations might be formed under the same, as fully as if the said purposes had been particularly mentioned therein.

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

Approved March 1, 1888.

CHAPTER XCIV.

An Act to amend an act entitled "An act regulating proceedings in criminal cases," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section amended

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section sixty-seven of the act entitled "An act regulating proceedings in criminal cases," approved March twenty-seventh, one thousand

eight hundred and seventy-four, which is in these words, viz.:

"67. *And be it enacted*, That the court before whom any person shall be tried upon indictment is hereby authorized and required to assign to such person, if not of the ability to procure counsel, such counsel, not exceeding two, as he or she shall desire, to whom such counsel shall have free access at all seasonable hours," be and the same is hereby amended so as to read as follows: Section amended recited.

67. *And be it enacted*, That the court before whom any person shall be tried upon indictment is hereby authorized and required to assign to such person, if not of ability to procure counsel, such counsel, not exceeding two, as he or she shall desire, to whom such counsel shall have free access at all seasonable hours; and for services rendered by counsel so assigned, in cases of homicide, a reasonable compensation may be fixed and allowed by the presiding judge of the court before which such trial shall be had, and that the sum so fixed and allowed shall be paid by the collector of the county wherein such indictment is found, upon presentation of the certificate of the presiding judge of said court fixing and allowing such compensation. Court may assign counsel in certain cases. Compensation of counsel in cases of homicide, and how paid.

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

Approved March 1, 1888.

CHAPTER XCV.

A Supplement to an act entitled "An act to regulate the state library," approved March twenty-ninth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the attorney-general of the state shall be, ex-officio, a member of the board of com- Attorney general constituted a member of library commission.

missioners of the state library, with the powers and subject to the duties now or hereafter to be provided by law in the case of such commissioners.

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

Approved March 1, 1888.

CHAPTER XCVI.

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

Where annual school meeting held in certain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the school-house in any school district in this state is not sufficiently commodious for the annual school meeting for the election of school trustees, the annual school meeting may be held in such a convenient public place within the district as may be selected by the school trustees, and notices thereof shall be posted by the district clerk as provided in the act to which this is a supplement.

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

Appproved March 1, 1888.

CHAPTER XCVII.

A Further Supplement to an act entitled "An act appropriating scrip for public lands granted to the state of New Jersey by the act of congress, approved July second, one thousand eight hundred and sixty-two," approved April 4, 1864.

Preamble. WHEREAS, The proceeds of the "agricultural college fund" of the state of New Jersey were by act of the legislature approved April 4, 1864, directed to be paid to the "trustees of Rutgers college, in New Jersey, for the maintenance in that department of Rutgers college known as Rutgers scientific school, of such courses of instruction (including the courses of instruction already established by said trustees) as shall carry out the intent" of the act of congress of July 2, 1862, entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts;" *and whereas*, said "trustees of Rutgers college, in New Jersey," have by virtue of said act received the proceeds of said fund and have faithfully carried out the provisions of the laws of the United States and of the state of New Jersey relating thereto, and have maintained and are now maintaining the state agricultural college of New Jersey in its various departments, in pursuance of and as required by the law of the state, it is hereby affirmed and represented that said institution is the state agricultural college of New Jersey; *and whereas*, by the act of the legislature of New Jersey entitled "An act to provide for the establishment of an agricultural experiment station," approved March tenth, 1880, the state agricultural experiment station was created and established, and by the board of managers thereof, by the authority given them in the law, has been located at the said state agricultural college as a

part of the agricultural educational system of the state; *and whereas*, there is no other state agricultural college and no other agricultural department of a college and no other state agricultural experiment station in this state than as hereinbefore mentioned;

Rutgers scientific school designated to receive benefit of act of congress.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Rutgers scientific school, being said state agricultural college of New Jersey, maintained by the "trustees of said Rutgers college in New Jersey," and at which the said state agricultural experiment station is established and located, be and the same is hereby designated the college to receive the benefit of the act of congress entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several states under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," approved March 2, 1887, and of the act entitled "An act making an appropriation to carry into effect the provisions of an act approved March 2, 1887, entitled 'An act to establish agricultural experiment stations in connection with the colleges established in the several states under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto,'" approved February 1, 1888, and any supplements thereto;

Moneys to be paid to trustees of Rutgers college.

and the state of New Jersey does hereby designate the "trustees of Rutgers college, in New Jersey," maintaining said Rutgers scientific school, said state agricultural college, as the parties to whom any and all moneys appropriated by congress under said acts or supplements thereto, shall be paid for the purposes mentioned in said acts of congress.

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

Approved March 5, 1888.

CHAPTER XCVIII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of said act, which, by a supplement thereto, approved April first, one thousand eight hundred and eighty-seven, be amended so as to read as follows: Section amended

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all townships in this state having a population of more than four thousand inhabitants, the township committee of said township shall have power to pass, alter and repeal ordinances, and to make rules and regulations for licensing and regulating public hacks, cabs, omnibuses, stages, carriages and vehicles used for the transportation of passengers within the limits of said townships, and to fix the license fee for the same, and to prohibit unlicensed persons from acting in the capacity of hackmen: *provided*, that this act shall not apply to boroughs or seaside resorts having power to grant such licenses. Committees of certain townships empowered to pass ordinances, and make rules for licensing hacks, etc. Proviso.

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

Passed March 5, 1888.

CHAPTER XCIX.

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

Clerks may receive verdicts in absence of judge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the clerks of said courts may receive, in the absence of the judge of said courts, the verdicts of juries.

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

Approved March 6, 1888.

CHAPTER C.

A Further Supplement to "An act in relation to the maintenance and improvement of certain roads," approved March third, one thousand eight hundred and eighty-two.

Lawful to prohibit persons driving on macadamized roads from locking the wheels or attaching drag to vehicle

Penalty for violating ordinance.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any road shall have been macadamized, wholly or in part, under the act to which this is supplementary, it shall be lawful for the board of chosen freeholders which may have caused such improvement to be made, to prohibit by ordinance any person or persons driving on any macadamized portion of such road from locking the wheels of any vehicle, or attaching any drag to such vehicle, while passing over or upon such macadam; and the violation of such ordinance shall be punishable by such penalty as such board of

chosen freeholders shall prescribe in such ordinance, not exceeding twenty dollars for each offense, which penalty may be sued for and recovered with costs by such board or by any person who may bring the suit, in any court of competent jurisdiction.

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

Approved March 6, 1888.

CHAPTER CI.

An Act to enable boards of commissioners and improvement commissions in towns and villages, or within townships in this state, to employ police and to fix the compensation of the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any such board of commissioners or improvement commission to employ one or more police officers for the township within the limits of the jurisdiction of said commission, and to fix and determine the amount to be expended for the services of such police officer or officers, whose duty it shall be, upon view and without warrant, to apprehend and arrest all persons committing breaches of the peace in said township within the limits of the jurisdiction of said commission, or violating any ordinance of such board of commissioners, and in like manner to apprehend and arrest all disorderly persons in said township within the limits of the jurisdiction of said commission and bring them before a justice of the peace in said township, within the limits aforesaid, to be dealt with according to law.

Lawful for commissioners to employ police and fix their compensation.

Duties of.

2. *And be it enacted*, That such police officer or officers shall be appointed and discharged or dismissed at such times as such board of commissioners or improvement

Commissioners may appoint and discharge and fix compensation of police.

commission shall, from time to time and in each case see fit and determine, and shall receive such pay and compensation for their services respectively as shall be fixed and agreed upon by such board of commissioners or improvement commission.

Repealer.

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

Approved March 6, 1888.

CHAPTER CII.

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

Additional appropriation for home.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the appropriation for the support of disabled soldiers now authorized by law, the further sum of ten thousand dollars is hereby appropriated for the support of the said home.

How expended, by and to whom paid.

2. *And be it enacted*, That the above sum yearly shall be expended under the direction of the managers of the said home, and the state treasurer is hereby authorized to pay the same yearly for the purpose aforesaid to the treasurer of the said home, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated.

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

Approved March 6, 1888.

CHAPTER CIII.

An Act concerning cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of finance, or board having control of the finances of any incorporated city in this state, upon application of the city clerk of such incorporated city, to fix the salaries of the entire clerical force employed in said city clerk's office. Board of finance may fix salaries of force in city clerk's office.

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

Approved March 6, 1888.

CHAPTER CIV.

An Act in regard to honorably discharged Union soldiers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person holding a position in any city or county of this state, whose term of office is not now fixed by law, and receiving a salary from such city, county or state, who is an honorably discharged soldier or sailor, having served in the war of the rebellion, shall be removed from such position except for good cause shown after a hearing, but such person shall hold his position during good behavior, and shall not be removed for political reasons. Certain persons not to be removed from office for political reasons.

Repealer.

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

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

Approved March 6, 1888.

CHAPTER CV.

An Act in relation to practicing physicians.

Lawful for registered physician to practice in any part of state.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any physician who has been registered, in any county of this state, to practice in any part of this state, provided he shall exhibit proof of such registry officer whose duty it is to keep such registry, a certificate of the fact that he has been registered as a practicing physician, for which certificate he shall pay to said county clerk, or other officer, the sum of fifty cents.

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

Approved March 6, 1888.

CHAPTER CVI.

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

WHEREAS, Corporations created years ago for educational purposes may have acquired property which, owing to the successful operation of our state system of public schools, now is and probably, while so held, will continue to be unemployed and useless: *and whereas*, the stockholders and associate owners of said property are, in some instances, widely scattered and many of them unknown, so that the other owners are unable, without further legislative action, to dissolve such corporation and realize upon and secure to themselves their own property and their lawful rights therein: therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever, in the judgment of the board of trustees or managers of any corporation created by any law of this state for educational purposes, it shall be deemed advisable and for the benefit of said corporation that the same should be dissolved before the expiration of its charter, it shall be lawful for such board of trustees or managers, in the name of said corporation, by petition, setting forth the facts and circumstances of the case, to apply to the chancellor for a dissolution of said corporation and for the appointment of a receiver or trustee of its estate and effects: whereupon the chancellor, being satisfied of the sufficiency of said application, shall order such reasonable notice thereof to be served or published as he may judge proper and the circumstances of the case may require, fixing a day, not less than sixty days distant, for the hearing upon the same, and if, upon inquiry into the matter, it shall be made to appear to the chancellor that such action may be taken without prejudice to the public welfare, and that it is advisable and best for said corporation that it should be Proceedings for dissolution of corporations created for educational purposes.

dissolved, its affairs settled and its estate and effects divided and distributed among the stockholders, associate owners, creditors and others who may be entitled to the same, it shall be lawful for the chancellor to enter a decree to that effect, and to appoint a receiver or trustee with full power to demand, sue for, collect, receive and take into possession all the goods and chattels, rights and credits, moneys and effects, lands and tenements, books, papers, choses in action, bills, notes and property of every description belonging to said corporation at the time of said decree of appointment, and to sell, convey or assign all the said real and personal estate; and to pay into the court of chancery all the moneys and securities for money arising from such sales, or which may be collected by said receiver or trustee from time to time under the order of the said court of chancery, first deducting the costs of the proceedings in said court, and making to said receiver or trustee and to counsel such reasonable compensation as the chancellor may deem fit and proper.

Receiver or trustee clothed with further powers.

2. *And be it enacted*, That the said receiver or trustee shall be further clothed with all the powers conferred upon a receiver or trustee appointed under the act authorizing the appointment of a receiver or trustee in case of insolvent corporations; and it shall be lawful for the said court of chancery to make all necessary and proper orders and decrees to settle and wind up the affairs of said corporation, and to distribute its estate, property and effects, or the proceeds thereof, among those entitled to the same, and if, at the time of the final decree of distribution, the owners of any part of said property or effects remain unknown, such part, share or shares shall be retained in the court of chancery until the same shall be claimed by the rightful owner or owners thereof.

Court of chancery may make orders.

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

Approved March 6, 1888.

CHAPTER CVII.

An Act to authorize the township committees of townships to borrow money in anticipation of the collection of taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any money has been appropriated for any lawful purpose, by the legal voters of any townships in this state, at any general or special township meeting, and the expenditure of such money for such purpose shall be or become necessary or desirable before the tax out of which such appropriation should be made, has been levied and collected, and there are no moneys belonging to such township available for such purpose, it shall be lawful for the township committee of such township to borrow money in anticipation of the collection of the taxes to meet such appropriation, and to give promissory notes or other obligations bearing legal rate of interest therefor; such loans may be made for such time as the township committee shall deem reasonable and prudent, and may be renewed from time to time, until such taxes are received by the township collector; and when so received such taxes shall be forthwith applied to the payment of such loans, but in no event shall they be authorized to borrow an amount in excess of the sum appropriated by the legal voters of any township.

Township committee may borrow money in anticipation of taxes.

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

Approved March 6, 1888.

CHAPTER CVIII.

A Supplement to "An act to ascertain the rights of the state and the riparian owners in the lands lying under the waters of the bay of New York and elsewhere in the state" [Revision], approved April eleventh, one thousand eight hundred and sixty-four, and the several supplements thereto.

Grants or leases to be made for certain purposes only.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no grant or lease of lands under tide-water, whereon there are natural oyster beds, shall hereafter be made by the riparian commissioners of this state, except for the purpose of building wharves, bulkheads or piers.

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

Approved March 6, 1888.

CHAPTER CIX.

A Supplement to "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight.

Assessor, collector and commissioners of appeal to be elected at annual borough election.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at each annual borough election held for the election of a mayor and council of any borough, there shall be elected an assessor and collector and three judicious freeholders of good character, to hear and finally determine all appeals relative to unjust assess-

ments in cases of taxation, to be known as the borough assessor, collector and commissioners of appeal, and that when so elected such assessor, collector and commissioners of appeal shall hold their offices respectively for one year, have and possess the same powers and authority, perform the same duties and receive like compensation as are now had, performed and received by the various township assessors, collectors and commissioners of appeal of this state.

Term of office, etc.

2. *And be it enacted*, That such collector shall enter into bond to the mayor and council of such borough, to be approved by the mayor and council and in such amount as shall be deemed sufficient by said mayor and council.

Collector to give bond.

3. *And be it enacted*, That the mayor and council of any borough shall have power to fill any vacancy which may at any time exist in either of said offices, and such officers shall hold such offices until the next annual election.

Mayor and council may fill vacancies.

4. *And be it enacted*, That the persons qualified to vote in the boroughs of this state shall meet in every year at the time and place of holding borough elections, then and there to elect as hereinafter provided, one judge and two inspectors of election, who shall act as such judge and inspectors at all elections to be held during the year next following such annual meeting.

Election for judge and inspectors of election.

5. *And be it enacted*, That each of said qualified voters shall vote for one person as judge and also for one person as inspector of election, and the person having the greatest number of votes for judge shall be publicly declared to be elected judge, and the two persons having the greatest number of votes for inspectors shall in like manner be declared elected inspectors of election.

Mode of election.

6. *And be it enacted*, That said judge and inspectors so elected shall constitute the election board of such borough, with like powers as are now possessed by boards of election of any township of this state, and the clerk of the borough shall be the clerk of said board, perform the same duties and shall be entitled to receive and shall give like notice of election as are now given to and required of the various township clerks of this state.

Judge and inspectors to constitute the board of election.

7. *And be it enacted*, That when any borough of this state shall contain more than six hundred voters the mayor and council of such borough shall proceed to

When borough to be divided into election districts.

New Jersey State Library

divide the same into election districts, so as not to contain more than six hundred voters in each district, and the election officers of such new election districts shall be elected in the manner provided in the eighteenth section of the act to regulate elections.

Board of election to appoint member to attend meeting of county canvassers.

8. *And be it enacted*, That the board of election in any borough of this state in any such election shall appoint one member of said board of election in such borough to attend the meetings of the county board of canvassers for such election in the county in which such borough is situate, as a member thereof, and shall deliver to the member who shall have been so appointed, the original statement of the result of such election in such borough, which shall have been made, certified and subscribed as hereinbefore directed; and it shall be the duty of the members of the several boards of election who shall have been so appointed to attend the meeting of the board of county canvassers for such election in the county in which they shall have been appointed as members thereof.

Repealer.

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

Approved March 6, 1888.

CHAPTER CX.

An Act to regulate the sale of intoxicating and brewed liquors.

No license to be granted until fee paid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter no license to keep an inn or tavern, or to sell spirituous, vinous, malt or brewed liquors shall be granted by any court, excise board or other board or authority having power by law to grant license, except upon payment, by the applicant

or licensee, of a license fee, as hereinafter mentioned, that is to say: in all townships, towns, boroughs or cities having, by the census last preceding the granting of such license, a population of not more than three thousand, a license fee of not less than one hundred dollars; in all townships, towns, boroughs or cities having, by such census, a population exceeding three thousand and not exceeding ten thousand, a license fee of not less than one hundred and fifty dollars; and in all townships, towns, boroughs or cities having, by such census, a population exceeding ten thousand, a license fee of not less than two hundred and fifty dollars; no license shall be granted for a longer period than one year. Amount of fee. License to be for one year.

2. *And be it enacted*, That if the holder of any such license shall sell or offer for sale, barter or give, or suffer to be sold or offered for sale, bartered or given within his tavern, beer-shop, liquor-saloon, or other premises, any spirituous, vinous or malt liquors on the first day of the week, commonly called Sunday, or shall give, or sell, or offer to be given or sold any such liquors to any minor or apprentice contrary to law, or shall keep a disorderly house, or shall harbor drunken persons, vagrants, idle and vicious persons, thieves, gamblers, prostitutes or other disorderly persons, or shall suffer gambling or unlawful games of chance or other unlawful acts to be done or carried on in his tavern, beer-shop, liquor-saloon, or other premises, or shall violate any law of the state regulating the sale of intoxicating liquors, his license shall thereby become forfeited and void, and upon complaint of any three residents of the township or municipality wherein such license is used and exercised, verified by the oaths of such complainants, being presented either in term-time or vacation, to any judge of the court of common pleas of the county, or judge of the circuit court held therein, alleging that any such license has become forfeited and void, and specifying the acts complained of which shall be alleged to have worked such forfeiture, it shall be the duty of such judge to indorse upon such complaint an order that the person complained of show cause before the court at its next sitting, not less than five days from the making of said order, why his license should not be declared forfeited and revoked by the court, When license forfeited. Proceedings to have license forfeited.

and said complaint and order shall be filed with the clerk of said county and a copy thereof served upon the person complained of, personally, or by leaving the same at his residence or his tavern, beer-shop or liquor-saloon, at least five days before the return of said order; when complaint is presented to a judge of the common pleas the presiding judge of said court may at any time convene the court for the purpose of hearing such complaint, and all such complaints shall be heard in a summary way; if upon the hearing the court before whom the complaint was made shall find the defendant guilty of the offenses set forth in this section, or any of them, judgment shall be rendered revoking the license of the person complained of; and in case the defendant is found not guilty, the court shall discharge the order to show cause; in case a license be so revoked, the person to whom the same was granted shall be disqualified for one year from receiving any license in this state; and in case any person be a second time so found guilty, and his license revoked, he shall be forever disqualified from receiving a license in this state; and in case proof is made at such hearing of the previous condition and revocation of license, the court shall enter in its judgment a finding of that fact; the court or judge, on making such order, may require the complainants to file a stipulation for costs, and the costs of such hearing shall be paid by the defendant if found guilty, and by the complainants if the rule or order be discharged; the remedy provided in this section is in addition to the other penalties provided by law.

When revoked not to be renewed for one year.

Person guilty of second offense forever disqualified from receiving license.

3. *And be it enacted*, That no license to sell spirituous, or malt, or brewed liquors at retail to be drunk on or about the premises, shall be granted by any court, excise board or other board, in any store, apartments or other place in which any grocery store or other mercantile business is carried on; and any person carrying on the sale of such liquors at retail, to be drunk on or about the premises, either directly or indirectly, in connection with or in the same store or apartments with any grocery store or other mercantile business, shall be guilty of the offense of keeping a disorderly house.

No license to sell liquor in store, etc., to be granted.

Person so selling guilty of keeping a disorderly house.

4. *And be it enacted*, That upon application by a petition signed by one-tenth of the legal voters of any county in

this state, as determined by the votes cast at the last previous election for member of the general assembly, the judge of the circuit court in and for such county shall cause public notice of such application to be given by publication in each newspaper entitled to publish the laws in said county, for two weeks, which notice shall set a day and place where he will consider said application, at which time he shall hear any person or persons who may appear before him as to the question of said applicants being legal voters in said county, or any other matter which may be brought before said judge for his determination touching said application, and if he shall decide that said applicants are legal voters in said county, and that there is no legal cause why said application shall not be granted, he shall, within forty days after the presentation of such petition, order an election to be held at the usual places of holding elections in said county, to determine whether or not any alcoholic, spirituous, vinous, malt, brewed or intoxicating liquors shall be sold within the limits of said county; *provided*, that such election shall not be held within sixty days of any general election in said county, so that such elections as are held under this act shall be separate and distinct from any other election whatever; *and provided, also*, that the day fixed for holding such election shall not be less than three months nor more than six months from the date of such order issued by the judges aforesaid.

Proceedings for election to determine whether liquor shall be sold within limits of county.

Proviso.

Proviso.

5. *And be it enacted*, That notice of any election to be held under the provisions of this act, shall be published once a week for three weeks prior to such election, in two newspapers published in said county where such election is to be held, and such other notice may be given as said judge may direct; and all such elections shall be held under the same regulations as are now or may be prescribed by law for holding the general elections for members of the general assembly and senate in this state; and that all the penalties contained in the said general election laws of this state are hereby extended to and shall apply to the special elections to be held under the provisions of this act; and it shall be the duty of judges, inspectors and clerks of the election precincts to conduct the said election, to canvass all the votes cast

Notice of election.

Election conducted as in other cases.

and declare the result, and in all respects to perform the same duties at such elections as they are by law required to do at the election for members of the general assembly and senate of this state, and they shall receive the same compensation therefor as they receive at general elections; the result of any election held under the provisions of this act shall be canvassed and declared by the board of county canvassers as in other cases.

What to be designated on ballots.

6. *And be it enacted*, That all persons voting at elections held under the provisions of this act who are against the sale of the articles mentioned in the fourth section of this act shall have written or printed, or partly written and printed on their ballots, "against the sale of intoxicating liquors," and all who favor the sale of the articles mentioned in said fourth section shall have written or printed, or partly written and printed on their ballots, "for the sale of intoxicating liquors."

When majority of votes against sale of liquor, no license to be thereafter granted.

7. *And be it enacted*, That whenever, by return of the election, it shall appear that a majority of the votes cast in such county are against the sale of intoxicating liquors, no license shall thereafter be granted to any person within the limits of such county to keep an inn or tavern or saloon, or to sell spirituous, vinous, malt or brewed liquors to be drunk on or about the premises; *provided*, that persons holding licenses issued prior to such an election, shall not be deprived thereof until the expiration of the same.

Proviso.

Penalty for violating provisions of act.

8. *And be it enacted*, That any person who shall traffic in, sell, expose for sale or give away, with intent to violate any of the provisions of this act, or shall suffer to be trafficked in, sold or exposed for sale, or so given away, any liquors mentioned in the seventh section of this act, by whatever name called, shall be deemed guilty of a misdemeanor, and shall, for the first offense, forfeit and pay, upon conviction thereof, a sum not exceeding two hundred dollars, or be imprisioned in the county jail for a term not exceeding six months, with costs of prosecution, and for each subsequent offense, a sum not exceeding five hundred dollars, or imprisonment in the state prison for a term not exceeding one year, with costs of prosecution.

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

10. *And be it enacted*, That if the result of any election held under the provisions of this act shall be either for the sale of intoxicating liquors, or against the sale of intoxicating liquors, no other election for that purpose shall be held in the same prescribed limits in less time than three years thereafter, and then only on the presentation of a new petition as aforesaid: and in case of such new petition and the holding of a subsequent election, license as aforesaid shall thereafter be granted or not, according to the result of such election. No other election to be held within three years

11. *And be it enacted*, That all laws and parts of laws in conflict with this act be and the same are hereby repealed. Repeals

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

Passed March 7, 1888.

CHAPTER CXI.

An Act concerning roads in townships having a public road board.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any road district in any township of this state having a public road board shall omit, for one year, to elect a road commissioner, and fail to vote and raise a sufficient sum of money to maintain, work and keep in repair the public highways Township committee may provide for maintenance of highways in certain cases

within such district, it shall be lawful for the township committee of such township to call a special meeting of the inhabitants of such district to vote and raise by tax on the said district, to be assessed and collected as other taxes, such sum as they shall deem necessary for maintaining, working, repairing and keeping in order the highways in the district: a majority of the legal voters so assembled shall determine the amount of moneys to be raised, assessed and collected, which moneys shall be expended under the direction of the said township committee in necessary repairs, maintaining and working the highways in the said district.

Act repealed.

2. *And be it enacted*, That the act entitled "Supplement to 'An act concerning roads in the township of Palisades, in the county of Bergen,' approved March twenty-second, eighteen hundred and seventy-five," which supplement was approved April eighth, eighteen hundred and seventy-five, be and the same is hereby repealed.

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

Approved March 7, 1888.

CHAPTER CXII.

An Act to authorize the governor to detail a suitable portion of the national guard of this state to act as an escort to the state officers, veteran soldiers and guests, on the occasion of the dedication of the state monuments at Gettysburg, and to provide for the expenses attending the same.

Authorized to arrange for dedication of monuments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor, adjutant-general, comptroller, and the commissioners appointed to erect monuments on the battle-field of Gettysburg, be and

they are hereby authorized to make and carry into effect suitable arrangements for the dedication of the monuments erected by the state, and for the commemoration of the heroic services of New Jersey troops on that field; they may, in their discretion, in the name of the state, invite all surviving officers and men who were actually present at the battle of Gettysburg, attached to New Jersey regiments or batteries, to attend the dedicatory exercises upon the battle-field, and may provide for the cost of their transportation and subsistence; the governor is authorized to detail a suitable portion of the national guard to act as an escort to the governor, state officers and veterans, and to use such camp equipage and other property of the state as may be needful for said detail of the national guard and for the officers and men invited by the state as aforesaid; and the sum of ten thousand dollars, or so much thereof as may be needful, is hereby appropriated for the purposes aforesaid, to be paid upon the warrant of the comptroller, issued on the requisition of the governor. Appropriation.

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

Approved March 7, 1888.

CHAPTER CXIII.

A Supplement to an act entitled "An act to incorporate the New Jersey pharmaceutical association," passed the eighteenth day of February, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person being a member of the New Jersey pharmaceutical association incorporated under the act to which this is a supplement, and who is actually engaged as proprietor in any drug store Certain members exempt from jury duty

in this state and has no licensed clerk, shall be exempt from serving on juries and from any fine or penalty for neglect thereof: *provided*, he shall have filed in the office of the clerk of the county in which he shall reside a certificate of such membership made by the president of such association, together with an affidavit that such person is actually engaged as proprietor and has no licensed clerk, which shall entitle such person to such exemption for the term of one year from and after the filing thereof.

Proviso

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

Approved March 7, 1888.

CHAPTER CXIV.

An Act to amend an act entitled "An act for the promotion of industrial education," approved April twenty-eighth, one thousand eight hundred and eighty-seven.

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

Section amended

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever in any school district there shall have been raised by special school tax or by subscription, or both, a sum of money not less than five hundred dollars, for the establishment in such district of a school or schools for industrial education or for the purpose of adding industrial education to the course of study now pursued in the school or schools of such district, there shall be appropriated by the state, out of the income of the school fund, an amount equal to that appropriated by the district as aforesaid; and when such school or schools shall have been established in any dis-

When state to appropriate moneys for establishment and maintenance of schools for industrial education

trict, or said industrial education has been introduced into the course of study in the school or schools of any district, there shall be appropriated by the state for the maintenance and support thereof a sum of money equal to that appropriated each year by the district for such purpose; *provided*, that the moneys appropriated by the state as aforesaid to any school district shall not exceed in any one year the sum of five thousand dollars; the treasurer of the city or the collector of the township, as the case may be, shall be the legal custodian of any and all funds subscribed, allotted or raised for the purpose of carrying out the instruction contemplated by this act, and he shall keep a separate and distinct account thereof, apart from all other moneys in his custody whatsoever, and shall disburse the fund on the properly-authenticated drafts of the trustees of the school district, or other persons or board having charge of public schools in such district; any unexpended balance to the credit of this fund in any township or city at the end of any fiscal year, shall not be covered into the treasury of the city or township, but shall be at the disposal of the school trustees or other persons or board having charge of public schools in the district, for the purpose of aiding industrial education in the succeeding year or years; *provided*, that any such unexpended balance shall not be included in the report of the amount raised in any succeeding year for the purpose of procuring state funds as above provided.

Proviso.

Proviso.

Trustees to make annual report of progress of industrial education.

2. *And be it enacted*, That the trustees or other persons or board having charge of public schools of any district in any state receiving an appropriation under the provisions of this act shall annually, on or before the first day of September, make a special report to the superintendent of public instruction of the progress of industrial education in such district and such other information in connection therewith as he may require.

Trustees and citizens may associate in management of fund in certain case.

3. *And be it enacted*, That it shall be lawful for the trustees or other persons or board having charge of public schools of any school district to associate with themselves in the management of this fund a number of citizens not exceeding ten representing the donors, in case the sum or any part thereof necessary to obtain the

state appropriation shall have been raised by private subscription.

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

Approved March 7, 1888.

CHAPTER CXV.

An Act relative to the titles of corporations.

No corporation to assume name of another already organized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no corporation to be organized under the laws of this state shall assume or use a name or title already in use by another corporation so organized, or so nearly similar to the name or title of any other corporation of this state as to lead to uncertainty and confusion.

Repealer.

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

Approved March 7, 1888.

CHAPTER CXVI.

A Further Supplement to the "Act to complete geological survey of the state," approved March thirtieth, in the year of our Lord one thousand eight hundred and sixty-four.

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

7. *And be it enacted*, That the board created by this act shall be a committee of publication with authority to print and publish the annual and final reports of the state geologist; and also to direct the distribution of suites of the geological, mineralogical and other specimens collected in the survey, to such literary, scientific and other institutions as will best conduce to the interests of the citizens of the state; and should the general demand for its publications require, the said board is hereby authorized to furnish said publications at the cost of paper, printing and distribution, or to authorize agents duly appointed, to make sales on like terms; and any money which may be received from making sales shall be paid into the treasury of the state. Board to be a committee of publication, with authority to print reports, etc.

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

Approved March 7, 1888.

CHAPTER CXVII.

An Act to repeal a supplement to an act entitled "An act to incorporate trustees of religious societies" [Revision], approved April ninth, one thousand eight hundred and seventy-five, which supplement was approved March eighth, one thousand eight hundred and seventy-seven.

Preamble. WHEREAS, It is claimed that the provisions of the supplement to the act relating to religious societies, which supplement was approved March eighth, one thousand eight hundred and seventy-seven, are inconsistent with the provisions of the later act of the legislature, entitled "An act to authorize the sale of church property and vesting a valid title thereto in the purchaser free from uses for church purposes," which later act was approved April fifth, one thousand eight hundred and eighty-six, and are repealed thereby, and doubts have arisen as to the effect of such legislation upon said supplement; therefore.

Act repealed. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplement to "An act to incorporate trustees of religious societies" [Revision], approved April ninth, one thousand eight hundred and seventy-five, which supplement was approved March eighth, one thousand eight hundred and seventy-seven, be and the same is hereby repealed, and that this act take effect immediately.

Approved March 7, 1888.

CHAPTER CXVIII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when lands and tenements heretofore deeded to a widow in lieu of her dower, to use, occupy, have, hold and enjoy to her own use and benefit during her natural life, and which lands, by the terms of such conveyance, revert, at her decease, to the grantors therein named, as tenants in common, who, upon the death of such widow, have taken proceedings to have the same divided among the several owners thereof, and under such proceedings the same have been sold by order of a court of competent jurisdiction, such sale shall not be invalidated or rendered void by reason of the statement in the advertisement of such sale that "said lands and tenements were the same premises whereof any such widow had died seized," or by any omission to state what other person or persons were seized of said lands and tenements: *provided*, that such proceedings were in all other respects according to law, the said property duly advertised and so described as to be plainly identified, and the sale thereof duly reported and confirmed, and a deed directed to be made to the purchaser; such confirmation and deed heretofore made in pursuance thereof, shall be as good and effectual to transfer the title to the purchaser as if the advertisement had been otherwise made.

Sale of lands in certain cases not invalidated by certain statement or omission in advertisement.

Proviso.

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

Approved March 8, 1888.

CHAPTER CXIX.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of the act entitled "An act concerning roads," approved March twenty-fourth, one thousand eight hundred and seventy-four, shall be and the same is hereby amended so that it shall read as follows:

Section amended.

Private road.

4. *And be it enacted*, That if any person shall think a private road necessary to or from his or her land, mill, market, public landing or public road, or shall think it necessary to have a private road vacated or altered, he or she shall make application in writing to the inferior court of common pleas of the county, or to the supreme court, as the case may require, having given notice of his or her intention at least ten days, and the court shall thereupon appoint three of the surveyors of the highways, as before directed, and the applicant and the surveyors shall be guided in all things as in the manner before prescribed, except that the signature of the applicant to the advertisement and to the notice to the surveyors shall be deemed sufficient.

Application and notice.

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

Approved March 8, 1888.

CHAPTER CXX.

A Further Supplement to an act entitled "An act for the instruction and maintenance of indigent deaf and dumb, blind and feeble-minded persons, inhabitants of this state," approved March twelfth, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all indigent and feeble-minded females of this state, not otherwise provided for by the act to which this is a supplement, above fifteen years of age, may be sent by the governor or person administering the government to some suitable and convenient home, which the governor or person administering the government may select; in which home these females shall be entirely separate from the other sex, and shall receive such industrial and other training as they may be capable of, and also that moral and physical care which they need. Governor may send indigent and feeble-minded females to suitable home.

2. *And be it enacted*, That an annual sum not exceeding two hundred and thirty dollars for the training and maintenance of each female hereinbefore described, shall be appropriated out of any moneys not otherwise appropriated. Annual appropriation for each female.

3. *And be it enacted*, That this act shall not conflict with sections three, four and eleven of the general act to which this is a supplement. Act not to conflict.

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

Approved March 8, 1888.

CHAPTER CXXI.

An Act to authorize the construction and maintenance of bridges and the approaches thereto, over navigable streams which mark the dividing line between counties in this state.

Boards of freeholders may construct and maintain bridges.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where a navigable stream marks the dividing line between two counties of this state, and the respective boards of chosen freeholders of such counties have resolved, or may hereafter resolve, that a bridge or bridges across such stream at any point or points, or between any points, is a public necessity, it shall and may be lawful for such boards jointly to construct and maintain such bridge or bridges, and the expense thereof shall be borne by the said counties equally.

When pier or wharf lines established, where bridge to extend.

2. *And be it enacted*, That whenever pier or wharf lines shall be or have been established by any act of the legislature, or by any person or persons, commissioner or commissioners, or person or corporation, authorized by the act of the legislature to fix and establish such lines, then in every such case the structure to be erected by said boards of chosen freeholders shall extend from such pier line to pier line, and so much further only as may be necessary for the construction of proper foundations or abutments; and if in any case it shall be found necessary, in building such bridge, to place the abutments on either side of such stream upon a public highway, it shall be lawful so to do.

When bridge interferes with navigation, draw to be provided.

3. *And be it enacted*, That in case such bridge, when constructed, will interfere with the navigation of such stream, then the same, when constructed, shall be provided with a suitable draw, the width of said draw to be determined by the said boards of chosen freeholders, any law, public or special, to the contrary notwithstanding, and to be placed as nearly as practicable at right angles with the channel of such stream, and of sufficient width

to allow vessels used thereon to pass through the same freely, and the expenses of operating such draw and caring for such bridge, shall be borne by such counties equally. Expense of.

4. *And be it enacted*, That boards of chosen freeholders of said counties, or the joint committees having charge of said bridge, may make such regulations not inconsistent with the provisions of this act, as they shall deem necessary, for the protection of said bridge and the accomodation of passengers crossing the same, and may place the said bridge in the special care or charge of such suitable persons as they may appoint for that purpose, and may thereupon apply to the governor of this state to commission such person or persons to act as policemen in respect to the said bridge, and the enforcement of the provisions of this act, and of such regulations as shall be made as aforesaid. Boards of freeholders may make regulations for protection of bridge. Bridge policemen.

5. *And be it enacted*, That if in any case it shall be found necessary to construct approaches to such bridge in order to connect the same with the public roads or streets at either end thereof, or to make such roads or streets conform to the grade of the bridge so constructed, then in every such case it shall be the duty of the common council, board of aldermen, township committee, or other governing body of the town, township or municipality through which such approach or approaches shall lie, to construct and maintain the same at the expense of such town, township or municipality. Municipal authorities to construct approaches to bridge.

6. *And be it enacted*, That for the purpose of furnishing the moneys necessary for building, rebuilding, repairing and maintaining any such bridge, it shall and may be lawful for said boards of chosen freeholders to use any moneys of their respective counties not otherwise appropriated, and to raise money from time to time by taxation, and for the purpose of building and rebuilding such bridge, they may also issue the bonds of their respective counties for any sum not exceeding one hundred thousand dollars, and may negotiate and sell the same at any price not less than par; such bonds, if issued, shall be made payable in not more than twenty years from the date of their issue, and shall bear interest at a rate not greater than five per centum per annum, and for the purpose of Moneys for building bridge and constructing approaches authorized to be raised.

furnishing the money to make and maintain such approach or approaches, it shall and may be lawful for the common council, board of aldermen, township committee or other governing body of the town, township or municipality through which such approach or approaches shall lie, to raise money by taxation and to issue the bonds of such town, township or municipality for such sum as may be found necessary to construct such approach or approaches, which bonds shall be issued under the same regulation as is herein provided for bonds to be issued by the said boards of chosen freeholders.

Repealer.

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

Approved March 8, 1888.

CHAPTER CXXII.

A Supplement to an act entitled "An act respecting the cutting of ice in cities of this state, and giving to boards of health in such cities power to regulate and control the same," approved March eighteenth, one thousand eight hundred and eighty-five.

Provisions of act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this act is a supplement, be and the same hereby are extended to all boroughs, townships, towns and other local municipal governments in the state.

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

Approved March 8, 1888.

CHAPTER CXXIII.

A Further Supplement to an act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a borough is or shall be organized under the act to which this is a supplement, and shall be found to contain within the bounds thereof more than four square miles, such incorporation shall not thereby be invalidated, but the territory embraced within said bounds shall be deemed and taken to be a lawfully incorporated borough under the act to which this is a supplement. Borough not invalidated when found to contain additional territory.

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

Approved March 8, 1888.

CHAPTER CXXIV.

An Act concerning cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of this state it shall be the duty of the officer now or hereafter authorized by law to make sale of land therein for unpaid or delinquent taxes and assessments for improvements which may be a lien thereon, to collect, receive and receipt for all such claims after authority to make such sale has been given, and to account therefor to the city treasurer in the Officer authorized to sell lands for taxes, etc., may collect claims after authority for sale given. To account therefor.

same manner as other officers receiving money in behalf of the city are required by law to account.

Repealer.

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

Approved March 12, 1888.

CHAPTER CXXV.

A Further Supplement to "An act in relation to the improvement and maintenance of certain roads," approved March third, one thousand eight hundred and eighty-two.

When lawful for board of freeholders to improve certain roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when the board of chosen freeholders of any county shall have expended not less than fifty thousand dollars in improving and keeping in repair any roads formerly toll-roads, as authorized by the act to which this is a supplement, it shall be lawful for such board to improve and keep and repair any other roads in such county, being within seven miles of the court-house of such county; and such board may, by the votes of two-thirds of all its members, expend on such roads in any one year, a sum not exceeding one-half the amount it is now authorized by law to expend in improving and keeping in repair the former toll-roads in such county; the expenditure herein authorized shall be in addition to any expenditure heretofore authorized for improving and keeping in repair any former toll-road in such county.

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

Approved March 12, 1888.

CHAPTER CXXVI.

An Act to authorize the issue of bonds for building public bridges in counties.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of any county in this state, for the purpose of building any new public bridge or bridges in any county, to issue bonds in the corporate name and under the corporate seal of any county, signed by the director and the clerk of the board of chosen freeholders of any such county, and countersigned by the county collector thereof, to be denominated on their face "bridge bonds," to an amount not exceeding fifty thousand dollars: such bonds may be registered or coupon bonds, and shall bear a rate of interest not exceeding six per centum per annum, payable half-yearly, and shall be redeemable not exceeding ten years from their date, in the discretion of the board of chosen freeholders of any county; which bonds may be sold at public or private sale for the best price they can obtain for the same, but shall not be sold for less than their par value: and all real estate and property within any such county, shall be liable for the payment of the principal and interest that may become due on the bonds to be issued by virtue of this act.

Lawful for board of freeholders to issue bonds for building public bridges.

2. *And be it enacted*, That the board of chosen freeholders of any county that shall issue bonds by virtue of this act, shall have power and authority to provide by taxation for the payment of the said bonds, and the interest thereon, and shall yearly and every year until the said bonds shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the same time and in the same manner as other taxes are assessed and collected in such county, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable.

May provide by taxation for payment of bonds and interest thereon.

Act not to apply to certain counties.

3. *And be it enacted*, That this act shall take effect immediately, but shall not apply to any county having over fifty thousand inhabitants as shown by the last state census.

Passed March 12, 1888.

CHAPTER CXXVII.

A Supplement to the act approved May sixth, one thousand eight hundred and eighty-seven, entitled "An act to amend an act entitled 'A supplement to an act entitled "An act for the incorporation of safe deposit and trust companies,"'" approved April twentieth, one thousand eight hundred and eighty-five.

Associations not required to give security.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That none of the associations or companies mentioned in the act to which this is a supplement, whether they be companies or associations under the act entitled "An act for the incorporation of safe deposit and trust companies," or companies or associations incorporated by any other law of this state, shall be required by any officer or court of this state to give security upon appointment to or acceptance of any office or trust which they are by law authorized or empowered to execute, or to which by the act to which this is a supplement or otherwise by law they are capable of being appointed; but any such company or association may be appointed to any and all such trusts and offices by any officer or court of this state without being required to give security for the discharge of the duties of such trust or appointment or office; the capital stock and accumulated surplus of such company or association to stand as security and to be held liable for the faithful performance of its duties and obligations under such trusts and appoint-

Capital stock liable for faithful performance of duties.

ments, and its other lawful contracts under the special powers conferred upon it by law, in preference to all other debts, demands, claims, obligations and liabilities whatever.

2. *And be it enacted*, That the second section of the act entitled "A supplement to the act entitled 'An act for the incorporation of safe deposit and trust companies,'" approved April twentieth, one thousand eight hundred and eighty-five, which supplement was passed April sixth, one thousand eight hundred and eighty-six, which section is as follows: Section amended

"2. *And be it enacted*, That any association accepting trusts under the provisions of this act shall not be required to give security therefor, and in lieu thereof, its capital stock and its surplus shall be held liable in preference of all other liabilities, for the faithful performance of its duties under the trusts," shall be construed in accordance with the provisions of the preceding section of this act in that behalf, and that it be and is hereby amended accordingly. Section amended recited

3. *And be it enacted*, That it shall be lawful for any such company or association as is mentioned in the first section of this act, if it shall deem it proper so to do, to create by an increase of its capital stock for the purpose, a fund or funds to be specially set apart for and devoted to specially securing its liability in one or more of its branches of lawful business under its special powers; and such fund or funds, when so raised or created, shall be so devoted and set apart accordingly, and shall not be subject or applicable to any other debts or liabilities of the company or association, until those to the discharge whereof it or they are devoted, shall have been satisfied or shall cease to exist. Company may create fund for special purposes.

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

Approved March 13, 1888.

CHAPTER CXXVIII.

An Act to authorize and enable counties in this state to acquire and improve lands for public parks, and to maintain and regulate the same.

Preamble.

WHEREAS, In densely populated districts, it is desirable in the interest of public health and for the general welfare that public parks should be established and maintained for the use and recreation of the inhabitants; therefore,

When lawful to make application for public park.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when two hundred or more persons, being freeholders and owners of lands in any county, and any incorporated company or companies of this state owning lands in such county, the aggregate assessed value of which lands so owned by said persons and corporation or corporations is at least two millions of dollars, shall think a public park or public parks in such county necessary for the preservation of public health, and for the general welfare, it shall be lawful for the said persons to make application in writing to the circuit court of the said county, in open court, having given previous notice for at least ten days of such intended application, and also of the day on which such application is intended to be made, under the hands of at least ten of said applicants, and set up at five public places in such county, and also published in at least two newspapers published and circulating in such county, and the said court, when applied to as aforesaid, on due proof being made that the said petition has been signed and that the advertisements have been set up and published according to law, on which the judgment of said court shall be final and conclusive, is hereby authorized and required to nominate and appoint five judicious and reputable freeholders, residents of such county, who shall constitute a board of commissioners, to be known by the name of park commissioners of the county in and for which such commis-

Appointment of park commissioners.

sioners shall be appointed; *provided, nevertheless*, that if the judge of said court shall not be present at the time and place for which notice of said application shall have been given, the matter shall be continued, of course, until the next court day, when such judge shall be present: *and provided further*, that said court may, by order entered in the minutes of said court, adjourn the said matter from time to time, not exceeding in the whole a period of sixty days, and may cause such further public notice to be given as the judge of said court may deem expedient before appointing such commissioners. Proviso. Proviso.

2. *And be it enacted*, That the commissioners so appointed shall hold office for one, two, three, four and five years, respectively, and that the judge of said circuit court shall designate the term of service for each of said commissioners; and thereafter, whenever a vacancy occurs in said board by reason of expiration of term of any of said commissioners, the said circuit court shall fill such vacancy by appointing a person duly qualified as aforesaid for a term of five years; nothing herein contained shall be construed to prevent the re-appointment of any person to said office of park commissioner. Term of office of commissioners. Vacancy by expiration of term, how filled.

3. *And be it enacted*, That if a vacancy occurs in said board from any cause other than expiration of term of office, the said court shall fill such vacancy, and the person appointed to fill such vacancy shall be appointed and hold office for the unexpired term only. Vacancy from other cause, how filled.

4. *And be it enacted*, That said park commissioners shall receive no compensation for their services, except the commissioners acting as treasurer and as secretary, who may receive such reasonable compensation as the other members of said board of park commissioners may designate; but all actual expenses incurred by them in performance and discharge of their duties shall be refunded to them, respectively, by the county; that each of the persons so appointed shall, before entering upon the duties of said office, make oath before an officer of this state duly authorized to administer oaths, that he will faithfully, honestly and impartially, in the interest of the public and of the people of the county at large, perform the duties of park commissioner in and for such county, which oath shall be filed in the office of the clerk of such county. Commissioners to receive no compensation. Expenses refunded. To take oath.

Proceedings against commissioners, how conducted.

5. *And be it enacted*, That it shall be lawful for the attorney-general, at the relation of any freeholder of such county, to file a complaint in the circuit court of such county against any or all of said park commissioners, charging them, or either of them, with neglect of duty, incompetency or misconduct in office, and thereupon the said circuit court shall have jurisdiction in the premises, and may order the person or persons complained against to appear on a certain day and answer such complaint, which order shall be served in such manner as the judge of said court shall direct, at least two days before the return-day thereof, and thereupon the said court shall proceed to hear and determine the said matter in a summary manner, and the person or persons adjudged guilty by said court shall be forthwith removed from said office of park commissioner.

Commissioners to appoint officers.

6. *And be it enacted*, That said park commissioners shall appoint from their own number a president, a secretary and a treasurer; the treasurer, before entering upon the duties of his office, shall give bond to the county in its corporate name in such sum as may be fixed and determined by resolution of the board of chosen freeholders, with sufficient sureties, conditioned for the due and faithful performance of the duties of such office of treasurer of said board, which bond shall be approved by the judge of the circuit court of such county and filed in the county clerk's office.

Treasurer to give bond.

Duties of commissioners.

7. *And be it enacted*, That it shall be the duty of said park commissioners to select suitable sites for one or more public parks in their county; to ascertain from the owners of the land so selected the price or prices at which the same can be purchased; to cause such lands to be surveyed, and careful estimates to be made by competent persons of the probable cost of improving such lands and making the same fit and serviceable for public park purposes; and also of the probable annual expense of maintaining and keeping the same in order; and thereupon they shall make a report in writing, describing the location of the site or sites selected, the extent of each in acres, the price or prices for which the same may be purchased, the estimated probable expense of improving the same, and also the estimated annual expense of

maintaining and keeping the same in order, which report shall be filed in the office of the clerk of the county in and for which said commissioners were appointed; they shall also cause a copy of said report to be published in at least five newspapers published and circulating in said county, at least once a week for three weeks successively; they shall also appoint a time and place when and where they will meet, and in connection with said report publish notices of such proposed meeting, at which meeting all persons who are taxpayers in said county and in said matter may appear and shall have a right to be heard before said commissioners, and said commissioners shall make at least two adjournments of said meeting for intervals of at least two weeks, and give public notice of such adjourned meetings, which notices shall be published in the same newspapers in which the original notice shall have been published, at which adjourned meetings all taxpayers of the county so desiring may be heard in regard to said matter, and at such meetings the said commissioners, or one of them, shall preside, and they shall have power to make and enforce all reasonable rules for the orderly conduct of such meetings.

Commissioners empowered to make agreement for purchase of site.

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

And improve same for park purposes.

Proviso.

Proviso

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

Funds for purchase and improvement of park, how provided.

9. *And be it enacted*, That for the purpose of providing funds for the purchase of such lands and the improvement thereof as aforesaid, the said park commissioners shall, from time to time, make written requisition on the board of chosen freeholders of the county for the amount required, and thereupon it shall be the duty of the board of chosen freeholders to issue bonds of the denomination of one thousand dollars each, payable in thirty years from the date thereof, to be known as county park bonds of such county, but the aggregate amount of such bonds shall never exceed one per centum of the assessed value of all taxable property, real and personal, in such county, which bonds shall bear interest at a rate not exceeding four per centum per annum, payable semi-annually, and may be registered or coupon bonds; they shall be advertised for sale by notices published in at least five newspapers circulating in said county, and sold to the highest bidder, but for not less than the par value thereof; the said bonds shall be sealed with the seal of the county, signed by the director of the board of chosen freeholders and countersigned by the county collector and also by the president of the board of park commissioners, and attested by the clerk of the board of chosen freeholders; they shall be numbered consecutively, and the number and disposition made of each bond shall be recorded by the clerk of the board of chosen freeholders in a book to be provided for that purpose and kept in said clerk's office.

Disposition of moneys received from sale of bonds.

10. *And be it enacted*, That all moneys received by the county collector from the sale of such bonds shall be paid over to the treasurer of the board of park commissioners, who shall safely keep the same until paid out on warrants ordered by a vote of a majority of said park commissioners, signed by the president and attested by

the clerk of said board, and each warrant shall state on the face thereof the purpose to which the money therein specified is applied.

Annual report by commissioners

11. *And be it enacted*, That said park commissioners shall make and publish an annual report of all moneys received and paid out by them, specifying in detail to whom and for what purpose they were paid.

Funds for keeping order in park and paying interest on bonds, how provided

12. *And be it enacted*, That for the purpose of keeping in order and maintaining said park or parks, and to pay the interest on park bonds issued as aforesaid, the board of chosen freeholders shall annually appropriate sufficient sums for such purposes, which sums so appropriated shall be designated county park tax, and raised, levied and collected in the same manner as moneys for other county purposes are raised, levied and collected, and all moneys raised for the purpose of keeping in order and maintaining said park or parks shall, as soon as collected, be paid to the treasurer of the board of park commissioners, to be used by said commissioners for the purposes for which they were raised, and such moneys shall not be used for any other purpose: *provided*, said county park tax shall not exceed one mill on the dollar of the entire assessed value of all taxable property in such county.

Proviso.

Moneys to be used for park purposes only.

13. *And be it enacted*, That all moneys realized from the sale of bonds issued under the provisions of this act shall be used by said park commissioners for the purchase of lands for park purposes, and for converting them into parks in the manner and to the extent authorized by this act, and such moneys shall be used for no other purpose whatever.

Preliminary expenses of commissioners, how paid.

14. *And be it enacted*, That in case commissioners shall be appointed in any county or counties under this act, the preliminary expenses incurred by such commissioners in selecting sites, making surveys and estimates, publishing notices and holding meetings, as required by the provisions of this act, shall be paid by the board of chosen freeholders, the same having been duly certified by the president of said board of park commissioners: *provided*, such expenses in the aggregate shall not exceed the sum of two thousand dollars.

Proviso.

Bonds, how redeemed.

15. *And be it enacted*, That the bonds issued under the provisions of this act shall be redeemed in the following manner, that is to say, at and after the expiration of ten years from the date of said bonds the board of chosen freeholders shall make an appropriation over and above the sums appropriated for the care and maintenance of said park or parks, and for the payment of the annual interest on said bonds, a sum sufficient to pay one per centum of the principal of said bonds; *provided*, the entire amount appropriated for park purposes in any one year shall not exceed one mill on the dollar of the entire assessed value of all the taxable property, real and personal, in such county, which moneys so appropriated shall be raised, assessed, levied and collected in the same manner as other county taxes are raised, assessed, levied and collected; and thereupon the board of chosen freeholders shall give notice that on a certain day they will receive proposals for the purchase of so many of said park bonds as the money so raised will purchase, which notice shall be published for at least thirty days before the day appointed for receiving proposals, in at least five newspapers published or circulating in said county, and thereupon they shall purchase the requisite number of bonds at the lowest price offered: *provided*, they shall not pay more than five per centum above the par value thereof and the accrued interest thereon: and in case a sufficient number of said bonds shall not be offered at or below the price above specified, the moneys so raised for the redemption of said bonds or the residue thereof, shall not be used for any other purpose, but shall be deposited in some safe deposit company or other institution authorized by law to receive money deposits and to pay interest thereon, which institution to receive such deposit or deposits shall be designated by resolution of the said board of chosen freeholders, and the moneys so deposited and the interest which may accumulate thereon shall so remain on deposit until the same may be used for the purchase of said park bonds at or below the price above specified, or until the principal of said bonds becomes due and payable, and shall be then applied to the purchase or redemption of said bonds.

Proviso.

Proviso.

Principal of bonds, how redeemed.

16. *And be it enacted*, That when the principal of said bonds becomes due and payable, the board of chosen

freeholders of said county shall have power to appropriate a sufficient amount of money to redeem such bonds as shall not have been redeemed or provided for as aforesaid, and to cause the same to be raised, assessed, levied and collected, the same as other county taxes are assessed, levied and collected, or the said board of chosen freeholders may raise a sufficient sum of money for the purpose aforesaid by issuing other bonds to bear interest at a rate not exceeding four per centum per annum: *provided*, the same shall not be sold for less than the par value thereof: *and provided*, that in case such bonds should be issued under this section of this act, the said board of chosen freeholders shall cause a sufficient sum to be raised by taxation every year thereafter to pay or purchase at least one per centum of the said principal of such bonds, the same to be applied, deposited and used in the same manner as hereinbefore provided for the redemption or purchase of one per centum per annum of the first issue of said bonds.

Proviso.

Proviso.

17. *And be it enacted*, That any park or parks established under the provisions of this act shall be used for public recreation, subject to reasonable rules and regulations, to be prescribed by the park commissioners.

Uses of park.

18. *And be it enacted*, That no refreshments of any kind shall be sold or partaken of within said park or parks, except at such place or places and in such manner as said park commissioners shall prescribe, and by such person or persons as shall be designated and permitted to sell refreshments by said park commissioners.

Refreshments to be sold under direction of park commissioners.

19. *And be it enacted*, That said park or parks shall be closed from sunset in the evening until sunrise in the morning, for the use of the public, except on such occasions as the park commissioners may permit.

When park closed.

20. *And be it enacted*, That any person who shall violate any of the rules and regulations hereinbefore prescribed, or any of the rules and regulations to be prescribed by the said park commissioners, shall be deemed guilty of disorderly conduct, and it shall be the duty of every constable, and lawful for any other person, to apprehend, without warrant or process, any person found violating any of the said rules and regulations, and to take him or her before any justice of the peace or police justice of the

Penalty for violating rules.

county, and it shall be the duty of such justice to take the testimony of witnesses, hear and determine the matter, and if the person charged be found guilty, he or she shall be punished for each offense by fine not exceeding twenty dollars, or by imprisonment in the county jail not exceeding ten days, or both, at the discretion of such justice, and all fines collected under the provisions of this act shall be paid over by such justice to the treasurer of the board of park commissioners, to be applied to the maintenance of such park or parks.

No liquor to be sold in park.

21. *And be it enacted*, That no beer, wine, brandy or any other alcoholic or intoxicating liquor shall ever be sold, drunk or partaken of by any person or persons in or upon said park or parks, and any person violating any

Penalty.

of the provisions of this section of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding thirty days, or both.

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

Approved March 13, 1888.

CHAPTER CXXIX.

An Act to amend section four of the act entitled "An act to secure to workmen the payment of wages in lawful money," approved March twelfth, one thousand eight hundred and eighty.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of the act entitled "An act to secure to workmen the payment of wages in lawful money," approved March twelfth, one thousand eight hundred and eighty, be and the same is hereby amended so that the same shall read as follows:

4. *And be it enacted*, That any glass manufacturer, iron-master, foundryman, collier, factoryman, employer or company offending against the provisions of this act, shall be guilty of a misdemeanor and punishable by a fine of not less than ten dollars or more than one hundred dollars for each and every offense, or imprisonment not to exceed the term of thirty days, at the discretion of the court. Penalty for offending against provisions of act.

Approved March 13, 1888.

CHAPTER CXXX.

A Supplement to "An act to legalize certain newspapers, the issues of which have been temporarily suspended," approved March third, one thousand eight hundred and eighty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of "An act to legalize certain newspapers, the issues of which have been temporarily suspended," be amended so as to read as follows: Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That such temporary suspension shall not be regarded as an invalidation of the legal age of said newspapers, but that upon their resumption of publication within twelve weeks of their suspension as aforesaid, such papers shall be considered, as to age, as dating from their first publication, and they shall be as fully entitled to the state and other legal printing the same as though such suspension had never occurred. Temporary suspension not invalidation of legal age

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

Approved March 13, 1888.

CHAPTER CXXXI.

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

Term of office of members of certain township committees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of any township in this state, in which the township committee consists of five members, may, at any town meeting, by a majority of votes cast, pass a resolution directing that the members of the township committee shall thereafter be elected for the term of three years.

When resolution passed, terms to be determined by lot.

2. *And be it enacted*, That upon the passage of such resolution in any such township, the members elected therein for township committee shall, at their first meeting, determine by lot which two of said members shall hold office for the term of one year, which other two shall hold office for the term of two years, and which other one shall hold office for the term of three years; and the respective members shall thereupon hold office for the respective terms so determined, and at each succeeding town meeting thereafter in such township the number of new members of the township committee to be voted for and elected shall be such as to fill the places or place of the members or member whose term of office shall expire, and such new members or member shall be elected for the term of three years, except in the event of a vacancy of the office of a member during an unexpired term, in which event the vacancy shall be filled for the unexpired term only.

Provisions repealed.

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

Approved March 13, 1888.

CHAPTER CXXXII.

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

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

77. *And be it enacted*, That for the purpose of maintaining free public schools there shall be assessed, levied and collected annually upon the taxable real and personal property in this state, as exhibited by the latest abstract of ratables from the several counties, made out by the several boards of assessors and filed in the office of the comptroller of the treasury, a state school tax equal to five dollars for each child in this state between the ages of five and eighteen years, as exhibited by the next preceding school census, which tax shall be assessed, levied and collected at the same time and in the same manner in which other taxes are assessed, levied and collected; but if the moneys received by the school districts in any township from the tax imposed by this section shall not be sufficient to maintain free schools for at least nine months in each year, then the inhabitants thereof may raise by township tax such additional amount as they may need for that purpose in the same manner as such taxes have heretofore been raised. Moneys for maintenance of free public schools to be raised by taxation.

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

81. *And be it enacted*, That it shall be the duty of the county superintendent of each county to apportion annually to the districts and cities of his county the state County superintendent to apportion moneys.

school moneys, together with the interest of the surplus revenue belonging to said county, and such other moneys as may be raised for school purposes, upon the basis of the last published school census; *provided*, that all children residing in fractional districts, situated in two or more adjoining townships, shall be included in the census of that township in which the fraction containing the school-house is situated; *and provided also*, that no district shall receive less than two hundred and seventy-five dollars, and that districts with forty-five children or more shall not receive less than three hundred and seventy-five dollars.

Proviso.

Proviso.

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

Approved March 20, 1888.

CHAPTER CXXXIII.

An Act to provide for vacating dedicated streets, roads and alleys.

Preamble

WHEREAS, Many roads, streets or alleys have been dedicated by the owner or owners of the land over which the same are laid, and have not been accepted by the public; *and whereas*, no sufficient law applicable to all municipalities is provided for relieving the land included in said roads, streets or alleys, from the burden of such dedication; therefore,

Road dedicated may be vacated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any road, street or alley which has been, or which may hereafter be dedicated by the owner or owners of the land over which the same is laid, may, before or after it is accepted by the public, be vacated in the same manner as any public road, street or alley; that this act shall apply to all cities, towns, townships and other municipalities in this state.

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

Approved March 21, 1888.

CHAPTER CXXXIV.

An Act relating to the sale of lands for unpaid taxes and assessments in this state, and proceedings in reference thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all actions or proceedings in any court of this state, wherein the title to any land or real estate heretofore sold in this state for unpaid taxes or assessments, shall come in question, the declaration or certificate of sale made or issued by the municipal officer or authority of the city, town, township or borough making such sale, shall be prima facie evidence that all acts necessary to the validity of such sale have been regularly and legally done and performed, so far as the said certificate shall recite such acts to have been done and performed.

Actions respecting title of lands heretofore sold, declaration of sale evidence of validity of proceedings

2. *And be it enacted*, That hereafter, whenever in any city, town, township or borough of this state, any lands or real estate is or shall be sold for unpaid taxes or assessments, the officer whose duty it is by law to make such sale, shall make or procure to be made, executed and delivered to the purchaser of such land or real estate at such sale, his executor, administrator or assigns, a declaration or certificate of sale, describing therein the said lands or real estate so sold, which declaration or certificate of sale shall be signed and executed as now required by law, and such declaration or certificate of sale executed as aforesaid, shall be presumptive evidence in all courts in all actions or proceedings by or against such purchaser or purchasers, his, her or their legal representatives or

When lands hereafter sold, officer to deliver certificate of sale

Certificate evidence of validity of sale

assigns of the title of such purchaser or purchasers to the said lands or real estate in such declaration or certificate of sale designated, and of the regularity and validity of all proceedings previously had in reference to said sale; *provided*, nothing in this act shall be construed to affect in any way proceedings under chapter one hundred and twelve of the laws of eighteen hundred and eighty-six.

Proviso.

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

Approved March 21, 1888.

CHAPTER CXXXV.

A Supplement to an act entitled "An act for the construction, maintenance and operation of water-works, for the purpose of supplying cities, towns and villages of this state with water," approved April twenty-first, one thousand eight hundred and seventy-six.

Section amended.

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

Aqueduct companies may extend works.

15. *And be it enacted*, That any aqueduct company now in existence under any special charter in this state, and any company which has been incorporated under the provisions of this act, shall have the right from time to time to add to and extend their works to such extent as may be necessary to carry out the purposes of its corporation, and for that purpose to take all such lands and divert all such streams of water, in the manner hereinbefore provided, as shall be necessary for that purpose; *provided*, that nothing in this section shall be deemed, taken or construed to empower or authorize any aqueduct or water company to supply or furnish water within the corporate

Proviso

limits of any city of this state owning or controlling its water-supply.

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

Approved March 21, 1888.

CHAPTER CXXXVI.

An Act regulating appeals from special assessments in towns governed by a board of commissioners where an appeal has been heretofore given to three chosen freeholders.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where, in the act incorporating any town governed by a board of commissioners, or in any supplement to such act, an appeal from any special assessment has heretofore been given to any three chosen freeholders of the county in which said town is located, an appeal shall only lie hereafter to and be determined by three persons, residents of the county in which such town is located, who shall be appointed by any justice of the supreme court of this state, either in term-time or vacation: which appointment shall be made upon the application of the party appealing, who shall give such board of commissioners five days' notice, in writing, of the time, place and purport of such application. To whom appeal shall lie and be determined.

2. *And be it enacted*, That any provision contained in any act of incorporation or any supplement thereto referred to in the first section of this act, inconsistent with said section, be and the same is hereby repealed. Repealer.

Approved March 21, 1888.

CHAPTER CXXXVII.

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

Transcripts of returns of deaths, etc., to county or local board of health, legal evidence

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all transcripts of returns of deaths, marriages and births made by any physician, clergyman or other person, according to law, to any county board of health or local board of health of any municipality in this state, empowered by law to receive such returns; or transcripts of the record of such return recorded by such board, and made as hereinafter directed, shall be received as legal evidence in any court of law or equity in this state.

What transcript to be, and by whom certified.

2. *And be it enacted*, That said transcripts shall be a copy of the return as originally made, or a copy of the record thereof as recorded by the clerk or registrar of said board, and shall be signed by said clerk or registrar and by him certified to be a true copy of said return or record, and that thereupon such certified transcript shall be received as prima facie evidence of the matters and facts therein stated.

Repealer

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

Approved March 21, 1888.

CHAPTER CXXXVIII.

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

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all manufacturers of and dealers in mineral waters, beer, ale, porter or any other beverage whatsoever, and also all dairymen, producers and bottlers of and dealers in milk, using or having to use boxes or bottles upon which his, her or their name or names, mark or marks shall be respectively marked, stamped or impressed, may file in the office of the clerk of the county in which the business of any such manufacturer, dairyman, producer, bottler or dealer is conducted, or in the county wherein the principal office or depot of any such manufacturer, bottler or dealer shall be located doing business in this state, but manufacturing or bottling out of this state, a description of such boxes or bottles, and of the name or names, mark or marks thereon, and may cause the same to be published for four weeks successively in a daily, weekly or other newspaper published in the said county. Manufacturer or dealer may file and publish description of boxes or bottles.

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

Approved March 21, 1888.

CHAPTER CXXXIX.

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

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the certain act entitled "An act to provide for drainage and sewage in densely-populated townships in which there is a public water-supply," approved the fourth day of March, anno domini one thousand eight hundred and eighty-four, shall be and hereby is amended so as to read as follows:

Township committees of certain townships may provide system of sewerage or drainage.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any township in this state in which the population has become or shall hereafter become so dense as to average not less than one thousand inhabitants to the square mile of territorial area contained in such township, and in which a supply of water for public and domestic use is furnished or shall be furnished from water works, it shall be lawful for the township committee to provide for, obtain and cause to be constructed a system of sewerage, or of drainage, or both.

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

Approved March 21, 1888.

CHAPTER CXL.

An Act to provide for addition to the asssembly chamber and the enlarging of the clerk's room of said chamber.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor, treasurer, comptroller and attorney-general of this state shall be and they are hereby empowered to enlarge the room now occupied by the clerk of the assembly, and to tear down and rebuild all necessary walls and foundations, and to make such arrangement of the interior as may be convenient, and to expend for such purpose such money as shall be necessary, not exceeding five thousand dollars, which moneys shall be paid on the requisition of the said officers by the state treasurer, on the warrant of the comptroller. Empowered to make addition. Appropriation.

2. *And be it enacted*, That said work shall be commenced immediately after the final adjournment of the present session and completed before the next session of the legislature. When work to be done.

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

Approved March 21, 1888.

CHAPTER CXLI.

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

Mutual associations may have capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the members of any mutual association or corporation heretofore or hereafter incorporated or organized under or by any law of this state, to provide for and create a capital stock of such association or corporation, upon the consent in writing of all the members of such association or corporation, and to provide for the payment of such stock, and to fix and prescribe the rights and privileges of the stockholders therein.

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

Approved March 21, 1888.

CHAPTER CXLII.

An Act authorizing towns and townships in certain cases to construct sewers in, over or across the streets of adjoining municipalities.

Lawful to construct sewer across adjoining municipality in certain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any town or township in this state, the council or governing body of which has authority to build or construct sewers, is so situated that any section of such town or township has no immediate outlet for sewerage or drainage, except through or across

the territory of an adjoining municipality, it shall be lawful for the council or governing body of such town or township to build and construct, in connection with and as part of, any main sewer in process of construction or proposed to be laid or built in such town or township, an extension or outlet sewer in, through and across the streets and highways of such adjoining municipality, in such manner, and to such point or place of discharge, and upon such terms and conditions as shall or may be mutually agreed upon by the council or governing body of such town and the proper municipal board of such adjoining municipality; and all cost and expenses attending the construction of such extension or outlet sewer shall, for the purpose of assessment, be included in and form part of the cost of the main sewer in connection with which it shall be built: *provided*, that any such sewer shall not be so constructed as to at any time empty or discharge any of its contents into any creek, stream, lake, pond or water-course, the waters of which are used for or connect with the waters of any river, creek, stream, lake, pond or water-course used for the supply of water to any aqueduct, water-main or reservoir of any city, town, township or municipality of this state. Cost. Proviso.

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

Approved March 21, 1888.

CHAPTER CXLIII.

An Act to authorize the payment of the sum of one hundred and fifty dollars to John W. Simmons, late sergeant-at-arms of the senate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be and he is hereby authorized to pay to John W. Simmons, State treasurer authorized to pay.

upon the warrant of the comptroller, which warrant the comptroller is hereby authorized to draw, the sum of one hundred and fifty dollars for services rendered as sergeant-at-arms of the senate during session of one thousand eight hundred and eighty-seven.

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

Passed March 21, 1888.

CHAPTER CXLIV.

An Act respecting the confinement of persons under the age of sixteen years detained in the jails, work-houses, penitentiaries and other places of confinement in the several counties of this state.

Persons under sixteen years to be kept in separate confinement.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the sheriffs, jailors, wardens, keepers and other persons having charge and control of the jails, work-houses, penitentiaries and other places of confinement in this state to keep all persons under the age of sixteen years who shall be detained in such jails, work-houses, penitentiaries and places of confinement, for any purpose whatever, separate and apart from and so that no communication take place between them and other persons above such age confined therein on a charge or conviction of crime.

Jails, etc., to be arranged for separate confinement.

2. *And be it enacted*, That the boards of chosen freeholders of the several counties of this state be and they are hereby required to so arrange the jails, work-houses, penitentiaries and places of confinement in their respective counties that all persons under the age of sixteen years who shall be detained in such jails, work-houses, penitentiaries and places of confinement, for any purpose whatever, shall be kept separate and apart from and so

that no communication take place between them and other persons above such age confined therein on a charge or conviction of crime; and in case it is impracticable to so arrange the buildings now used for such purposes, it shall be the duty of such boards of chosen freeholders, and they are hereby required to provide such places as shall be necessary to accomplish the purposes of this act.

How long magistrate may detain person without being separately confined.

3. *And be it enacted*, That no justice of the peace, police justice, recorder or other magistrate in this state shall detain or cause to be detained, in any station-house, lock-up or other place of confinement, for a longer period than twenty-four hours after such person shall be first brought before such justice of the peace, police justice, recorder or other magistrate, any person under the age of sixteen years, unless there shall have been provided in such station-house, lock-up or place of confinement, means by which such persons under sixteen years of age may be detained separate and apart from persons above such age.

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

Approved March 21, 1888.

CHAPTER CXLV.

An Act to authorize the payment to John T. Burton the sum of one hundred dollars, for services rendered as one of the keepers of the ladies' gallery of the house of assembly, session of one thousand eight hundred and eighty-seven.

State treasurer authorized to pay.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be and is hereby authorized to pay to John T. Burton, upon the warrant of the comptroller, which warrant the comptroller is hereby authorized to draw, the sum of one hun-

dred dollars, for services rendered as one of the keepers of the ladies' gallery of the house of assembly, session of one thousand eight hundred and eighty-seven.

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

Passed March 21, 1888.

CHAPTER CXLVI.

An Act to provide for the payment of a compensation of one hundred dollars to Thomas Kircher, a door-tender of the house of assembly, of the session of one thousand eight hundred and eighty-seven.

State treasurer authorized to pay.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be paid by the treasurer of the state, upon the warrant of the comptroller, to Thomas S. Kircher, the sum of one hundred dollars, for services rendered as door-tender of the general assembly, session of one thousand eight hundred and eighty-seven.

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

Passed March 21, 1888.

CHAPTER CXLVII.

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

WHEREAS, Commissioners of deeds in and for this state, in some instances, have, through inadvertence or mistake, continued to take acknowledgments and proofs of deeds, mortgages and other writings, after their term of office had expired, or after their commissions had become void by reason of removal out of the township, ward or district in which they resided at the time of their appointment, and innocent persons may be subjected to loss or injury thereby; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all acknowledgments and proofs of deeds, mortgages and other writings, and the certificates thereof, heretofore taken or made before or by any commissioner of deeds in and for this state, whose term of office had expired, or whose office had been vacated, or whose commission had become void at the time of taking such acknowledgment or proof, and the records of such deeds, mortgages and other writings are hereby confirmed and made valid and legal and effectual to the extent that the same would have been valid, legal and effectual if the term of office of the commissioner taking such acknowledgment or proof had not expired, nor his office been vacated, nor his commission become void as aforesaid. Certain acknowledgments validated.

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

Approved March 22, 1888.

CHAPTER CXLVIII.

An Act to empower certain police officers to take bail in certain cases.

Police officers to take bail in certain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter whenever any person is arrested for the commission of any offense, except intoxication, for which any police justice, recorder or justice of the peace now has jurisdiction to impose a fine or imprisonment, it shall be lawful for, and shall be the duty of, the sergeant of police or other police officer in charge of any station-house to which any such person may be brought under arrest, for the commission of such offense, to take bail of not less than one hundred dollars for the appearance of such prisoner before the police justice, recorder or justice of the peace before whom the said prisoner is to be arraigned.

Amount of.

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

Approved March 22, 1888.

CHAPTER CXLIX.

Supplement to an act entitled "An act to provide for the better security of life and limb in cases of fire in hotels and other buildings," approved March seventeenth, one thousand eight hundred and eighty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all persons owning, leasing or in any manner having charge or control of any hotel

or boarding-house, or any public school, or other public building, factory, manufactory or work-shop of any kind, or any other building (in which guests, students, employes or operatives, or any persons whatsoever, to the number of thirty or more are accommodated, or are steadily or casually at work or do congregate), when any such buildings are three or more stories in height (or any dwelling-house three or more stories in height, occupied by, or built to be occupied by, three or more families above the first story), said owners or lessees, or other persons having charge or control of said buildings, shall provide all such buildings with a permanent and safe external means of escape therefrom, which shall be so arranged that in case of fire the ground can be readily reached by the persons occupying the third and higher floors.

Persons having charge or control of certain buildings required to provide suitable fire escapes.

2. *And be it enacted*, That it shall be the duty of the fire inspector or superintendent of buildings of any city, town, borough or township in this state, or of any common council, board of aldermen or other governing board of any city, town, borough or township of this state, by whatever name such authorities may be known, in case there is no fire inspector or superintendent of buildings in such city, town, borough or township, to designate the number of, and the kind and manner of the erection of such external fire escapes to or upon any of said buildings, and shall give notice in writing to the owner or lessee, or the person having charge or control of any such building, setting forth in said notice the number and kind of, and the manner in which said external fire escape or escapes is or are to be erected, as required by said fire inspector or superintendent of buildings, or by ordinance of said municipal authorities, or by resolution of any of said governing boards.

Authorities to determine kind and manner of erection of fire escapes.

Notice.

3. *And be it enacted*, That any violation of this act, or neglect to comply with such notice to put up said fire escape or escapes within ninety days after said notice is received, shall be deemed a misdemeanor; and any person convicted thereof shall be liable to a fine not exceeding three hundred dollars, in the discretion of the court; and any person or corporation failing to comply with the provisions of this act shall be liable in an action for damages in case of death or personal injuries sustained because

Penalty for violation of act.

of the absence or disrepair of such fire escape, or in case of fire breaking out in any building upon which there shall be no such efficient fire escape: and such action may be maintained by any person now authorized by law to sue, as in other cases of similar injuries.

Repealer

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

Approved March 22, 1888.

CHAPTER CL.

A Supplement to an act entitled "An act for the formation of borough governments in seaside resorts," approved March twenty-ninth, one thousand eight hundred and seventy-eight.

How borough may extend corporate boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any borough incorporated under the provisions of the act to which this is a supplement, may extend its corporate boundaries in the following manner: upon a petition being presented to the borough council of such borough, setting forth the boundaries of the land so to be included within the limits of such borough and signed by persons owning at least two-thirds of the land described in said petition, and petitioning the borough council to extend the limits of said borough so as to include said land, the borough council may pass an ordinance enacting and ordaining that the boundaries of the borough shall be extended so that the land described in said petition may be included therein, which said ordinance shall set forth specifically the boundaries of the land so to be added to said borough.

Copy of ordinance to be sent to county clerk and secretary of state.

2. *And be it enacted*, That after said ordinance shall have been passed, approved by the mayor of said borough, and advertised according to law, a copy of the same shall be

forthwith transmitted by the borough clerk of such borough to the county clerk of the county in which such borough is situate, and also a copy of the same transmitted to the secretary of state, and upon said copies of said ordinance being filed in said offices of said county clerk and secretary of state, the land so set forth in said petition and ordinance shall form a part of said borough and become subject to all the laws and ordinances regulating and governing the same.

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

Approved March 22, 1888.

CHAPTER CLI.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person who shall sell, circulate, or attempt to circulate, or offer for sale, or keep, or expose on any news stand or other place of sale, any obscene, vulgar or indecent papers, books or periodicals, or any in which are illustrated any indecent or vulgar pictures, or three or more pictures purporting to illustrate the commission of criminal acts, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or imprisonment not exceeding two months, or both. Penalty for selling, etc., obscene papers, books, etc.

Approved March 22, 1888.

CHAPTER CLII.

An Act to amend an act entitled "An act relative to dower," approved April sixteenth, one thousand eight hundred and forty-six.

Section amended.

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

Proceedings to assign widow's dower.

17. *And be it enacted*, That it shall be lawful for any widow entitled to dower in any lands or real estate of which her husband died seized, or for any heir or heirs, devisee or devisees, or guardian of any minor child or children, entitled to any estate in the said lands or real estate, or for any purchaser thereof, to apply by petition to the orphans' court of the county where the said lands or real estate are situated for the appointment of commissioners to assign to such widow her dower in the said lands and real estate, whereupon the said court shall appoint three discreet and disinterested persons, resident in the said county, commissioners to admeasure and set off, as speedily as conveniently may be, one-third part of the said lands and real estate as the said widow's dower; which commissioners before they enter upon the duty assigned them, shall be sworn or affirmed before the surrogate or any other person authorized to administer oaths in the said county, faithfully, honestly and impartially to execute the trust reposed in them respectively.

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

Approved March 22, 1888.

CHAPTER CLIII.

A Supplement to an act entitled "An act for the formation of borough governments in seaside resorts," approved March twenty-ninth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all boroughs heretofore incorporated under the act to which this a supplement, embracing within their corporate boundaries an area exceeding two square miles, where there has been held one or more elections for the purpose of electing borough officers, and where the officers so elected have held and exercised their several offices, be and the same are hereby confirmed and declared to be legal and effectual to the extent that the same would have been valid, legal and effectual if it had been legally incorporated. Certain boroughs held valid.

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

Appproved March 22, 1888.

CHAPTER CLIV.

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

WHEREAS, By reason of the great increase in the number of convicts in the state prison, it is found impossible for one moral instructor or teacher, now provided for Preamble.

by law, to fulfill all the requirements of the office; therefore,

Inspectors may employ additional moral instructor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of inspectors of the state prison, when in their judgment it shall be necessary, shall be authorized to employ for such time and at such compensation as they shall see fit, a clergyman of good repute and standing to act as additional teacher and moral instructor to the convicts in the said prison; *provided*, that the annual compensation to the moral instructors of the said prison shall not exceed the sum of two thousand dollars.

Proviso.

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

Approved March 22, 1888.

CHAPTER CLV.

An Act to authorize land improvement companies having authority to purchase and enjoy a ferry or ferries, to sell and transfer their franchise or franchises of operating a ferry or ferries and the property connected therewith.

Certain companies authorized to sell franchise for operating ferries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any corporation organized under any law of this state for the purpose of laying out and improving such lands as it is authorized to own or purchase, and having power under its act of incorporation or any supplement thereto, to purchase and enjoy ferry rights, shall have power whenever the directors of such company deem it advisable to separate such ferry rights from the other property and franchises of such company, to sell and transfer its franchise of owning, operating and enjoying a ferry or ferries and all its property, real and personal, connected therewith or appurtenant thereto, to any other corporation organized or to be organized under

the laws of this state, authorized by law to transact the business of transporting goods, merchandise or passengers by water, at such price and upon such terms as may be agreed upon by and between the directors of said two corporations, and to receive payment therefor either in money, property or in the capital stock of such purchasing corporation; and after such sale and transfer it shall be lawful for the corporation purchasing such franchise or franchises and the property connected therewith or appurtenant thereto, to possess and enjoy the same as fully in all respects as the corporation selling the same by its charter or any supplement thereto is authorized to enjoy such rights and franchises; *provided, however*, that this act Proviso.
shall not apply to any corporation unless such corporation shall first and as a condition precedent to the exercise of any power granted by this act, file in the office of the secretary of state an agreement, to be approved by the governor and attorney-general, waiving all rights of exemption from taxation and from privileges and advantages arising from any law or contract, if any there be, establishing any special mode of taxation of any such corporation, and the further agreement to be bound by any general law of this state now in existence or that may hereafter be passed, taxing such corporations as are now authorized to be taxed by the legislature of the state under any general law, and further agreeing that the exercise of any power granted by this act shall not in any way affect the rights of the state, if any there exist, to take the property of such corporation under any existing law of the state, and agreeing further that all laws affecting such corporations shall be subject to alteration or repeal by the legislature.

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

Approved March 22, 1888.

CHAPTER CLVI.

An Act respecting bridges and the causeways or other roads leading thereto.

When board of freeholders may acquire free public bridge

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a majority of the board of chosen freeholders of any county in this state shall agree upon the utility of maintaining any toll-bridge or bridge for crossing which toll is charged or exacted, as a free public bridge, it shall be lawful for said chosen freeholders, by gift or purchase for one dollar or other mere nominal consideration, to acquire such bridge; and thereafter such bridge shall be, become and remain a free public bridge as if originally built by such board of chosen freeholders: *provided, however*, any causeways or other roads leading thereto and now maintained and kept in repair by the owners, lessees or assignees of such lessees of such bridge, shall be surrendered and delivered up at the same time as the said bridge shall be acquired by and delivered to the said chosen freeholders, and such causeways or other roads shall thereafter be and remain a public highway, and shall be maintained and kept in repair as such by the proper public or municipal authorities, and the said owners, lessees or assignees of any such bridge and causeways or other roads, are hereby authorized and empowered to surrender and deliver said bridge and causeways or other roads leading thereto, to said chosen freeholders, notwithstanding the term demised by any lease thereof may not then have expired; and upon such delivery and acceptance, the duties of such owners, lessees or assignees of any such lease to maintain or keep in repair said bridge, causeways or other roads shall cease and end.

Proviso.

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

Approved March 22, 1888.

CHAPTER CLVII.

An Act in relation to the use of bicycles and tricycles.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That bicycles and tricycles, and all other vehicles propelled by pedo-motive or manu-[motive] power, are hereby declared to be carriages within the meaning of that term as used in section ninety-one of the act entitled "An act concerning roads" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, and that all persons by whom bicycles, tricycles and said other vehicles are or may hereafter be used, ridden or propelled upon the turnpikes or public roads in this state shall be entitled to the same rights and privileges and subject to the same restrictions in the use thereof as are prescribed in said section ninety-one in the case of drivers of carriages, sleighs and sleds.

Bicycles and tricycles declared to be carriages.

Rights of persons using.

2. *And be it enacted*, That the mayor and common council, commissioners, overseers or other authorities having charge or control of any public street, public road or turnpike, public parkway, driveway or other public place in this state, shall have no power to pass, enforce or maintain any ordinance, rule or regulation by which any person using a bicycle or tricycle shall be excluded or prohibited from the free use of any public street, avenue, road, turnpike, driveway, parkway or other public place at any time when the same is or may hereafter be open to the free use of persons having or using other pleasure carriages.

When authorities not to prohibit use of on streets, etc.

3. *And be it enacted*, That nothing in this act shall be so construed as to prevent the passage, enforcement or maintenance of any regulation, ordinance or rule regulating the use of bicycles or tricycles in public streets, avenues, roads, turnpikes, driveways, parkways and other public places in such manner as to limit and determine the proper rate of speed with which such vehicles may be propelled, nor in such manner as to require, direct or

How act not to be construed.

prohibit the use of bells, lamps and other such appurtenances, nor to prohibit the use of any vehicle upon that part of the street, road or parkway commonly known as the foot-path or sidewalk.

Repealer

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

Approved March 22, 1888.

CHAPTER CLVIII.

A Further Supplement to the act entitled "An act to provide additional accommodation for the insane of the state," approved March thirty-first, one thousand eight hundred and seventy-one, and the supplements thereto.

Appropriations for improvements.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to enable the board of managers of the state asylum for the insane at Morristown to complete the system of sewerage recently established and to replace current funds used in the construction of the works for sewage disposal, the sum of nine thousand dollars be and the same is hereby appropriated, the further sum of fifteen thousand dollars for the construction of new barns and outbuildings, the further sum of three thousand dollars for the enlargement of the reservoir, and the further sum of three thousand dollars for the necessary changes and improvements in the water-closets as stated in the annual report of the board of managers, the said several sums to be paid by the treasurer of the state on warrant of the comptroller drawn on the requisition of the said board of managers; *provided*, that none of the money hereby appropriated shall be used or

Proviso.

expended for any other purpose whatever except those herein specified.

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

Approved March 23, 1888.

CHAPTER CLX.

A Further Supplement to an act entitled "An act to authorize the formation of railroad corporations, and to regulate the same," approved April second, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any corporation incorporated under the act to which this is a supplement, or under any of the laws of this state, whenever a majority of the directors thereof shall so decide, to purchase or rent of and from any company or companies incorporated under any of the laws of this state, any boats, vessels or barges, whether propelled by steam or otherwise, and also any wharves, piers, docks, landings and buildings situate at or near any terminus of its road, capable of being of use in the transportation of freight or passengers; and such other company or companies are hereby authorized and empowered to make such sale or lease, whenever a majority of the directors thereof shall decide. Railroad corporations may purchase or rent boats, wharves, etc.

2. *And be it enacted*, That this act shall apply to any company or companies now incorporated, and shall take effect immediately. Act to apply.

Approved March 23, 1888.

CHAPTER CLXI.

A Supplement to an act entitled "A further supplement to an act entitled 'An act to provide for the organization of the state lunatic asylum and for the care and maintenance of the insane,'" approved February twenty-third, one thousand eight hundred and forty-seven, which supplement was approved March seventh, one thousand eight hundred and sixty-seven.

Appointment of additional physicians authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the managers of the state lunatic asylum be and they hereby are authorized, on the nomination of the superintendent, to appoint two additional assistant physicians, who shall reside in the asylum and be designated resident officers thereof.

Amount for salaries of officers increased.

2. *And be it enacted*, That the sum of eight thousand dollars, limited in the second section of the act to which this is a supplement, for the aggregate amount of the annual salaries of the resident officers and treasurer of the asylum, be and the same is hereby increased to ten thousand dollars.

Approved March 23, 1888.

CHAPTER CLXII.

An Act to provide for the preservation and protection of the state boundary monuments and marks.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any of the monuments or marks set for designating the boundaries or partition lines between this and any of the adjoining states be destroyed, mutilated or their integrity in any way endangered, the governor of this state is hereby empowered to cause such monuments or marks to be restored, repaired or protected in such way as may secure their preservation and identity; and the necessary expenses incurred in carrying out these purposes, shall be paid upon the warrant of the comptroller, by the treasurer of the state, upon all bills contracted for this purpose, and approved by the governor. Governor empowered to cause monuments to be restored. Expenses.

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

Approved March 23, 1888.

CHAPTER CLXIII.

A Further Supplement to an act entitled "An act to establish and organize the state reform school for juvenile offenders," approved April sixth, one thousand eight hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the superintendent, visiting agent and family officers of the state reform school for Officers vested with power to arrest.

juvenile offenders shall, while occupying their respective positions as such officers, have and be fully vested with the power to arrest, without warrant, in any place within the state of New Jersey, any boy or boys committed to said school who shall leave the same without first obtaining a legal discharge therefrom, and to convey said boy or boys back to said school.

Superintendent may appoint special officers.

2. *And be it enacted*, That the said superintendent may, whenever he shall deem it necessary, appoint in writing any of the subordinate officers or employes of said school, not mentioned in the preceding section, as special officers to seek after and to arrest any boy named in such written appointment who may have escaped from said school, which special officer shall have the same powers for the particular case in which they may be appointed as are given in the preceding section to the superintendent, visiting agent and family officers.

Powers.

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

Approved March 23, 1888.

CHAPTER CLXIV.

A Further Supplement to an act entitled "An act to provide for the drainage of lands," approved March eighth, in the year of our Lord one thousand eight hundred and seventy-one.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "A further supplement to an act entitled 'An act to provide for the drainage of lands,'" approved March eighth, one thousand eight hundred and seventy-one, which supplement was approved March eighth, one thousand eight hundred and seventy-seven, be and the same is hereby amended so as to read as follows:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of managers of the geological survey may, and it shall be lawful for said board, at any time to add to, alter or amend any system or plan of drainage for any tract of land which is subject to overflow from freshets, or which is usually in a low, marshy, boggy or wet condition, which said board has heretofore adopted and filed in the office of the clerk of the supreme court, or which said board shall hereafter adopt and file in the office of the clerk of the supreme court; but such addition, alteration or amendment shall first be submitted by said board to the supreme court of this state, and approved by it upon such reasonable notice to the persons interested, by publication in the newspapers or otherwise, as said court shall direct; every such addition, alteration or amendment, after being adopted by said board and approved by said court, shall be filed in the office of the clerk of the supreme court, and thereupon such addition, alteration or amendment shall become and be a part of the system or plan of drainage to which such addition, alteration or amendment relates, and shall be executed by the commissioners appointed by the supreme court, as if such addition, alteration or amendment had been incorporated into and formed a part of the original system or plan.

Managers of geological survey may add to or amend system of drainage.

To be first submitted to supreme court.

2. *And be it enacted*, That any owner of land assessed for drainage under the act to which this is a supplement, who may be injured by reason of any drift of wood or accumulation of gravel or other substance or obstruction casually produced upon the lands of another in the channel of any ditch, stream or water-course for the construction or improvement of which his land shall have been assessed, after three days' notice previously given to the owner or occupants of such lands if they are occupied, and if not occupied, then without such notice, may enter thereon with such assistance as may be necessary, and then and there remove such drifts, gravel or other obstruction; but any person so entering shall remain liable as at common law for any injury done to the rights of the owner or occupant of such land which might be avoided in the removal of such obstruction, and shall not remove off of the land upon which such drift or obstruction may be situate, any

When owner of land may remove obstruction.

Liable for injury done.

of the substances composing such drift or other obstruction.

Chosen freeholders authorized to remove obstructions.

3. *And be it enacted*, That the chosen freeholders of any county are authorized to cause to be removed from any river or water-course within their county which has been improved under the provisions of the act to which this is a supplement, any drift, timber, gravel-bed or other obstruction (except mill-dams or water works) that may impair the efficiency of any such improvement, whenever in their opinion such removal shall be conducive to the public health, or shall be advisable for the better protection of any county road or bridge, and the expense of such removal shall be a county charge.

Proceedings to repair improvement or remove obstruction.

4. *And be it enacted*, That whenever any improvement made under the provisions of the act to which this is a supplement requires to be repaired, or when any water-course or river which has been improved under the provisions of this act shall have become obstructed, any five owners of lands which have been assessed under the provisions of said act, and which shall be injured by such want of repair or obstruction, may apply by petition to the board of geological survey, setting forth a description of the work necessary and desired, with an estimate of the cost to be incurred, whereupon, if the work shall seem to the said board to be of sufficient importance, they shall investigate the application, and in case they shall approve the same shall report to the next term of the supreme court, setting forth what repairs are needed and what obstructions require to be removed, with a survey and plan of the necessary work and with an estimate of the cost thereof, which report shall be considered by said court on such reasonable notice to the persons interested, by publication in the newspapers or otherwise, as said court shall direct; if such plan shall be approved by the court, the said court shall proceed to appoint three commissioners to execute the same, who shall proceed to carry it out and to raise money by the issuing of bonds if necessary, and to assess the cost upon the lands benefited by the improvement in proportion to the benefit received, and they shall proceed, in making such improvement and assessment and in the raising of money therefor, in the same manner as the commissioners appointed under

this act to make the original improvement, and shall possess all the powers of the commissioners so appointed for the carrying out of said plan.

Lawful for commissioners to contract for construction of flood-gates.

5. *And be it enacted*, That it shall be lawful for the commissioners appointed under this act, or under the act to which this is a supplement, with the approval of the board of geological survey, to contract with the owner of any mill-dam or water works for the construction and maintenance by such owner of flood-gates and for the use of the same to carry away the water in times of flood or freshet, and any contract so made shall be filed in the office of the clerk of the supreme court, and shall be enforced from time to time as may be necessary, by the attorney-general at the request and in the name of the board of geological survey, by bill in equity or such other remedy as may be appropriate.

Contract filed.

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

Approved March 23, 1888.

CHAPTER CLXV.

A Supplement to an act entitled "An act to provide for the assessment and payment of the costs and expenses incurred in constructing sewers and making other improvements in townships and villages," approved April twelfth, one thousand eight hundred and seventy-eight.

County clerk to record assessment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerk of the county wherein any improvement is situate, as provided for in the act to which this is a supplement, upon receipt of any assessment made by virtue of said act, shall record the same at length in a separate book provided for the purpose of recording assessments, and shall properly index

the same, which book shall be at all times open for public inspection free of charge; and the said clerk shall receive for the aforesaid service the sum of five cents for each name in said assessment, to be paid by said board of commissioners; and it shall be lawful for said clerk, in making searches, on request, for unpaid assessments, to charge ten cents per year for each name searched against.

Fee for.

Fee for searches.

Assessment heretofore made may be recorded.

2. *And be it enacted*, That in case said board of commissioners shall desire to have any assessments heretofore made and filed in said clerk's office, recorded, it shall be the duty of the clerk to record the same in manner aforesaid in said book of assessments.

When assessment paid, certificate of satisfaction to be given

3. *And be it enacted*, That upon payment in full of any assessment made by virtue of the act to which this is a supplement, the board of commissioners who shall receive the same shall give to the person paying such assessment a certificate of satisfaction thereof, under the seal of said board of commissioners and signed by their treasurer, which certificate shall be sufficient evidence of the payment of such assessment, and that upon presentation thereof the clerk of the county wherein said improvement is situate shall satisfy such assessment by making a memorandum of such payment and the date of the same on the margin of the record of said assessment in his office, opposite the name of the person and lot so assessed, and file such certificate in his office, by virtue of which satisfaction so made as aforesaid the land so assessed shall thereafter be freed, cleared and discharged of and from the lien of said assessment.

Fee for certificate and satisfaction of record.

4. *And be it enacted*, That the person paying any assessment as aforesaid, for which a certificate shall be given, shall pay to such board of commissioners the sum of ten cents for each and every certificate so made as aforesaid, and shall also pay to the clerk of the county who shall satisfy said assessment of record, the sum of ten cents.

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

Approved March 23, 1888.

CHAPTER CLXVI.

An Act to provide for the appointment of clerks of the grand jury in certain counties in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter, upon the application of a majority of the board of chosen freeholders, it shall be lawful for the court of oyer and terminer in the counties of this state where there is no provision now made by law, to appoint a clerk for the grand jury, under the seal of the court, who shall hold his office for the term of one year, unless sooner removed by the court, the salary to be fixed by the court, but in no case to exceed the sum of one hundred dollars per year. When court of oyer and terminer may appoint clerk of grand jury. Term and salary.

2. *And be it enacted*, That the said salary of the said clerk shall be paid by the collector of the county, quarterly, upon the certificate of the prosecutor of the pleas. How salary paid.

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

Approved March 23, 1888.

CHAPTER CLXVII.

An Act amending "An act for the formation of borough commissions," approved March seventh, eighteen hundred and eighty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of an act entitled "An act for the formation of borough commissions," approved March seventh, eighteen hundred and eighty-two, be amended to read as follows: Section amended.

Chosen freeholder to call special election, to constitute a borough

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

Notice of election.

Repealer.

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

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

Approved March 23, 1888.

CHAPTER CLXVIII.

An Act to prevent the shooting, trapping or hunting of English hare for the term of three years.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful to shoot, trap or hunt with dogs, any English hare for the space of three years from the approval of this act. When unlawful to shoot hare

2. *And be it enacted*, That any person or persons violating this act shall pay a fine of twenty-five dollars for each offense, or in default of fine, shall be imprisoned for a period not exceeding sixty days, when tried and convicted before any court of competent jurisdiction. Penalty

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

Approved March 23, 1888.

CHAPTER CLXIX.

An Act concerning cities, towns and boroughs.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the common council, board of aldermen or other governing body of any city, town or borough in which there is now no fire department under the control of such city, town or borough, to order assessed and raised by taxation annually, in the same manner that other taxes in such city, town or borough are required to be assessed and raised, any sum not exceeding one-fifth of one per centum on the total assessed valuation of the taxable Municipal authorities may provide by taxation for maintenance of fire department in certain cities, etc.

property in such city, town or borough, for the maintenance of a fire department, to be under the control and government of such city, town or borough, and no limitation of the amount that may be raised by taxation in any such city, town or borough imposed by any prior law, general or special, by way of percentage or otherwise, shall in anywise be applicable to the taxes hereby authorized, nor shall this act be construed to limit or curtail any power to raise a larger sum that may now be authorized by any existing law.

May issue bonds for purchase of property and apparatus

2. *And be it enacted*, That to provide for the purchase of suitable lands, houses, apparatus and other property to be used in any such city, town or borough for fire purposes, it shall be lawful for the common council, board of aldermen or other governing body of such city, town or borough to issue bonds to an amount not exceeding the rate of one thousand dollars for each one thousand inhabitants of such city, town or borough, said bonds to be issued in sums of five hundred dollars or multiples thereof, to be denominated fire department bonds, to be payable not later than ten years from date of issue, to bear interest at not exceeding six per centum per annum, to be signed by the mayor, or, in his absence or inability, by the presiding officer of such city, town or borough, impressed with the seal of such city, town or borough and attested by the clerk thereof, and not to be sold for less than par; *provided*, that the amount of any and all unpaid bonds of any such city, town or borough heretofore issued under the authority of the same for fire department purposes shall be deducted from the amount hereby authorized, and in such case this act shall be construed to authorize any such city, town or borough to issue further bonds for the excess only after such reduction.

Proviso

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

Approved March 23, 1888.

CHAPTER CLXX.

A Supplement to an act entitled "An act to provide for licensing boats, hacks and other vehicles, and the owners and drivers thereof, and also hucksters and peddlers of merchandise and provisions, or persons soliciting orders for the sale thereof, by incorporated camp-meeting associations or sea-side resorts, and also to enable such associations or sea-side resorts to prescribe penalties for the violation of any of their ordinances, by-laws, rules or regulations," approved March seventeenth, one thousand eight hundred and eighty-seven.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of trustees, directors, commissioners or other corporate authorities of any incorporated camp-meeting association or borough, and all sea-side resorts in this state governed by a board of commissioners, shall have power within the premises of said corporation to make, establish, publish and modify, amend or repeal ordinances, rules, regulations and by-laws for licensing and regulating cartmen, porters, hack, cab, omnibus, stage and truck-owners, and drivers, or owners or drivers of market wagons, garbage wagons, baggage wagons, milk wagons and carriages and vehicles used for the transportation of passengers and merchandise, and boats upon the lakes and premises of said corporations used for the transportation of passengers, and also hucksters and peddlers of merchandise and provisions, or persons soliciting orders for the sale thereof (but this act shall not be construed to require a license from Corporate authorities may license and regulate boats, hacks, peddlers, etc

any person or persons selling or exposing for sale produce of their own growing), and to fix the rates of compensation to be paid to them, and to prohibit unlicensed persons and vehicles from acting or being used in such capacities, and to impose a license fee or license fees therefor, and the fees for such license may be imposed for revenue.

Section amended.

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

May prescribe penalties for violation of ordinances, etc.

2. *And be it enacted*, That it shall and may be lawful for the said board of trustees, directors, commissioners or other corporate authorities of any such incorporated camp-meeting association, borough or sea-side resort, to prescribe a penalty or penalties for the violation of such ordinances, rules, regulations or by-laws, or for the violation of any other ordinances, rules, regulations or by-laws which may be lawfully passed by them for any other purpose, either by imprisonment in the county jail not exceeding ten days, or by fine not exceeding twenty dollars, and any justice of the peace, police justice or officer specially commissioned possessing the powers of police justices, appointed or to be appointed for any such corporation, shall have jurisdiction of such cases, and may hear and determine the same and give judgment and issue execution for collection of such fine or fines, to be levied on any personal property owned by such person or persons fined as aforesaid, directed to any marshal or peace officer appointed or to be appointed for such corporation, or to any constable of the county in which said corporation is situate, which execution shall be levied, executed and returned in the same manner as executions in other cases, or, in case of sentence, to imprisonment in the county jail, may issue his warrant for the imprisonment of such offender as in other cases cognizable before him.

Officers having jurisdiction.

Repealer.

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

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

Approved March 23, 1888.

CHAPTER CLXXI.

An Act to extend the time for the purchase of lands by lake associations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any lake association heretofore incorporated by any special act of the legislature of this state, the object of which is to improve low lands by overflowing any portion of the same and creating artificial lakes, and to lay out the lands adjoining into parks, and make improvements thereon, is hereby authorized and empowered to lease and purchase lands to carry out the objects of such association, and to exercise the powers conferred by its charter within three years from the passage of this act; *provided*, that any such association intending to avail itself of the privilege of the extension granted by this act shall, within sixty days from the passage thereof, file in the office of the secretary of state a statement, verified by its president and treasurer, showing that it is the intention of the stockholders and officers of the association in good faith to carry out the objects thereof within three years from the passage of this act; *and provided further*, that this act shall not apply to any water company incorporated for the purpose of furnishing a supply of water to cities or towns. May purchase lands within three years from passage of act. Proviso. Proviso.

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

Approved March 23, 1888.

CHAPTER CLXXII.

An Act in relation to the temporary custody of dangerous lunatics.

Board of freeholders to provide suitable place for detention of dangerous lunatics.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the board of freeholders of every county in this state to provide some safe and convenient place in which lunatics or persons of unsound mind, who may be considered dangerous to the public, may be temporarily confined, until proper inquiry can be made touching the insanity or unsoundness of mind and the legal settlement of such lunatics as now provided by law, and make provision for the proper care and maintenance of such persons so confined, until their lunacy and places of legal settlement shall be determined, but in no case shall such confinement exceed the period of ten days, unless the period of confinement is extended as hereinafter provided; and in case no order shall be made for the removal of such lunatic to a lunatic asylum within said period of ten days, then and in such case such lunatic shall be discharged from such temporary confinement, unless the court of common pleas, or a judge thereof, shall, by order, extend such period of confinement.

Length of confinement, and when discharged

Custody of lunatic when confined.

2. *And be it enacted*, That all lunatics so temporarily confined shall be under the custody, control and direction of such officer as shall be designated for that purpose by the boards of chosen freeholders of the several counties.

Application for admission of lunatic into asylum, etc., who to make in certain cases.

3. *And be it enacted*, That in case there shall be no friends or relatives of such lunatic who will make application to the court or a judge thereof for the admission of such lunatic into a lunatic asylum, or removal to their places of legal settlement, it shall be the duty of the chief of police or officer acting in that capacity in cities, and of the chairman of the township committee in townships in which such dangerous lunatics may be apprehended, or supposed to have a legal settlement, immediately after

the temporary confinement of such lunatic, to make application to the justice or judge of the court for the admission of such lunatics into a lunatic asylum, or their removal to their places of legal settlement, and such proceedings shall be had thereon as are now provided by law.

Officers authorized to apprehend.

4. *And be it enacted*, That the constables and police officers in the several townships, cities and other municipalities, shall be authorized to apprehend any lunatic or person of unsound mind, who shall on inspection be deemed to be dangerous to the public, and they shall immediately take such person or persons so apprehended before the nearest justice of the peace or police justice, who shall in a summary way inquire and determine whether such person or persons is or are of unsound mind and dangerous to the public, and if so found, the said justice of the peace or police justice shall forthwith commit such person or persons to the custody of the person in charge of such place of temporary confinement, until discharged or removed therefrom as herein provided.

Expenses to be borne by municipality where lunatic found.

5. *And be it enacted*, That the expenses of confining such lunatic temporarily, of making the application for his admission to a lunatic asylum, or removing him thereto, or to the place of his legal settlement, shall be chargeable to and borne by the city, borough or township or other municipal authority in which such dangerous lunatic may have been found at the time of his temporary confinement.

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

Approved March 23, 1888.

CHAPTER CLXXIII.

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

Proceedings for fulfillment of contract for sale of lands not invalidated by omission to publish notice of application.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no proceedings for the fulfillment of the contract for the sale of lands made by any testator or intestate, in his or her lifetime, which have been heretofore had or are now pending, shall be invalidated by reason of the omission to publish the notice of application to the court for such purpose, in two newspapers printed and published in the county in which such lands are situate, in the same manner as advertisements of the sale of lands by a sheriff under execution are or may be required by law to be published; *provided*, the same shall have been published in one newspaper printed and published in said county and nearest to the lands in question, and that the advertisement of such notice shall have been in other respects according to law.

Proviso.

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

Approved March 23, 1888.

CHAPTER CLXXIV.

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

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any case where a person charged in this state with any crime shall flee from justice and be found in another state, and the attorney-general or the prosecutor of the pleas for any county where such person is so charged shall recommend to the governor or person administering the government of this state to demand the said fugitive, so that he may be brought into this state for trial: and the said fugitive shall, on the demand of the executive authority of this state, be delivered up and removed to this state, the expense of such removal being first ascertained to the satisfaction of the prosecutor of the pleas of the county where such person is so charged, and being approved by the president judge of the court of oyer and terminer of said county, shall be paid by the county collector of said county out of the funds of said county. Expense of removal of fugitive from justice, how paid.

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

Approved March 23, 1888.

CHAPTER CLXXV.

An Act in relation to the lien of dyers upon goods in their possession.

Dyers entitled to lien upon goods in their possession.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all persons or corporations engaged in the business of dyeing any cotton, woolen or silk yarns or goods shall be entitled to a lien upon the property of others which may have come into their possession for the purpose of being dyed, for the amount of any account that may be due them from the owners of such yarns or goods by reason of work and labor performed and materials furnished in and about the dyeing of the same or other goods of such owner or owners.

Lien not waived by recovery of judgment.

2. *And be it enacted*, That such lien shall not be waived, merged or impaired by the recovery of any judgment for the moneys due for such work, labor or materials, and such lien may be enforced by levy and sale under execution upon such judgment.

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

Approved March 23, 1888.

CHAPTER CLXXVI.

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

Compensation of certain officers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That each assistant sergeant-at-arms of the house of assembly, not exceeding two in

number, shall receive an annual salary of five hundred dollars; the assistant journal clerk of the house of assembly shall receive an annual salary of five hundred dollars; the document clerk of the house of assembly shall receive an annual salary of four hundred dollars; the clerks to the committee on engrossed bills of the senate and the house of assembly, shall each receive an annual salary of five hundred dollars; the sergeant-at-arms of the senate shall receive an annual salary of seven hundred dollars; the assistant sergeant at arms of the senate shall receive an annual salary of five hundred dollars; and the assistant journal clerk of the senate shall receive an annual salary of five hundred dollars.

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

Passed March 23, 1888.

CHAPTER CLXXVII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all elections, general, local or charter, to be held in this state, the polls shall open at six o'clock in the morning and close at sunset, and the polls shall not be closed between these hours. When polls opened and closed.

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

Passed March 23, 1888.

CHAPTER CLXXVIII.

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

Certain corporations may file certificate of extension of corporate existence.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any corporation organized for the benefit of indigent and infirm firemen of any city in this state, that has failed, during the period for its continuance named in its charter or certificate of incorporation, to file with the secretary of state a certificate extending its corporate existence, as permitted by statute, but has continued and still continues its organization and the transaction of business, may still file such certificate at any time within thirty days from the passage of this act, naming therein a period not exceeding fifty years.

When filed, existence of company revived.

2. *And be it enacted*, That upon filing such certificate, the period of the existence of such corporation shall be revived and extended, as declared in such certificate, as fully as if said period had been named in the original charter or certificate of organization of such corporation, but

How act not to be construed.

nothing herein contained shall be construed to interfere with the right of the state of New Jersey, reserved by any law now or hereafter existing, to acquire the property and franchises of any such corporation, or at any time to abolish or repeal, alter or amend the charter of the same, nor shall this act be construed to continue any irrepealable or other contract with the state contained in any charter, nor shall this act apply to any corporation against which quo warranto or other proceedings for dissolution are pending.

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

Approved March 23, 1888.

CHAPTER CLXXIX.

An Act to authorize the boards of councilmen of incorporated towns in this state to license, regulate and prohibit the sale of malt, spirituous, vinous and other liquors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of councilmen of any incorporated town in this state shall have power to pass, alter and repeal ordinances to take effect within said town, for the following purposes: Empowered to pass ordinances for certain purposes.

I. To license, regulate and prohibit inns and taverns, and the sale of spirituous, vinous, malt or other strong or intoxicating liquors therein: Licenses, and sale of liquors.

II. To fix the terms upon which licenses for such purposes shall be granted, and to make all proper rules and regulations for the collection of license fees, provided such license shall not be less than now fixed or hereafter to be fixed by any general law of this state; Fix terms upon which licenses granted, etc.

III. To prescribe the penalties not exceeding a fine of fifty dollars in each case, or by imprisonment in the county jail, not exceeding ten days in each case, for any violation of any ordinance authorized by this act. Prescribe penalties.

2. *And be it enacted*, That every such ordinance shall be presented at a regular meeting of the board of councilmen of said town, and shall receive a four-fifths vote of the whole number of members of said board, and the ayes and nays entered at large upon the clerk's book of minutes, when the same shall lie over until the next regular meeting, when, if four-fifths of said members vote in favor of the same upon the ayes and nays being called, it shall be entered in a book to be provided by the town for that purpose, and it shall be signed by the chairman and the clerk; *provided, however*, before it takes effect it shall be published for ten days in a newspaper published in the county, and circulating in said town, and the said ordinance shall be posted for a like time in twenty of the How ordinance passed. Proviso.

most public places in said town, and the publication and posting shall be verified by affidavit of the printer or foreman of the newspaper in which such publication shall be made, and of the person who posted such notice, and such affidavit shall be filed in the town clerk's office, and shall be evidence of such publication and posting in all courts and places.

How suits prosecuted.

3. *And be it enacted*, That all suits and prosecutions for penalties for the violation of any ordinance authorized by this act, shall be sued for and recovered before the recorder or other police magistrate of such town, and if there be none, then before any justice of the peace residing therein.

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

Approved March 23, 1888.

CHAPTER CLXXX.

A Further Supplement to an act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "A further supplement to 'An act for the formation of borough governments,'" approved April fifth, one thousand eight hundred and seventy-eight, which further supplement was approved April first, one thousand eight hundred and eighty-seven, be and the same is hereby amended so as to read as follows:

Mayor and council authorized to lay out and improve streets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of boroughs organized under the act to which this is a further supplement, shall have power and authority by ordinance to lay out, open, extend, alter, widen, straighten

and vacate streets, roads, avenues and highways, whether the same be dedicated or otherwise obtained to and for public use, and also to grade, pave, gravel, macadamize or otherwise improve any street, road, avenue, public square or place within the borough; and when for either of the objects or purposes aforesaid it is necessary to take undedicated lands, then to treat with the owner or owners of the lands so to be taken and pay for the same such compensation as may be just and right; and if the mayor and council are unable to agree with such owner or owners, or by reason of legal incapacity, or the absence of any of such owners, no agreement can be made with them, then commissioners, appointed as hereinafter provided, shall estimate and fix the damages such owners will sustain; *provided, however*, that application in writing, describing the nature, kind and extent of the work or improvement desired, signed by the owners of at least one-quarter of the lineal feet of land fronting on the street, avenue, road or highway so proposed to be opened, laid out, extended, altered, widened, straightened, vacated, graded, paved, graveled, macadamized or otherwise improved, be first presented to the mayor and council. Proviso.

2. *And be it enacted*, That the legal voters of boroughs organized under the act to which this is a further supplement shall, at each annual election for mayor and councilmen, elect an assessor and collector of taxes for the borough; *provided*, that an assessor and collector shall be elected at the ensuing annual election in March, one thousand eight hundred and eighty-eight, in case this act takes effect in time to allow the borough clerk to give public notice that such officers are to be elected thereat, at least five days before such annual election. Assessor and collector to be elected at annual election. Proviso.

3. *And be it enacted*, That the term of office of such assessor and collector shall commence on the first day of May after such election, and continue for the period of one year thereafter. Term of office.

4. *And be it enacted*, That the said assessor shall be a member of the county board of assessors and shall possess the same powers and perform the same duties as assessors of the several townships of this state, and he shall, on or before the third Tuesday of August in each year, deliver the duplicate of such assessment to the Powers and duties of assessor.

mayor and council for revision, addition and correction, as provided by law.

Powers and duties of collector.

5. *And be it enacted*, That the said collector shall possess and perform all the powers and duties of the collectors of the several townships in this state, and in addition thereto he shall collect, have, hold and receive all moneys assessed or raised by taxation or assessment for any and all purposes within the borough and also all fees for licenses, fines, penalties and other moneys in any way belonging to the borough, and which said taxes, assessments and moneys of every kind and nature, except only school moneys, shall be held by said collector and be paid out by him only upon the warrant of the mayor and council, signed by the mayor, attested by the borough clerk with the corporate seal affixed, which said warrant shall, among other things, state the fund against which drawn, and be dated the day upon which the same was ordered issued by the mayor and council; *provided, however*, that it shall not be lawful for the mayor and council to order warrants drawn on the collector except at a regular meeting or an adjourned regular meeting, and that all meetings of the mayor and council shall be held within the borough.

Proviso.

Compensation of assessor and collector.

6. *And be it enacted*, That the said assessor and collector shall receive such yearly compensation for their services as the mayor and council shall by ordinance fix and determine, and which compensation shall not be increased or diminished during the term for which such officer was appointed.

Vacancies, how filled.

7. *And be it enacted*, That vacancies in either of said offices shall be filled for the unexpired term only.

Collector to give bond.

8. *And be it enacted*, That the collector shall give such bonds or other security, for the faithful performance of his duties as the mayor and council shall require.

Assessor and collector to take oath.

9. *And be it enacted*, That the said assessor and collector shall, before entering upon the discharge of their duties, take and subscribe an oath to well, truly and faithfully discharge and perform the duties of their offices, which oath shall be filed in the borough clerk's office.

How lands assessed.

10. *And be it enacted*, That the assessor shall assess the lands and real estate by streets, and he shall not lump together separate tracts or parcels of land belonging to the same individual or corporation.

Collector to keep list of taxpayers

11. *And be it enacted*, That the said collector shall keep in his office in a book provided for the purpose, an alphabetical list of the names of the taxpayers within the borough, together with their post-office address, so far as he can ascertain the same.

Mayor and council may issue bonds for certain purposes

12. *And be it enacted*, That the mayor and council shall have power and authority to issue borough bonds for the following purposes, to wit: Macadamizing streets, roads and avenues; building borough hall, fire engine houses; laying and constructing sewers and water works; *provided, however*, that before any such bonds shall be issued, a petition requesting the issuing of such bonds, specifying the amount to be issued and the purposes for which they are to be used, shall be presented to the mayor and council at a regular meeting thereof, signed by at least one-fourth of the legal voters within the borough; and the mayor and council shall, upon receipt of said petition, fix a time and place for the consideration thereof, and for hearing arguments and allegations for and against the issuing of such bonds, which shall not be less than twenty days after its receipt, and shall cause the borough clerk to give notice thereof by publication in the papers printed and published in the borough, and by posters set up in at least ten public places within the borough, one of which shall be at the post-office therein; and in case, after such consideration and hearing, the mayor and council shall determine that it shall be expedient to issue said bonds, then said mayor and council shall cause a resolution specifying the amount of bonds to be issued, and the object for which they are to be used, to be submitted to the legal voters of the borough, by causing such resolution to be written or printed on ballots, underneath which shall be written or printed "for the above resolution," or "against the above resolution," which vote may be taken at the annual election or a special election, to be called by the mayor and council for that purpose; *provided*, in case the said resolution be submitted at the annual election, such resolution and said underwriting or printing may be written or printed on the ballots used at such election, but if at a special election, then the ballots shall contain only such resolution and underwriting or printing.

Proviso

Notice of special election.

13. *And be it enacted*, That the mayor and council shall cause the clerk of the borough to give at least twenty days' notice of any such special election, specifying the time, place and object of such election, which notice shall be given in same manner as notice of the annual election is given: and the result of such election shall be certified in same way and manner as the result of the annual election.

Result certified.

When bonds may be issued.

14. *And be it enacted*, That in case a majority of the votes cast shall be in favor of the issuing of such bonds, the mayor and council shall issue such bonds and use the same or the proceeds thereof for the purposes expressed in the resolution: *provided, however*, that no bonds shall be sold or otherwise disposed of under par; *and further provided, however*, that the amount of bonds and improvement certificates of every name issued shall never exceed, in the aggregate, ten per centum of the assessed valuation of real and personal property within the borough.

Proviso.

Proviso.

Borough entitled to proportion of state and county taxes.

15. *And be it enacted*, That there shall be apportioned to the borough by the proper officers its just proportion of the state and county taxes to be raised therein, and the same shall be paid to the county collector by the borough collector under warrant of the mayor and council.

When taxes payable, and how collected when in arrear.

16. *And be it enacted*, That all taxes shall be and become payable on the twentieth day of December, in each year, and that in case any taxes so assessed or levied upon or on account of any real estate, shall be and remain unpaid and in arrear for the space of six months after the said twentieth day of December, then and in that case it shall be the duty of the mayor and council to proceed to collect the same by issuing their warrant to the borough collector for the sale of the lands or real estate on account of which such taxes were so levied and assessed, in the same manner and to the same effect, in all things, as provided in and by an act entitled "A further act concerning taxes, making the same a first lien on real estate, and to authorize sales for the payment of the same," approved March fourteenth, one thousand eight hundred and seventy-nine, and the several supplements thereto.

When discount allowed.

17. *And be it enacted*, That any person or persons paying his, her or their taxes after the tax duplicate shall have been delivered to the collector of taxes and prior to the

twentieth day of December in the year when same becomes due and payable, shall be allowed a discount at and after the rate of six per centum per annum from date of such payment to the aforesaid twentieth day of December.

Repealer.

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

Approved March 23, 1888.

CHAPTER CLXXXI.

An Act for the incorporation of associations to encourage the purchase of homes and to facilitate the payment therefor.

Associations to encourage the purchase of homes may be incorporated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any number of persons not less than seven may associate themselves together for the purpose of enabling occupants of lands and other persons, to purchase the land or to borrow money thereon of said association by mortgage or otherwise, on the terms and conditions and subject to the liabilities prescribed in this act; the aggregate amount of the capital stock of any such company shall not be less than one hundred thousand dollars, the whole amount of which as fixed, shall be subscribed for, and fifty per centum thereof actually paid in, before such company shall commence business.

What certificate to specify.

2. *And be it enacted*, That the persons so associating shall, under their hands and seals, make a certificate which shall specify the following matters:

Name.

I. The name they have assumed to designate such company, and to be used in its business and dealings;

Capital.

II. The amount of the capital stock as fixed by them, and the number and par value of the shares;

Shareholders

III. The names and residences of the shareholders, and the number of shares held by each;

Duration.

Acknowledgment and record.

IV. The period at which said company shall commence and terminate; which certificate shall be acknowledged or proved as required of deeds of real estate, and recorded in the office of the secretary of state, and upon being so recorded said association shall be a body corporate, entitled to all the rights and privileges, and subject to all the liabilities as such under the laws of this state: and said certificate or a copy thereof duly certified by said secretary of state shall be evidence in all courts and places.

Association authorized to lend money.

3. *And be it enacted*, That any association created under this act shall have full power and lawful authority to lend money and to secure the payment thereof and of interest thereon, in monthly or other periodical installments extending over any number of months that may be agreed upon, giving credit at the end of every year during the existence of a loan, for all payments made and received on account of the principal; and interest shall be chargeable on the amount of such principal remaining unpaid at the beginning of such year at the legal rate per annum, but shall be payable monthly, or at such other periods as may be agreed on, and no interest received from any borrower by reason of such payments shall be deemed or taken to be usurious: *provided*, that the excess shall in no case be greater than three-quarters of one per centum per annum.

Proviso.

Association empowered to undertake to cancel indebtedness of borrower.

4. *And be it enacted*, That any association created under this act shall have the further lawful power and authority to undertake, for a consideration and upon terms to be agreed upon by the parties, to cancel the indebtedness of the borrower and to surrender all evidences thereof in case the borrower shall die before he or she shall have paid his or her indebtedness in full; *provided*, that the installment of principal that would have fallen due next after the day of the death of the borrower, and all other charges due, by agreement, between the parties, shall be first paid in full to the lender by the personal representatives of the decedent.

Proviso

Business to be conducted by board of directors.

5. *And be it enacted*, That the business of said association shall be conducted by a board of directors of not less than seven in number, who shall be stockholders, and shall be

elected annually, at a stockholders' meeting to be provided for in the by-laws of the association, and the board of directors shall elect from their number a president, and shall provide for the election and appointment of such other officers and agents as may be necessary. Officers.

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

Approved March 23, 1888.

CHAPTER CLXXXII.

An Act to provide for the purchase of sites for and the erection and equipment of armories in cities of the first and second class, and making appropriations therefor, and to provide for the taking of real estate for such sites by commission in case the same cannot be purchased by agreement.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the members of the military board of the state of New Jersey for the time being, be and they are hereby appointed and constituted a commission for the purpose of this act, to select and purchase, on behalf and in the name of the state of New Jersey, a plot of ground in each of such cities in the state, of the first and second class where there are now or hereafter shall be established regimental or battalion headquarters of the national guard, suitable for the purposes of an armory, and if such lands or any part of them cannot be obtained by agreement with the owner or owners thereof, said commission shall acquire the title thereto by the exercise of the right of eminent domain in proceedings duly taken and had under and in accordance with the provisions hereafter specified. Members of military board constituted a commission to purchase site for armory.

Proceedings when commissioners cannot agree with owners of site.

2. *And be it enacted*, That in case the said commission shall not be able to agree with the owner or owners of any site they may select, or in case the owner or owners of such site be non compos mentis, or be under age, or not to be found, in either of such cases the said commission shall be authorized to apply to any justice of the supreme court, setting forth the facts in the case, and said justice is hereby authorized to empower the commission to proceed to take such site or sites by condemnation, under such rules as he may prescribe, and said commission shall thereupon proceed to estimate the just and true value of the property desired to be taken for such site, and the damages, if any, to be suffered by the owner or owners thereof, by reason of such taking, and shall make a report thereof, under oath, to the justice aforesaid, who shall fix a short day when he will hear any objections to such report, of which due notice shall be given to the parties in interest in such manner as the justice shall direct, and on said day or on such other day as he may fix, the said justice shall proceed to hear any objections to such report, by parties in interest in the property proposed to be taken, and he shall then confirm said report, or send it back to the said commission for correction or alteration, and shall fix some other short day when he will again receive the report of the commission, when the same proceedings shall be taken as before, and when the report of the commission shall have been confirmed by said justice, it shall be filed in the office of the clerk or register of the county, and the said commission shall thereupon have full power to enter upon the lands and premises in question, and to take possession of the same in the name of the state of New Jersey, first making tender to the owner or owners thereof of the amount awarded therefor, or in case the owner or owners be under age, or non compos mentis, or not to be found, or absent from the state, then by filing in the office of the comptroller of the treasury of this state a certificate, setting forth the sum or sums to which any such owner is or may be entitled to receive for such lands and premises.

3. *And be it enacted*, That the county collector in any county in which any such city is located, whenever a written notice shall be served upon him by the aforesaid

commission, stating that lands have been contracted for or purchased, or the title thereto has been acquired as above directed, shall forthwith notify the board of chosen freeholders of such county of the action of the commission, and the said board of chosen freeholders shall set apart for the use of the said commission out of any moneys in the county treasury the amount stated in said notice as required by said commission; and in case the said board of chosen freeholders shall not have moneys enough on hand to meet such appropriation, then it shall be the duty of such board to issue bonds in an amount sufficient to meet such appropriation, at a rate of interest not exceeding four per centum per annum, and payable in whole or in part in not more than fifteen years from the date thereof, and to advertise for proposals to sell the said bonds to the highest bidder for an amount not less than the par value thereof; the said moneys when so appropriated, or the proceeds of the sale of such bonds, shall be retained by the said county collector, and shall be by him paid out upon the written requisition of the aforesaid commission, by which it shall be applied to the payment of the amount of the purchase price or cost of said land and any damage for awards or compensation which may be made under the proceedings to acquire said title and the costs and expenses of acquiring said title, and the grading, filling, excavating, draining, paving and fencing of said lands, and the interior completion, and also the equipping and furnishing of said armories, drill-rooms, company-rooms and store-rooms when built, and any expenses incident to the carrying out of the provisions of this act, the entire cost of which in each city shall not in the aggregate exceed the sum of twenty-five thousand dollars.

When county collector to notify board of freeholders of action of commission.

Board to set apart moneys.

To issue bonds to meet appropriation.

Moneys, how paid.

Total cost.

4. *And be it enacted*, That whenever the lands above mentioned shall be purchased or the title thereto shall have been acquired in the manner aforesaid, it shall be the duty of the said commission forthwith to proceed to obtain, by competition or otherwise, plans and specifications for the construction of a suitable armory, drill-rooms, company-rooms and store-rooms, including suitable apparatus for heating and lighting the same, the entire cost of which said armory, drill-rooms, company-rooms and

When lands purchased, commission to obtain plans for armory.

Total cost.

New Jersey State Library

store-rooms, in each city, and the apparatus for heating and lighting the same, shall not in the aggregate exceed the sum of seventy-five thousand dollars, which sum is hereby appropriated for that purpose for each city in which such armory shall be erected; and the comptroller is directed from time to time to pay the same, or as much thereof as may be necessary for the aforesaid purpose, out of any money in the treasury not otherwise appropriated, on the written requisition of the said commission; but no expenditures except for plans and specifications and for printing notices shall be made as provided in this section, until a title to a suitable site for such armory in such cities respectively, free from all incumbrances, certified by the attorney general, to be sufficient and in due form, shall be vested in the state of New Jersey, nor until a contract or contracts for the completion of such armory, drill-rooms, company-rooms and store-rooms and necessary fixtures within the limits of this appropriation shall have been executed as herein provided.

How paid.

When expenditures may be made.

5. *And be it enacted*, That when said commission shall have procured suitable plans for an armory to be erected on such site, they shall cause such armory to be erected, with suitable drill-room, company-rooms, store-rooms and all other necessary and proper appurtenances for the best accommodation of the national guard of such city, and shall cause the grounds to be suitably graded, drained and otherwise prepared for such armory.

Work to be done by contract.

6. *And be it enacted*, That the work aforesaid shall be done by contract, to be awarded to the lowest responsible bidder or bidders, after not less than two weeks' public notice of the time and place when and where bids therefor will be received, at which time the bids shall be publicly opened, but the commission may reject any or all bids and advertise anew for bids; and the commission shall prescribe in the advertisements and in the contracts to be entered into for the erection of such armories or for doing any work pertaining thereto, such conditions as they shall deem most for the interest of the state.

Commission may employ superintendents and clerical aid.

7. *And be it enacted*, That said commission shall have power to employ proper and capable persons to superintend the erection of any such works as aforesaid, and such clerical and other aid as they may need in the performance of the duties herein imposed on them.

8. *And be it enacted*, That for the payment of any expenditures herein authorized, the comptroller of the treasury shall draw his warrants on the state treasury, and the state treasurer shall pay the same from time to time as the said commission shall certify to the comptroller to be necessary, and to such persons as they may designate, but not more than one hundred thousand dollars shall be drawn from the state treasury in any one year for the purposes aforesaid. Expenditures to be paid by state. Amount limited.

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

Approved March 23, 1888.

CHAPTER CLXXXIII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where exceptions shall have been taken at the trial of any cause, in cases where a bill of exceptions may be taken, and such exceptions shall not have been sealed immediately during the progress of the trial, but the justice of the supreme court before whom such cause was tried, or the judge or judges of the court in which such trial was had, shall have granted time for the preparation of a bill of exceptions, it shall be the duty of such justice of the supreme court, or judge or judges, at any time thereafter, on application of the party or his attorney, alleging such exceptions, to settle and seal the same, and the same shall be returned with the writ of error: *provided*, that the time limited for the bringing of a writ of error in the cause shall not have expired. When bill of exceptions sealed in certain cases. Proviso.

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

Approved March 23, 1888.

CHAPTER CLXXXIV.

An Act concerning the fire departments of this state and to provide for the retirement of firemen and employes therein.

Municipal authorities empowered to retire certain persons from service in fire department.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of fire commissioners, or other municipal authority having charge and control of any fire department in this state, shall have the power, by resolution or ordinance, adopted by two-third vote, subject, in cities where the fire department is not under control of fire commissioners, to the approval of the mayor of said city, in cities where the mayor has the veto power, to retire from all service in the said fire department any officer or man doing fire service or employed in such fire department, who shall become unable, by reason of injury sustained or sickness caused in the discharge of his duties in said department, to perform the duties assigned to him, or who shall be found to be disqualified, physically or mentally, for the performance of his duties in such department, when such disqualification has been induced and caused through the discharge of or attempt to discharge said duties (or who, by reason of advanced age, is found unfit for service in said department: *provided*, he shall have served therein at least twenty years successively); and the said officer or man so retired from service may, from year to year, be allowed by said board of fire commissioners, or other municipal authority having charge or control of such fire department, during such inability, disqualification or unfitness for service in said department, an annual allowance as pension, not to exceed one-half the yearly salary last received by such person so retired, unless said one-half is less than three hundred dollars, and in the case of volunteer firemen not to exceed one hundred dollars; and in the event that the salary or yearly allowance of such officer or man shall have been less than three

Proviso.

Persons retired may be pensioned.

hundred dollars, then to pay to such officer or man a yearly pension not less than one hundred and fifty dollars; and, if any officer or man doing fire service, or employed in such fire department, shall be killed while doing such duty, or shall die as the result of his doing such duty, an annual allowance as pension, not to exceed one hundred and fifty dollars, may be allowed by such board of fire commissioners, or other municipal authority having charge or control of such fire department, and paid to the widow of such officer or man during her lifetime or widowhood; or, if he shall leave no widow, or in the event of her death or remarriage, such allowance or pension may be paid to or for the support of the children of said deceased officer or man during their minority, respectively: *and provided*, that the same shall be paid in installments each year, out of the appropriation of such fire department, at the same time and in the same manner as the wages and salary of firemen in active service in said department are paid, or, in the case of volunteer firemen, to be paid quarterly; and the appropriation each year to said fire department shall be made with a reasonable allowance for pensions as aforesaid, to be paid out of the same as occasion may require.

Pension in case of death from performance of duty

Proviso

2. *And be it enacted*, That the cities of this state on which a limitation on fire department appropriation exists, shall not be precluded from adding to and including in the aggregate amount of such appropriations, in excess of such limit, the amount allowed as aforesaid for pensions.

Amount allowed for pensions may be included in fire department appropriation.

3. *And be it enacted*, That the cities of this state in which a limitation on taxation exists, shall not be precluded from adding to and including in the aggregate amount to be raised by taxation therein, in excess of such limit, the amount allowed as aforesaid for pensions.

May be included in amount raised by taxation.

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

Repealer.

Approved March 23, 1888.

CHAPTER CLXXXVI.

An Act relating to roads and streets in townships and authorizing the inhabitants of townships to place all roads and streets within the township under the management of the township committee, and to raise money by bonds for grading, macadamizing and improving the same.

When inhabitants of township may vote to place control of roads and streets in township committee.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it shall be deemed expedient to abolish the election of overseers of the highways in townships and road districts, and to transfer the control of the roads and streets of any township to the township committee, the legal voters of such township at any annual township meeting or special township meeting to be called by the township committee for that purpose in the manner hereinafter provided, may, by a majority of the votes cast, pass a resolution or resolutions directing that all the roads in such township and the repairing the same, and the making of new roads, laid out or that may be thereafter laid out, and the general management and care of the same, shall be under the control and direction of the township committee of such township, which resolution or resolutions shall be printed or written, or partly printed and partly written, on ballots, underneath which shall be written or printed the words "for the above resolution," or "against the above resolution."

When resolution passed, election of road overseer abolished, &c.

2. *And be it enacted*, That upon the passage of such a resolution or resolutions, the election of road overseers in said township or road districts shall be abolished, and the control of the roads and streets of said township shall be transferred to the township committee, and all the duties now imposed, and powers conferred by law on the overseer or overseers of the roads heretofore elected in said township or road districts, shall devolve upon the township committee thereof.

3. *And be it enacted*, That in case it is desired to vote upon such a resolution at a special township meeting, it shall be the duty of the township committee, upon request to them in writing, signed by a majority of the legal voters of said township, which majority shall be determined by reference to the poll list of the last preceding township election of said township, to call such a special township meeting; and the said committee shall give at least five days' notice of such special township meeting, specifying the time and place where the same shall be held, and the purpose and object thereof, by notices printed or written, posted in five or more of the most public places in said township; and the result of said township meeting as to the said resolution, shall in either case be certified to the said committee by the judge of election presiding at such township meeting, and the township clerk, under their respective hands. Proceedings when it is desired to vote upon resolution at a special township meeting.

4. *And be it enacted*, That the inhabitants of any township shall have power at their annual or other meeting duly called for that purpose, to direct the issuing of bonds for the purpose of raising money for the purpose of improving the streets and roads of said township, by grading and macadamizing the same and building culverts and drains, and in case it is deemed expedient to issue township bonds for the grading and macadamizing of the streets and roads of such township or otherwise improving the same, such bonds shall be issued by said township committee, and shall be signed by the chairman thereof, and countersigned by the treasurer, and numbered and registered by him in a book to be kept for that purpose; *provided*, *however*, that before any such bonds shall be made or issued the following conditions shall have been complied with and observed: a petition requesting the said committee to issue such bonds, specifying the amount to be issued and the purpose for which they are to be used, shall be presented to said committee, signed by taxpayers of the said township (not including such persons as pay a poll-tax only), representing not less than one-third in number of the taxpayers of the said township; *provided*, *however*, that said one-third in number of said taxpayers shall represent two-thirds in amount of taxable property of said township, which peti- Inhabitants of township may direct the issue of bonds for raising money for improvement of roads. Proviso. Proviso.

tion shall be verified by the oath of the assessor of said township that it is so signed, and before the issuing of the bonds as hereinafter provided, such petition and affidavit shall be recorded by the township clerk and filed in the office of the county clerk, and such petition and affidavits or a certified copy thereof, shall be competent evidence of the facts therein set forth, in any court of this state; the said committee shall, on receiving such petition, cause a resolution to issue such bonds to be submitted to the legal voters of said township by causing such resolution to be printed or written on ballots, underneath which shall be written the words "for the above resolution" or "against the above resolution," which vote may be taken either at the annual township meeting, or at a special township meeting to be called by the said committee for that purpose; *and provided, also*, that bonds shall not be issued for the above purposes to an amount which shall cause the entire indebtedness of any township, for all purposes, to exceed ten per centum of the assessed valuation of property, as shown on the duplicate of assessment for the preceding year.

Proviso.

What ballots to contain.

5. *And be it enacted*, That in case such vote is taken at the regular township meeting, the said resolution may be printed or written or partly printed and partly written on ballots used at such township meeting; and in case a special township meeting is called for that purpose, the ballots to be used shall contain only the said resolution and the words thereunder as mentioned in the preceding section, and the said committee shall give at least five days' notice of such special township meeting, specifying the time and the place where such township meeting shall be held and the purpose and object thereof, by notices printed or written, posted in five or more of the most public places in said township; and the result of said township meeting as to the said resolution shall in either case be certified to the said committee by the judge of election presiding at such township meeting, and the said township clerk, under their respective hands; and in case a majority of the votes cast as shall appear by such certificate shall have been cast for such resolution, then such committee shall proceed to issue such bonds forthwith and to use the same for the purposes expressed

Notice of special meeting.

Result of election to be certified.

If resolution passed, bonds to issue, etc.

in such resolution; and the said committee are hereby empowered to grade and macadamize such streets, and to build drains and culverts and to make all contracts pertaining to the same; and all proceedings in relation to said petition, said resolution and the vote thereon, and the issue of bonds, shall be recorded at length in the township books by the township clerk, and such bonds shall not be sold for less than ninety-five per centum of their par value.

Special election, how conducted.

6. *And be it enacted*, That any special township meeting held under the provisions of this act shall be held and conducted in the same manner in which the annual township meeting is held and conducted and that the expense thereof shall be paid in the same way.

Abolition of election of road overseer not to interfere with road districts, &c.

7. *And be it enacted*, That the abolition of the election of overseers of roads in townships or road districts shall not interfere with or affect the division of the township into road districts, nor shall the power above conferred on the townships to direct the raising of money for the improvement of roads by the issuing of bonds of the township therefor interfere with or affect the right of the legal voters of any road district to appropriate money to be raised by taxation for either the macadamizing or repair of the roads within the road district.

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

Approved March 23, 1888.

CHAPTER CLXXXVII.

An Act granting the consent of the state of New Jersey to the purchase by the United States of certain lands for the purpose of erecting public buildings in the city of Newark, county of Essex, and in the city of Camden, county of Camden.

Consent of the state to the purchase of lands by the United States.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the consent of the state of New Jersey is hereby given to the purchase by the United States of one or more pieces of land situated in the city of Newark, county of Essex, not exceeding two acres in quantity, and one or more parcels of land situated in the city of Camden, county of Camden, not exceeding two acres in quantity, on which to erect buildings for post-offices and other public purposes; and the said United States shall have, hold, use, occupy and own the said land or lands when purchased, and exercise jurisdiction and control over the same and every part thereof, subject to the restrictions hereinafter mentioned.

When purchased, jurisdiction ceded to the United States.

2. *And be it enacted*, That the jurisdiction of the state of New Jersey in and over the said land or lands mentioned in the foregoing section, when purchased by the United States, shall be and the same is hereby ceded to the United States, but the jurisdiction hereby ceded shall continue no longer than the said United States shall own the said land or lands.

Consent given and jurisdiction ceded on certain conditions.

3. *And be it enacted*, That the said consent is given and the said jurisdiction ceded upon the express condition that the state of New Jersey shall retain concurrent jurisdiction with the United States in and over the said land or lands, so far as that all civil process in all cases, and such criminal or other process as may issue under the laws or authority of the state of New Jersey against any person or persons charged with crimes or misdemeanors committed within said state, may be executed therein in the same way and manner as if said consent had not been

given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

4. *And be it enacted*, That the jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said land or lands by purchase or grant; and so long as said land or lands shall remain the property of the United States, when acquired as aforesaid, and no longer, the same shall be and continue to be exonerated from all taxes, assessments and other charges which may be levied or imposed under the authority of the state. Jurisdiction not to vest until title acquired. Lands exempt from taxation.

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

Approved March 23, 1888.

CHAPTER CLXXXVIII.

A Further Supplement to an act entitled "An Act to prevent the burning of woods, marshes and meadows," passed November twenty-fourth, one thousand seven hundred and ninety-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the township committee of the several townships of this state to appoint persons under oath, whose duty it shall be to ferret out and bring to punishment all persons who either willfully or otherwise, cause the burning of woods and marshes, and to take measures to have such fires extinguished, where it can be done, the expenses thereof to be paid out of the township treasury; *provided*, this act shall apply only to those townships whose woodland is equal to forty per centum of the total area. Township committee to appoint persons to prevent the burning of woods, etc. Proviso

Approved March 23, 1888.

CHAPTER CLXXXIX.

A Further Supplement to an act entitled "An act for the formation of borough governments in seaside resorts," approved March twenty-ninth, one thousand eight hundred and seventy-eight.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the twenty-first section of an act entitled "An act for the formation of borough governments in seaside resorts," approved March twenty-ninth, one thousand eight hundred and seventy-eight, shall be amended so as to read as follows:

How taxes assessed and collected.

21. *And be it enacted*, That the assessor shall assess and the collector shall collect the taxes in the same manner as the assessors and collectors of townships in this state are required by law to assess and collect, and in case of the non-payment of taxes the said collector shall proceed to enforce the collection thereof as required by law of township collectors in this state; and that all laws now applicable, or which may hereafter be applicable to the assessing and collection of taxes in the several townships of this state shall be held to apply to the assessing and collection of taxes in the boroughs incorporated or to be incorporated under this act.

Laws applicable.

Repealer.

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

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

Approved March 23, 1888.

CHAPTER CXC.

An Act to establish standard packages for cranberries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal and standard measure for a bushel of cranberries shall be thirty-two quarts, rounded measure; that crates (or boxes) to be used for buying or selling cranberries in this state or for transporting the same outside of this state, shall be of the following size, to wit: twenty-two inches in length, twelve inches in depth and seven and one-half inches in width, inside clear measure, which size has been found by tests and experiments to contain the aforesaid quantity when suitably pressed in for transportation, and when barrels are used for the same purpose, they shall be made to contain not less than three times the quantity of the crate (or box). The legal and standard measure for cranberries.

2. *And be it enacted*, That the making or using of crates (or boxes) of less dimensions or barrels of less capacity than those described in the preceding section, for purposes named, shall be deemed a penal offense, and the person or persons so offending shall, on conviction thereof, be subject to a fine of two dollars for each package so made or used in violation of this act, together with the costs of proceedings. Penalty for making or using crates or boxes of less capacity.

3. *And be it enacted*, That the fines and penalties imposed by this act, shall be recoverable in an action of debt, before any court of the state having jurisdiction, by and for the benefit of the person prosecuting. Fines, how recoverable.

4. *And be it enacted*, That the American cranberry growers' association be and are hereby authorized to appoint one or more persons as state inspectors, whose duty it shall be to receive complaints and enforce the law; they shall receive no salary or compensation except such as may come from penalties imposed and fines collected. State inspectors. Compensation.

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

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

Approved March 23, 1888.

CHAPTER CXCI.

A Further Supplement to the act entitled "An act concerning sheriffs," approved March fifteenth, one thousand eight hundred and seventy-six.

Sale of goods, etc., remaining unsold after sheriff's term has expired, how conducted.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any goods, chattels or real estate, levied upon by virtue of any valid writ or execution, by any sheriff whose term of office may since have expired, still remain unsold, or, if any goods, chattels or real estate, heretofore levied upon or which may hereafter be levied upon by virtue of any valid writ or execution, by any person now holding or who may hereafter hold the office of sheriff, remain unsold after the expiration of the term of office of such sheriff, the sale of such goods, chattels or real estate, and any and all adjournments thereof, so far forth as the same might legally be conducted and made by the person to whom, as sheriff, such writ or execution may have been or may hereafter be directed, may be conducted and made by any person appointed by a writing under the hand of the person to whom, as sheriff, such writ or execution may have been or may hereafter be directed, indorsed on such writ or execution, or attached thereto, and the person so in writing appointed shall have the same power and authority to conduct and make such sale, and any and all adjournments thereof, as fully and effectually as the same might have been conducted and made by the person to whom, as sheriff, such writ or execution may have been or may hereafter be directed, and any sale or adjournment conducted or made, by any person so in writing appointed, shall be and hereby is declared to be as valid and binding upon all the parties in interest as if conducted or made by the

person to whom, as sheriff, such writ or execution may have been or may hereafter be directed; *provided, however*, that the person to whom, as sheriff, any such writ or execution may have been or may hereafter be directed, and his sureties, shall be responsible and liable for the proper conduct and making of such sale, or of any and all adjournments thereof, in like manner and to the same extent as if such sale or adjournments had been conducted and made by the person to whom, as sheriff, such writ or execution may have been or may hereafter be directed as aforesaid. Proviso.

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

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

Approved March 26, 1888.

CHAPTER CXCII.

A Further Supplement to an act entitled "An act concerning disorderly persons," approved April ninth, one thousand eight hundred and seventy-five.

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

10. *And be it enacted*, That it shall be the duty of every constable, and lawful for any other person to apprehend, without warrant or process, any disorderly person of the description aforesaid, and to take him or her before any justice of the peace of the county where apprehended; and it shall be the duty of the said justice to commit such disorderly person, when convicted before him by the oath or affirmation of one or more creditable witnesses other Disorderly persons to be apprehended, taken before justice and punished.

than the officer making the arrest, to the work-house of the city, town or county, there to be kept at hard labor for any time not exceeding three calendar months, except when otherwise herein particularly described; *provided*, that this and the succeeding section shall not apply to the persons described in section five of this act.

Proviso.

Repealer.

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

Approved March 26, 1888.

CHAPTER CXCIII.

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

Section amended

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the supplement to the act to which this act is a supplement, which supplement was approved March first, one thousand eight hundred and eighty-one, shall be and the same is hereby amended to read as follows:

Special panel of jurors to be drawn in the ordinary way.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where, by the law of this state, the defendant or prisoner is entitled to the service of a special panel of jurors of forty-eight men, it shall be the duty of the sheriff to draw said special panel so to be served, from the box in the ordinary way, from the whole panel of jurors summoned to perform jury duty for the term, and in the selection of the panel to serve as the jury to try the defendant or prisoner, the forty-eight names so drawn and served as aforesaid, shall be placed in and drawn from the box in the ordinary way.

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

Approved March 26, 1888.

CHAPTER CXCIV.

A Supplement to an act entitled "An act to provide for the regulation and incorporation of insurance companies," approved April ninth, one thousand eight hundred and seventy-five.

Unlawful for foreign mutual fire insurance company to recover upon policy or premium note unless provisions of acts complied with.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any fire insurance company not incorporated under or by virtue of the laws of this state and doing business on the mutual plan, to recover in any action in any court in this state upon any policy of insurance upon property in this state which has been or may be hereafter issued by such company, or upon any premium note given therefor, or for any assessment made upon such policy or note, unless such company has or shall have previously to the time of the issuing of such policy of insurance or the making of such premium note, complied with the provisions of the act to which this is a supplement and the supplement thereto.

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

Approved March 26, 1888.

CHAPTER CXCV.

A Further Supplement to "An act for the better preservation of the early records of the state of New Jersey," passed March twenty-ninth, one thousand eight hundred and seventy-two.

Appropriation for completing archives, etc.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That to enable the New Jersey historical society to complete the work of procuring material for the arranging, collating, editing and printing the early records of the state, in the form known as the "New Jersey archives," and for editing and printing the "journals of the governor and council" during the colonial period, and which never have been printed, and for arranging, collating, editing and printing papers and documents relating to the history of New Jersey during the period of the revolution, the sum of three thousand dollars annually is hereby appropriated, to be paid to the said society as required for the said purposes, by the state treasurer on the warrant of the comptroller.

Volumes to be deposited in state library.

2. *And be it enacted*, That the printed volumes as completed shall be deposited with the commissioners of the state library, to be by them distributed in the manner provided by law for the distribution of the volumes heretofore printed.

Appropriation to continue for five years.

3. *And be it enacted*, That the appropriation hereby made shall not be continued for more than five years.

Approved March 26, 1888.

CHAPTER CXCVI.

Supplement to an act entitled "An act to protect the health of boys and girls and secure to parents the control of their children," approved March tenth, one thousand eight hundred and eighty.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no vinous, spirituous or other alcoholic liquors, and no ale, strong beer, lager, porter or other malt liquors shall be sold or given, in great or small quantities, to any boy or girl under the age of eighteen years, by any wholesale or retail liquor dealer, any tavern-keeper, saloon-keeper or other dealer in such alcoholic or malt liquors, their servants or agents. No liquor to be sold to minors

2. *And be it enacted*, That the second section of the act to which this is a supplement shall be amended so that the same shall read as follows: Section amended

2. *And be it enacted*, That no saloon-keeper, tavern-keeper or other dealer in alcoholic or malt liquors shall permit any boy or girl under the age of eighteen years to lounge in or frequent the rooms or places where such liquors are kept or sold. Not to be permitted to frequent places where liquor is sold.

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

Approved March 26, 1888.

CHAPTER CXCVII.

A Further Supplement to an act entitled "An act for the formation of borough commissions," approved March seventh, one thousand eight hundred and eighty-two, and the supplements thereto.

Proceedings not invalidated by omission to publish corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any borough commission has been formed under the provisions of the act to which this is a supplement, the proceedings for the formation of such borough commission shall not be invalidated because of the omission to publish the corporate name of such borough commission in the notice required to be published in a newspaper by said act, but that any such borough commission so formed shall be held to be a valid and lawful municipal corporation within the meaning of said act, notwithstanding such omission, providing the act and the supplements thereto to which this is a supplement shall have been in all other respects complied with.

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

Approved March 26, 1888.

CHAPTER CXCVIII.

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

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

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

3. *And be it enacted*, That it shall be the duty of the district clerk in districts coming within the provisions of the first section of this act, in his notice of the annual meeting for the election of school trustees, to insert a notice that there are within the district one thousand or more children of legal school age, and that it will be determined at said annual meeting whether the board of school trustees shall consist of three or six; *provided further*, that no vote shall be taken upon this subject unless public notice shall have been given as herein provided for. Notice of election. Proviso.

Repealer.

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

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

Approved March 26, 1888.

CHAPTER CXCIX.

An Act validating certain instruments, and authorizing scroll or other device by way of seal in sealed instruments.

Certain instruments validated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every instrument in writing heretofore made, to which shall have been affixed a scroll, or ink, or other device by way of a seal, shall be taken and adjudged to be of the same force and effect as if it had been actually sealed with wax.

Scroll or device by way of seal in sealed instruments authorized.

2. *And be it enacted*, That all instruments in writing heretofore made, or which shall be made hereafter, wherein a seal has been or shall be deemed necessary, and to which a scroll, or ink, or other device has been or shall be affixed by way of a seal, shall be held to be as good and valid to all intents and purposes, in all courts and places, as if they had been or should be sealed with wax, and no such instrument shall be impeached or questioned for lack of a wax seal.

Repealer.

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

Approved March 26, 1888.

CHAPTER CC.

An Act in relation to the power of aqueduct boards having the control of the water-supply in the cities of this state, to issue bonds or borrow money on the credit of the cities wherein such boards exist, to limit the powers heretofore given to such boards and giving the common council or other governing body of such cities powers in relation thereto, and providing for the funding and payment of indebtedness heretofore incurred by such boards.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on or before the first day of February in each year, and annually thereafter, every aqueduct board or department having the control of the water-supply in the cities of this state, shall make and transmit to the common council or other governing body having the control of the finances of such city, a detailed statement of the estimated receipts and expenditures of such board or department for the current fiscal year; said board shall also forthwith after the passage of this act transmit to the same body a statement of all the bonds issued or loans made by such board, the rate of interest thereon, the dates at which such bonds or loans fall due, and the funds available for the payment thereof, if any.

Aqueduct boards to make annual statement of receipts and expenditures.

Statement of bonds issued, etc

2. *And be it enacted*, That it shall be the duty of such board to pay over to the comptroller of such city from the revenues of such board, from time to time, so much thereof as may be necessary to meet and pay the interest on bonds issued by such board, or for its use, as the same falls due, and at the close of the fiscal year, or as soon thereafter as received, the balance of moneys remaining in his hands, received from all sources, after payment of the current annual expenses of such board, and all temporary loans made by it during the year as authorized by

Board to pay over moneys to city comptroller.

this act, which moneys shall, while any funded debt incurred by such board or for its use remains unpaid, and not otherwise provided for, be used solely to redeem and pay such funded debt and the interest accruing thereon.

Empowered to borrow money in anticipation of receipts.

3. *And be it enacted*, That such board or department shall hereafter have power to borrow temporarily, in anticipation of estimated receipts for the current year, any sum not exceeding one-half of such estimated receipts; *provided, however*, that in no case shall such loans be made for a longer period than six months, and the same shall in all cases be paid by such board out of the receipts for the current year: all such temporary loans shall be made on certificates of indebtedness to be issued by such board, payable from current receipts as herein provided, and a record shall be kept by such board of all certificates so issued and the payment and redemption thereof.

Proviso.

Common council may raise money to extend water mains.

4. *And be it enacted*, That for the purpose of enabling such board to extend water mains in the streets of any such city, the common council or other governing body shall each year, if such board shall require the same, raise for its use for this purpose in the annual tax levy of such city, or by the issuing of bonds for which authority is hereby given, a sum not exceeding twenty thousand dollars, but such council or other governing body may at its discretion in like manner provide a further sum each year for enlarging, extending or repairing the water works in any such city: *provided*, the sum so raised shall not exceed the sum of fifty thousand dollars; *and provided, further*, that no sum shall be raised by such common council or other governing body, either by taxation or by the issuing of bonds, for the purpose of building or erecting a new system of water works, unless a majority of the legal voters of the city shall have expressed their assent to the erection of such works, and to the amount proposed to be expended therefor.

Proviso.

Bonds, how issued.

5. *And be it enacted*, That all bonds hereafter issued in any city, the proceeds of which are to be applied to the use of any such board or department, and all bonds to be issued by such city to refund bonds heretofore issued by any such board, shall be issued only under the authority of the common council or other governing body of such

city, and all moneys provided in any such city for the use of such board or department shall be drawn from time to time as needed by such board by warrants, to be signed by the president and secretary of the board and countersigned by the mayor and auditor of such city. Moneys, how drawn.

6. *And be it enacted*, That for the payment and redemption of all bonds hereafter issued in any such city for the use of such board or department, a sinking fund shall be created by such city, which shall be sufficient to pay the annual interest thereon, and the principal thereof, when such bonds shall fall due; and for this purpose the money received from such board annually shall first be devoted, and such further sum as may be necessary for this purpose shall be annually placed in the tax levy of such city. Payment and redemption of bonds, how provided for.

7. *And be it enacted*, That any such city shall provide annually in the manner mentioned in the last section, for the payment of the interest of all bonds heretofore issued by such board or department; and in case no sinking fund has been provided for the payment of such bonds, such city may, when such bonds shall fall due, refund the same for any period not to exceed thirty years by issuing new bonds for this purpose, and such city shall, in the manner provided in the last section, also provide a sinking fund for the payment of such re-issued bonds and for the payment of the annual interest thereon. Payment of interest of bonds, how provided for, etc.

8. *And be it enacted*, That where, in any such city commissioners of the sinking fund exist, all bonds hereafter issued under the authority of this act, as well as the interest thereon, shall be paid by such commissioners, and all moneys received by such city, from such board or department, and all moneys raised in the annual tax levy for the purpose of paying interest on such bonds or redeeming the same when due, shall be paid over to the commissioners of the sinking fund for that purpose, and in case any such board or department has under its control any funds set apart for the redemption of bonds issued heretofore by such board or department, such funds and all securities held by such board or department for this purpose shall be transferred to the commissioners of the sinking fund in such city, to be used by them for the payment and redemption of the bonds for which the funds were set apart, and if such funds are not legally applicable Where commissioners of sinking fund exist, bonds to be paid by them, etc.

to any particular series of bonds, then the same shall applied by the said commissioners in payment of t principal of the first bonds falling due.

How long bonds to run, interest, etc.

9. *And be it enacted*, That no bonds issued under t authority of this act shall run for a period exceeding thi years, nor bear interest at a rate greater than six p centum per annum, nor shall the same be sold, negotia or disposed of for less than their par value.

When city board not to exercise power under act.

10. *And be it enacted*, That no city board shall exerc any power under this act while the bonded indebtedn of such city exceeds fifteen per centum of its ratal liable to municipal taxation in such city.

Repealer

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

Approved March 26, 1888.

CHAPTER CCI.

A Supplement to an act entitled "An act to enable c to build main sewers in certain districts, and to acq private lands for that purpose," passed March twe fourth, one thousand eight hundred and eighty-fiv

Common council may issue bonds for whole cost and expense of sewers, etc.

1. BE IT ENACTED *by the Senate and General Assemt the State of New Jersey*, That in addition to the po and authority conferred by the act to which this is a plement, it shall be lawful for the common coun other governing body of any city in which any sew sewers have been or may be constructed under th thority of the said act, at its discretion, to issue b as provided for in said act, for the whole cost and exp of such sewers, when ascertained and declared, in w case, in addition to the sinking fund directed by th act to be raised for the redemption of the bonds au ized therein to be issued, the benefits which may l

ssed upon and collected from the property benefited as erein provided, shall be paid into the said sinking fund d form a part thereof, and where sinking fund commisoners exist in any such city, the same shall be paid to em for this purpose.

When not necessary, to raise further sums for redemption of bonds

2. *And be it enacted*, That when in any case the amount ised by taxation, together with the amount received om benefits, shall be deemed sufficient, with anticipated ceipts from the investment thereof, to furnish a fund to deem such bonds when due, then it shall not be necesry to raise by taxation any further sums for this purose.

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

Approved March 26, 1888.

CHAPTER CCII.

n Act to provide for the annexation of additional township territory to boroughs incorporated under "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventyeight.

Which additional territory may be annexed

1. BE IT ENACTED *by the Senate and General Assembly of State of New Jersey*, That such other part or parts of e territory of any township lying adjacent to any borgh incorporated under an act entitled "An act for the rmation of borough governments," approved April th, one thousand eight hundred and seventy-eight, or der and by virtue of any special act, and the inhabitts thereof, may be and become a part of such borough d subject to its authority and laws in every respect, nenever at a special election to be called for the purse, as hereinafter provided, it may be so decided by a ncurrent majority vote of legal voters for members of

assembly of both the said borough and of the proposed annexed district voting as distinct and separate bodies, as hereinafter provided: *provided, however*, that the area of the proposed annexation added to the area of the said borough shall not exceed in the aggregate four square miles, as provided in the act hereinbefore referred to.

Proviso

Special election, when and how called.

2. *And be it enacted*, That the mayor and council shall, upon receiving a petition setting forth the boundaries of the district or territory so to be annexed, signed by at least twenty-five legal voters within said borough and territory so to be annexed, direct the borough clerk to call a special election, to be held in some convenient place within the borough, by notice (written or printed), under his hand, which notice shall contain an accurate description of the territory so proposed to be annexed, and shall state the object of the election to be to vote for or against the annexation of such territory to said borough, the time and place of holding the election, and the hours between which the polls shall be open, which notice shall be set up at least fifteen full days previous to said election in five of the most public places in the said borough, and a like number in the territory proposed so to be annexed, and shall be published at least twice in all the newspapers printed and published in both the borough and proposed annexed district (if any); if none so published in either the borough or annexed district, then in two newspapers printed and published in the county wherein the borough is situated.

Notice of election.

Mayor to appoint clerk and inspectors of election.

3. *And be it enacted*, That the mayor of the borough shall appoint, in writing, under his hand, a clerk and two inspectors of said election, who shall be legal voters within the borough and proposed annexed territory, one of whom, at least, shall be a resident of the said proposed annexed district, who before entering upon the discharge of their duties shall take and subscribe an oath or affirmation to faithfully perform their duties as such clerk and inspectors.

Two ballot boxes to be used at election.

4. *And be it enacted*, That there shall be two ballot-boxes for said election, one for the ballots of voters within the borough and the other for those of the proposed annexed district; and the said officers of the election shall, as the votes are cast, deposit the same in the proper box, an inspector being in charge of each box.

5. *And be it enacted*, That the polls shall be open from seven o'clock in the forenoon to seven o'clock in the afternoon, and the said election shall be conducted as near as may be in all respects as elections for members of assembly, and be governed by the same laws; *provided*, that no one shall be entitled to vote at said election who shall not have been an actual resident of the borough or of the proposed annexed district for thirty days next preceding the day of such election, and be otherwise qualified to vote as provided by law. How election conducted. Proviso.

6. *And be it enacted*, That the ballots used at said election shall be either printed or written, and shall contain the words "for annexation," or "against annexation," as the case may be, and that at the close of the polls the said election officers shall proceed to canvass the votes cast, and shall certify the result separately in the same manner (as near as may be) as provided in section three of the act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight, and if the result of said election shall be in favor of annexation in both the borough and proposed annexed district, as provided in the first section of this act, then and in that case, upon the filing of said certificates of the result of said election, the proposed annexed district shall be and become a part and parcel of said borough in all respects, and the real and personal property therein shall be and become liable to be assessed for all taxes legally ordered or voted assessed in said borough, but not then as yet actually assessed, and the mayor and council shall thereupon cause a certified description of the boundaries of said borough as enlarged to be filed in the clerk's office of the county within which the borough is situated; *provided, however*, that nothing in this act contained shall be construed as constituting the said annexed territory as a part of the borough school district, but that the same shall be and remain a part of the school district to which said territory belonged at the time of the aforesaid election, unless the boundaries of such school district be afterwards changed in manner provided by law. What ballots to contain. How result certified, &c. Proviso.

7. *And be it enacted*, That the petitioners for annexation shall bear and pay all the expenses attending the proceedings of, and special election for, annexation. Expenses of election, by whom paid.

Repealer.

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

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

Approved March 26, 1888.

CHAPTER CCIII.

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

Lawful for savings institutions to file certificate of extension of corporate existence in office of secretary of state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any savings bank or savings institution heretofore or hereafter created under or by virtue of any law of this state, at any time before the expiration of its charter, or of the period named in its certificate of organization, to file in the office of the secretary of state a certificate under its common seal, attested by the signature of its presiding officer, authorized by resolution for that purpose, passed at a regular or special meeting of any such savings bank or savings institution, by at least a majority of its managers, directors or other governing board, declaring its desire that the period of its existence and its corporate powers shall be extended for any time therein mentioned not exceeding fifty years.

When filed, period of existence extended.

2. *And be it enacted*, That upon making, proving and filing such certificate, the period of the existence and the corporate powers of such savings bank or savings institution shall be extended as declared in such certificate, as fully as if the said period had been named in the original charter or certificate of organization of such savings bank or savings institution; and the said certificate or a copy thereof duly certified by said secretary of state shall be

evidence in all courts and places; every such savings bank shall be subject to such general laws on the subject of taxation as shall apply to other savings banks.

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

Approved March 26, 1888.

CHAPTER CCIV.

A Supplement to an act entitled "An act to authorize limited partnerships," passed February ninth, one thousand eight hundred and thirty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be lawful for any special partner in any limited partnership to contribute to the common stock of the partnership as his share of capital, or any part thereof, any goods, wares or merchandise of the kind in which the said partnership intend to deal, instead of cash, and in such case the property so contributed shall be taken at a fair bona fide valuation, to be agreed upon by all the partners, both general and special, and the certificate required by said act to be made and filed shall show the general nature and valuation of such property so contributed instead of cash, and by whom the same shall have been contributed, and the affidavit required by said act to be made by one or more of the general partners, and filed, shall state that the property so contributed instead of cash has been actually and in good faith contributed to the partnership capital.

Special partner may contribute goods, etc., instead of cash.

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

Approved March 26, 1888.

CHAPTER CCV.

A Supplement to "An act for the better securing of the property of married women living in a state of separation from their husbands," approved March third, one thousand eight hundred and eighty.

Provisions of first section of act extended to certain married women.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the first section of an act entitled "An act for the better securing of the property of married women living in a state of separation from their husbands," approved March third, one thousand eight hundred and eighty, be and the same are hereby extended to any married woman living in a state of separation from her husband, and having had no issue the result of such marriage, and that such married woman may, without the concurrence of her said husband or his joining as a party to any deed of conveyance, grant, sell and convey any real property whereof she may be seized in fee simple by deed of conveyance executed and delivered to her before said marriage.

Repealer.

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

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

Approved March 26, 1888.

CHAPTER CCVI.

An Act in relation to assessments and taxes in cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all incorporated cities of this state that now have block maps, it shall be the duty of the taxing officers, in all cases, in making their assessments for taxes upon real estate, to describe the same by block and lot numbers, as shown upon the assessment maps of the city: but the failure of the taxing officer to so describe any property shall not be deemed to invalidate the assessment. In certain cities assessments to be described by block and lot numbers.

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

Approved March 26, 1888.

CHAPTER CCVII.

An Act to provide for the establishment of a home for the care and training of feeble-minded women.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be established in this state a home for the care and training of feeble-minded women. Home to be established.

2. *And be it enacted*, That the governor shall appoint, by and with the advice and consent of the senate, seven residents of this state, three of whom may be females, to constitute a board of managers of the said home, two of whom shall hold office for two years, two for four years and three for six years, as shall be indicated by the governor on making their appointment, and thereafter all Board of managers, appointment and term of office.

appointments except to fill vacancies in the said board, shall be for six years, and shall be made by the governor by and with the advice and consent of the senate; whenever a vacancy occurs in the said board by death, resignation or removal, the governor shall appoint, in the manner aforesaid, a resident of the state to fill the unexpired term; the governor shall have power to remove any manager at any time, for cause, on giving to such manager a copy of the charges against him or her, and an opportunity to be heard in his or her defense.

Governor may remove manager for cause.

Annual report.

3. *And be it enacted*, That the said managers shall, on the last day of October in each and every year, make a full and detailed financial and other report to the governor.

Managers to receive no compensation.

4. *And be it enacted*, That the said managers shall receive no compensation for their time or services; but the actual and necessary expenses of each of them while engaged in the performance of the duties of his or her office, on being presented in writing, with vouchers for the same, shall be paid quarterly by the treasurer of the board upon the order of the board at a regular meeting.

Expenses paid.

Managers to organize, select site and provide buildings.

5. *And be it enacted*, That it shall be the duty of the said board of managers, immediately after their appointment, to meet and organize by the election of a president, secretary and treasurer from their number, and within three months after their appointment to select a site, and within three months thereafter provide appropriate buildings and other accommodations as the said managers shall deem necessary; and the treasurer shall give a bond to the people of New Jersey in the sum of at least three thousand dollars, or as much more as the board may require, with securities to be approved by the comptroller of the state, which bond shall be filed in the office of the comptroller of the state.

Treasurer to give bond.

Appointment of superintendent and assistants.

6. *And be it enacted*, That the said board of managers shall have power to appoint a superintendent, who shall, under the direction of the board, make all the rules and employ all the assistants necessary for the proper management of the home.

Appropriations for home.

7. *And be it enacted*, That the sum of ten thousand dollars, or so much thereof as may be necessary, be and is hereby appropriated for the purchase and equipment of a

suitable property for the said home, and that two thousand dollars additional be appropriated to aid in meeting the current expenses of the fiscal year; and that the treasurer of the state shall, on the warrant of the comptroller, pay the treasurer of the board of managers of the said home such sums as may be required for the purchase and equipment and maintenance of the said home: the said board of managers, in writing to the comptroller, first specifying in items the purposes for which such sums are required. State treasurer to pay.

8. *And be it enacted*, That the governor shall send the feeble-minded women of this state to the said home in the manner and by the means provided in a supplement to an act entitled "An act for the instruction and maintenance of indigent deaf and dumb, blind and feeble-minded persons, inhabitants of this state," which supplement was approved March eighth, one thousand eight hundred and eighty-eight. Governor to send feeble-minded women to home.

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

Approved March 27, 1888.

CHAPTER CCVIII.

An Act to revise and amend "An act for the taxation of railroad and canal property," approved April tenth, one thousand eight hundred and eighty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the property of any railroad or canal company not used for railroad or canal purposes shall be assessed and taxed by the same assessors and in the same manner and at the same rate as the taxable property of other owners in the same municipal division or taxing district; all other property of any railroad or canal company shall be assessed and taxed as Railroad and canal property, how taxed. When board to meet.

hereinafter directed; the tax imposed by this act shall be in lieu of all other taxation upon the property subject to taxation under the provisions of this act; in all cases where the real estate, tangible personal property and franchise of any company are assessed and taxed under this act, the shares of stock and the bonds and certificates of indebtedness of such company shall not be taxed in the hands of the shareholders, bondholders or creditors, except as hereinafter provided.

State board of assessors, how constituted.

2. *And be it enacted*, That all property of any railroad and of any canal company used for railroad or canal purposes shall be assessed by a state board of assessors, which shall consist of four members and shall be appointed by the governor, by and with the advice and consent of the senate; not more than two shall be members of the same political party; and no person shall be qualified or authorized to act as a member of said board unless his appointment shall have been confirmed by the senate; their

Term of office.

term of office shall commence on the first Monday of May; the assessors first appointed shall be appointed to hold office respectively for one, two, three and four years, and until the appointment of a successor; all subsequent appointments shall be for a term of four years

Vacancies.

and until the appointment of a successor; vacancies shall be filled by the governor, subject to the approval of [the] senate; the said assessors shall be citizens of this state, and shall not, during their term of office, be interested in

Oath.

any railroad or canal company; each assessor shall, before entering on his duties, file with the secretary of state an oath taken before a justice of the supreme court that he will faithfully discharge the duties of his office, and that he is not interested in any railroad or canal com-

Salary.

pany; they shall each receive an annual salary of twenty-five hundred dollars; three members shall constitute a quorum, and any official act shall be valid which has the

May appoint secretary.

sanction of three members; they may employ a secretary, who shall receive such yearly compensation as the board of assessors may determine, not to exceed eighteen hun-

Record and report.

dred dollars; they shall keep a record of their proceedings, and shall annually report to the legislature.

When board to meet.

3. *And be it enacted*, That it shall be the duty of the board of assessors to meet at Trenton on the first Tues-

day of May in the present and each succeeding year, and as often during each year and at such places as their duties may require; they shall proceed to ascertain the true value of all property used for railroad or canal purposes of each railroad and of each canal company in this state, including its franchises, and they shall, in such ascertainment, ascertain: What to ascertain.

I. The length and value of the main stem of each railroad, and of the water-way of each canal and the length of such main stem and water-way in each taxing district; Length and value of main stem and water way.

II. The value of the other real estate used for railroad or canal purposes in each taxing district in this state, including the road-bed (other than main stem), waterways, reservoirs, tracks, buildings, water-tanks, waterworks, riparian rights, docks, wharves and piers, and all other real estate, except lands not used for railroad or canal purposes: Value of other real estate.

III. The value of all the tangible personal property of each railroad and of each canal company; Tangible personal property.

IV. The value of the remaining property, including the franchise. Remaining property and franchise.

The term "main stem" of each railroad and of each canal company, as used in this act, shall be held to include the road-bed not exceeding one hundred feet in width, with its rails and sleepers, depot buildings used for passengers connected therewith; the term "waterway" shall be held to include the towing-path and berme-bank; the term "taxing district" shall be held to designate any municipality, city, township, borough, incorporated town or village having power to assess and levy taxes, through which any road or canal may run; the term "tangible personal property" shall be held to include the rolling-stock, cars, locomotives, ferry-boats, all machinery, tools, other tangible personal property of any railroad company, and the floating, movable and other tangible personal property of any canal company, and also the locomotives and cars not belonging to such railroad company but built for its use and actually used in this state, or run under its control in this state by a sleeping-car company or other company; but the rolling stock of other persons or corporations temporarily used on any such road, and the floating or movable property Terms defined.

temporarily used on such canal, but not forming part of the equipment of such road or canal, shall not be included in said term.

Local assessors to send statement of property, etc., to state board within certain time.

4. *And be it enacted*, That it shall be the duty of the assessors in all taxing districts where property of any railroad or canal company not used for railroad or canal purposes shall be assessed, if required so to do by the state board of assessors, to certify and send to the state board of assessors, on or before the second Monday of June in each year, a statement giving the description of such property and showing the assessed valuation thereof; the local assessors shall also, at the same time, certify and send to the state board of assessors a short description of all the real property in their respective taxing districts, used or owned for railroad or canal purposes, excepting the main stem or road-bed and track, not exceeding one hundred feet in width of each railroad, and the water-way, towing-path and berme-bank, not exceeding one hundred feet in width of each canal; the said assessors shall also certify to the said board the local rate of taxation for county and municipal purposes, as soon as the same shall be determined, and such other information obtained in the course of the performance of the duties of their office as the said board shall require of them, and for the service mentioned in this section the said local assessors shall receive three dollars per day for each day actually engaged in such service, to be paid on the warrant of the comptroller, on an affidavit of such service being filed in the office of said comptroller.

Compensation of local assessors.

How paid.

When board to meet and hear companies interested in valuation and assessment.

5. *And be it enacted*, That on the first Monday of July the board shall meet at the state house, in Trenton, and shall give a hearing to all companies interested, touching the valuation and assessment of their property; the board may adjourn from day to day, and may, if they see fit, require all arguments and communications to be presented in writing: when the first Monday of July shall fall on the fourth or fifth day of that month, the day of meeting shall be on the first Tuesday of July; all parties interested shall take notice of this hearing.

Property of company leased or operated by another corporation, how taxed.

6. *And be it enacted*, That if the property of any railroad or canal company be leased to or operated by any other corporation, foreign or domestic, the property of the

lessor, or company whose property is operated, shall be subject to taxation in the manner hereinbefore directed, and if the lessee or operating company, being a foreign corporation, be the owner or possessor of any property in this state other than that which it derives from the lessor or company whose property is operated, it shall be assessed in respect of such property in like manner as any domestic railroad or canal company: any tangible personal property of such foreign company, if used or kept but a part of the time in this state, shall be assessed such proportionate part of its value as the time it is used or kept in this state during the calendar year preceding bears to the whole year.

Deduction for mortgage allowed, etc.

7. *And be it enacted*, That in case any railroad or canal company shall claim any deduction on account of any mortgage or debt secured thereby, the said board are hereby required to allow the same in the cases in which and to the extent to which the assessor is authorized by law to allow a deduction in the case of any other owner of mortgaged lands, and thereupon the said mortgage and the estate of the mortgagee in the land mortgaged shall be subject to taxation in the same manner, as nearly as may be, and at the same rate or rates, as the estate of the mortgagor: the deduction shall be made pro rata from the valuation of each class of property covered by the mortgage, and the amount received from the taxation thereof shall be distributed as if the tax had been paid by the mortgagor without deduction.

8. *And be it enacted*, That if any railroad or canal company shall claim a deduction in any case in which such deduction could be claimed under the general laws of the state by other taxpayers for debts other than the deduction last hereinbefore mentioned, the said board are hereby required to allow the same, and the said indebtedness so allowed shall be taxable as other debts owing to creditors residing in this state are taxable, and at the same rate; but the assessment thereof shall be made by said board and not by the local assessor, and the tax shall be paid to the treasurer of the state, to the credit of the fund derived from taxation under this act; the deduction shall be made pro rata from the valuation of each class of property of the debtor assessed, and shall be distributed as if the tax

Proviso.

had been paid by the debtor without deduction; *provided*, that no deduction, either for mortgage or other indebtedness, shall be allowed unless the same shall be applied for in the report and statement required to be made pursuant to this act, and unless the nature of the indebtedness, and the name and residence of the creditor, and the different taxing districts in which the mortgaged land lies, shall be specified, and unless the other terms imposed by the general laws of the state upon other taxpayers claiming deductions shall be complied with.

State board to compute tax.

9. *And be it enacted*, That the state board of assessors shall, upon the completion of their valuation and assessment, proceed to compute the tax upon the entire assessed valuation of each railroad company and of each canal company, as ascertained by them; upon such valuation, each company shall pay to the state, for general state purposes, a tax at the rate of one-half of one per centum annually upon each dollar of valuation, and the state board of assessors shall compute the same; each company shall also pay, in addition to said tax of one-half of one per centum, a tax at the local rate as fixed and assessed for county and municipal purposes upon other property in each taxing district, upon the valuation of its property in the several taxing districts, separately valued and assessed under the provisions of subdivision two of section three of this act, which tax shall also be computed by the state board of assessors; but the last-mentioned rate shall in no case exceed one per centum of the valuation of the property valued under the provisions of subdivision two of section three of this act; the sum of the estimates or computations for each company shall constitute the tax to be paid by each company and shall be a lien paramount to all other liens upon all the lands and tangible property and franchise of such company in this state; such lien shall take effect on the first day of November; and a copy of the valuation in detail of the property of each corporation and of the tax assessed against the same under the provisions of this act, shall be served upon the treasurer of such corporation or left at his office within ten days after the said first day of November; but the failure to serve any such notice shall not be held to invalidate any tax assessed or affect any lien created under

State tax.

Local tax.

Local rate limited, etc.

Copy of valuation to be served.

this act: said tax shall be a debt due from such company to the state on that date, for which an action at law or in equity may be maintained and which shall be a preferred debt in case of insolvency: these remedies are in addition to the special proceedings provided for in this act.

Board to certify statement to state comptroller within certain time.

10. *And be it enacted*, That the said board shall certify and report to the comptroller of the state, on or before the first day of December in each year, a statement of the assessed valuation of the property of each company in the state, and of the separate valuation of property in each taxing district, as made by them, the amount of tax payable by such company with respect to its property separately valued in each taxing district, and the aggregate assessed valuation, and the total tax levied upon each company: such statement shall be made separately for each company, and as to said property separately valued, shall be arranged by taxing districts in such manner as to be of easy reference, and shall be recorded in books in the office of the state comptroller, to be provided by him for that purpose, and shall be public records, subject to public inspection: and the amount of tax payable by each company, as shown by the said statements, shall be due and payable into the state treasury, on any day between the first day of November and the first day of February following: and the payment or collection thereof shall not be stayed by any writ or order of any court of law or equity: it shall be the duty of the state treasurer to receive payment of the said taxes from the said companies: if the taxes of any company, or any portion thereof, remain unpaid on the first day of February following the levying thereof, such company shall be considered in default, and such taxes, or such unpaid portion thereof, shall thenceforth bear interest at the rate of one per centum for each month until paid, notwithstanding the prosecution of any writ of certiorari or other remedy: *provided*, that so much of the tax as is applicable to general state uses, as hereinafter provided, may be paid in four equal installments on or before the first days of February, May and August and the fifteenth day of October in each year, and any unpaid portion or installment shall bear interest only from the date limited for the payment thereof, at one per centum for each

Statement to be recorded.

When tax due.

Proviso.

month until paid, but this privilege of payment by installments shall not be granted unless the portion of the tax which is applicable to county and local purposes shall be paid before the first day of February following the levying thereof.

Money collected under act, how applied

11. *And be it enacted*, That the money collected under this act for the one-half of one per centum tax shall be applied to the uses of the state, according to law: the amount received for tax upon property separately assessed in the different taxing districts is hereby appropriated, and shall be allotted to the various taxing districts, giving to each district the amount that was derived from the property of each railroad or canal company therein: the comptroller shall transmit to the collector of each county a certificate showing the amounts allotted to the taxing district therein, and shall draw his warrant upon the state treasury, in favor of the several county collectors, for the amounts allotted to their several counties, and the county collector shall forthwith pay to the collector, or other proper officer of each taxing district, the amount allotted thereto, deducting, however, the amount due for county taxes from such taxing district; the amount thus paid to the county and taxing district shall be at the disposal of the proper authorities for public purposes: *provided*, *however*, that whenever the local city rate as fixed and assessed in any city exceeds one per centum of the ratables of such city, then in such case the comptroller shall transmit to the collector of taxes of said city a certificate showing the amount allotted to such city, and shall draw his warrant upon the state treasurer in favor of the treasurer of such city for said amount; such warrant to be at the disposal of the board of such city having control of its finances, to be used for the municipal purposes of such city, such amount to be first applied to the payment of the city debt and interest falling due thereon: and in such case the amount to be transmitted to the county collector of the county in which such city is situated shall be reduced to that extent.

Comptroller to transmit certificate to collector of each county

Proviso

When board to meet to review assessment

12. *And be it enacted*, That the said state board of assessors shall meet on the third Monday of November, at the state house, in Trenton, for the purpose of review-

ing their assessment, and may adjourn from time to time till they shall have finished the hearing; upon the written complaint of any company or person considering itself or himself aggrieved, and specifying the grievance, or of the attorney-general or of any member of the board, on behalf of the state, that the property of any company is assessed too low, either in the whole or in any taxing district, or that property has been omitted, they shall review the said assessment, and correct the same as shall appear just: the attorney-general shall attend such meetings of said board in person or by deputy; no complaint that any company or person is assessed too low, or that any property has been omitted, shall be acted upon until the company or person so assessed shall be notified of such complaint by five days' notice, to be served on such company or person by leaving the same at the office of such company or at the usual place of abode of such person, if a resident of this state: the board shall have the power to issue subpœnas and examine witnesses and call for the production of books and papers, and they shall be entitled to use their personal knowledge and judgment as to the value of property; they shall certify to the comptroller of the state all corrections which they shall make in any assessment: the proceedings provided for by this section shall be completed before the fifteenth day of January following the making of said assessment, and all complaints must be presented on or before the third Monday of November, or shall be deemed to have been waived. Proceedings

13. *And be it enacted*, That if any company or person assessed, or if the attorney-general on behalf of the state, or if the authorities of any taxing district, shall desire to contest the validity or amount of any tax levied upon property under the provisions of this act, such contest shall be made by certiorari, which may be granted on notice to the attorney-general or to the company or person assessed, on a proper case made, on such terms as the justice or court granting the writ may impose; upon such writ, relief may be had as well in cases where it is claimed that the amount of tax is excessive or insufficient, as in cases where it is claimed that the principle upon which the assessment is made is erroneous; *provided*, that no Proviso. Proceedings to contest validity of tax

writ of certiorari shall be granted unless the applicant has applied to said board of assessors to review the assessment, as provided for in this act, nor shall any writ of certiorari be granted after the expiration of three months from the final determination of said board; if such writ shall be allowed, and if it shall be made to appear that any assessment is unlawful, excessive or insufficient, the court shall correct the same by whomsoever such writ shall be prosecuted, and reduce or increase it, as may be just, or refer it back to the board of assessors, who shall correct or re-assess the same, in accordance with the instructions of the court; in any suit or proceeding, except on such certiorari, the certificate and report of the state board of assessors shall be conclusive and shall have the force and effect of a judgment of a court of record having competent jurisdiction, and the proceedings whereon such certificate and report are founded, shall not be inquired into; no assessment or tax shall be set aside for misnomer of the owner of the property assessed; but the name may be corrected at any time by the board of assessors or court; the prosecutor of a writ of certiorari shall pay eight cents per folio to the state board of assessors and comptroller for returns made by them of proceedings under this act.

Proceedings when tax remains unpaid for ten days

14. *And be it enacted*, That if any tax under the provisions of this act shall remain unpaid in whole or in part for ten days after the expiration of the time limited for payment thereof, it shall be the duty of the attorney-general to apply forthwith to a justice of the supreme court for an order that said tax and the interest due thereon and a reasonable sum to be certified by said justice to be paid for the expense of said proceeding, shall be made a record of the supreme court, and judgment shall be entered therefor in the name of the state of New Jersey as plaintiff against said company, mortgagee or mortgagees, or other creditor, as defendant, which order shall be made upon the production of a certified copy from the comptroller of the certificate and report of the state board of assessors on file in his office, and of the certificate of the comptroller that said tax has not been paid; the attorney-general shall also apply for an order that execution forthwith issue on said judgment, directed to a master of the

court of chancery, to be named by said justice in said order; the said orders shall be respectively applied for on five days' notice to the company or mortgagee or mortgagees or other creditor concerned, which notice, in case of any company, shall be served in the same manner as a summons is directed by law to be served upon a corporation, and in all cases the proceedings shall be summary; in case a certiorari shall have been granted, on application of the attorney-general the orders above provided for shall be made and enforced without prejudice to the right of the state to enforce the payment of any additional amount of tax which may be imposed and to apply for a second judgment therefor; in case a certiorari shall have been granted on application of any company or mortgagees or other creditor taxed, and the tax shall have been reduced after the payment thereof, then the excess shall be repaid by the state upon the order of the court, and the state comptroller shall, upon such order, issue his warrant for such payment accordingly.

Sale of property under execution.

15. *And be it enacted*, That the master in chancery to whom the execution shall be directed shall sell all the franchise, real estate and rolling stock and property of said company, and the estate and interest of any mortgagees, and the debt due to any creditor for which a deduction has been allowed, or so much thereof as may be necessary to make the amount due on said tax judgment and the usual execution fees; the execution shall describe the property or debt aforesaid whereon the tax was assessed, and shall direct the sale thereof, and, generally, the sale of all other property of said company or person; such sale shall pass the absolute title to the franchise and property and debt aforesaid so sold, whereon the said tax was assessed or became a lien, free and clear of all liens, incumbrances and trusts of every nature, except taxes subsequently levied; in cases of the sale of the estate and interest of any mortgagee it shall pass as well such estate as the interest of all bondholders and cestuis que trust for whose benefit said mortgage may have been given or may be held in trust or otherwise; as to any other property of said company or persons, the judgment and execution shall constitute or become liens in the same manner and to the same extent as other judgments and

executions of the supreme court; the sale, advertisements and proceedings under such executions shall be the same as under other executions of the supreme court; *provided, however*, that the company whose franchise, real estate, rolling stock and property, or any part thereof, has been so sold, and the mortgagee or mortgagees or any bondholder or other person having an interest in the estate and interest of the corporation or mortgagee which has been so sold, may, at any time within two years from and after any such sale, redeem the property so sold by tendering and paying to the purchaser or purchasers thereof the amount of the purchase-money by him or them paid, together with interest thereon at the rate of ten per centum per annum.

Proviso.

Powers conferred upon board to ascertain facts necessary for discharge of duties.

16. *And be it enacted*, That in order to ascertain the facts necessary for the discharge of their duties under this act, the said board shall use such lawful means as they may deem necessary; they may employ surveyors if they shall be dissatisfied with information otherwise attainable; they shall have the power of compelling the attendance of witnesses and the production of books and papers; and they may delegate such power to any member of their board authorized by them to investigate and report; they shall also use the returns hereinafter provided for, but such returns shall not be conclusive, and if any of said returns shall not be made, the board shall ascertain the necessary facts from the best information they can obtain, in such mode as they may find convenient, using their personal knowledge and judgment; the said assessors, or any one of them, shall have power to administer oaths and affirmations to any person to ascertain any facts which will enable them properly to perform the duties of their office, and they may reduce the statements of the person sworn to writing, and require him to swear and subscribe thereto, and may, exparte, apply for and obtain from any justice of the supreme court an order to compel any person to submit to examination in reference to such matters, and such justice may punish any party as for a contempt who shall disobey any order made by such justice in the premises.

17. *And be it enacted*, That on or before the first Tuesday of May in each year, any person or company running, operating or constructing any railroad or canal in this state shall return to the state board of assessors statements or schedules, subscribed and sworn to by the president or other chief officer, before some officer of the state authorized to administer oaths, of the property of such railroad or canal as it existed on the first day of January preceding, which, for each railroad, shall be as follows: Statement of property to be returned to state board within certain time.

I. Of the real estate, specifying its extent and dimensions, which may be shown by a map or maps, setting out in detail the total length of the road, including branch and leased lines, the entire length in this state, and the length of double or side tracks; and the number, character and value of all buildings and structures in each county and in each taxing district through or in which it is located in this state, designating the main stem or road-bed and the width wherever it exceeds one hundred feet, and designating particularly any portion in each taxing district which is not used for railroad purposes, and which is locally assessed and taxed, and the value thereof: Statement for railroad company.

II. Of the rolling stock and tangible personal property, giving the number of freight engines, passenger engines, passenger and freight cars, ferry-boats and other movable property of every description, owned, used or hired, and the value thereof: Rolling stock, etc.

III. A statement or schedule, showing:

a. The amount of capital stock authorized and the number of shares into which such capital stock is divided: Capital stock.

b. The amount of capital stock paid up;

c. The market value, and if no market value, then the actual value of the shares of stock;

d. The total amount and the details and particulars of all indebtedness: Indebtedness.

Such statements and schedules for canals shall be as follows:

I. Of all the real estate of said company, giving the depth of water and dimensions of such canal, the length of the canal and of its feeders in the state, and the number, character and value of all locks, and of all buildings Statement for canal company.

and other structures in each county and taxing district, designating particularly the width where it exceeds one hundred feet and designating any portion in each taxing district which is not used for canal purposes and which is locally assessed and taxed;

II. The floating and movable property;

III. A statement or schedule containing all the particulars above enumerated and to be returned by railroad companies in the third statement or schedule; such statements or schedules shall be made in conformity with such instructions and forms as may be prescribed by the said board, and such further statements shall be furnished as said board shall require; the said board shall prescribe the form of the oath to the statements and schedules required by this section, any person who shall make such oath falsely shall be guilty of perjury.

State boards to prescribe forms of statements.

Company claiming exemption to file additional return.

18. *And be it enacted*, That any railroad or canal company claiming exemption from taxation under this act, by reason of any alleged contract with the state, shall, together with and in addition to the return required by the last section, make a further return specifying the act or acts of the legislature by which such contract is claimed to have been created, and also specifying what portion of the property of said railroad or canal company is claimed to be exempt from taxation under this act and the particulars thereof, and the cost and value thereof, and such other particulars as the charter of said company and as the said board may require, and the particulars as to character, location and value of the property, if any, admitted to be liable under this act; such return shall be in no manner conclusive as to any of the facts therein stated, but said board shall investigate and determine whether any, and if any, what portion of the property of such company is by contract beyond the power of the state to tax under this act; and shall ascertain the cost and value thereof, and shall estimate the tax to be paid by such company; the residue of said property shall be assessed, apportioned, valued and taxed pursuant to the provisions of this act.

19. *And be it enacted*, That it shall not be lawful for any railroad or canal company having any contract with the state whereby any of their property is exempted from

the taxation imposed by this act, to acquire and hold, directly or indirectly, any property in this state (except such property as such company may be entitled to acquire and hold pursuant to their said contract with this state, if such company has any charter provisions on this subject which the legislature cannot abrogate or repeal), unless such company shall, by a written instrument, executed under their common seal, approved by the attorney-general and filed with the secretary of state, first agree that any and all property acquired by such company after the passage of this act shall be subject to taxation under the provisions of this act, or any amendments thereto, or any further act of the legislature, in which case such property shall be so subject.

Unlawful for company exempt from taxation to acquire property unless agreement made.

20. *And be it enacted*, That if any person or corporation running, operating or constructing any railroad or canal shall wilfully neglect to make returns, as required by this act, such person or corporation shall forfeit as a penalty not more than ten thousand dollars, to be assessed by the jury, for each offence, to be recovered in any proper form of action in the supreme court, in the name of the state, and paid into the state treasury: it shall be the duty of said board to certify any such default to the attorney-general of the state, and it shall be the duty of the attorney-general to prosecute for such penalty: any person who shall make falsely any oath required to be made under this act, and any person who shall testify falsely when called to testify under this act, shall be guilty of perjury, and on conviction thereof shall be liable to all the penalties prescribed by law therefor.

Penalty for neglecting to make returns.

21. *And be it enacted*, That all railroad companies in this state, which shall hereafter pay any taxes imposed by this act on any cars, hired, leased, run or used on the roads of such companies in this state, shall have a right of action against the company or persons owning such cars, for the taxes so paid, with interest thereon from date of payment, and may sue for and recover the same in any court of competent jurisdiction; but nothing in this section shall be so construed as to avoid the obligation of any contract relating to the payment of taxes heretofore entered into or made between any such company, its agents, or person owning such cars, and any such railroad company.

Companies paying tax on cars, hired, etc., to have right of action against owners.

Payment of tax when company in default.

22. *And be it enacted*, That if any company shall be in default under this act in payment of the state tax aforesaid, any person having any interest in a mortgage or other lien on its franchises or property, may pay the state treasurer the amount of such state tax, and the interest due thereon, and receive from said treasurer a certificate of such payment, and such person shall thereupon be entitled to be repaid the amount of said tax and interest thereon at the rate of twelve per centum per annum out of the first proceeds of any sale of the franchises or property of said company, and such tax and interest thereon shall continue a lien on the franchise and property of the company for the benefit of the holder of or person interested in such mortgage or lien until paid by said company from the sale of its franchises or property; if any proceedings have been taken by the attorney-general to enforce the payment of said tax and interest thereon, then such holder of or person interested in a mortgage or lien paying such tax and interest shall pay such additional amount as a justice of the supreme court shall certify to be proper and reasonable for the expenses and services of the proceedings as far as they have progressed for the collection of said tax and interest thereon.

Assessment of property of company operated by persons not incorporated

23. *And be it enacted*, That if any railroad or canal shall be owned or operated under a franchise by any individual or association not incorporated, the term "company" used in this act shall apply to such owners or operators, and such property shall be assessed and taxed under the provisions of this act in the same manner as if operated by a company, and the persons operating or owning such railroad or canal shall make the returns required by this act to be made by companies.

Attorney-general and state board may employ assistants.

24. *And be it enacted*, That the attorney-general shall, with the approval of the governor and comptroller, have power to employ such assistant attorneys or counsel as may be necessary to protect and properly defend the interest of the state, in carrying out the provisions of this act; and such assistants shall be paid such compensation by the state as may be approved by the attorney-general and the comptroller; the state board of assessors shall have power to employ such assistants in making their valuations as may be necessary to complete the same in

due time, and such assistants shall be paid such reasonable compensation for their services as the board and the governor shall approve.

Taxes may be paid by corporation having contract of exemption.

25. *And be it enacted*, That any corporation having or claiming to have any contract with the state whereby any of its property is claimed to be exempted from the taxation imposed by this act, may, at its discretion, voluntarily pay to the state from year to year such sums of money as, added to the tax now assessable against such corporation under such alleged contract, will be equal to the tax assessable against such corporation under this act in respect to the property so claimed to be exempted, and such voluntary payment shall not be construed in any proceeding or suit to be a waiver by such corporation of its said alleged contract: *provided, however*, that nothing in this section, or in this act contained, shall be construed or taken as an admission on the part of the state that any corporation is possessed of any contract or especial provision of the law on the subject of taxation which may not at any time be repealed or modified by the state.

Proviso.

If one section unconstitutional, not to affect other provisions.

26. *And be it enacted*, That if any section of this act shall, for any reason, be held to be unconstitutional or invalid, it shall not affect the other provisions of this act or any of them.

Corporation may file instrument waiving benefit of contract for different imposition of tax.

27. *And be it enacted*, That any corporation in this state having the right, by contract, to any different imposition of tax, either state or municipal, than that provided for in this act, are hereby authorized to execute and file in the office of the secretary of state an instrument, to be first approved by the attorney-general, waiving the benefit of any such contract, whereupon they shall be bound by the terms of this act, or any amendments hereto, or any further act of the legislature, and upon filing any such instrument the state agrees to surrender its right to take the property of any such corporation under any law now existing: *provided*, that any such corporation shall execute and file such instrument within six months from the time of the passage of this act.

Proviso.

28. *And be it enacted*, That in case any property of any railroad or canal company which has been or shall hereafter be in any year assessed by the local authorities of

Proceedings to determine character of property when assessed by both local authorities and state board.

any taxing district has been or shall be also assessed by the state board of assessors as property used for railroad or canal purposes, the supreme court or any three justices thereof, to be assigned by the chief justice, shall determine, in a summary manner, the character of the property and whether used for railroad or canal purposes, and by which assessors the same has lawfully been assessed, which determination shall be made whether the taxes in question have been paid or not, and whether a certiorari to review either assessment has been granted or not; such determination shall be made under an order to show cause at a time and place to be therein designated, which order shall be granted by the chief justice of the supreme court upon application ex parte by any of the parties interested, namely, by the attorney-general on behalf of the state, or by the owner of the property assessed, or by the authorities of the taxing district; and said order shall be served not less than ten days before the day fixed therein for the hearing, upon the said parties interested not making such application; depositions may be taken, on two days' notice by either party, to be used on such hearing; the justices before whom the matter shall be heard, may, if they see fit, view the property in dispute, to guide them in their decision; the judgment of the court shall direct the cancellation or reduction of either assessment, as the character of the property may require, and shall make such order as to the return to the taxpayer of any tax or any portion thereof, that may have been paid to the state, or to any taxing district not entitled thereto, as such court shall deem just; the payment of costs may be directed in such manner as the court may deem equitable; the said judgment shall be conclusive and final in all collateral proceedings, but may be reviewed on writ of error by the court of errors and appeals.

Payment of tax not to affect right to writ of certiorari.

29. *And be it enacted*, That if any corporation whose property and franchises have been or shall be valued and assessed under the provisions of the act to which this is a supplement, by the state board of assessors, shall pay or cause to be paid to the treasurer of the state the tax so assessed upon its property and its franchises at the times and in the manner provided by law, or within fifteen days after the state board of assessors shall have made and

declared their final revision of their valuations and assessments, that neither such payment nor the lapse of time in making application for a writ of certiorari shall be considered by any court or judge thereof as a reason why such corporation should not be entitled to such writ of certiorari upon any question adjudicated in favor of any corporation that may refuse to pay the taxes assessed against it, and that shall bring its writ of certiorari, to review the valuations and assessments within the time limited by the act to which this is a supplement: *provided*, application for a writ of certiorari be made within six months after such question has been finally adjudicated, and no other questions shall be considered on said writ. Proviso.

30. *And be it enacted*, That this act shall be subject to amendments, alterations or repeal at the will of the legislature; the "Act for the taxation of railroad and canal property," approved April tenth, anno domini eighteen hundred and eighty-four, which is by this act revised and amended, and the supplements thereto approved February fifth and April fifth, anno domini eighteen hundred and eighty-five, and all other acts inconsistent with the provisions of this act, are hereby repealed, except so far as herein re-enacted, but nothing in this repealer shall affect or impair the lien of any taxes heretofore assessed or any remedies for the collection of the same, or to surrender any remedies, powers, rights or privileges acquired by the state under said act hereby revised, or to relieve any person or corporation from any penalty imposed by said act and supplements, nor shall anything in this act be held to repeal the supplement to the said act hereby revised, which supplement was approved June tenth, anno domini eighteen hundred and eighty-six, nor shall this act affect the tenure of office of the present state board of assessors. Act subject to amendment, etc. Acts repealed. What repealer not to affect.

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

Approved March 27, 1888.

CHAPTER CCIX.

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

Board of education authorized to borrow money for erection of school houses from trustees of school fund.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of education, board of school trustees or other body having charge and control of the public schools in any school district in this state acting under a special charter, or under the provisions contained in the charter of any city, town, borough or other municipality, is hereby authorized and empowered, for the purpose of building or enlarging school-houses, by and with the consent of the board having charge and control of the finances of such municipality, to borrow from the "trustees of the fund for the support of public schools" such sum or sums of money as may be necessary for that purpose; that the money thus borrowed shall be secured by coupon bonds, to be issued in the corporate name of said municipality or school district, to be known as district school bonds, which bonds shall bear interest at the rate of four per centum per annum, payable annually, and all bonds and interest coupons shall be made payable at some national or state bank in this state; that no loan authorized by this act shall be less than five hundred dollars; that such loan may be paid at such times and in such amounts as the board of education, board of school trustees or other body borrowing money under the provisions of this act may direct; *provided*, that the first payment on any such loan shall become due and payable not later than five years from the date of said loan, and that the last payment on any such loan shall be made not later than ten years from the date thereof.

Money to be secured by bonds

Proviso.

How money borrowed and bonds issued.

2. *And be it enacted*, That any school district in this state authorized to borrow money under the provisions of the act to which this is a supplement is hereby authorized

and empowered to borrow money in accordance with the provisions of the first section of this act, and all proceedings authorizing the trustees of any such district to issue bonds therefor shall be conducted under the provisions of sections eighty-seven, eighty-eight and eighty-nine of the act to which this is a supplement.

Charter provisions limiting indebtedness not to apply to raising of money under act.

3. *And be it enacted*, That if any charter of any incorporated school district, city, town, borough or other municipality in this state shall limit the amount of indebtedness that may be incurred, or shall limit the amount of tax or the rate of taxation, in any incorporated school district, city, town, borough or other municipality, or by its terms prevent the carrying out of the provisions of this act, the same shall not hereafter be held to apply to the raising of money under the provisions of this act, and the powers herein conferred shall embrace every school district in this state, any public, local, special or other law to the contrary notwithstanding.

State treasurer authorized to invest fund.

4. *And be it enacted*, That the treasurer of this state, under the direction of the "trustees for the support of public schools," is hereby authorized to invest the fund for the support of public schools of this state in the bonds issued by virtue of the provisions of this act.

Copies of papers to be submitted to attorney-general for approval.

Duplicates filed.

5. *And be it enacted*, That copies of all papers and proceedings authorizing the issuing of such bonds shall be submitted to the attorney-general for his approval of the legality of the same, and that duplicate copies of such papers and proceedings shall be filed in the office of the state superintendent of public instruction.

State superintendent to furnish blanks.

6. *And be it enacted*, That the state superintendent of public instruction shall prepare and furnish the necessary blanks and forms for all proceedings under this act.

Inhabitants to be assessed for payment of bonds.

7. *And be it enacted*, That it shall be the duty of the officers or board charged with the raising, levying and assessing of taxes in any school district or municipality issuing bonds under the provisions of this act, to assess upon the inhabitants thereof and their estates and the taxable property therein, an amount sufficient to pay the bond or bonds of the district maturing in such year, together with the interest accruing upon the whole issue of the unpaid bonds of such district or municipality, and the tax thus ordered shall be assessed, levied and collected

in the same manner as other taxes for school purposes are assessed, levied and collected.

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

Approved March 27th, 1888.

CHAPTER CCX.

An Act concerning town meetings.

Preamble. WHEREAS, By reason of the storm of Monday and Tuesday, March twelfth and thirteenth, one thousand eight hundred and eighty-eight, the town meeting provided by law to be held on the second Tuesday of March in said year for the election of township officers was not so held in some of the towns and townships of this state; now, therefore,

Special meeting may be held. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wherever in any town, borough or township there has been a failure to hold said town meeting or election for the year one thousand eight hundred and eighty-eight at the time provided by law, the same may be held on the second Tuesday in April next ensuing, upon like notice being given thereof as is now provided by law for holding town meetings for the election of township officers.

How conducted. 2. *And be it enacted*, That said town meeting or election shall be held and business thereat transacted in all other respects as is now provided by law for holding said town meetings.

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

Approved March 27, 1888.

CHAPTER CCXI.

An Act to amend an act entitled "An act appointing commissioners for a sinking fund and defining their duties," approved March twenty-fifth, one thousand eight hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "An act appointing commissioners for a sinking fund and defining their duties," approved March twenty-fifth, one thousand eight hundred and sixty-four, be amended so the same shall hereafter read as follows: Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be appointed by the senate and general assembly in joint meeting two persons, only one of whom shall be a member of the same political party, who shall be citizens and residents of this state, to be commissioners of the sinking fund; they shall hold their office for the term of three years and until their successors are appointed and qualified; and hereafter all appointments of persons to be commissioners of the sinking fund shall be made by the senate and general assembly in joint meeting; appointments to fill vacancies caused otherwise than by expiration of term shall be for the unexpired term and until the appointment of a successor. Commissioners of sinking fund, appointment and term of office.

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

Passed March 27, 1888.

CHAPTER CCXII.

A Further Supplement to the act entitled "An act to ascertain the rights of the state and of riparian owners in the lands lying under water in the bay of New York and elsewhere in the state" [Revision], approved April eleventh, one thousand eight hundred and sixty-four.

Riparian commissioners, appointment and term of office.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners appointed under the act entitled "An act to ascertain the rights of the state and of the riparian owners in the lands lying under water in the bay of New York and elsewhere in the state," approved April eleventh, one thousand eight hundred and sixty-four, and the supplement to said act, approved April twentieth, one thousand eight hundred and eighty-five, shall hereafter be appointed by the senate and general assembly in joint meeting; not more than two of them shall be members of the same political party; they shall hold their office for the term of five years and until their successors are appointed in like manner; appointments to fill vacancies caused otherwise than by expiration of term shall be made in like manner for the unexpired term; the commissioners now in office under said act and said supplement thereto shall serve out their present terms and until their successors are appointed as aforesaid.

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

Passed March 27, 1888.

CHAPTER CCXIII.

An Act to authorize incorporated townships in this state to establish and maintain fire departments, for protection of life and property against fire.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of township committee or other legislative or governing body of any incorporated township in this state shall have power to establish a fire department, and maintain and support the same and purchase grounds and erect suitable buildings thereon for that purpose, and to purchase fire engines for the proper equipment of the said fire department with the necessary apparatus for the protection of life and property against fire, but the amount to be expended therefor shall not exceed the sum of ten thousand dollars: *provided*, that this act shall only apply to townships in this state having a supply of water for the extinguishment of fire.

Township authorities empowered to establish and maintain fire department.

Proviso.

2. *And be it enacted*, That to raise the funds required for this purpose, the said board of township committee or other governing or legislative body of any incorporated township in this state, are hereby authorized to issue in the corporate name of such township either coupon or registered bonds, bearing interest not exceeding the rate of six per centum per annum, payable semi-annually; the principal of the whole number of bonds issued for any of the purposes aforesaid shall be payable in ten annual payments from the date of the issue thereof; said bonds shall be signed by the president or chairman of said committee or other legislative or governing body of said township, and countersigned and registered, where registered bonds are issued, by the township clerk, and sold at public or private sale at not less than the par or face value thereof.

May issue bonds to raise funds.

3. *And be it enacted*, That it shall be the duty of the said board of township committee or other legislative or

Bonds to be provided for by taxation

governing body of said incorporated township, to place in the annual tax levy of each year a sum sufficient to pay the interest and extinguish the principal of said bonds as the same shall become due and payable, and apply the same to no other purpose whatever; and in order to maintain and support said fire department in the future, it shall be and it is hereby made the duty of the said committee or other legislative or governing body as aforesaid to place in the annual tax levy of each year a sufficient sum for that purpose, and to apply the same for that purpose.

Repealer.

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

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

Approved March 28, 1888.

CHAPTER CCXIV.

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

Appointment of inspectors of election in certain cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state which now are or shall hereafter be required by law to have a registration of all persons entitled to the right of suffrage therein, the board of aldermen shall appoint four proper and suitable persons for each election district or precinct in said cities respectively, who shall be known as "inspectors of election;" and in making said appointments of inspectors of elections the members of the political party in the majority of the respective boards of aldermen of said cities shall appoint two of said inspectors, and the members of the political party in the minority of

said board of aldermen respectively in said cities shall appoint two of said inspectors for each election district or precinct in said cities; not more than two of said inspectors so to be appointed for each election district or precinct shall be of the same political party, and the persons so appointed shall not be required to reside in the election district or precinct in which they are appointed to serve; *provided*, that if more than two political parties shall be represented in any board of aldermen, the political party which shall be next in number of members to the political party in the majority shall appoint the two inspectors which, under this section, are to be appointed by the members of the political party in the minority.

Not to be of same political party.

Proviso.

2. *And be it enacted*, That on or before the first day of September in each year the boards of aldermen respectively of said cities shall appoint said inspectors of election in manner aforesaid: that if any vacancy occurs in the office of inspectors of election by death, resignation, inability or otherwise, such vacancy shall be filled by an inspector of election appointed by the same members of the board of aldermen who made the original appointment; in case such vacancy is not filled at the opening of the polls on election day, the inspector at the poll where the vacancy exists, of like political faith as the inspector who has caused such vacancy, shall appoint an inspector to fill such vacancy, and in case of a vacancy occurring in any inspectorship during the hours of voting or canvassing the votes, such vacancy shall be filled by the other inspector at that poll of the same political faith as the absent inspector.

When inspectors appointed.

Vacancy, how filled.

3. *And be it enacted*, That no person shall be appointed an inspector of election under this act unless he shall at the time of his appointment be a qualified voter in the city where appointed, and able to read, write and speak the English language; and no person shall be inspector who shall be a candidate for any office at the election for which he is to serve as such inspector, and any person appointed as such inspector who shall be appointed or elected to or accept or become a candidate for a public office shall thereupon immediately cease to be such inspector, and his place shall become immediately vacant, and said vacancy shall thereupon be filled in the manner hereinbefore provided for filling vacancies.

Certain persons not to be appointed.

Inspectors to take oath.

4. *And be it enacted*, That every person who shall be appointed an inspector of election in pursuance of the provisions of this act, shall, before entering upon the discharge of his duties, take the oath now prescribed by law for inspectors of election before the city clerk, who is authorized to administer such oaths, and such oaths shall, within five days thereafter, be filed with the city clerk, and such oaths shall be so taken and filed within five days after said inspectors receive notice of their appointments, except in cases of appointment to fill vacancies occurring on or during the day of election, in which cases the inspectors appointed to fill such vacancies may, before entering upon their duties, take the prescribed oath before the inspector acting as chairman at that poll, who is hereby authorized to administer said oath, and said oath shall be filed with the city clerk within twenty-four hours thereafter.

Inspectors to constitute boards of registry and election.

5. *And be it enacted*, That the said inspectors of election at each election district or precinct are hereby constituted the board of registry for such election district or precinct, and acting as a board of registry, said inspectors shall organize by the selection of one of their number as chairman and one member as clerk, and perform all the duties at the time and in the manner which are now or may hereafter be required by law to be performed by boards of registry; and said inspectors of election at each election district or precinct shall constitute the board of election at that election district or precinct and shall perform all the duties which are now required by law to be performed on the day of election by the judge, inspectors and clerk, including the general conduct of the election during the hours the polls are open, the canvass of the votes after the close of the polls, and the making out of proper and correct counts, statements and returns thereof, and such other duties as are now or may hereafter be required by law concerning the canvassing and returns of votes cast at such election; and to this end the said inspectors of election shall be required to be at their respective precincts or polling-places for which they are appointed, on the morning of election day from the hour appointed for the opening of the polls and remain there until the same shall close, and until all the votes cast

have been canvassed and the statements and returns required by law have been made out and signed, and for such further time as may be necessary for the proper discharge of the duties of their office.

When inspectors to meet and organize.

6. *And be it enacted*, That the said inspectors of election of each election district or precinct shall meet at their respective precincts or polling-places on the morning of election, at the hour of the opening of the polls, and shall organize for the purpose of conducting the said election, by selecting or choosing one of their number to act as chairman, and one of their number to act as clerk; the duties of the chairman shall be the same as are now performed by the judge of election, and the duties of the one chosen to act as clerk shall be the same as the duties of the clerk of election as are now fixed by law.

When inspectors appointed terms of other election officers to cease.

7. *And be it enacted*, That immediately upon the election or appointment by the board of aldermen of any city of the inspectors of election as provided for in this act, the term or terms of office of all judges and inspectors of election, and poll clerks and clerks of election, heretofore appointed or elected in such city, shall cease and determine; and thereafter in such city no judge, inspector or clerk of election shall exercise or assume any of the duties of an election officer unless he shall have been appointed or selected in accordance with the provisions of this act.

Act to apply to all elections.

8. *And be it enacted*, That this act shall apply to all elections, state, charter, general or special, in every city of this state in which a registration of voters is required or authorized by law.

Penalty for violation of act.

9. *And be it enacted*, That any person who shall willfully violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine not exceeding five hundred dollars, or imprisonment at hard labor not exceeding two years, or both.

No person to give inspector money, etc.

10. *And be it enacted*, That no candidate for office in any election, nor any person for him, shall directly or indirectly offer, promise, procure or give any money, property, thing in action, victuals, drink, preferment or other consideration or valuable thing, or promise thereof, to any inspector of election appointed under this act.

Repealer.

11. *And be it enacted*, That all acts and parts of acts, general, special and local, so far as they conflict with this act, be and the same are hereby repealed.

Term defined.

12. *And be it enacted*, That the term "board of aldermen" in this act shall also include the board of councilmen and common council of any city.

Term of office of inspectors.

13. *And be it enacted*, That the inspectors of elections appointed under this act shall hold office for the term of one year from the date of their appointment, and until their successors are appointed and qualified.

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

Passed March 28, 1888.

CHAPTER CCXV.

A Supplement to an act entitled "An act for the more easy partition of lands held by coparceners, joint tenants and tenants in common" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Payment to judgment creditors out of distributive shares when ordered by court.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all suits in partition heretofore or hereafter begun, in any of the courts of this state, wherein a sale of the lands sought to be partitioned is or shall be made, and any judgment or judgments are or shall be obtained against any of the distributees, their executors, administrators or legal representatives, at any time prior to the distribution of the proceeds of any such sale, such judgment-creditor or creditors may, upon petition filed in such cause, have an order, and such court is hereby authorized to make the same, directing the payment of such judgment or judgments out of the proceeds of the sale of such share or shares against which the same

would be a lien had such share or shares been owned by such debtor or debtors in severalty.

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

Approved March 28, 1888.

CHAPTER CCXVI.

Supplement to an act entitled "An act to provide for the filing of a lis pendens in actions, either at law or in equity, relating to or affecting the possession or title of lands or real estate," approved February sixteenth, one thousand eight hundred and eighty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all writs of error from the final judgment in any cause wherein the notice of the pendency of such cause has been filed as provided in the act to which this is a supplement, shall be taken within three months after the recovery of such judgment, and not thereafter. When writ of error taken where lis pendens filed.

Approved March 28, 1888.

CHAPTER CCXVII.

An Act to authorize canal companies in certain cases to surrender their franchise of navigation and be released from public obligation in respect thereto.

Company may be released from obligation to maintain works for navigation purposes.

Upon filing certificate with secretary of state.

Proviso.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any canal company organized or incorporated under or by any general or special law of this state, and any lessee of the franchises and works of any such corporation, may and shall be released and discharged from any and every obligation at law or in equity, to maintain and operate the works of such company for navigation purposes, upon such company and lessee, or if the lease be perpetual then upon such lessee filing in the office of the secretary of state a certificate of intention to cease the operation of the said works for navigation purposes, which certificate shall state the date on which such operation shall cease: *provided*, that nothing herein contained shall operate to divest the lien of any mortgage or other lien obligation of such corporation in respect to the portion of the franchise of such corporation so surrendered, nor shall the provisions of this act take effect in such case without the consent of the bondholders secured by such mortgage and of such other lienholders, or in case the consent of any such bondholder secured by mortgage cannot be obtained, until there shall be deposited with the trustee or trustees of the mortgage an amount of money equal to the principal and interest due and to become due on all the bonds of such dissenting bondholders; and in case of such payment to such trustee or trustees the said company or lessee paying the amount of any principal or interest on any such bond to the holder thereof shall, on making satisfactory proof to said trustee or trustees of such payment, be entitled to receive from such trustee or trustees the amount of such payment from time to time as occasion may require; *and provided further*, that this act shall not affect any suit or legal proceedings

now pending against any canal company, nor apply to any company which has not heretofore exercised the franchise of navigation conferred by its charter or any supplement or supplements thereto: *and provided further*, that any canal company, or its lessee, desiring to take advantage of the provisions of this act shall file its certificate of intention as herein provided, within five years after the approval of this act. Proviso.

2. *And be it enacted*, That the obligation of any such lessee to pay the rentals or payments called for by such lease for and during all the term thereof shall in nowise be impaired or affected by such release, and that any and all contracts and obligations to be performed by or with such company or lessee at the time of such release and the title of such company to the real and personal property and rights embraced and covered by the lien of any mortgage or mortgages of such company, existing at the time of such release, shall not be impaired thereby, and subject to the lien and trusts of any such mortgage or other lien then existing as aforesaid, such company and any lessee of its works and franchises may hold, use, lease, sell or otherwise dispose of all or any part of the real and personal estate, waters and rights now or hereafter owned, possessed and used by such company and its lessee, and may exercise and enjoy all and singular the remaining powers, franchises and rights conferred by the charter and supplements thereto regulating such company or any such lessee at the time of such release. Obligations and contracts not impaired

3. *And be it enacted*, That if any stockholder or stockholders of such canal company, being such at the time of the filing of the certificate provided for in the first section of this act, shall be dissatisfied therewith, and shall give written notice of his, her or their dissatisfaction to such company or lessee filing such certificate within three months after the cessation of navigation operations hereinbefore provided, such company or lessee as aforesaid shall pay to such dissatisfied stockholder or stockholders the full market value of his, her or their stock, which it bore immediately prior to the filing of the certificate provided for in the first section of this act, to be appraised by three commissioners appointed for that purpose by the chancellor or any justice of the supreme court of this Dissatisfied stockholders to receive full market value of stock.

state, on the application either of such stockholder or stockholders, or of such company or lessee, on such notice to the other party as the said chancellor or justice may direct; and if such company shall pay to any dissatisfied stockholder or stockholders the value of his, her or their stock so appraised, such stock shall not be thereby canceled or retired except at the option of such company, but the said stock may be sold or re-issued by such company as its directors may deem expedient.

Act not to apply until agreement filed.

4. *And be it enacted*, That this act shall not apply to any corporation unless such corporation shall first, and as a condition precedent to the exercise by such corporation or its lessee of any power granted by this act, file in the office of the secretary of state an agreement, to be approved by the governor and the attorney-general, waiving all rights of exemption from taxation, and from privileges and advantages arising from any law or contract (if any there be) establishing any special mode of taxation of any such corporation, and further agreeing to be bound by any general law of this state now in existence, or that may hereafter be passed, taxing such corporations as are now authorized to be taxed by the legislature of the state under any general law; and upon the filing of any such agreement the state agrees to release its right to take or become the owner of the property of any such corporation under any law now existing, and such release shall take effect upon the filing of the aforesaid agreement without any further action by the state in the premises.

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

Approved March 28, 1888.

CHAPTER CCXVIII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of land heretofore made shall be invalidated by reason of the omission to put up in a public place in the township where such real estate is situate a public advertisement of the same at least four weeks next before the time so appointed for selling the same, but that any purchaser or purchasers of lands at such sale, who shall have complied with the conditions of such sale, shall be entitled to have a deed for the lands so purchased notwithstanding a public advertisement of such sale was not put up in the township where such real estate is situate at least four weeks next before the time appointed for selling the same, provided public advertisements of such sale were set up in five or more public places in the county where such lands are situate at least four weeks next before the time appointed for selling the same; *and provided further*, that where the sale has been made by direction of any court of competent jurisdiction, an order confirming such sale shall first be made by said court, or a judge thereof, upon its appearing to the satisfaction of said court or judge that the land has been sold for a fair price and that it is proper in such case to make the order; and a deed or deeds so given shall operate to transfer the title to the purchaser or purchasers as fully as if the public advertisement of said sale had been put up in a public place in the township where such lands are situate at least four weeks next before the time appointed for selling the same.

Sale not invalidated by omission to put up notice.

Proviso.

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

Approved March 28, 1888.

CHAPTER CCXIX.

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

Commissioners of juries, how appointed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be appointed by the senate and general assembly in joint meeting, two reputable persons for each county, residents therein, who shall not be of the same political party, to be known and designated as "commissioners of juries," who, after they have become duly qualified as herein directed, shall proceed at once to make two complete lists, alphabetically arranged, of the names of all the persons in their respective counties liable to jury duty, with their places of abode, by designating their respective townships and wards, which lists, when completed, shall be certified by the said commissioners, under their hands, to be true and correct lists of all the persons liable to jury duty in the said counties, so far as they can ascertain, one copy of which they shall cause to be filed in the office of the clerk of such county, there to remain of record, and the other they shall deliver to the judge of the circuit court therein for his use and inspection; and the said judge may, at any time thereafter, when, in his judgment, it may be necessary, order and direct the said commissioners, in like manner, to revise and correct the said lists and certify the same, and for the purpose of preparing and correcting such lists the said commissioners may have access to and take copies of the assessment rolls of the several wards and townships of the county for which they may be appointed.

To make lists of persons liable to jury duty.

Copies filed.

2. *And be it enacted*, That the said commissioners shall, before they enter upon the discharge of their duties, take and subscribe an oath before some person authorized to administer the same, faithfully and impartially to execute the duties of their office according to the best of their skill and understanding, which oath shall be filed in the office of the clerk of the county within and for which they are appointed; and the said commissioners shall hold their office for the term of three years and until others are in like manner appointed in their stead; they shall hold no other public office within said county while so acting, and shall receive such compensation as the said judge shall order and direct, regard being had to the character and the value of the service rendered by them, which shall be paid by the county in and for which they are so appointed: *provided*, that such compensation shall in no case exceed five hundred dollars to each commissioner in any one year; in case of vacancy in the office of commissioner of juries occurring by death, resignation, removal or other disqualification or other cause, such vacancy shall be filled by appointment made by said judge, and the person so appointed shall act until the appointment of a successor as hereinbefore provided, and in case of the temporary absence or disability of any commissioner the said judge shall appoint some fit person to perform the duties of such commissioner during such absence or disability; said person so appointed shall not be of the same political faith as the commissioner acting with him.

Commissioners to take oath.

Term of office.

Compensation.

Proviso.

3. *And be it enacted*, That on a day and at a time to be fixed by said judge, not more than thirty days before the next term of the circuit court held in and for such county, the said commissioners shall, in open court, in the presence of such judge, or, in his absence, in the presence of the presiding or senior judge of the court of common pleas, select from the said lists such number of names as the judge of said circuit court may, by order, direct, from which to draw a panel of jurors to serve for the next ensuing term of the courts of said county, which shall, in no case, be less than treble the number required for such panel, regard being had in making such selection to securing, as far as practicable, a fair and just

When and how commissioners to select names for panel of jurors.

representation to the various wards and townships of such county; and the said commissioners, or one of them as aforesaid, shall, in like manner, select from said list the names of seventy-five persons liable to service as grand jurors, regard being had in making such selection to the qualifications of the persons so selected on account of talents, knowledge, independence and integrity; and from the names of the persons so selected for petit jurors and grand jurors, the petit jurors and grand jurors who shall serve for the next ensuing term of the courts of such county shall be drawn as hereinafter provided.

How panel selected.

4. *And be it enacted*, That the said commissioners, or one of them, shall, at the same time the said names are selected as herein provided, both for petit jurors and grand jurors, publicly announce the names so selected, and shall cause the same to be each separately written on slips of paper, of the same size, color and shape, as near as may be, each one of which pieces of paper, with the name so written thereon, shall be handed by one of the said commissioners to the said judge, who, after examining the same, shall give it to the clerk of the court, or, in the case of the death, disability or absence of the clerk, then to such person as the said judge may designate to perform the duties of such clerk on that occasion, who shall record the name written thereon in a book to be kept by him for that purpose, and the said clerk shall then and there fold the said paper so as to conceal the name thereon, and he shall deposit the slips containing the names so selected for petit jurors in one box and the names so selected for grand jurors in another, and the selection of names shall so proceed until the necessary number have been selected, written down by a commissioner, examined by the judge, recorded by the clerk and deposited by him in the boxes as aforesaid.

Grand jurors, how drawn.

5. *And be it enacted*, That immediately after the names so selected have been written down, examined, recorded and deposited in the boxes as aforesaid, the said commissioners, or one of them, shall, in the presence of said judge, proceed to draw from the said box containing the names of the persons selected for grand jurors (first having caused the slips therein deposited to be shaken and mixed together in such manner as to thoroughly

intermingle the pieces of paper contained therein) the names of twenty-four persons, who shall be summoned to serve as grand jurors in and for such county for the next ensuing term of the courts thereof; and shall, in like manner, draw from the box containing the names of the persons selected for petit jurors such number as the said circuit judge shall direct, who shall constitute the panel of petit jurors to serve in and for such county for the next ensuing term of the courts thereof; the names so drawn as aforesaid, both of petit jurors and grand jurors, shall be transcribed by the said clerk as they are read, and publicly announced by the said commissioners, and two lists of the same, certified by the said commissioners, shall thereupon be made, one of which shall be filed in the office of the clerk of such county and the other transmitted to the sheriff of said county, who shall thereupon cause the persons so drawn, constituting the grand jury and panel of petit jurors for such county, to be summoned to serve as such according to law; *provided*, that the said judge may in any case direct that a part of the panel of petit jurors so drawn may be summoned to appear at a day in term to be designated, to serve for the balance of such term, and the judge may in his discretion at any time during the term discharge such part of the panel of jurors summoned as in his judgment will not be needed for further service.

Petit jurors.

Proviso.

6. *And be it enacted*, That the court in which the grand jury shall be sworn in any county of this state shall select and designate one of the grand jurors so drawn and selected as aforesaid, to act as foreman thereof, who shall be sworn so to act, and may excuse or discharge one of the said jurors if all shall appear when summoned.

Court to designate foreman.

7. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed: the commissioners provided for under this act may be appointed in joint meeting of the senate and general assembly at any time after the passage of this act.

Repealer.

Appointment of commissioners.

Passed March 29, 1888.

CHAPTER CCXX.

An Act regulating the granting of licenses to sell spirituous, vinous, malt and brewed liquors.

Unlawful to grant license prior to May 1, 1888.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That prior to the first day of May, one thousand eight hundred and eighty-eight, it shall not be lawful for any board or other authority having power to grant licenses (excepting the courts of common pleas of the several counties of this state) to grant, renew, re-issue or extend any license to keep an inn or tavern or saloon, or to sell spirituous, vinous, malt or brewed liquors, except to a person now holding a license which by its terms and conditions expires previous to the aforesaid date: nor shall any license of the kind herein mentioned, granted prior to such date, be transferable either to another person or to another place than those named therein.

License not transferable.

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

Passed March 29, 1888.

CHAPTER CCXXI.

An Act concerning railroads.

Railroad sold by order of court may be purchased by company operating railroad in connection therewith.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the railroad and franchises of any railroad corporation of this state, or any part or parcel of the same, or of either, shall be sold in pursuance or by virtue of a decree, order or judgment of any court of competent jurisdiction, it shall be lawful

for any railroad corporation, owning or operating a railroad in physical connection therewith, to purchase the said railroad and franchises so to be sold, either at the said sale or thereafter, from the purchaser or purchasers thereof at said sale; and when such sale to said purchasing railroad corporation shall be complete, the railroad and franchises so sold and purchased shall vest in and be merged with and become a component part of the railroad and franchises of the railroad corporation so purchasing such railroad and franchises; *provided*, that the railroad corporation so purchasing shall file or cause to be filed a correct and accurate map and route of the railroad so purchased, in the office of the secretary of state for this state: *and provided, further*, that the railroad property and franchises so purchased shall be subject to taxation according to the provisions of the general act taxing railroad and canal companies and the supplements thereto. Proviso. Proviso.

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

Approved March 29, 1888.

CHAPTER CCXXII.

An Act to establish the use of local indexes for public records relating to land in certain counties in this state.

WHEREAS, The records relating to lands in the public land record offices of the larger counties in population in this state are increasing to such an extent as to cause great accumulations of names in the indexes thereof now in use, and practically render such indexes unserviceable as a means of giving to the public due legal notice of the instruments of record; *and whereas*, a record index ought to be so simple that any one consulting it can at once be referred to every instrument Preamble

affecting the property under investigation; *and whereas*, local indexes based on the division of a county into blocks or small areas, and the entering thereon in chronological order the names of parties to and dates of record of all instruments, affecting such area in an allotted portion of such indexes, is deemed the most practical index of land transfers; *and whereas*, such indexes can be established in use in the several counties of this state without any material change of existing laws for the recording of instruments; now, therefore,

Appointment of commissioners of land records in certain counties authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in every county of this state of over two hundred thousand inhabitants, one hundred or more persons being residents and freeholders of such county may make application to the circuit court of such county, whereupon said court may, in its discretion, proceed thereon and appoint from the members of the board of chosen freeholders of such county for the time being, two commissioners, who and their successors, together with the counsel of the board of chosen freeholders of such county for the time being, shall constitute a board to be known as the board of commissioners of land records, whose powers and duties shall be as prescribed by this act; such board of commissioners shall continue in office for two years from the time of their appointment, and for such additional time as the said circuit court may by order direct and appoint; vacancies in the said board of commissioners, caused by death or otherwise, shall be filled in the same manner as original appointments are herein required to be made, and said commissioners shall receive for their services such compensation as the said court shall determine.

Term of office.

Vacancies.

Compensation.

To have access to records.

2. *And be it enacted*, That the said commissioners, in the performance of their duties, shall have free access to all public records and papers in this state, and be permitted to examine and copy the same free of charge.

To cause map of county to be prepared.

3. *And be it enacted*, That the said commissioners shall, immediately upon entering upon their duties, cause to be prepared, under their direction, by competent surveyors and draughtsmen, a map or plan of said county, on which map shall be shown and delineated all the streets, avenues and roads of said county, and all blocks or parcels of land

bounded by said streets, avenues and roads, and such present or former lines of large tracts of land or farms or other general property lines and boundaries as they, in their judgment, may see fit: and the said commissioners shall cause said blocks or parcels of land shown on said map of said county, to be numbered thereon from number one consecutively upward, for as many blocks or parcels of land bounded by streets, avenues, roads, streams, water-ways, railroads or other boundaries, as shall appear on said map: *provided*, *however*, that in cases of small blocks or parcels, more than one such block or parcel of land may be included in a single block number, whenever in the judgment of said commissioners the same is advisable: and they may cause the larger parcels of land to be divided and numbered or designated on said map in such way as they may think best, in order to carry out the general intent of this act. Proviso.

4. *And be it enacted*, That the said commissioners shall also cause said map of such county to be subdivided into convenient land sections, and shall cause said sections to be named (or numbered from number one consecutively upward), and cause the division lines of said several sections to be exhibited on said map; the numbers of said blocks shall commence at the southerly part of said county, and shall thence be continued northerly as nearly as may be; and said map, when completed, shall be marked as the official land map of such county, and certified as such by the said commissioners, and filed in the office of such county in which transfers of land or deeds are recorded, as a public record; and said commissioners shall cause said map to be copied in such manner and in such numbers as the public demand for the same shall warrant, and deliver such copies to the collector of such county, to be sold by him for the benefit of such county, at such price per copy as the commissioners shall fix. Map to be divided into land sections. How marked. Filed. Copies.

5. *And be it enacted*, That all nominal indexes in use in such record offices at the time of the passage of this act shall be continued as heretofore, and every combination or analytical nominal index heretofore in use in such office shall be continued under the direction of said commissioners from the time to which the same has been Nominal indexes to be continued.

brought to the time of the commencement of the local indexes hereinafter mentioned, and thereafter the said last-named nominal indexes shall be continued in lieu of all other nominal indexes of such instruments, by the recording officer of any such county, and the fees for such indexing now authorized by law shall be paid to such recording officer.

Commissioners to cause certain indexes to be prepared.

6. *And be it enacted*, That the said commissioners shall cause to be prepared, in book form, indexes for indexing instruments affecting land in said counties, recorded or registered in such record offices, on and after the date hereinafter fixed for the completion of the said maps and indexes, which indexes shall be prepared for use in accordance with the plan or system known as that of local indexing by blocks, and under the blocks and block numbers shown on said map; and the areas, numbers and descriptions of the blocks shown on said indexes and heading the same shall correspond with the areas, numbers and descriptions of the blocks shown on said map; said indexes so to be prepared shall be both nominal and local, and in form substantially the same as the form of the schedule hereto annexed, the names of parties to the instruments to be recorded to be entered in the index in the same manner as is now required by law in the indexing of deeds, which schedule is to be deemed and taken to be a part of this act; there shall be appropriated in each index to each block or parcel of land shown thereon not less than eight blank pages, including the heading of such index, which pages shall be properly ruled and prepared for future entries therein, according to the plans on said schedule; the abbreviated description of the land affected by the instrument to be entered in the space allotted therefor in such index shall be as full as can be entered in such space, and serve to show the correctness of such entry under such block or area; but no liability is to attach to any recording officer for any error in making up such brief description; the said commissioners may cause separate and distinct local indexes to be made for entering together mortgages, notices of lis pendens and other liens, and all instruments relating thereto; and the register or county clerk of any such county, as the case may be, may, whenever the local indexes to be

prepared by such commissioners become filled with entries, continue the same, separated as above; and such officers are hereby required, in order to fully utilize such local indexes, whenever the entries under a block shall have consumed the space appropriated thereto, and other block areas shall have comparatively few entries credited thereto, to carry forward such entries from the first-named block by proper foot-marks and references to the nearest of the sparsely-filled spaces, until such process shall be no longer feasible, upon which such officers shall make requistion to the board of chosen freeholders for (and the said board of such county shall thereupon provide) such additional indexes of like character for the continuation of the same, as may be necessary; and whenever said hereinbefore-mentioned combination or analytical nominal index shall be required, the same shall be provided in like manner.

Notice.

7. *And be it enacted*, That for the purpose of notice under this act, each block or parcel of land so to be separately numbered with a block number as aforesaid, and also each lot of land in a block, shall be deemed to extend to the middle line of the streets, avenues and roads then or thereafter laid out on said land map, fronting and adjoining such blocks and lots respectively.

How indexes made.

8. *And be it enacted*, That said books of indexes shall be made of such convenient form and size as said commissioners shall determine, and each book of indexes shall be indorsed with its appropriate title and volume, and with the date of its commencement, and also with the numbers of the blocks on the land map and the section to which the entries therein relate.

Instruments to be indexed.

9. *And be it enacted*, That all instruments in writing relating to or affecting land in any such county, or any interest in such land recorded, registered or entered by virtue and in accordance with any law of this state in any public land record office, whether such land record office be the office of the register of deeds or county clerk, on and after the date hereinafter fixed for the completion of said maps and indexes, shall be entered in plain, legible handwriting in said indexes as provided by this act, in addition to such nominal indexes as are now used and by this act directed to be kept in said offices; and all maps,

Maps, indexes, etc., public records.

books and indexes and the entries in, and contents of, said maps, books and indexes at any time to be made or prepared under this act shall be public records, and all of said maps, books and indexes shall be completed, certified and deposited for use as aforesaid in the said offices at the time hereinafter provided.

Register or clerk liable for damage for failure to index.

10. *And be it enacted*, That the register of deeds or county clerk of any such county shall be liable for any loss or damage to any person interested by reason of his failure to index an instrument as required by this act, or by reason of an erroneous entry made by him or by his direction, or by any deputy or clerk appointed by him, in any book of index to be kept in his office as required by this act; and every such officer shall enter every such instrument on the local index in his office, in the order of its receipt by him, under the block within which the land affected lies, in the manner provided by this act, or under which said instrument is directed to be indexed, within three days after such receipt.

When instruments to be entered.

Instruments presented for record or registry to be indorsed, &c.

11. *And be it enacted*, That all instruments presented to such recording officer for recording or registering shall be legibly indorsed by him with the number of the block or blocks in which the land affected by the instrument is situated; all assignments of mortgages and all releases, satisfactions and agreements respecting mortgages, to entitle the same to be recorded, shall state in the body thereof the book and page of the record of the original instruments, if recorded, to which such assignments, releases, satisfactions and agreements respectively relate, and said recording officer need not receive such instruments for record or registry unless they contain such statement.

Instruments entered in local index to be indorsed, &c.

12. *And be it enacted*, That every instrument entered in such local index shall be indorsed by the recording officer with the number of the land block under which such instrument is indexed, in addition to the other matters required by law, and said local indexes by this act directed to be made and kept and the entries made therein, shall for the purpose of notice be deemed and taken to be a part of the record of the instruments to which such entries respectively refer or relate, and such indexes shall be deemed and held to be constructive

notice to all subsequent purchasers, [mortgagees,] incumbrancers, and dealers in the land affected by the instruments to which such entries respectively refer or relate, and of the record of entering thereof and of the execution and contents of such instruments, in the same manner, to the same extent and with like effect as the recording or registering of such instruments now is or may be notice.

How record noted for ready reference.

13. *And be it enacted*, That for the purpose of ready reference to the local indexes and the discovery of errors of entry therein, every deed, mortgage or other instrument so entered shall have the block number or numbers under which the same is indexed noted on the margin at the commencement of the record or registry thereof; and after the passage of this act the book and page of the record of every assignment of mortgage and all releases, satisfactions and agreements respecting mortgages shall be noted on the margin of the record of the mortgage to which the same shall refer, and such release, assignment or other instrument shall thereupon be considered as fully entered in the local indexes; every satisfaction or cancellation of a mortgage, however, shall, in addition to the entry now required by law on the record thereof, be also noted in red ink on the local index entry of such mortgage.

When new blocks created, to be numbered and map filed.

14. *And be it enacted*, That whenever after the making of said land map any large area or block division, or part thereof, on said map, shall be laid out by the owners thereof on a map filed in such record office, into blocks and lots with the streets or avenues shown thereon dedicated to public use, and conveyances of lots shown thereon shall be made and recorded according to such map, it shall be the duty of the then recording officer and counsel of the board of chosen freeholders of such county to cause such new blocks to be numbered consecutively upward from the last number then upon said land map (or to be designated in some other convenient way), and to cause a map showing such new blocks and their designations to be filed in the same manner as the previous land maps, and the block number heading of such sub-divided block shall be marked as "sub-divided" and reference made at such heading to the new blocks created therefrom; the land blocks and sections and the

New Jersey State Library

numbers and designations thereof shall not be changed after they have been once designated and entered on said maps (except as herein provided).

15. *And be it enacted*, That the said commissioners, or the said recording officers, after the term of office of said commissioners, shall establish such sub-indexes as circumstances may warrant, in which shall be indexed every duly-recorded or registered instrument, which in its language is general or vague as to the lands affected thereby, or that for other reasons cannot be safely and conveniently entered on the local index; and such sub-index, and the methods so substituted and put into operation in such recording office, shall be of the same force and effect as any other method authorized by this act.

How erroneous entry in index noted.

16. *And be it enacted*, That in case where there shall have been an erroneous indexing of any instrument in any such land record office, under the wrong block or otherwise, the recording officer shall, on being satisfied thereof, re-index such instrument in the proper index, and he shall at the same time make a note of such re-indexing upon the index in which the instrument was so erroneously indexed, opposite the entry thereof, and also upon the instrument recorded, if the same be in his possession, or produced to him for the purpose: *provided, however*, that no entry in any book or index in said recording offices shall be erased so as to be illegible, but, in case of any correction, the same shall be made without destroying the original entry, by drawing a line through such original entry.

Proviso.

Fees for record or registry.

17. *And be it enacted*, That every person presenting to any such recording officer any instrument for record or registry under this act shall pay to such officer, in addition to the fees required by law for recording or registering such instrument, the following fee or fees, viz.: for indorsing and entering every instrument on the local index, when the property described is embraced in a single block and one entry thereof only required, fifty cents; for every additional block in which such instrument is required to be indexed by this act, twenty cents.

Commissioners authorized to provide for preparation of maps and indexes.

18. *And be it enacted*, That for the purpose of procuring and preparing the maps and indexes directed by this act to be procured and prepared, and putting the same in use and otherwise carrying out the directions and intent

of this act, said commissioners, in the name of the board of chosen freeholders of the county for which they shall be appointed, may hire rooms, purchase stationery and material and employ such surveyors, draughtsmen or other persons as they may require for such purpose; and the compensation for such labor and the cost of room, materials and work shall from time to time be certified by them to the circuit court of such county, and the judge of such court, if satisfied of the correctness of such expenditures, shall order the payment thereof by the board of chosen freeholders of such county, who shall order the county collector to pay the same out of such funds appropriated or to be appropriated for the maintenance of the courts and records of such county, or of any unexpended balance; and such board of commissioners shall, as soon as they conveniently can after their appointment, submit to said board of chosen freeholders a statement of the probable cost and expense of procuring and preparing such maps and indexes and putting the same in use. Cost, how paid.

19. *And be it enacted*, That this act shall be construed by all courts according to the true intent and purpose thereof, which is declared to be to establish the use of local indexes for public records to land in the larger counties in population in this state, and thereby give to all future instruments required by law to be recorded or registered actual publicity upon the records, and give to the public facility of access thereto; and the courts are hereby directed to give such construction to this act as shall carry out such general purposes. How courts to construe act.

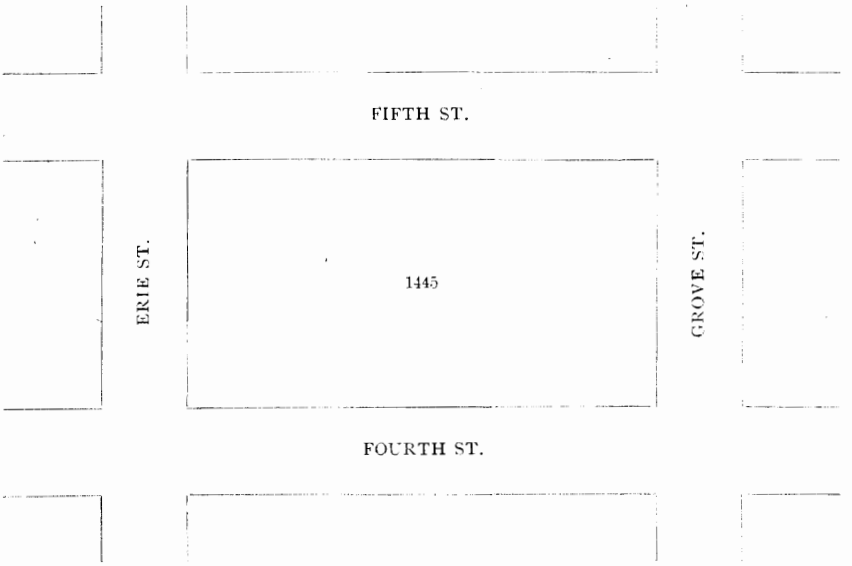
20. *And be it enacted*, That the said maps and indexes shall be completed and placed in the proper offices for public use on the first day of January next after the appointment of such commissioners unless further time shall be required for the completion thereof; and if it shall be so represented to such circuit court by such commissioners, the said court shall, by order, extend the time for the completion thereof, and such notice of such order shall be given as the said circuit court shall direct. When maps and indexes to be completed.

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

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

Approved March 29, 1888.

Schedule Referred to in Section 6 of Foregoing Act.



GRANTOR.	GRANTEE.	LIBER.	INSTRUMENT.	PAGE.	DATE OF RECORD.	BRIEF DESCRIPTION OF PREMISES.
John Doe, ...	Richard Roe, . .	445	Deed, ...	760	July 1, 1889, .	S. s. of 5th St. 300 W. of Grove, 25x100 ft.
John Smith, ...	Joseph Brown, . .	450	Power of Attorney.	320	Aug. 2, 1889, .	N. s. of 4th St., 225 W. of Erie, 20x80 ft.
Richard Roe and wife,	William Jones, . .	205	Mortgage, . .	150	Aug 10, 1889,	S. s. of 5th St , 312 6-12 W, of Grove, 12 6-12x 100 ft.
James Johnson, . . .	George Franklin,	460	Lease, ...	220	Sept. 5, 1889,	E. s. of Erie St., 20 S. of 5th, 30x100 ft.
Richard Roe, Sarah Roe, Frank Robinson, Defendants, by Robert Davis, Sheriff	William Jones,	475	Deed, ...	540	Mar. 1, 1890,	S. s. of 5th St , 312 6-12 W. of Grove, 12 6-12x 100 ft.
Patrick Flynn, ...	Penna. R. R. Co ,	480	Award of Comm'rs,	390	Mar. 10, 1890,	W. s. of Grove St., 75 N. of 4th, 25x100.
William Jones, ...	Robert Moore, . .	225	Mortgage, . .	216	April 5, 1890,	S. s. of 5th St., 312 6-12 W. of Grove, 12 6-12x 100 canceled.
George Sharp, ...	Henry Brown, . .	483	Deed, ...	113	May 6, 1890,	Lot 8, on Block (246), map of Jersey City, 1861, by R. C. Bacot.
James Jenkins, . . .	Thomas Scott, . .	484	Deed, ...	214	May 10, 1890,	Lot 12, on Block (152), Map of Aharsimus, 1804

CHAPTER CCXXIII.

An Act to fix the salary of the bill clerks of the senate and house of assembly.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the bill clerks of the senate and house of assembly shall each receive an annual salary of five hundred dollars. Annual salary.

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

3. *And be it enacted*, That this act shall include the above-named officers of the one hundred and twelfth legislature. Officers included

Passed March 29, 1888.

CHAPTER CCXXIV.

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

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

judiciary of the house of assembly, three hundred dollars; the clerk to the committee on railroads and canals of the house of assembly, three hundred dollars.

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

Passed March 29, 1888.

CHAPTER CCXXV.

An Act concerning cities of the third class.

Terms of office of members of council.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the third class where the terms of office of the members of the common council or other governing body are now six years, they shall hereafter be three years.

When terms of present members to cease.

2. *And be it enacted*, That the terms of office of the present members of the common council or other governing body of such cities shall cease and determine at the end of the present councilmanic year.

When council elected.

3. *And be it enacted*, That at the next municipal election after the passage of this act the whole number of members of common council or other governing body of such cities shall be voted for and elected.

When to divide into classes.

4. *And be it enacted*, That at the second meeting of such common council or other governing body then elected, the members from each ward shall by lot divide themselves into classes, so that the terms of office of two members from each ward shall expire in each succeeding year.

Repealer.

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

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

Passed March 29, 1888.

CHAPTER CCXXVI.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the boards of registry in all cities containing, according to the census of the year one thousand eight hundred and eighty, or of any subsequent census hereafter to be taken, either by the authority of the laws of the United States or of this state, more than one hundred thousand inhabitants, shall hold their first meeting for the registration of persons entitled to the right of suffrage in the several wards or election districts, at the place designated by the city clerk in his notice, published according to law, on Tuesday three weeks next preceding the general state election, at seven o'clock in the morning, and shall remain in session until eight o'clock in the evening, but may take two recesses during that time not exceeding one hour each; said boards shall also meet on the second Thursday next preceding the day of the general election, at the same hour and place of their first meeting, and remain in session until ten o'clock in the evening, but may take a recess during that time not exceeding one hour. Boards of registry in certain cities, when to meet.

2. *And be it enacted*, That the boards of registry shall, at their first meeting, and before proceeding to register any person, take and subscribe upon the register the oath or affirmation required by law, which oath or affirmation, in the absence of any officer authorized to administer oaths and affirmations, may be administered by any qualified voter, who shall sign the jurat, affixing to his name his place of residence, and they shall then proceed to make the register in the following manner: To take oath.

First. They shall place on the registry the names of all male citizens of the United States of the age of twenty-one years, who shall have been a resident of this state Register of voters, how made.

one year, and of the county in which he claims his vote five months next before the election, who shall appear before him in person and make answer to the following questions:

I. What is your name?

II. Where do you reside?

III. Are you native or foreign? (If foreign, and the certificate of naturalization is produced, the date of the paper, the name of the state where issued and whether issued to the voter or his parent, should be stated on the register, and the certificate should be marked by the clerk, with his name and the date of exhibition, with the election precincts stated.)

IV. What is your age?

V. How long have you resided in this state?

VI. How long have you resided in this county?

VII. How long have you resided at your present residence?

And said board shall enter in said register the answers to such questions under their proper heads, and shall also state whether said person is white or colored.

Boards to proceed in same manner at second meeting.

Second. Said boards shall proceed in the same manner in making the register at their second meeting in making additions thereto, and shall revise and correct the same by erasing therefrom the name of any person who shall be shown not to be entitled to vote in such election district, by reason of non-residence or otherwise; *provided*, that no name shall be erased except on request of the person himself, unless an affidavit is filed with said board, made by some voter in said city, stating that notice that application would be made to erase such name had been served upon said person personally, or left at the place assigned as his residence with some person above the age of fourteen years, at least three days previous to the meeting of the board, which notice and affidavit shall be in the form in the schedule hereto annexed, marked "A."

Proviso.

Board to certify and announce number of names on list, &c.

3. *And be it enacted*, That at the close of each day's registry, the board shall certify on the register and announce publicly, the number of names entered therein, and on the day succeeding each meeting a correct certified list of the names and residences only of persons entered on said register, shall be posted in some con-

spicuous and accessible portion of the premises where the meeting shall have been held, and another correct certified list of such names and residences shall be filed with the city clerk, and be open for public inspection; and if any person shall tear down, remove or deface any list of names so posted, he shall be deemed guilty of a misdemeanor and punished by fine not exceeding five hundred dollars and shall pay the costs of prosecution.

Register to contain statement.

4. *And be it enacted*, That said register shall contain, in addition to the requirements of the one hundred and sixty-seventh section of the act to which this is a supplement, a statement of all facts given to said board by the person himself, or by the statement and affidavit of any person presented to said board.

Original register to be kept by board

5. *And be it enacted*, That the original register, after being revised and corrected, shall be carefully and safely kept by the board of registry, for use of the members thereof as a board of election on the day of election, and no person shall be allowed to vote unless his name shall be found on the register, or shall be placed thereon on election day by certificate, as hereinafter provided; and if any member of the board of registry shall refuse to register any person legally entitled to vote who shall appear before the board in person to require the registry of his name, or shall register any person who shall not so appear, or if, when acting as judge or inspector of election on the day of election, shall receive the vote of any person whose name shall not appear on the revised and corrected register, or shall not be placed thereon on election day by certificate, as hereinafter provided, he shall be punished on conviction, for every such offense, by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding two years, or both, in the discretion of the court.

Penalty for refusing to register person entitled to vote, etc

Person removing into another district, how registered

6. *And be it enacted*, That if any person shall, after being registered, move into another precinct in the same assembly district, or from one assembly district into another assembly district in the same county, he may apply to the board of registry on election day to have his name erased from the register and a certificate given to him to that effect, which certificate shall be signed by said board or a majority thereof, and attested by the clerk; and on

the presentation of such certificate to the board of election of the election precinct where he then resides, his name, and all facts in regard to him shall be placed on the register of such precinct, and he shall then be allowed to vote; *provided*, that said latter board may require him to make statement under oath to satisfy themselves of his right to vote, which said certificate shall be in the form in the schedule annexed, marked "B"; the fact of the giving and presentation of such certificate shall be noted on the respective registers, and the certificate shall be preserved and attached to the register.

Proviso

Person registered not required to produce certificate of naturalization

7. *And be it enacted*, That any naturalized citizen who has on either registry day produced before the board of registry his certificate of naturalization, and had the same indorsed, and the particulars in regard thereto stated on the register, shall not on election day be required again to produce the same, but may be sworn as to his citizenship without such production.

Clerk to furnish notice, etc.

8. *And be it enacted*, That said clerk shall print and furnish the notice and affidavit, and the certificate provided for in this act.

To what elections act to apply.

9. *And be it enacted*, That the provisions of this act, and the act to which this is a supplement, are hereby made applicable to all annual municipal elections and to elections to fill vacancies in office, which are filled at general state and annual municipal elections in the cities affected by this act, and the act to which this is a supplement, except that the board of registry at their first meeting on Tuesday three weeks preceding such municipal or charter election shall use the revised and corrected register of the general election immediately preceding, taking the copy filed with the city clerk, which shall be rewritten in a new register, taking off the names only of those persons checked as voting at such general elections, with all the particulars in regard thereto, and then revised and corrected by the board of registry on the second Thursday next preceding the charter election or the election to fill a vacancy, as provided in section two of this act for the second meeting of the board of registry.

When personal registry to be had.

10. *And be it enacted*, That in any city where there shall be a charter election before the next general election, the board of aldermen shall direct a personal registry of all

voters, as provided for in this act, to be used for such election, no person to vote unless he registers in person; in such case, the boards of registry of the several polling precincts or election districts of such city, instead of meeting on Thursday, as directed by the preceding section, shall meet on the second and first Tuesdays next preceding such charter election or election to fill a vacancy, and shall make a registry of the persons in each election district entitled to vote therein, and for that purpose shall, on the days named in this section for holding their meetings, proceed in the same way for the registration of persons entitled to the right of suffrage in the several election districts, as is hereinbefore prescribed in this act for the registration of voters prior to a general state election. When boards to meet.

11. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed so far as they are inconsistent therewith, but this repeal shall not affect any action or right of action now existing. Repealer.

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

Passed March 29, 1888.

SCHEDULE "A."

Notice and Affidavit.

To

No.

SIR—I shall apply to the board of registry at their meeting on the day of , A.D. 18 , to have your name erased from the register on the grounds that

Very truly yours,
(Name.)
(Residence.)

STATE OF NEW JERSEY, } *ss.*
County, }

being duly sworn, on his oath says, that on the day of , A.D. 18 , he served a notice, of

which the foregoing is a true copy, on the person therein named, by delivering the same to him personally, leaving the same at the above place assigned as his residence, with a person above the age of fourteen years.

Sworn and subscribed before me this day of , A.D. 18 , at N. J.

SCHEDULE "B."

Certificate.

City of
Assembly district,
ward,
precinct or district,
November , A.D. 18 .

Name.
Residence.
Native or Foreign.
Date of certificate.
State where issued.
Issued to.
Age.
Length of Residence in State.
Length of residence in county.
Resided at present residence.
White or colored.

We do hereby certify that the foregoing is a true transcript from our register, and that the above-named has this day been erased therefrom, said person having stated to us that he has, since being registered, moved into the precinct or district of the ward.

Judge.
Inspectors.

Attest—

Clerk.

CHAPTER CCXXVII.

An Act to provide for the appointment of commissioners of fisheries of the state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be appointed by the senate and general assembly of this state, in joint meeting, three competent persons to act as commissioners of fisheries, who shall hold their offices for five years and until their successors are duly appointed and qualified, and who shall be invested with all the duties and powers now imposed upon the commissioners of fisheries of this state; and all vacancies occurring by death, resignation or otherwise, shall be filled in the same manner and for the unexpired term of the commissioner whose office may become vacant; *provided*, that no appointment shall be made by reason of which more than two of the said commissioners shall be of the same political party. Commissioners of fisheries, appointment and term of office. Proviso.

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

Passed March 29, 1888.

CHAPTER CCXXVIII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case of any failure, heretofore or hereafter occurring, to select or draw the gen-

How panel of jurors drawn in case of failure to select same at lawful time.

eral panel of jurors for service in any county, at the time regularly provided by law, it shall be lawful for the justice of the supreme court holding the circuit in such county, to notify the judges of the court of common pleas, the county clerk and the sheriff, commissioners of juries or coroners of said county, to convene at such time as he may designate, for the purpose of selecting and drawing such panel; and at the time so designated the said court of common pleas, the county clerk and the sheriff, commissioners of juries or coroners aforesaid, shall assemble in the court house of such county, and then and there perform such duties in regard to selecting and drawing the general panel of jurors as they are now required to perform at the time regularly provided therefor; and the jurors so drawn shall constitute the general panel of jurors to be summoned at the next ensuing term of the courts of said county.

Notice to jurors to attend, how given in certain cases.

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

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

Approved March 30, 1888.

CHAPTER CCXXIX.

A Supplement to a supplement to an act entitled "An act respecting the compensation of the chancellor and the justices of the supreme court," approved March fourteenth, one thousand eight hundred and seventy-nine, approved February ninth, one thousand eight hundred and eighty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the chancellor and chief justice of the supreme court of this state shall each be entitled to receive an annual salary at the rate of ten thousand dollars, and the associate justices of the supreme court of this state shall be entitled to receive an annual salary at the rate of nine thousand dollars; and that said salaries shall be paid in equal monthly payments by the treasurer of this state upon the warrant of the comptroller of the treasury, and shall be in full for all services by them respectively rendered as chancellor and justices of the supreme court and as judges of the court of errors and appeals and as judges of the circuit courts, and all other courts in any county in this state, and that said chancellor and said justices of the supreme court shall not be entitled to receive any compensation, per diem, mileage, fees, pay or allowances whatsoever for any services performed by them in or in connection with any of the courts in this state, or in any of their judicial capacities in addition to the salary or compensation in or by this act fixed; *provided*, that this act shall only apply to the chancellor or justices of the supreme court whose term of office shall hereafter commence, or to those now in office who shall file their assent in writing under their hands to the provisions of this act, in the office of the secretary of state.

Annual salary of chancellor and justices of the supreme court.

Proviso.

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

Repealer.

Approved March 30, 1888.

CHAPTER CCXXX.

An Act concerning consolidated cities and annexed municipalities and townships and portions thereof.

When consolidation effected, charter of city to extend to municipalities annexed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever one or more cities, boroughs, towns or townships, or portions thereof, shall be annexed to or consolidated with any city by or pursuant to any general or special law, immediately upon such annexation or consolidation taking effect the charter of the city to which such municipality or municipalities and township or townships, or portions thereof, shall be annexed or added, and the supplements thereto, and all general laws affecting the same, and the ordinances and regulations of such city, shall extend to and have the same force and effect within the territories of the municipalities and townships and portions thereof so annexed to or consolidated with said city as the same shall have theretofore had within the original limits of such city; and the charter or charters of any municipality or municipalities the entire territory or territories of which shall be annexed to or consolidated with the territory of such city, and the supplements thereto, shall be deemed and taken, and are hereby declared to be repealed immediately upon such annexation or consolidation taking effect; *provided*, that such repeal shall not operate to affect any right which any such annexed municipality or any person shall have acquired under or by virtue of the law or laws so repealed; *and provided further*, that all ordinances and regulations of such annexed municipality or municipalities, so far as the same may be consistent with the charter and ordinances of such city, shall continue in full force and effect until the same shall be lawfully repealed, rescinded or altered by the proper authorities of such city.

And charters of municipalities repealed.

Proviso.

Proviso.

2. *And be it enacted*, That the persons resident within the territorial limits of such city and such territory an-

nexed to or consolidated therewith, and their successors, upon such annexation or consolidation taking effect, shall be, as a municipal corporation, under and by the corporate name of such city, and they are hereby declared so to be, absolutely and completely vested with all the lands, tenements, hereditaments, property, rights, causes of action and estate whatsoever, both at law and in equity, in possession, reversion and remainder, which at the time such annexation or consolidation shall take effect shall be vested in, or of right belong to such city and to such annexed municipality or municipalities, township or townships; *provided*, that nothing in this act contained shall affect any suit or suits which shall be pending at the time of such annexation or consolidation in the name of such city or of any such annexed municipality or township; and the collection of all taxes and assessments of all such annexed municipalities standing at the time of such annexation or consolidation, shall be effected in the manner prescribed by the respective charters, ordinances and regulations of such annexed municipalities.

Lands, property, etc., vested in inhabitants as a municipal corporation.

Proviso.

3. *And be it enacted*, That such city to which such municipality or municipalities, or township or townships, or parts thereof shall be annexed shall be liable to pay the bonded and other indebtedness of every municipality and township so annexed thereto, and a ratable proportion of the indebtedness of any municipality or township, a portion of the territory of which shall be so annexed thereto, which proportionate indebtedness shall be ascertained in the manner hereinafter provided; all paupers chargeable to any municipality or township, the whole territory of which shall be annexed to or consolidated with such city, shall be chargeable to and shall be supported by such city; and all paupers who at the time such annexation or consolidation shall take effect may be chargeable to or supported by any municipality or township, a part of the territory of which shall be annexed to or consolidated with such city, shall be chargeable to and supported by either such city or such municipality or township, as would have been the case had such annexation or consolidation taken place before such paupers, respectively, acquired the legal settlements by virtue of which they shall be supported.

City liable for indebtedness of municipalities annexed.

Paupers.

Allotment and division of paupers, property, moneys and indebtedness, when by whom made.

4. *And be it enacted*, That on the eighth Monday after any such annexation or consolidation shall take effect a committee of three, to be appointed by the board of aldermen, common council or other governing board of such city, and a committee of three to be appointed by the board of aldermen, common council or other governing board of each municipality, and by the township committee of each township, a part only of the territory of which shall be annexed to or consolidated with such city, shall meet at the city hall of such city, at ten o'clock in the forenoon of said day, and shall then and there, or as soon thereafter as may be, proceed to allot and divide between such city and such municipality or municipalities and township or townships, all the paupers of such municipality or municipalities and township or townships, and all the property and moneys on hand or due to, and all the indebtedness of such municipality or municipalities and township or townships respectively, in proportion to the taxable property and ratables within the respective limits of such municipality or municipalities and township or townships as the same shall remain, and the part or parts thereof which shall be so annexed to or consolidated with such city; and such apportionment of assets and debts shall be based upon the last abstract of ratables made for the purpose of levying taxes; and such city shall be liable for its part of the debts of such municipality or municipalities and township or townships, so ascertained, and shall be entitled to its share of the moneys and properties thereof in proportion to such ratables as divided as aforesaid; in effecting such division the decision of a majority of those present of the committee of such city and of the committee of such municipality or township, the debts and property of which are being divided, shall be final and conclusive, the members of the committees of other municipalities and townships present for the purpose of making such division having no voice therein; if any member of any of said committees shall neglect or refuse to attend such meeting, those assembled may act; *provided*, that it shall be lawful to adjourn said meeting from time to time, not exceeding one week, as a majority of said committee may decide.

Proviso.

5. *And be it enacted*, That such city shall be entitled to its proportion, according to the principle stated in the preceding section, and to be allotted and divided by the same committee, of the surplus revenue of the general government which may be deposited with such municipality or municipalities and township or townships, and the interest due thereon: and such municipality or municipalities and township or townships shall be discharged from liability for, and such city shall become liable for so much of said surplus revenue as may be allotted to it. City entitled to proportion of surplus revenue.

6. *And be it enacted*, That all officers of such city, for the choice of whose successors no provision is herein made, shall continue in office until the expiration of their respective terms: all commissioners of deeds, justices of the peace and constables resident within the territories annexed to such city shall continue to hold their respective offices until the expiration of their respective terms; and all police officers of any municipality the entire territory of which shall be annexed to or consolidated with such city, shall continue to hold their offices, and to exercise the functions and powers thereof as provided by the ordinances, rules and regulations of such city, and under the marshal or chief of police thereof, until their successors shall be regularly appointed by the proper authorities of such city; until their successors shall be chosen, and while they shall remain in such positions, they shall receive from such city the same pay that they shall have received from the municipality of which they were officers before such annexation or consolidation. Officers to continue in office until expiration of term.

7. *And be it enacted*, That upon the presentation to the justice of the supreme court assigned to the judicial circuit in which such city shall be situated, of a petition signed by five or more qualified electors resident within the territory annexed to or consolidated with such city, setting forth the fact of such annexation or consolidation, and praying that the territory so annexed or consolidated with such city may be divided into wards, such justice, on being satisfied of the sufficiency of such petition, shall appoint a time not less than ten and not more than thirty days from the date of the presentation of said petition to him, and a place within such city when and where he Proceedings for division of territory annexed into wards.

will sit to hear and consider such petition, notice of which hearing, and the time and place thereof, shall be published at least twice, in two of the daily newspapers published in such city, and posted in at least five of the most public places of the territory so annexed or consolidated with such city: at the place and time so appointed, or at a time to which such hearing shall be adjourned, the said justice, or in case of his absence or disability, any other justice of the supreme court whom he may select, shall sit to hear and decide upon such petition, and upon being satisfied of the truth of the matters

Appointment of commissioners.

therein contained, he shall appoint from the qualified voters being resident freeholders within the enlarged boundaries of such city, four commissioners, not more than two of whom shall be members of any one political party, to divide the territory so annexed or consolidated with such city into wards, and to perform the other duties required of them by the provisions of this act;

To take oath.

before acting the said commissioners shall take and subscribe to an oath to well, truly and impartially perform their duties as such officers, which oath shall be filed in the office of the clerk of the county in which such consolidated city shall be situate; the said commissioners shall at once proceed to divide the territory so annexed or consolidated with such city into wards in as fair a manner as may be, and shall make such division with reference to population and territory, but shall erect no ward which shall have at the time of its erection a population of less than twenty-three hundred, and shall complete said division within fifteen days after their appointment;

Proviso.

provided, that they shall erect no ward which shall not lie entirely within the boundaries of one assembly district; if the commissioners shall neglect or fail to make such division within fifteen days after their appointment, it shall be the duty of the common council, board of aldermen or other governing body of the city to or with which such territory is or may be annexed or consolidated, forthwith to make such division: when the boundary lines of the wards of the territory so annexed or consolidated with such city shall have been settled and defined by the commissioners, or by the common council or other governing body as aforesaid,

said commissioners, common council or other governing body, shall prepare triplicate written descriptions of said boundary lines, and shall annex to each description a map of the said boundary lines, a majority of whom shall sign their names thereto, and shall file one of said copies and maps in the office of the clerk of such city, another of such copies and maps in the office of the clerk of the county in which such city shall be situate, and the third of said copies and maps in the office of the secretary of state; and a map of the said ward lines shall be recorded in the city atlas of such city; and from and after the date of filing such descriptions and maps in the said offices the boundaries of the wards of the territory so annexed or consolidated with such city shall be as described and delineated in said descriptions and maps; if any of the commissioners shall fail or refuse to quality or act, or shall die or become ineligible, the fact shall be certified by any of the acting commissioners to the justice or to his successor, and the said justice or his successor shall appoint a proper person to fill such vacancy; in acting under the provisions of this act the justice may adjourn his sittings from time to time, and the commissioners may adjourn their sessions from time to time, but no such adjournment of the commissioners shall be for a longer period than one week; the said commissioners, while actually in session, shall each receive the sum of three dollars for each day, which said moneys shall be paid to them out of the treasury of such city.

Description and map of boundary lines to be filed.

8. *And be it enacted*, That as soon as may be after the division of the territory so annexed or consolidated with such city into wards as aforesaid, the officers or body who so divided said territory into wards shall divide each of said wards of said city into at least two election districts, and shall designate a polling-place in each of said districts; and shall appoint for each district a judge, two inspectors and a clerk of election, to conduct the special election hereinafter provided for; and they shall thereupon file with the clerk of the city a writing signed by themselves or a majority thereof, which writing shall describe the boundaries of the several election districts within the territory so annexed or consolidated with such city, and shall state the names of the election officers so

Commissioners to divide wards into election districts, &c.

Description to be filed with city clerk.

appointed by them for each of such districts, and the offices to which they shall have been severally appointed; as soon as such paper shall have been filed in his office, the clerk of such city shall give notice of a special election to be held in the territory so annexed or consolidated with such city at least ten and not more than twenty days after the publication of such notice for the election of officers; and he shall publish with such notice a description of the boundary lines of the election districts of the city, and the names of the election officers in each district; such notice shall be published at least five times in two or more of the daily newspapers published in such city, and shall be posted for at least five days before the election in five of the most public places in each ward within the territory so annexed or consolidated with such city.

Notice of special election.

How election conducted.

9. *And be it enacted*, That the said election shall be conducted under the pains and penalties, and according to the provisions (so far as the same may be applicable thereto) of an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six [Revision], and the supplements thereto; *provided*, that no registration of voters shall be required for such election.

Proviso.

Officers to be elected at special election.

10. *And be it enacted*, That on the day appointed for such election there shall be elected in each of the wards within the territory so annexed or consolidated with such city, as many members of the board of aldermen, common council, or other governing board of such city, and as many members of the board of school trustees or board of education as may be elected from the other wards of said city, and also one chosen freeholder: there shall also be elected one judge of election, two inspectors and one clerk of election for each election district in said wards; the members of the board of aldermen, common council or other governing body, and the members of the board of school trustees or board of education shall be elected to serve one of each until his successor shall be chosen at the next annual charter election of said city; another until his successor shall be chosen at the second annual charter election, and the third (if there be a third member), until his successor shall be chosen at the third

annual charter election of such city to be held thereafter; and the time for which each of said officers is to be elected to serve shall be written or printed under his name upon the ballot to be cast, and any ballot which shall not designate such terms of service shall be rejected as to such officers.

When elected offices of former officers abolished.

11. *And be it enacted*, That upon the election of such officers, the offices held by the members of the theretofore existing board of aldermen, common council, township committee or other governing board of the territory or any portion of the territory so annexed or consolidated with such city, and the former election officers and chosen freeholders resident therein, shall and the same are hereby declared to be forthwith vacated and abolished.

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

Passed March 30, 1888.

CHAPTER CCXXXII.

An Act to prevent persons from unlawfully using or wearing the insignia or rosette of the military order of the loyal legion of the United States.

Penalty for wearing insignia or rosette.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person who shall willfully wear the insignia or rosette of the military order of the loyal legion of the United States or use the same to obtain aid or assistance within this state, unless he shall be entitled to use or wear the same under the constitution and by-laws, rules and regulations of the military order of the loyal legion of the United States, shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment for a term not to exceed thirty days or a fine not to exceed twenty dollars, or by both such fine and imprisonment.

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

Approved March 30, 1888.

CHAPTER CCXXXIII.

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

Penalty for printing or circulating publication offering for sale, etc., counterfeit coin, paper money, etc

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person who prints, writes, utters, publishes, sells, lends, gives away, circulates or distributes, or has in his possession, with intent to utter, publish, sell, lend, give away, circulate or distribute, any letter, writing, circular, paper, pamphlet, hand-bill or any other written or printed matter, advertising, offering or purporting to advertise or offer for sale, loan, exchange, gift or distribution, or to furnish, procure or distribute any counterfeit coin, paper money, internal revenue stamp, postage stamp, or any other token of value, or what purports to be counterfeit coin, paper money, internal revenue stamp, postage stamp, or any other token of value, or giving, or purporting to give, either directly or indirectly, information where, how, of whom or by what means any counterfeit coin, paper money, internal revenue stamp, postage stamp or token of value can be procured or had, or what purports to be counterfeit coin, paper money, internal revenue stamp, postage stamp or other token of value can be procured or had, or whoever shall aid, assist or abet in any manner, in any scheme or device whatsoever, offering or purporting to offer for sale, loan, gift, exchange or distribution any counterfeit coin, paper money, internal revenue stamp, postage stamp or other token of value, whether called "green articles," "queer coin," "paper goods," "bills,"

"spurious treasury notes," "United States goods," "green paper goods," "business that is not legitimate," "cigars," "green segars," or by any other name or title, or any other device of a similar character, shall be guilty of a felony, and on conviction shall be punished by imprisonment for not less than one year nor more than five years, and by a fine of not less than one hundred dollars nor more than one thousand dollars for each offense.

Penalty for using fictitious name or address in executing scheme to defraud by means of papers, letters, etc.

2. *And be it enacted*, That whoever for executing, operating, promoting, carrying on, or in the aiding, assisting or abetting in the promoting, operating, carrying on or executing of any scheme or device whatsoever to defraud by use or means of any papers, writings, letters, circulars or written or printed matters concerning the offering for sale, loan, gift, distribution or exchange of counterfeit coin, paper money, internal revenue stamps, postage stamps or other token of value, as provided in section one of this act, shall use any fictitious, false or assumed name or address, or name or address other than his own right, proper and lawful name, or whoever, in the executing, operating, promoting, carrying on, aiding, assisting or abetting in the execution, promotion or carrying on of any scheme or device offering for sale, loan, gift or distribution, or purporting to offer for sale, loan, gift or distribution, or giving or purporting to give information, directly or indirectly, where, how, of whom or by what means any counterfeit coin, paper money, internal revenue stamp, postage stamp or other token of value can be obtained or had, or who shall knowingly receive or take from the mails of the United States any letter or package addressed to any such fictitious, false or assumed name or address, or name other than his own right, proper or lawful name, shall be guilty of a felony, and on conviction shall be punished by imprisonment for not less than one year nor more than five years, and by a fine of not less than one hundred dollars nor more than two thousand dollars.

Writings or papers proof of the fraudulent character of scheme

3. *And be it enacted*, That any letter, circular, writing or paper, offering or purporting to offer for sale, loan, gift or distribution, or giving or purporting to give information, directly or indirectly, where, how, of whom or by what means any counterfeit coin, paper money, internal

revenue stamp, postage stamp or token of value may be obtained or had, or concerning any similar scheme or device to defraud the public, whether such article, matter or thing is called "green articles," "queer coins," "paper goods," "queer," "articles," "bills," "business that is not legitimate," "spurious treasury notes," "United States goods," "green paper goods," "green articles," "cigars," "green segars," or by any other name, device or title of a similar character, shall be deemed presumptive proof of the fraudulent character of such scheme.

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

Approved March 30, 1888.

CHAPTER CCXXXIV.

An Act to authorize the paving of streets in boroughs and incorporated towns of this state, and to provide for the payment thereof.

Municipal authorities authorized to direct the paving of streets and alleys.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council or other governing body of any borough or incorporated town within this state, on the application of the owners of at least one-half of the lineal frontage of land along any public street or alley or section of a public street or alley, or upon the application of a majority of the owners of lots fronting or bordering upon any public street or alley, by ordinance to direct the said street or alley or section of a street or alley, and the gutters thereof, to be paved or flagged, either in whole or in part, in such manner as they may deem most advisable, under the supervision of such person or persons as they shall designate for that purpose, not being a contractor or contractors for the said work.

2. *And be it enacted*, That in order to assess the benefit on the land and real estate fronting or bordering on said street or alley arising from such improvement, the said governing body shall apply to the circuit court of the county wherein such borough or town is situate, either in term-time or vacation, for the appointment of commissioners to estimate and assess such benefits, of the time and place of which application notice shall be given by five days' publication in two newspapers printed or circulating in such borough or town, at which time and place, or at such other time and place as the court shall designate, said court shall, without unnecessary delay, appoint three commissioners, who shall be freeholders and residents of such borough or town, to estimate and assess the said benefits; the said court shall have power to remove any commissioner and appoint another in his place, and also to fill any vacancy that may occur in the office of any commissioner from any cause. Proceedings for assessment of benefits. Appointment of commissioners.

3. *And be it enacted*, That said commissioners, before entering upon the execution of the duties required of them by this act, shall take and subscribe, before some person duly authorized to administer oaths and affirmations, an oath or affirmation that they will make all estimates and assessments required of them, fairly, legally and equitably, according to the best of their skill and understanding, which oath or affirmation shall be attached to the report that they are hereinafter required to make. Commissioners to take oath.

4. *And be it enacted*, That said commissioners, having thus qualified, shall give notice, under the direction of the said court, of the time and place when and where they will hear any persons in interest who may present themselves to be heard, and at such time and place, and at such other times and places to which they may adjourn for that purpose, the said commissioners shall attend and shall give a public hearing to those persons in interest who may desire to be heard; the said commissioners shall have power to examine witnesses under oath, to be administered by any one of them, and to adjourn from time to time, in their discretion, or as directed by said court; they shall use diligent efforts to ascertain the names of the owners of the lands and real estate Commissioners to give notice for hearing. May swear witnesses. To ascertain names of owners.

benefited by such improvement, and shall state the same in the report hereinafter mentioned; but the failure to so ascertain the name of any such owner, or to state the same correctly, or the omission of any such name from the said report, shall not be deemed to invalidate the said assessment, nor to be a bar to the collection of the same.

When commissioners to make report.

5. *And be it enacted*, That after having given opportunity for a public hearing of the persons in interest as aforesaid, and having viewed the lands and real estate fronting or bordering upon the street or alley, or section thereof so improved, the said commissioners shall make a report in writing of their estimates and assessments to the said court; the said report shall state the cost of the whole work, the portion assessed upon such borough or town at large, and shall give the names, so far as ascertained, of the owners of the lots or parcels of land and real estate peculiarly benefited by such improvement, and the amount of the assessment to each owner of such lots or parcels of land and real estate for the said benefits, which assessment shall in each case be in proportion, as near as may be, to the advantage which each of such owners shall be deemed to have acquired by such improvement; the excess of such improvement, over and above the amount of said benefits, shall be paid by such borough or town at large, and raised by general tax in the manner hereinafter mentioned; and in no case shall any property or owner thereof be assessed beyond the amount of benefit actually derived from such improvement.

What report to state.

Excess over benefits, how paid.

Proceedings for confirmation of report

6. *And be it enacted*, That upon the coming in of any such report, signed by the said commissioners or any two of them, said court shall cause such notice to be given as it shall deem proper of the time and place of hearing any objections that may be made to such assessment, and after hearing any matter that may be alleged against the same, the said court, either by rule or order, shall confirm the said report or shall refer the same to the said commissioners for revision and correction or to new commissioners to be appointed by the said court, forthwith to reconsider the subject-matter thereof; and the said commissioners to whom such report shall be so referred by the court shall return the same corrected and revised, or a new

report to be made by them in the premises, to the said court without unnecessary delay; and the same being so returned shall be confirmed or again referred by the said court in the manner aforesaid, as right and justice shall require, and so from time to time until a report shall be made or returned in the premises which the said court shall confirm; such report, when so confirmed, shall be final and conclusive, as well upon the said borough or town as upon the owners of any lands and real estate affected thereby; the said court shall thereupon cause a certified copy of such report and the accompanying map, if any there be, to be transmitted to the clerk of such borough or town, with a certified copy of the rule or order of said court confirming the same, which shall be forthwith delivered by the said clerk to the collector or other officer of such borough or town charged with the duty of collecting assessments for improvements.

Copy of report and map transmitted to clerk.

7. *And be it enacted*, That no certiorari shall be allowed by any court to review any of the proceedings in relation to such improvement, nor to in any way affect any assessment made by such commissioners, after the lapse of thirty days from the making of the order of the court confirming such assessment: the court shall designate what notice, if any, shall be given, by publication or otherwise, of the confirmation of the report of said commissioners.

When certiorari not to be allowed

Notice of confirmation of report.

8. *And be it enacted*, That all assessments made under the provisions of this act shall be and remain a first lien upon the lands and real estate affected thereby, notwithstanding any error or omission in stating the name or names of the owner or owners of any lot or parcel of such land and real estate, until the same shall have been paid; and after any street or alley or section of a street or alley shall once have been so improved, then such borough or town shall take charge of and keep the same in repair at the general expense.

Assessments to be a first lien on lands affected.

Authorities to take charge of street or alley when improved.

9. *And be it enacted*, That the owners of the lots or parcels of land and real estate so assessed may pay the amount thereof in ten equal yearly payments, with interest thereon from the date of the confirmation of the same, at the legal rate, payable annually; upon failure to make such annual payments, or any of them, or upon failure to pay any of the interest as aforesaid, the whole of such

How owners may pay assessments.

assessment then remaining unpaid shall become immediately due and payable, and in case of non-payment the lands and real estate assessed therefor may be sold in the same manner as provided for in the sale of lands for the non-payment of assessments for public improvements made under the laws governing such boroughs and towns.

Lands may be sold for non-payment.

Costs and expenses of improvement to be paid by the issue of bonds.

10. *And be it enacted*, That for the purpose of paying the costs and expenses of paving the streets and alleys as herein authorized, and all other expenses incident thereto, the governing body of such borough or town are hereby authorized to issue bonds in their corporate name, of such denominations as to them may seem fit, bearing interest not exceeding the legal rate, payable semi-annually, and redeemable in ten years from the date thereof; *provided, however*, that the same be not sold for less than their par value.

Proviso.

Disposition of moneys received from assessments for benefits.

11. *And be it enacted*, That all receipts from assessments made against property benefited by such improvement shall be, as soon as received, paid over to the sinking fund commissioner of such borough or town, for the payment of the interest on such bonds as it accrues, and their payment and redemption when due, and if no such commissioner exist in such borough or town, then the said moneys shall be set apart by the collector or other officer having charge of the funds for a like purpose, and in no case shall such moneys be used for any other purpose whatever.

If fund from benefits not sufficient to pay bonds, balance to be raised by tax.

12. *And be it enacted*, That in case it shall be found that such benefits will not furnish a sufficient fund to meet the interest and pay such bonds, it shall be the duty of the governing body of such borough or town annually to raise, by tax, such sum as will, in addition to such benefits, be sufficient for this purpose, making it an equal sum each year, and which shall be set apart and used in the same manner as provided for in the preceding section.

Fees for services under act.

13. *And be it enacted*, That the following fees shall be allowed for services rendered under this act, viz.: to the justice of the supreme court, for the appointment of the said commissioners, five dollars; for the hearing of objections to the report, and any other hearing required by this act, five dollars for every day he shall sit to hear the same; for the confirmation of any such report, five

dollars; *provided*, that no fees shall be allowed to any such justice receiving a salary in lieu of all fees; to such commissioner, five dollars for every day he shall be actually engaged in the performance of the duties herein required of him: the foregoing fees to be paid by the borough or town in which the improvement is made. Proviso. How paid.

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

Approved March 30, 1888.

CHAPTER CCXXXV.

An act entitled "An act to provide for the reformation of wayward girls."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all commitments of girls to the custody of the state industrial school, or to any institution organized by virtue of an enactment of the legislature of this state, whose purpose is the reformation of wayward girls, from and after this date, shall be until such girls attain the age of twenty-one years, and that when the trustees of said school or other like institutions, as aforesaid, bind out any girls to service, it shall be until she arrives at the age of twenty-one years, unless the trustees shall deem it advisable to shorten the term or discharge for satisfactory reasons. Commitment to be until girls attain the age of twenty-one years. May be bound out to service for like term.

2. *And be it enacted*, That any section or sections of any act or acts, relating to and limiting the period of environment of said wayward girls in reformation institutions, which are contrary to this act, be and are hereby repealed. Repealer.

Approved March 30, 1888.

CHAPTER CCXXXVI.

A Further Supplement to the act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three.

Company for constructing and operating tramways may be formed.

Articles of association.

Where filed.

Recorded.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any number of persons, not less than three, may form a company for the purpose of constructing, maintaining and operating tramways constructed of wire, ropes, bands or chains, or equivalent device, for the transportation of freight in suspended buckets, cars or receptacles, and for that purpose may make and sign articles of association in which shall be stated the name of the company, the number of years the same is to continue, the places from and to which the said tramroad or way is to be constructed or maintained and operated, the length of such road or tramway, as near as may be, and the name of each county in this state through or into which it is made or intended to be made, the amount of the capital stock of the company and the number of shares of which said capital stock shall consist, and the names and places of residence of the directors of the company who shall manage its affairs for the first year and until others are chosen in their places; each subscriber to such article of association shall subscribe thereto his place of residence and the number of shares of stock he agrees to take in said company; such articles of association, when properly made and executed, may be filed in the office of the secretary of state, who shall indorse thereon the day they are filed, and record the same in a book to be provided by him for that purpose, and upon tendering the said articles of association to the secretary of state to be filed, the persons who have so subscribed such articles and all persons who shall become stockholders in such company, shall be a corporation by the name specified in such articles of association;

every corporation formed under this act, in addition to the general powers set forth in an act entitled "An act concerning corporations" [Revision], approved April seventh, one thousand eight hundred and seventy-five, and the several supplements thereto, shall have power— Powers of corporation.

I. To cause such examination and surveys for its proposed road or tramway to be made as may be necessary to the selection of the most advantageous route, and for such purposes, by its officers and servants, to enter upon the lands or waters of any person, but subject to responsibility for all damages which shall be done thereto; Cause examinations and surveys to be made.

II. To take and hold such voluntary grants of real estate and other property as shall be made to it to aid in the construction, maintenance and accommodation of its road or tramway; Take grants of real estate, etc.

III. To purchase, hold and use all such real estate or other property as may be necessary for the construction and maintenance of its road or tramway and the stations and other accommodations necessary to accomplish the object of its incorporation; Purchase real estate, etc.

IV. To lay out its road or tramway, as hereby provided, and to construct the same: Lay out and construct road.

V. To exercise all other powers hereby granted, and all the powers conferred upon railroad corporations organized under the act to which this is a further supplement, so far as the same are applicable to the corporations formed under this act. Exercise other powers.

2. *And be it enacted*, That a copy of any articles of association filed and recorded in pursuance of this act, or any copy of the record thereof, certified to be a copy by the secretary of state, shall be presumptive evidence of the incorporation of said company and of the facts therein stated. Certified copy of articles evidence of incorporation.

3. *And be it enacted*, That the board of directors of every corporation formed under this act shall consist of not less than three members; at least two directors shall be residents of this state; the directors shall appoint one of their number president; they may also appoint a treasurer and secretary and such other officers and agents as shall be prescribed by the by-laws, and shall establish and fix such salaries to them and to the president as to the said board of directors shall appear proper. Directors and officers.

Acts to apply to corporation

4. *And be it enacted*, That all the provisions of the act to which this is a supplement, and the several amendments and supplements thereto, shall apply to and regulate the formation and operation of corporations formed under the act to which this is a supplement, except that

What provisions not to apply.

the provisions of the said original act and of said supplements thereto shall not affect and apply to corporations formed under this act, so far as to control the width of the road, the fences and cattle-guards to be erected and maintained; nor shall any deposit with the treasurer of the state be necessary as a guarantee for the completion of any road or tramway to be constructed under this act; nor shall the right to construct any road or tramway under this act be dependent upon any particular amount of subscription of capital stock for every mile of road proposed to be made: nor shall any other provisions of the act to which this is a supplement or the supplements thereto, which are reasonably applicable only to railroads constructed and run upon iron rails laid upon ties, be applicable to any road or tramway constructed under this act.

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

Approved March 30, 1888.

CHAPTER CCXXXVII.

An Act for the support and improvement of the New Jersey school for deaf-mutes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the

Trustees to make quarterly report to governor, and when approved to be paid expenses for maintenance of pupils.

trustees of the New Jersey school for deaf-mutes to submit a quarterly report to the governor of the state showing the number of pupils taught and maintained in the school in each quarter, and upon the approval of the

said report by the governor, there shall be paid to the said trustees, for such expenses, the sum or sums required to defray the expenses of teaching, maintaining and clothing the said pupils for the said quarter; *provided*, the said sum shall not exceed, for any three months, the sum of seventy-six dollars for each pupil taught, maintained and clothed within the said period, the same to be paid by the state treasurer out of the income of the school fund upon the warrant of the comptroller. Proviso.

2. *And be it enacted*, That to enable the trustees to purchase and repair furniture, school apparatus and other appliances and to make needed improvements and repairs in the buildings and grounds of the school, and to continue the work of establishing and maintaining a system of manual and industrial education in the school, there is hereby appropriated the sum of ten thousand dollars, the same to be paid as provided in the foregoing section, upon the requisition of the president of the board of trustees. Appropriation for improvements, etc.

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

Approved March 30, 1888.

CHAPTER CCXXXVIII.

An Act in relation to the manufacture and sale of vinegar.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person who manufactures for sale, or offers or exposes for sale as cider vinegar, any vinegar not the legitimate product of pure apple juice, known as apple cider, or vinegar not made exclusively of said apple cider, or vinegar into which foreign substances, drugs or acids have been introduced, as may appear by proper tests, shall for each offense be punishable by fine of not less than fifty nor more than one hundred dollars. Penalty for manufacturing or selling as cider vinegar any vinegar not made of pure apple juice.

Penalty for manufacturing or selling vinegar containing ingredients injurious to health.

2. *And be it enacted*, That every person who manufactures for sale, or offers for sale, any vinegar found upon proper tests to contain any preparation of lead, copper, sulphuric acid or other ingredient injurious to health, shall for each such offense be punishable by fine of not less than one hundred dollars.

Inspectors of vinegar, how appointed.

3. *And be it enacted*, That the board of chosen freeholders of each county in this state may annually, by a majority vote of said board, appoint one person to be inspector of vinegar, who shall be sworn, before entering upon his

Powers and duties.

duties, and who shall have power and authority to inspect and examine all vinegars offered for sale; it shall be the duty of such inspector to examine vinegar offered for sale, and he shall be charged with the enforcement of the various provisions of this act; he shall have full access to and egress from all places of business, factories, stores or other places where vinegar is or may be stored or offered for sale, and the right to examine and take samples from all vessels in which vinegar, or what is branded or otherwise represented to be vinegar, is contained, and to analyze the same, and to take samples for the purpose of

Salary.

analysis; the salary or compensation for the inspector appointed under this act shall be fixed and determined by the county board, and all salaries or compensation herein referred to shall be raised, levied or provided for in the annual tax levies of such counties; any person or

Persons obstructing guilty of misdemeanor.

persons wilfully preventing or obstructing the said inspector in the performance of his duty shall be deemed guilty of a misdemeanor; it shall also be the duty of such

Further duties of inspector.

inspector, upon the request of any person owning or having vinegar in his custody, to inspect the same, and whenever such inspection and examination pursuant to such request is made, the inspector shall, upon request of such person, give a certificate showing the percentage of acidity of the vinegar inspected or examined, for which the inspector shall receive and be paid by the person requesting such examination, the sum of one dollar; and upon the request of said person, the inspector shall give an additional certificate which shall show, in addition to the percentage of acidity of the vinegar inspected or examined, its percentage of cider vinegar solids, for which he shall be paid by such person so requesting vinegar to

be inspected the sum of three dollars; it shall be the duty of authorities of cities where such inspector is appointed to provide a room or office, and all necessary chemicals and apparatus for the use of such inspector and the proper discharge of the duties of his office; each inspector appointed under the provisions of this act shall keep a book in which entry and date of all inspections and other transactions pertaining to the same shall be made and kept, and the said book shall be subject to the inspection of any citizen of the town or city where such inspector resides; said inspector shall, upon request of the board of health of their respective town or city, make report of all inspections made during the six months preceding such request.

City authorities to provide office, etc.

Inspector to keep record.

Make report.

4. *And be it enacted*, That no person shall, by himself, his servant or agent, or as the servant or agent of any other person, sell, exchange, deliver or have in his custody or possession, with intent to sell or exchange, or expose or offer for sale or exchange, any adulterated vinegar, or label, brand or sell as cider vinegar, or as apple vinegar, any vinegar not the legitimate product of pure juice, or not made exclusively from apple cider.

No person to sell or have in possession any adulterated vinegar.

5. *And be it enacted*, That all vinegars shall be without artificial coloring matter, and shall have an acidity equivalent to the presence of not less than four and one-half per centum, by weight, of absolute acetic acid, and in the case of cider vinegar, shall contain in addition not less than two per centum, by weight, of cider vinegar solids upon full evaporation over boiling water; and if any vinegar contains any artificial coloring matter or less than the above amount of acidity, or in the case of cider vinegar, if it contains less than the above amount of acidity or of cider vinegar solids, it shall be deemed to be adulterated within the meaning of this act.

Vinegar to be without artificial coloring and to contain certain amount of acid and solids.

6. *And be it enacted*, That every person making or manufacturing cider vinegar shall brand on each head of the cask, barrel or keg containing such vinegar, the name and residence of the manufacturer, the date when same was manufactured, and the words "cider vinegar."

Casks, barrels, etc., containing cider vinegar to be branded.

7. *And be it enacted*, That whoever violates any of the provisions of this act shall be punished by a fine not exceeding one hundred dollars; any person who may have

Penalty for violating act.

Proceedings to recover penalty.

suffered any injury or damage by reason of the violation of any of the provisions of this act, or any inspector appointed under this act, may maintain an action in his own name against any person violating any of the provisions of this act, to recover the penalties provided for such violation, and one-half of the sum recovered shall be retained by such aggrieved person for his own use, and the other half shall be paid to the collector of the county in which such offense was committed, for the use of said county; in case the action is brought by any inspector appointed pursuant to section three of this act, no part of the sum recovered in such action shall be retained by him for his own use; but in any such action so brought by an inspector as aforesaid, he shall not be held personally responsible for costs of suit, and the court in which such action is commenced, shall, from any penalty recovered in such action, make an allowance to the plaintiff for counsel fees, the remainder, if any, after paying such counsel fees, to be paid to the county collector of the county in which such offense shall be committed, for the use of such county; no person shall be liable for any one offense but in one action, and in case an action is brought by an inspector, it shall be brought in his name as inspector of vinegar.

Approved March 30, 1888.

CHAPTER CCXXXIX.

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

Sale of lands not invalidated by failure to publish adjournment of sale.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of lands heretofore made under a public statute, or by virtue of any judicial proceedings, shall be invalidated by reason of the failure

to publish the adjournment of such sale in the two newspapers in which the notice of such sale was published, but such sale shall be as effectual, and a deed or deeds given to the purchaser or purchasers thereat, shall transfer the title to said lands as fully and absolutely as if such adjournment had been duly published in accordance with the provisions of the statute to which this is a supplement, and of the various supplements thereto; *provided, however*, that where such sale has been made by virtue of any judicial proceedings, said sale shall first be confirmed by the court or judge before whom the said proceedings were had, before any deed shall be delivered to the purchaser or purchasers at such sale; and said court or judge shall have full power and authority to make an order confirming said sale notwithstanding the failure to publish the adjournments thereof, provided it be made to appear to the satisfaction of said court or judge, either by affidavit or otherwise, that such lands were sold at a fair price. Proviso.

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

Approved March 30, 1888.

CHAPTER CCXL.

A Supplement to an act entitled "An act respecting recognizances," approved April sixth, anno domini one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every sheriff, officer prosecuting the pleas, or clerk of any court who shall collect or receive any moneys on recognizance, before or after execution, and which now belong to the state, shall pay over the same to the treasurer or county collector of the county wherein the forfeiture of the same shall have been Officers to pay moneys collected on forfeited recognizances to treasurer or collector of county within ten days after collection.

had, for the use of the said county, within ten days after their collection or receipt; and every such officer refusing or neglecting to pay over such moneys as aforesaid within the time herein allotted, shall be liable to the same penalties as now provided by law for such neglect.

Penalty.

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

Repealer.

Passed March 30, 1888.

CHAPTER CCXLI.

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

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

Section amended.

8. *And be it enacted*, That if the party who shall execute any deed or conveyance of lands, tenements or hereditaments, lying and being in this state, or the witnesses thereto, whether such party or witnesses reside in this state or not, happen to be in a foreign kingdom, state, nation or colony, then the said acknowledgment or proof, made before any public minister, consul, vice-consul, charge d'affaires or other representative of the United States for the time being, at any foreign court or government, or before any court of law, or any notary public or mayor, or other chief magistrate of any city, borough or corporation of the said foreign kingdom, state, nation or colony in which the said party or witnesses happen to be, certified by said officers in the manner such acts are

Acknowledgment or proof by party residing or being in foreign state or kingdom, when valid.

usually authenticated by them, shall be as good and effectual as if it had been made in this state, before and certified by one of the justices of the supreme court of this state.

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

Approved April 2, 1888.

CHAPTER CCXLII.

An Act to authorize the division of townships into street-lamp districts, and the erection and maintaining of street lamps in said districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee or committees of any township or townships within this state, may, at any time or times, set off and divide the said township or townships into districts, to be designated by numbers, and may alter the same from time to time, and shall, by resolution, to be entered at length upon their minutes, define and declare the limits, boundaries and numbers of such districts, and the same, being so defined and declared, shall be deemed and taken as street-lamp districts for the purposes of this act. Township committee may divide township into street lamp districts.

2. *And be it enacted*, That the legal voters of such districts are hereby authorized to meet on the first Tuesday in May of each year, for the purpose of fixing and determining the sum of money to be expended within said districts for the erection and maintenance of street lamps; said meeting shall be held at some convenient public place within the district, and notice thereof, setting forth the time, place and object of such meeting, shall be given by the township clerk, and set up in at least three of the most public places within the district ten days before the When voters meet to determine amount to be expended for street lamps.

Notice of meeting.

day of meeting; and the said legal voters so met may, by the consent of a majority of those present and voting, fix and appropriate the sum of money to be expended for the erection and maintaining of street lights within such district during the ensuing year, and the sum of money so fixed shall be in lieu of all other taxes for that purpose in such district; the sum so fixed and appropriated shall forthwith be certified to the township committee by the chairman and secretary of such meeting under their respective hands, and the said township committee shall, within five days after the receipt of such resolution, give notice to the assessor of the township of the sum so fixed, who shall assess the same upon the taxable property within such district, in the same manner as township taxes are assessed; and said money shall be assessed, levied and collected at the same time and in the same manner that other township moneys are assessed, levied and collected; and it shall be the duty of the collector of the township in which said district is situated, to pay over all money by him received, which shall have been assessed by virtue of such vote, to the said township committee, to be held and expended by them for the purpose of the erection and maintaining of street lamps in such district.

Sum appropriated collected by taxation.

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

Approved April 2, 1888.

CHAPTER CCXLIII.

An Act to vacate streets, highways and public places laid out on lands required for the uses of the United States.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any case where the United States, or any officer of the United States, has or may

hereafter, in pursuance of law, lease or purchase any lands within this state for government purposes, and it may be desirable that any streets, highways or public places which may have been laid out upon any map of the said lands, should be vacated, the attorney-general, by direction of the governor, shall, on request of the said lessee, owner, officer or proper authority of the United States, make application to a justice of the supreme court of this state for the appointment of commissioners to examine into and adjudge the true value of any rights, ways, easements or servitudes in or upon the said lands, or any parts thereof, and to acquire and extinguish the same.

When desirable to vacate streets, etc., attorney-general to apply to justice of supreme court for appointment of commissioners

2. *And be it enacted*, That the justice of the supreme court to whom such application shall be made is authorized to appoint three disinterested freeholders as such commissioners; the said commissioners, before entering upon the discharge of their duties, shall severally take before a master in chancery of this state, an oath or affirmation faithfully, impartially and justly to perform all the duties required of them by this act, and that if the said commissioners shall be unable to agree with the persons holding or entitled to incumbrances, rights, private ways, easements or servitudes in, upon or over said tract of land, or any part thereof, for the purchase, conveyance or extinguishment thereof, or cannot satisfactorily ascertain such owners or persons, or if such owners or persons cannot make and execute valid conveyances for the same, then the said commissioners shall proceed to examine into and adjudge the true value of the said rights, private ways, easements or servitudes in or upon said land, or any part thereof, and that thereupon they shall fix a time and place of meeting in some place near the said lands; and summon to attend, and be heard before them, at such time and place, all persons claiming to hold incumbrances thereon, and also all persons or corporations claiming to have lawfully acquired and to be entitled to any private ways, or other easements or servitudes whatever, in, upon or over the said tract of land or any part thereof; such summonses shall declare that the State of New Jersey is about to take for the public use of the United States all said rights, private

Justice authorized to appoint commissioners.

Commissioners to take oath.

Proceedings when commissioners unable to agree with incumbrancers or claimants.

ways, easements or servitudes whatever in, upon or over the same, or any part thereof, and that the said commissioners are about to ascertain the values thereof respectively, which summons shall be served upon all residents of this state known to the commissioners to be claimants or incumbrancers of or upon said tract of land, or any part thereof, or as holders of any rights, private ways, easements or servitudes therein or thereon; and such summonses shall be served by agents to be appointed by said commissioners, and in the same manner as summonses issued out of the supreme court of this state are now required by law to be served, and in like manner, upon all persons claiming to be entitled to any private ways or other easements or servitudes whatever in, upon or over the same, or any part thereof; the said commissioners shall also publish for one month in at least two newspapers printed and published in the county in which said lands are situate a like summons, addressed to all persons not resident in the state of New Jersey, and to all persons resident in or out of said state and unknown to said commissioners, who claim to be owners of incumbrances upon said tract of land, or any part thereof, or to be entitled to any rights, private ways, or other easements or servitudes whatever in, upon or over said tract of land or any part thereof, requiring such persons to attend and be heard before them, at the time and place fixed by said commissioners as hereinbefore directed; and such service and publication shall be deemed and taken to be due notice to all persons interested, of the intention of the state of New Jersey to take the said private ways, easements or servitudes for the public use of the United States, and due notice to such persons of the opportunity afforded them to be heard thereon.

Proceedings at the hearing before the commissioners.

3. *And be it enacted*, That at the time and place so fixed the said commissioners shall hear representations of all the claimants as aforesaid, who shall attend before them for that purpose, in respect to the value of the said private ways, easements or servitudes aforesaid, and shall inspect all documentary proofs offered by such claimants before them, and shall take the depositions of such witnesses as shall be produced to testify before them, either in behalf of said claimants or of the state or the United

States, and for that purpose they are hereby empowered to administer oaths or affirmations to such witnesses, and to employ a stenographer to reduce such depositions to writing, who shall receive the compensation now prescribed by law to be paid to stenographers appointed by the circuit courts of the state: the said commissioners may adjourn the proceedings before them from time to time, and shall orally announce at the close of each of their meetings the time and place at which their next meeting will be held.

After hearing, commissioners to ascertain value of private way, etc., and make award thereof.

4. *And be it enacted*, That after the hearing before prescribed, the said commissioners shall proceed and ascertain the value of each private way, or other easement or servitude whatever, in, upon or over the same or any part thereof, and shall make their award thereof in writing, and return and file the same in the office of the clerk of the supreme court, and on the payment of the amount of said award and the cost of the said proceedings into the supreme court to the clerk thereof, it shall be the duty of a justice of the said court to give notice, in such manner as he shall prescribe, to the several claimants of said funds named in said award, and to all other persons claiming the same, to appear before him and present their claims thereto, and the said justice shall adjudge the validity of their claims and order payment thereof as he shall deem equitable and just.

When funds paid, governor to take possession.

5. *And be it enacted*, That so soon as the said funds shall have been paid into the supreme court as aforesaid, the governor of this state shall take possession of all the said private ways or other easements or servitudes whatever, in, upon or over the same, for the public use of the United States; and that upon such taking, all roads, avenues, streets or ways, and public places, embraced within the limits of said tract of land, shall be vacated and made void; and it shall not be lawful for any public or municipal body, or any person or corporation, to open or use the same, and the land when so taken shall be held free from any and every easement of way over the same.

Roads, etc., vacated.

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

Approved April 2, 1888.

CHAPTER CCXLIV.

An Act to amend "An act fixing the compensation of certain public officers of the state," approved March sixteenth, one thousand eight hundred and seventy-six.

Paragraph amended.

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

Salary of state librarian.

XI. The state librarian, a salary at the rate of two thousand dollars by the year, and no fees.

When act to take effect.

2. *And be it enacted*, That this act shall take effect only upon and immediately after the end of the present term of the said librarian.

Approved April 2, 1888.

CHAPTER CCXLV.

An Act to amend an act entitled "An act to amend an act entitled 'An act to incorporate societies or clubs for social, intellectual and recreative purposes,' approved March twenty-seventh, one thousand eight hundred and seventy-eight," which amendatory act was approved February twentieth, one thousand eight hundred and eighty-six.

Act amended.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the officers of any society or club, composed of not less than fifteen members, associated for social, intellectual and recreative purposes, to make and file a certificate as hereinafter provided, whereupon such society or club, and such persons as may be associated with them, shall be constituted a body politic and corporate in the law by whatever name they may assume, and by such name shall have such succession and continuance, and be capable in the law of suing and being sued, defending and being defended in all courts and places whatever, and may have and use a common seal, and alter and renew the same at pleasure, and by their name as aforesaid, and under their common seal, may take and enter into, execute and enforce any contracts or agreements relating to, touching or concerning the objects of said corporation or its property; *provided*, *however*, that such certificate shall not be made or filed without authority by resolution adopted for that purpose at any regular meeting of such society or club, or at any special meeting thereof called for that purpose, a copy of such resolution, with notice of the time of the intended introduction of the same, to be first posted in a conspicuous place in the meeting-room of such society or club for not less than ten days.

How societies or clubs may become incorporated.

Proviso.

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

Approved April 2, 1888.

CHAPTER CCXLVI.

A Supplement to "An act in relation to county expenditures," approved April second, one thousand eight hundred and seventy-eight.

Preamble.

WHEREAS, The act to which this is a supplement provides that the whole amount of money appropriated, contracted or expended in any one year by any board of chosen freeholders, shall not exceed three-quarters of one per centum of the gross valuation of taxable property in the county, as reported by the county board of assessors of said county for the next preceding year; *and whereas*, since the passage of said act various acts have been passed authorizing boards of chosen freeholders to incur sundry extraordinary expenditures, and to issue bonds to meet the same, and doubts have arisen as to whether such expenditures may be or can be lawfully incurred or met by any such board, if the same be in addition to the annual appropriation made previous to the incurring thereof, or in excess of the aforesaid limitation of county expenditures; *and whereas*, it sometimes happens that such boards are authorized and required to erect expensive bridges, the cost of which, if paid in one year, would be too burdensome to the taxpayers of the county; therefore,

Extraordinary expenditures authorized may be in excess of appropriations previously made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where the boards of chosen freeholders of the several counties of this state shall be, or shall have been authorized by law to purchase sites for armories or other buildings, or to purchase toll-roads and bridges, or to erect public buildings, the extraordinary expenditures so authorized may be in addition to and in excess of the annual appropriations previously made by such board, and in excess of the annual limitation of county expenditures fixed by the act to which this is a supplement, but no such board shall, in fixing the annual tax levy in such county, exceed the said limitation of

three-quarters of one per centum of the gross valuation of the county.

2. *And be it enacted*, That if, in the judgment of any such board, the cost of any particular bridge, together with the ordinary bridge and other expenditures for that fiscal year, is likely to exceed said limitation, or to be too burdensome to the taxpayers of the county, it shall be lawful for such board to contract for the payment of the cost of erecting and completing such bridge over a term of years, in annual installments, or such board may issue bonds wherewith to meet and defray such cost, such bonds to be for such term of years, not exceeding twenty, and to bear such rate of interest, not exceeding five per centum per annum, as such board shall determine, which bonds shall be sold only at public sale and for not less than par; and the expenditure thus contracted for may be in addition to and in excess of the annual limitation of county expenditures aforesaid. How cost of bridge provided for.

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

Approved April 2, 1888.

CHAPTER CCXLVII.

A Supplement to an act entitled "An act for the formation of borough governments in seaside resorts," approved March twenty-ninth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the omissions of the proper officers to file with the secretary of state an official certificate of the election and boundaries decided upon in accordance with, and within the time provided by the sixth section of the act to which this is a supplement, shall not invalidate the incorporation of any borough heretofore incorporated Incorporation not invalidated by omission to file certificate with secretary of state.

Proviso. under said act; *providing*, such certificate shall have been regularly filed in accordance with said section in the clerk's office of the county where such borough is situate; *and providing further*, that a certified copy of the certificate so filed in such clerk's office, be filed in the office of the secretary of state within thirty days after the approval of this act.

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

Approved April 2, 1888.

CHAPTER CCXLVIII.

An Act concerning roads.

When roads blockaded with snow, authorities in charge thereof to remove same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case the public roads of this state become blockaded with snow so as to become impassable for horses and wagons, or sleighs, it shall be the duty of the overseers of roads, or other authorities who may have charge of the care of the public roads, to remove the snow as soon as practicable, so as to make them passable; but in case the drifts or banks of snow are so great in the roads as to make it impracticable to remove them in all places, on account of time and the expense it would incur, the overseers, or other authorities who may have charge of the care of the public roads, shall have full power to enter on private property and to remove such fences as may be necessary to make a passage-way for the public; and no person shall close up such passage-ways until the public roads become passable; *provided*, in all cases that the owner of the property so used by the public may be entitled to pay for the actual damage done to his property by reason of the passage-way, the amount of damage to be determined by appraisers, one of which shall be chosen by the owner

When impracticable, may remove fences to make passage-way.

Proviso.

and the other by the overseer, or other authority, as the case may be, and the two persons thus chosen shall have power to choose a third person, in case they cannot agree, and all bills for such damages shall be sworn to by the appraisers and paid by the town or township wherein such property is situated.

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

Approved April 2, 1888.

CHAPTER CCXLIX.

A Supplement to an act entitled "An act to fix the salary of the bill clerks of the senate and house of assembly," passed March twenty-ninth, one thousand eight hundred and eighty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is a supplement shall take effect immediately. When act to take effect.

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

Approved April 2, 1888.

CHAPTER CCL.

An Act to authorize any of the municipal corporations of this state to contract for a supply, or a further or other supply of water therefor.

Board having charge of water supply may contract for a supply of water.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen, common council, city council, aqueduct board, board of public works, water commissioners, township committee, town committee or other board, body or department of any municipal corporation in this state, having the charge or control of the water-supply of any such municipal corporation, to make and enter into a contract or agreement with any water company or other company, contractor or contractors, for one year, or for a term of years, for the obtaining and furnishing of a supply, or a further or other supply of water to such municipal corporation, for the purpose of extinguishing fires and for such other lawful uses and purposes as may be deemed necessary or convenient; and any such contract and agreement, when so made, shall be the valid and lawful contract of such municipal corporation, as well as of any such water company or other company, contractor or contractors, according to the tenor thereof, and the sum or sums of money in such contract agreed to be paid in each year by any such municipal corporation, or by any board, body or department thereof, or so much thereof as may be necessary, after appropriating to the payment thereof the water rents or proceeds of sales of water collected by such municipal corporation applicable to that purpose, shall be annually appropriated, levied, assessed and collected as a tax upon the real and personal estates within such municipal corporation and liable to taxation for other municipal purposes, and the said real and personal property is hereby made liable to and for the assessment and collection of such tax; *provided, however*, and it is hereby expressly enacted, that no such agreement

Proviso.

and contract shall be made for a period longer than twenty-five years in any one term; *and provided further*, that in any municipal corporation having a board of public works and a board of finance and taxation, if the contract and agreement be made and entered into by any such board of public works, it shall not be binding upon such municipal corporation until the same shall have been approved by such board of finance and taxation; *and provided further*, that such contract may contain an option for the acquiring by such municipal corporation of the land, water and water rights for such supply, on terms to be fixed in said contract. Proviso. Proviso.

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

Approved April 2, 1888.

CHAPTER CCLI.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city having an aqueduct board in control of the water-supply, and a common

Unlawful for aqueduct board to contract for supply of water unless contract approved by common council.

council (having general charge and control of the finances of the city), it shall not be lawful for any such aqueduct board to enter into any contract with any water or other company, or contract for or procure a further or other supply of water for such city, unless the contract or plan shall first be submitted to and receive the approval of such common council by formal resolution.

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

Approved April 2, 1888.

CHAPTER CCLII.

An Act to divide the counties of this state into two sections, to be known as game sections, and to fix the time for shooting certain game birds and animals therein.

Counties divided into two game sections.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several counties of this state be and the same are hereby divided into two sections, to be known as the northern and southern game sections.

Northern section.

2. *And be it enacted*, That the northern game section shall comprise the counties of Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union and Warren; in the counties comprising the northern game section, as named in this act, no person shall take, kill or have in his possession after the same has been killed, any American pheasant or ruffed grouse, quail, gray squirrel or hare, commonly called rabbit, except only between the first day of November and the fifteenth day of December of any year; any woodcock except only during the last fifteen days of September and the months of October and November of any year, under a penalty of twenty dollars for each and every game bird or animal so unlawfully taken, killed or had in possession.

When lawful to shoot game in.

Penalty.

3. *And be it enacted*, That the section to be known as the southern game section, shall comprise the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean and Salem; in the counties comprising the southern game section, as named in this act, no person shall take, kill or have in his possession after the same has been killed, any American pheasant or ruffed grouse, quail, gray squirrel or hare, commonly called rabbit, except only between the fifteenth day of November and the twenty-fifth day of December of any year; any woodcock except only during the last fifteen days of October, and between the fifteenth day of November and the twenty-fifth day of December; any English snipe, except only between the thirty-first day of August and the first day of November of any year; any rail-bird or marsh-hen, except only during the months of September, October and November of any year, under a penalty of twenty dollars for each and every bird or animal so unlawfully taken, killed or had in possession after the same has been killed. Southern section. When lawful to shoot game in. Penalty.

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

Approved April 2, 1888.

CHAPTER CCLIII.

A general act in relation to assessments for roads, streets or sewers, where the same have been or shall be set aside or reversed by any court only as to the prosecutor or prosecutors of any writ of certiorari, and providing for a re-assessment, in all such cases, by the court setting aside such assessment.

When assessment set aside, court empowered, upon application, to determine sum property is liable to be assessed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any assessment heretofore made or hereafter to be made for any road, street or sewer, has been or shall be set aside or reversed only as to the prosecutor or prosecutors of any writ or writs of certiorari, by any court of law or equity in any action, suit or proceeding for any cause whatsoever, and the property upon which such assessment was or is assessed or laid, is or shall be in fact liable to assessment in respect to the purposes for which such assessment was or shall be assessed or laid, the court in which the action, suit or proceeding was or shall be taken, and wherein said assessment has been or shall be set aside, is empowered and required, upon application for that purpose made, to ascertain and determine for what sum such property is liable to be assessed and by order or decree to fix the amount thereof, and the sum so fixed shall be the amount of assessment for which such property shall be liable, and the same shall be and remain a first lien or charge upon the property, and collectible in the manner provided by law, the same as if such assessment had been legally assessed in the first instance by the city, town, township, commission, board or other authority attempting to make, impose or levy the same; and it shall be the duty of the court (upon application as aforesaid) to make a proper assessment in all cases in which, at the time of such application, there may lawfully be an assessment, and such court is hereby given full and ample

Court to make assessment.

authority to make a lawful assessment: *provided, however*, that this act shall not apply to any assessment or assessments that may have been or shall be set aside more than three years before said application. Proviso

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

Approved April 2, 1888.

CHAPTER CCLIV.

An Act to authorize cities of this state to change the time fixed for the payment of taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any city of this state in which the time for the payment of the annual taxes is fixed by charter, to change the same by ordinance of the common council, board of aldermen or other governing body of such city, by and with the consent of the board having charge and control of the finances in such cities, to any other time which, in the opinion of the said common council or board of aldermen or other governing body, may be more suitable to the inhabitants of such city. Lawful for city to change time for payment of taxes.

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

Approved April 2, 1888.

CHAPTER CCLV.

Supplement to an act entitled "An act concerning taxes, making the same a first lien on real estate, and to authorize sales for the payment of the same," approved March fourteenth, one thousand eight hundred and seventy-nine.

Section amended.

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

When taxes hereafter assessed to become a first lien.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any and all taxes which shall or may hereafter be laid, assessed or imposed, pursuant to the laws of this state, against any person or persons, or corporations, for and on account of any lands, tenements, hereditaments or real estate situate, lying and being in this state, together with lawful interest thereon accruing, and all costs, fees, charges and expenses in relation to the levy, assessment and collection of said taxes, shall be and become, from and after the twentieth day of December next after such assessment, a full and complete first and paramount lien on all the lands, tenements, hereditaments or real estate on account of which such levy and assessment shall be made, and while unpaid shall remain such lien for the space of two years from the said twentieth day of December, and that any and all mortgages, alienations, devises, descents, liens and incumbrances of every kind and nature, of, in, upon or against such lands, tenements, hereditaments or real estate, shall be in every respect subject and subservient to the lien of the aforesaid taxes, interests, costs, fees, charges and expenses.

Repealer.

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

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

Approved April 2, 1888.

CHAPTER CCLVI.

A Further Supplement to an act entitled "An act to incorporate the chosen freeholders in the respective counties of the state," approved April sixteenth, one thousand eight hundred and forty-six.

Treasurer to send copy of state publications to clerks of counties having law libraries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of the state of New Jersey, in the distribution of the laws of this state, and of the reports of the law and equity courts of this state, and of any digests and revisions, and all other publications issued and published by or at the expense of the state of New Jersey, shall send one copy of all such publications to the clerk of each county where law libraries have been or may hereafter be established under the act to which this is a supplement, or under any act or acts supplemental thereto, for the use of such law libraries, which copies shall be so furnished at the expense of the state of New Jersey.

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

Approved April 2, 1888.

CHAPTER CCLVII.

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

Associations empowered to issue stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any association formed under the act to which this is a supplement, or may hereafter be formed under said act, shall have power to issue stock for the purpose of purchasing property, or for the purpose of paying off the indebtedness on property already purchased, and may designate the persons who shall take such stock as property members of such association, and may confer upon such property members, by their constitution or by-laws, special or exclusive rights in the election of officers and trustees of such association.

Amount of stock must be stated in certificate.

2. *And be it enacted*, That whenever any association as aforesaid shall intend to issue stock pursuant to this act, it shall be necessary to state in the certificate to be filed and recorded in accordance with the provisions of the second section of the act of which this is a supplement, or in case the certificate is already filed, then an additional certificate to be filed and recorded in the same manner as the original, the total amount of stock intended to be issued, the number of shares into which the same is divided and the par value of each share.

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

Approved April 2, 1888.

CHAPTER CCLVIII.

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

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

133. *And be it enacted*, That notice of application to the court for the fulfillment of such contract shall be given for at least two months prior to such application, by advertisements set up and published in the same manner as advertisements of the sale of lands by a sheriff under execution are or may be required by law to be set up and published; and the court, upon proof of such publication and the production of the said contract in court, shall cause proclamation to be made in open court of the purport of such application, and that any person having cause to show why the same should not be granted may appear for that purpose before the said court at a certain day to be fixed by the said court not less than ten days thereafter; and at the said day, or at such subsequent time to which the hearing shall then be adjourned, the court shall hear the allegations and objections, if any, of parties interested, and if such contract shall be duly proved to the satisfaction of the court, and no sufficient cause to the contrary shall appear, it shall be lawful for the court to decree the fulfillment of such contract, which decree, together with the contract, shall be entered of record in the minutes of the court and the contract shall be filed in the office of the clerk of the said court, and the court shall thereupon order the executor or executors, administrator or administrators, or the survivor or survivors of

Notice of application for fulfillment of contract, how given.

Proclamation made.

When application heard.

If contract proved, and no cause to contrary appear, court may decree fulfillment of contract.

And order deed made.

them, or administrator or administrators pendente lite, or the legal representatives of the deceased (upon the purchase-money being paid or secured according to the terms of such contract), to make a good and sufficient deed of conveyance to the purchaser or his legal representatives; and any deed made and executed by virtue of such order of the court shall convey the lands directed to be conveyed, as fully as if the testator or intestate had executed the same in his lifetime; *provided*, that the order of the court directing a conveyance be signed by the president judge of the said court.

Proviso.

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

Approved April 2, 1888.

CHAPTER CCLIX.

An Act to amend an act entitled "An act to revise and amend 'An act for the [taxation] of railroad and canal property,' approved April tenth, one thousand eight hundred and eighty-four," which was approved March twenty-seventh, one thousand eight hundred and eighty-eight.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the eleventh section of an act to revise and amend an act entitled "An act for the taxation of railroad and canal property," approved April tenth, one thousand eight hundred and eighty-four, be and the same is hereby amended so as to read as follows:

Money collected under act, how applied.

11. *And be it enacted*, That the money collected under this act for the one-half of one per centum tax shall be applied to the uses of the state, according to law; the amount received for tax upon property separately assessed in the different taxing districts is hereby appropriated,

and shall be allotted to the various taxing districts, giving to each district the amount that was derived from the property of each railroad or canal company therein; the comptroller shall transmit to the collector of each county a certificate showing the amounts allotted to the taxing districts therein, and shall draw his warrant upon the state treasury, in favor of the several county collectors, for the amounts allotted to their several counties, and the county collector shall forthwith pay to the collector, or other proper officer of each taxing district, the amount allotted thereto, deducting, however, the amount due for county taxes from such taxing district; the amount thus paid to the county and taxing district shall be at the disposal of the proper authorities for public purposes; *provided, however*, that whenever the local city rate as fixed and assessed in any city exceeds one per centum of the ratables of such city, then in such case the comptroller shall transmit to the collector of taxes of said city a certificate showing the amount allotted to such city, and shall draw his warrant upon the state treasurer in favor of the treasurer of such city for said amount; such warrant to be at the disposal of the board of such city having control of its finances, to be used for the municipal purposes of such city, such amount to be first applied to the purchase of such outstanding bonds or obligations of the city as can be bought below the par value thereof, and if no bonds or obligations can be bought below par, then such amount, or the balance, if any, shall be applied to the payment of such part of the city debt and interest falling due thereon as the said board having control of the finances of the city may determine.

Comptroller to transmit certificate to collector of each county.

Proviso.

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

Approved April 2, 1888.

CHAPTER CCLX.

A Supplement to an act entitled "An act to enable cities to build main sewers in certain districts, and to acquire private lands for that purpose," passed March twenty-fourth, one thousand eight hundred and eighty-five.

Act, how construed.

Proceedings valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is a supplement shall be construed to take in, embrace and extend to any neighborhood or locality in a city having an inadequate outlet for its sewerage system, and all proceedings already had or taken for the construction of any main sewer for such neighborhood under the provisions of said act shall be deemed and taken to be in all respects lawful and valid.

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

Approved April 2, 1888.

CHAPTER CCLXI.

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

Lawful to submit question of adoption of provisions of act to voters of city.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the legislative body of any city of this state to submit the question of the adoption of the provisions of the act

to which this is a supplement, to a vote of the people of such city, either at the time fixed by law for the election of municipal officers, or at a special election to be held for that purpose, in the same manner provided for in the act to which this is a supplement, and to provide for the holding of such an election, and canvass the returns thereof, in the manner directed by said act, notwithstanding the fact that such city may, at an election heretofore held, have voted against the adoption, for said city, of the provisions of the said original act; and in case of the adoption of the provisions of said act a library shall be established in such city, in the same manner that it would have been established had the said act been adopted at a former election.

If adopted, library to be established.

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

Approved April 2, 1888.

CHAPTER CCLXII.

An Act to provide means to increase fish production in the waters of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of two thousand dollars be and the same is hereby appropriated out of any funds in the treasury not otherwise appropriated, for the purpose of continuing the work of stocking the waters of this state with food fishes, which said sum of money shall be paid by the state treasurer on the warrant of the comptroller to the commissioners of fisheries of this state, upon their requisition therefor, the same to be used by said commissioners in defraying the cost of procuring, hatching and distributing valuable food fishes to stock the rivers, streams, lakes and ponds of this state and for such other uses and purposes as they may deem advisable,

Appropriation for stocking waters with food fishes.

to restore and increase fish production in the waters of this state.

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

Approved April 3, 1888.

CHAPTER CCLXIII.

An Act to extend the time for building and putting in operation certain street railways, incorporated under an act entitled "An act to provide for the incorporation of street railway companies, and to regulate the same," approved April sixth, one thousand eight hundred and eighty-six.

Time extended for one year.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the time limited for the building and putting in operation of any street railway, or any portion thereof, authorized to be constructed under the act referred to in the title of this act, shall expire during the year one thousand eight hundred and eighty-eight, such time shall be and the same is hereby extended for a further period of one year; *provided, however*, that this act shall not apply unless money has actually been expended in the construction of said railway or some portion thereof.

Proviso.

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

Approved April 3, 1888.

CHAPTER CCLXIV.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all persons aggrieved by any final decree of the court of chancery made upon bill filed to quiet the title to lands, may appeal from the same or any part thereof to the court of errors and appeals, and all appeals from such final decrees shall be made within three months after making such decree; *provided*, that in cases where the person entitled to such appeal from any final decree be an infant, feme covert or insane, he or she shall have three months to bring such appeal after such disability shall be removed. Persons may appeal from final decrees made upon bill filed to quiet title to lands. Proviso.

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

Approved April 3, 1888.

CHAPTER CCLXV.

A General Act for the assessment of the costs and expenses of street improvements that lie between or run through two or more municipalities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in assessing the costs and expenses of street improvements that lie between or run through two or more municipalities in this

Costs and expenses to be assessed upon land and real estate in proportion to benefits received.

state, the commissioners or persons appointed or authorized to make such assessments, by whatever name they may be called, after first taking and subscribing an oath faithfully to perform their duties in the matter, shall assess upon all the tracts or lots of land and real estate benefited by any such improvement, such proportion of the cost and expenses thereof as will be equal to the amount of benefits actually acquired by said lands and real estate from such improvement, proportioned equitably to the benefit each of said tracts or lots shall be deemed to acquire; and no tract or lot shall be assessed more than it is benefited, and the excess, if any, of such cost and expense shall be assessed upon the municipalities between or through which said improvement shall lie or run, in the proportion that the total of the assessments, on owners of lands, of benefits in each of said municipalities bears to the sum of the total assessments of benefits on owners of land in all of such municipalities, and shall be paid out of moneys raised by general taxation for that purpose; *provided, however*, that if any portion of the costs or expenses of any such improvement has already been raised and paid by such municipalities by general taxation, under any provision of law, the amount or amounts so raised and paid shall not be included in any assessment provided for in this act.

Proviso.

Term defined.

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

Repealer.

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

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

Approved April 3, 1888.

CHAPTER CCLXVI.

An Act to amend the first section of a supplement to "An act to establish and organize the state reform school for juvenile offenders," approved April sixth, one thousand eight hundred and sixty-five, which supplement was approved April second, one thousand eight hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the further supplement to "An act to establish and organize the state reform school for juvenile offenders," which supplement was approved April second, one thousand eight hundred and sixty-eight, be and the same is hereby amended so as to read as follows: Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when a boy under the age of sixteen years shall, in a court of criminal jurisdiction, by the verdict of a jury or on his own confession in open court, be found guilty of any crime, except murder, it shall be lawful for the said court, instead of entering judgment and pronouncing sentence according to law, to cause an order to be entered in the minutes that said boy be committed to the state reform school for reformation and instruction, pursuant to the provisions of the act to which this is a further supplement, and the supplements thereto; and a copy of said order, duly certified by the clerk under the seal of said court, shall be a sufficient warrant for taking the said boy to the said reform school, and for his commitment to the superintendent thereof; *provided*, that such order shall be made or approved by a justice of the supreme court. When boy under sixteen years found guilty of any crime except murder, court may order him committed to reform school. Proviso.

Approved April 3, 1888.

CHAPTER CCLXVII.

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

Township committees of certain townships to notify road overseer to remove rubbish.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the township committee of the townships in the counties of the second class of this state to notify each road overseer, within one week from the time of his election or appointment, to go or send some competent person over his road district on the first Monday in each month between April and October, and remove all improperly loose stones and all sticks, broken glass, tinware, wooden or iron hoops and any other rubbish whatsoever, from the several roads under his charge.

How notice served.

2. *And be it enacted*, That the service of such notice shall be made either personally or by mailing the same to the usual post office address of such overseer; and in case of the neglect or refusal of such overseer to comply with the requirements of such notice, then upon the complaint in writing of any citizen of the county wherein such overseer resides, of such neglect or refusal, it shall be the duty of the township committee forthwith to employ some competent person or persons to go over such road district and to remove such rubbish as aforesaid, and to charge the expense thereof to the road district in which such removal is made, and the expense thereof shall be deducted from the road taxes due such district before any road taxes or moneys are paid by the township collector to the overseer for work done on such district.

How rubbish removed in case of neglect of overseer.

Expense.

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

Approved April 3, 1888.

CHAPTER CCLXVIII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the medical superintendent of the bureau of vital statistics of this state is hereby authorized to have an official seal, and to demand and receive for the services hereinafter mentioned, the following fees, and no more, to wit: for every search made in the office of said bureau for the record of any marriage, birth or death, the sum of forty cents; and for every certificate of said superintendent appended thereto, the sum of fifty cents. Medical superintendent of vital statistics may have an official seal and charge fees.

2. *And be it enacted*, That said superintendent shall keep a true record and account of all fees received under the provisions of this act, and shall pay the same quarterly into the treasury of this state. To keep record and pay fees.

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

Approved April 3, 1888.

CHAPTER CCLXIX.

An Act concerning corporations of this state, and of other states, doing business in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any corporation of this state, or of any other state, doing busi-

Corporations may own and dispose of stocks and bonds of corporations of other states.

ness in this state and authorized by law to own and hold shares of stock and bonds of corporations of other states, to own and hold and dispose thereof in the same manner and with all the rights, powers and privileges of individual owners of shares of the capital stock and bonds or other evidences of indebtedness of corporations of this state.

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

Approved April 4, 1888.

CHAPTER CCLXX.

A Further Supplement to an act entitled "An act for the preservation of sheep," approved April fourteenth, one thousand eight hundred and forty-six.

Proceedings to recover damages for injury done by dogs.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person or persons having sustained any damage by dog or dogs, bitch or bitches, shall proceed to have such damages appraised according to the act to which this is a supplement, and he, she or they shall present such certificate to the township committee of the township in which such damage was done, together with the certificate of the person or persons claiming to have sustained damages, stating the names of the owner or owners of said dog or dogs, bitch or bitches, if known; and if not, then that the said damage was done by unknown dog or dogs, bitch or bitches, which last certificate shall be verified by the oath or affirmation of the person or persons sustaining damage, before the first Tuesday of September of each and every year, and the said committee shall on said day consider the claim so presented and order the assessor to assess such sum as shall be sufficient to pay the claims allowed by

them, upon the dogs in said township as returned by said assessor.

Owner or harborer of dogs responsible for injury.

2. *And be it enacted*, That neither this supplement nor the act to which this a supplement shall exempt the owner, possessor or harborer of any such dog or dogs, bitch or bitches, but he or she is hereby declared to be responsible for such injury, and an action of trespass may be brought or maintained in any court of competent jurisdiction by any person or persons sustaining any injury, for the full amount of the same, against such owner or possessor, and in which action it shall not be necessary to prove that the said dog or bitch was accustomed to commit the injury complained of or any similar injury; *provided*, *however*, that the presentation of any claims for damages to the township committee shall be a waiver of all claims against the owner of such dog or bitch.

Action may be brought

Proviso

Township committee may institute suits to recover damages allowed

3. *And be it enacted*, That in case any claim for damages is presented and allowed by the township committee, the said committee may institute suit against the owner or owners of such dog or bitch in the name of and for the benefit of such township, in any court of competent jurisdiction, to recover the amount of damages so allowed by them.

Repealer

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

Approved April 6, 1888.

CHAPTER CCLXXI.

A Supplement to an act entitled "An act to enable street-car or horse-car railroad companies to provide better accommodation to the public by using what is now known as the cable system for motive power on elevated roads," approved March twenty-sixth, one thousand eight hundred and eighty-six.

Company unable to procure consent of owners of lands, may apply to justice of supreme court for appointment of commissioners

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any company or companies mentioned in the first section of the act to which this is a supplement, shall have determined to construct, maintain and operate an elevated railroad over the street or streets, highway or highways, in any city, town or townships in which by the said act they are authorized to construct, maintain and operate the same, and having obtained the consent in writing of the owner or owners of at least one-half of the lands fronting on or bounded by such street or streets, highway or highways through and over which such elevated road is proposed to be built, and having also obtained the consent of the municipal authorities of the city, town or township in which such road is proposed to be built, and such company cannot by agreement procure the consent of the owner or owners of other lands fronting on or bounded by such street or streets, highway or highways; it shall be lawful for the said company to make application in writing under the oath or affirmation of some engineer or proper agent of the company or companies, to one of the justices of the supreme court of this state, having given previous notice for at least ten days of such intended application, and also of the day on which, and the place where, such intended application is intended to be made, by advertisements under the hand of the president of said company, and set up at ten public places in the county in which said road is proposed to be built, five of which

Notice of application

notices shall be set up at public places along each of the streets, avenues or highways in and through which said elevated railroad is proposed to be built, and a like advertisement shall also be published in at least three newspapers published and circulating in the county in which said elevated road is proposed to be built, at least once a week for two weeks successively, the first publication thereof to be made at least ten days prior to the date of making said application; and the said justice when applied to as aforesaid, on due proof being made that the advertisements have been set up and published according to law, on which the judgment of said justice shall be final and conclusive, is hereby authorized and required to appoint under his hand and seal three disinterested, impartial and judicious freeholders, residents in the county in which said elevated railroad is proposed to be built, commissioners to examine and appraise the easements or right of passage required for such proposed elevated railroad upon and over the street or streets, avenue or avenues, highway or highways, in front of all lands, the owner or owners of which have not consented thereto and mentioned in the said application or petition, and to assess the damages sustained or which will be sustained by the owner or owners of each and every separate lot or parcel of land fronting on or bounded by any street, avenue or highway through, upon or over which said proposed elevated railroad is to be built, the owner or owners of which have not consented thereto as aforesaid; and said justice shall have power to fill any vacancy in said board of commissioners which may occur by reason of refusal to serve, by death, resignation or otherwise.

Justice authorized to appoint commissioners.

To fill vacancies.

2 *And be it enacted*, That within ten days after their appointment each of said commissioners shall take and subscribe an oath or affirmation before some officer duly authorized to administer an oath, that he will faithfully and impartially examine the matters in question, and make a just and true report according to the best of his skill and understanding; which application or petition, order of appointment and said commissioners' oaths of office shall be filed in the office of the county clerk of the county in which such road is proposed to be built.

Commissioners to take oath

Application, etc., filed in county clerk's office.

When commissioners to meet.

3. *And be it enacted*, That within twenty days after their appointment the said commissioners shall meet at some

Notice of meeting to be given.

convenient place in such county; and they shall cause previous notice of the time and place of their said first meeting to be given by advertisements under the hands of said commissioners and set up at ten public places in such county, five of which notices shall be set up at public places along each of the streets or highways in and through which said elevated railroad is proposed to be built, at least ten days before the time appointed for

What to contain.

said meeting, which advertisements shall contain a description of the route of such proposed elevated railroad, and also a statement that said commissioners will proceed to appraise the damages which the respective owners of lands along the route of said railroad, who have not consented thereto, have sustained or will sustain by reason of

How published.

the building and operation of such road; and a like advertisement shall also be published in at least three newspapers published and circulating in such county, at least once a week for two weeks successively; the first publication of which notice in each of said papers shall be made at least ten days before the time appointed for said meeting, and upon due proof before said commissioners that said advertisements have been set up and published

Commissioners to examine lands

according to law, it shall be the duty of said commissioners to proceed to view and examine the lands fronting on or bounded by the street or streets, highway or highways through which such elevated railroad is proposed to be built, and after having heard the parties interested therein they shall make a just and equitable

Appraise value of easements and assess damages.

estimate or appraisement of the value of the easements required for such elevated railroad, and an assessment of damages to each separate lot or parcel of land to be paid by such company for such easements or right of passage, and damages aforesaid to the owner or owners of each separate lot or parcel of land who have not consented to the building of such elevated road, which report shall be

Make report in writing.

made in writing under the hands and seals of the said commissioners or any two of them, to which shall be

Map and plan to be annexed.

annexed a map or maps showing the route of such elevated railroad and each lot or parcel of land fronting on or bounded by such street or highway, and each lot or

parcel of land shown on said map shall be designated by a number; and to said report shall also be annexed a plan of such proposed elevated structure, which report shall, within ten days after the signing thereof, be filed in the county clerk's office of said county, and after filing said report said commissioners, within not less than fifteen days nor more than thirty days, shall meet at a convenient place in said county to hear and consider objections to said report, and said commissioners shall cause notice of the filing of said report, and of the time and place of said meeting to hear objections to said report, by advertisements under their hands, to be set up in ten public places in said county at least ten days before the time appointed for said meeting, which advertisement shall also be published in at least three newspapers published and circulating in said county, at least once a week for two weeks successively; the first publication of said notice shall be made at least ten days before the time appointed for said meeting; and thereupon said commissioners shall have power to alter and amend their report in any respect they may deem necessary, or as equity and justice may require; and after said commissioners shall have filed their amended report in said clerk's office, or shall have filed their certificate that they do not desire to make any alteration or amendment to their said report, the said company shall apply to a justice of the supreme court to appoint a time and place when and where he will sit to hear a motion to confirm the report of said commissioners, and said justice shall order at least ten days' notice to be given of the time and place appointed for hearing said motion, which notice shall be posted and published in the same manner as hereinbefore directed for the posting and publishing of the notice of the meeting of said commissioners; all objections to the confirmation of said report shall be made in writing and filed in the county clerk's office at least two days before the time appointed to hear said motion; and the said justice, having heard the parties interested on such report and the objections thereto, may confirm the said report in all things, or refer the same back to said commissioners to be reformed, corrected or amended in such respects as said justice may deem equitable and just, and if the said

Report filed.

When to meet to hear objections to report.

Notice to be given.

May amend report.

When company to apply to justice to hear motion to confirm report.

Notice of hearing to be given.

When objections to be filed.

Justice may confirm report or refer same for correction.

report of said commissioners be confirmed by said justice, or if, pursuant to the direction of said justice, the same be reformed, corrected or amended by said commissioners, upon filing of said report reformed, corrected or amended as aforesaid, the same shall be taken and considered as confirmed, and remain of record in said clerk's office; and thereupon and on payment or tender of payment of the respective amounts assessed and awarded as herein provided, the said company is hereby empowered to take possession of the easements or right of passage required for the purpose aforesaid and to proceed with the erection of such elevated railroad, but in case the party or parties entitled to receive any of the respective amounts so awarded shall refuse, upon tender thereof being made, to receive the same, or shall be out of the state, or under any legal disability, or in case there be any doubt as to who is legally entitled to receive any of the respective sums so awarded, then the payment of the respective amounts awarded as aforesaid into the circuit court of the county wherein said report is filed shall be deemed valid and legal payment, and the said report or a copy thereof, certified by the clerk of said county, and proof of the payment or tender of the several amounts so awarded or payment of the same into court as aforesaid, shall at all times be considered as plenary evidence of the right of any such company to have, hold, use, occupy, possess and enjoy the said easements or right of passage; and the said justice of the supreme court shall, upon application of any party interested, and on such reasonable notice to the others as he may direct, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks and other persons as he shall think equitable and right, which shall be paid by the company.

When company may take possession

Justice may allow costs, fees, etc.

4. *And be it enacted*, That for the purpose of acquiring any land, materials or other necessary thing, except the easement or right of passage through or over any street or highway, for the use or purchase of which such company cannot agree with the owner or owners thereof, such company may proceed in accordance with the provisions of the act to which this is a supplement.

How lands, etc., other than easement or right of passage may be acquired.

5. *And be it enacted*, That in case said company shall, within six months after the confirmation of said report,

determine not to proceed with the construction of such elevated road, and file a notice to that effect in the clerk's office of said county, then, and in that case, said company shall not be liable to pay the money awarded to said owner or owners, but only such costs, expenses and reasonable counsel fees as are provided for in the fourth section of the act to which this is a supplement. Company determining not to construct road, not liable for money awarded. Liable for costs, etc.

6. *And be it enacted*, That any railroad company now or hereafter incorporated under any law of this state may exercise all the powers and enjoy all the privileges, rights and franchises conferred by this act and the act to which this is a supplement, and that the cars on such elevated road or roads shall be propelled by means of a wire rope or cable, to be put and kept in motion by stationary steam power located at such convenient point or points, as may be necessary for the purpose, beyond the limits of any street or public highway, or by electricity or by other motive power. Company may exercise powers and enjoy privileges of act. How cars propelled.

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

Approved April 6, 1888.

CHAPTER CCLXXII.

A Supplement to an act entitled "Supplement to an act entitled 'An act for the formation of borough commissions,' approved March seventh, anno domini one thousand eight hundred and eighty-two," which supplement was approved March twenty-third, anno domini one thousand eight hundred and eighty-seven.

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

When deemed expedient to abolish commission, chosen freeholder, upon request, to call election to vote thereon.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it shall be deemed expedient to discontinue or abolish any borough commission formed under the act entitled "An act for the formation of borough commissions," approved March seventh, anno domini one thousand eight hundred and eighty-two, it shall be the duty of the chosen freeholder, or, if more than one, then one of the chosen freeholders of the township in which said borough commission is located, upon request to him in writing, signed by not less than one-third in number of the tax-payers of the said borough commission (not including such persons as pay a poll-tax only), to call an election to decide whether said borough commission shall be continued or set aside,

Notice of election.

by notice in writing under his hand, setting forth the time and place of such proposed election, and stating the object of the said election to be to vote to continue said borough commission, or to set aside said borough com-

How advertised.

mission, which notice shall be set up at least ten days previous to the said proposed election, in five of the most public places within the limits of said borough, and published at least twice in a newspaper printed and published within said borough limits, if any, or, if none so published, then in a newspaper printed and published in the county wherein said borough is situated; and the

When polls opened and closed.

polls shall be opened at the hour of two o'clock in the afternoon and closed at seven o'clock in the evening of the same day.

When dissolved, existing board to continue in office to receive money and pay debts.

2. *And be it enacted*, That upon the dissolution as aforesaid of any borough commission, the existing board of borough commissioners shall continue in office for the purpose of receiving all money due such borough commission, and of paying all debts and obligations outstanding against the same at the time of its dissolution; and

Surplus.

any surplus remaining in their hands after the payment of all such debts and obligations shall be by them turned over to the township committee, to be by said committee expended within the limits of said borough commission as it before existed, for such purposes only as were before lawful to said borough commission.

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

Approved April 6, 1888.

CHAPTER CCLXXIII.

A Supplement to an act entitled "An act concerning executors and the administration of intestates' estates" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, regulating the sale of lands by administrators with the will annexed, or by administrators de bonis non with the will annexed, and defining their powers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any deed of conveyance heretofore made and delivered, or which may hereafter be made and delivered by any administrator or administrators with the will annexed, or the survivors or survivor of them, for any lands, tenements, hereditaments or real estate sold pursuant to any power or direction in the said will annexed, given to or vested in the executor or executors named therein, shall be as good, valid and effectual as if the same had been or were made and delivered by the executor or executors named in said will; and such administrator or administrators with the will annexed, and the survivors or survivor of them, shall have the same powers and authority with respect to the sale of the lands of the testator as were given to or vested in the executor or executors named in said will, whether such powers and authority constitute or shall constitute a naked power to sell lands or constitute or shall constitute a special continuing trust, and whether the discharge of the duties of such trust involves or shall involve the exercise by said executors or executor of any discretion either in point of time or method, or not, unless where such will does now or shall hereafter provide by express designation that, in any contingency, some persons or person other than the persons or person named as executors or executor therein, shall exercise such powers and authority; and in case of the death or incapacity either

Conveyance by administrator, with will annexed, valid.

Administrators vested with same powers, in respect to sale of lands, as executors named in will.

Except where will confides power to persons other than the executors.

before or after the passage of this act of the executor or executors named in such will before the complete execution of any special trust therein declared and vested in him or them, or of such administrator or administrators with the will annexed, and the appointment of an administrator or administrators de bonis non with the will annexed, the same power and authority, with respect to the sale of the lands of the testator, shall be considered as vested in him or them, and the survivors or survivor of them, as were vested in the executor or executors in said will named; and such administrator or administrators de bonis non with the will annexed, and the survivors or survivor of them, shall have and may exercise all the power, with respect to the sale of the lands of the testator, that the original executor or executors have had or shall have, either as executors or trustees, under said will, except where such will shall expressly confide the exercise of such power of sale to some person or persons named therein other than the executors or executor of said will.

Administrators de bonis non vested with same powers.

Except, &c.

Sales not valid until approved by orphans' court.

Court to require administrator to give additional security before confirming sale.

2. *And be it enacted*, That no sale of lands hereafter made by an administrator or administrators with the will annexed, or by an administrator or administrators de bonis non with the will annexed, shall be valid until the terms thereof shall have been submitted to the orphans' court of the county in which the lands proposed to be sold lie or shall lie, and approved by said court, and it shall be the duty of such court, upon any application by an administrator or administrators with the will annexed, or the survivors or survivor of them, or by an administrator or administrators de bonis non with the will annexed, or the survivors or survivor of them, for an order confirming the terms of any sale made or to be made by him or them under any power of sale contained in such will, before confirming such sale, in their discretion, to require such administrator or administrators with the will annexed, and such administrator or administrators de bonis non with the will annexed, to give such additional security, by bond to the ordinary, as said court shall deem advisable, having regard to the value of the real estate ordered, directed or authorized to be sold in said will, for the proper distribution of the proceeds of the sale of such real estate.

3. *And be it enacted*, That in case of any sale of lands by an administrator with the will annexed, or by an administrator de bonis non with the will annexed, ordered, directed or authorized, in such will, whether the proceeds of such sale be, by the terms of such will, impressed with a special trust or not, the purchaser of the lands so sold shall not be required to look to the application of the purchase-money. Purchaser of lands not required to look to the application of purchase-money.

4. *And be it enacted*, That section eleven of the act to which this act is supplementary, be and the same is hereby repealed. Repealer.

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

Approved April 6, 1888.

CHAPTER CCLXXIV.

An Act to authorize the board of chosen freeholders of any of the several counties of this state to lay out, open, construct, improve and maintain a public road therein.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any board of chosen freeholders of any of the several counties of this state, when said board deem it for the best interests of such county to lay out, open, construct, improve and maintain a public road, extending through such county in any direction, to submit by resolution the question whether or not such public road shall be laid out, opened, constructed, improved and maintained as provided for in this act, to the electors of said county at an election to be held at the same time and place of holding the general election in and for said county for members of the general assembly of this state, which election shall be conducted by the same officers as may be chosen or Board of chosen freeholders authorized to submit questions of construction, etc., of public road to electors of county, Election, when held. How conducted, etc.

designated to conduct such election for members of the general assembly, and if a majority of such electors voting on said question shall vote in the manner hereinafter provided for said public road, then such board of chosen freeholders shall be invested with all the rights and powers necessary and expedient to lay out, open, construct, improve and maintain such public road, but if the majority of such electors so voting shall vote against such public road, then nothing in this act shall apply to or be effective in such county; which said resolution shall specify approximately the termini and general course or route of such road, and name the townships, towns and the wards or aldermanic districts or other similar districts or divisions of cities through which the same is to run.

Board of freeholders to give notice of election.

2. *And be it enacted*, That notice shall be given by such board of chosen freeholders of the time and place of holding the election hereinabove provided for, by public advertisement in at least two newspapers circulating in the county in which the same is to be held, for at least two weeks preceding the same, and that to carry into effect the purposes of this act, a separate ballot-box shall be provided by such board of chosen freeholders at each polling place in such county, and that any such elector desiring to vote in favor of having such road under this act, shall cast into such separate ballot-box a ballot with the words "in favor of public road" written or printed thereon, and any such elector desiring the contrary shall cast a ballot into said separate ballot-box with the word "against public road" written or printed thereon; that the polls for such election shall be opened at the same hour in the forenoon and closed at the same hour in the afternoon as the polls for the said election of members of the general assembly, and such election officers shall make a true and correct statement in writing, under their hands, of the result of such election, the same to be canvassed and entered in the records or minutes of the board of canvassers; and the clerk of this last-named board is hereby required to transmit forthwith to such board of chosen freeholders, to be filed in the office of the clerk of such board, a brief statement of the result of the election herein provided for; any ballot-box heretofore used at any election for members of the gen-

Provide ballot-boxes.

What ballots to state.

Opening and closing of polls.

Statement of the result of election.

Transmitted and filed.

What ballot-boxes may be used.

eral assembly aforesaid, or at any election for members of the board of chosen freeholders of such county, may be used for the purposes of the election in this act provided for; and any ballot-box heretofore used in any such county at any election like or similar in its nature to that provided for in this act may also be used for such election.

If result of election in favor of road, board of freeholders may proceed to lay out same.

3. *And be it enacted*, That if the result of said election be in favor of having said public road, then such board of chosen freeholders may proceed to lay out, open, construct and improve any such road, as follows: they shall, in the first place, make or cause to be made a survey of such road and a map thereof showing the termini and route of said road, including the courses and distances and the various improvements through which the same will pass, and also the names of the several owners of lands proposed to be taken therefor, so far as the same can be conveniently ascertained, and showing the width of such road, which shall not exceed one hundred feet in width, and after the completion of such survey and map, it shall be filed in the office of the clerk of said board, for public inspection: *provided*, that in making the survey and map of the same, said board or their agents may use all the surveys and maps that now are or may hereafter be recorded or filed in any public office of such county, or in any public office in any city, town or township in such county, to which surveys and maps they shall at all reasonable times have free access: *provided*, the same shall not be removed from such office: *and provided, also*, the said board may include in any such road as a part thereof and in the survey and map thereof, to be shown therein, any road, street, highway or avenue or part thereof already laid out, opened or dedicated in such county or in any city, town or township thereof, to public use, and said board shall have the exclusive control of such road and regulate the use thereof through its entire length.

Map and survey filed.

Proviso.

Proviso.

When map filed, board to give notice thereof

4. *And be it enacted*, That as soon as conveniently can be done after such map as is provided for in the third section of this act is filed with the clerk of said board, and before any further action is had by said board in the matter, the said board shall give public notice in two or more of the newspapers published and circulating in the said county, of the filing of such map for public inspec-

tion, which notice shall be published at least two weeks, and which said notice shall state the time and place when and where said board shall meet to take into consideration the question whether said proposed road shall be opened or not, as provided in this act, which meeting shall not take place for at least four weeks from the time of the filing of said map, and which said meeting shall be open and public for the purpose of hearing and considering any objection in writing to the opening of said road or to the course of location thereof which may be presented to said board at such time and place.

Board empowered to alter survey and map.

5. *And be it enacted*, That said board, after the filing of said map and hearing and considering any such objections which may be presented, shall have power to alter, revise, correct or change said survey and map as to the course and location of said road, in any or every particular, or adopt the course and location laid down originally on said survey and map, or adopt the course and location as altered, revised, corrected or changed, or may abandon the proposed road as shown on said map; *provided*, that if the same be so abandoned, such abandonment shall in no case be construed as an exhaustion of the power of said board under this act and said election, but said board may at any time commence a new survey and map under the provisions of this act, and the powers of said board under this act and said election, shall be treated as continuous until such road shall be laid out, opened and improved as aforesaid, or this act repealed.

Proviso.

When board may declare by resolution that road be laid out.

6. *And be it enacted*, That after said board shall have heard and considered any objections which shall, as aforesaid, have been presented to them, they may, if they deem it for the best interest of the county, declare by resolution, provided a majority of all the members of said board vote in favor of the resolution, that said road shall be laid out, opened and improved in accordance with the provisions of this act, and such board, their agents and employes shall have full power at all times to enter upon any lands for any of the purposes contemplated by this act; and any land and real estate deemed necessary by the said board for the laying out, opening, constructing, improving and maintaining such road or any part thereof, may be taken therefor, and the value

May enter upon and take lands.

and damage assessed be allowed for the same in the manner herein provided, that is to say, the said board of chosen freeholders, after declaring by resolution as aforesaid, that the said road shall be laid out and opened, and after the adoption of the location and course thereof, shall immediately, by a petition in writing signed by the director and clerk of said board, make application to a justice of the supreme court of this state for the appointment of three commissioners, and upon such application when so presented, said justice shall make an order fixing a time and place when said commissioners will be appointed, which time shall be not less than fifteen days from the making of such application, which order shall be published in at least one newspaper published and circulated in said county, and in such other manner as said justice may direct, for a time not less than fifteen days, at which said time and place, upon satisfactory evidence of the publication of such order as aforesaid, he shall appoint under his hand three discreet and impartial freeholders, residents in this state, commissioners to examine and appraise the land, real estate and other property to be taken for the laying out and opening of said road, and the damage to be done to the owner or owners thereof by taking the same upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, either personally or by publication or otherwise; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation faithfully and impartially to discharge the duties of their appointment (which oath or affirmation shall be filed with the clerk of said county), to meet at the time and place appointed in said notice, and proceed to view and examine the said lands, real estate and other property to be taken in laying out and opening of said road, and to make a just and equitable estimate and appraisement of the compensation and damages each owner of the real estate and land to be taken will sustain by reason of such taking, considering in such appraisal the condition in which each owner's parcel will be left after taking so much thereof as will be necessary for said opening, and the benefits that will result from such road to the owner or owners of such land and real estate, and

Value and damages assessed, how allowed.

Application and appointment of commissioners.

Duties of commissioners.

when the estates in any of said lands and real estate are not known they shall appraise the compensation to be made for and damages to be done to the fee simple, and separate appraisal shall be made for each separate tract, and said commissioners, or any two of them, shall, within three months from the date of their appointment, make their reports in writing, which shall contain a description of each separate tract of land and real estate taken, and be under their hands and seals, and shall file the same within ten days thereafter in the clerk's office of such county, to remain on record therein, together with their appointments and proof of notice aforesaid; a copy of which report, certified by the clerk of the county under his seal of office, shall be filed with the clerk of the board of chosen freeholders and by him presented to the board at its next regular meeting, and thereafter such report shall remain of record in his office, and thereupon, and on the payment or tender of payment of the amount awarded as hereinafter provided, the said board of chosen freeholders is hereby empowered to enter upon and take possession of the said lands and real estate, and the said report, or a copy thereof certified by the clerk of said county, and proof of payment or tender of the amount awarded, shall at all times be construed as evidence of the right of said board of chosen freeholders to have, hold, use, occupy, possess and enjoy the said lands and real estate for the purposes of said road; and the said justice of the supreme court shall, upon application of either party, and upon reasonable notice to the other, tax and allow such costs, fees and expenses to the commissioners, county clerk or others performing any of the duties prescribed in this section, as he shall deem equitable and right, which shall be paid by the county collector upon certificate of such justice; *provided*, that if for any reason the said commissioners are unable to appraise the compensation and damage for the taking of any land and real estate within the three months above mentioned, the said commissioners may make report, or supplementary report or reports, within such further time or times as the said justice, on the application of said board may direct; *and provided*, that if any or all of said commissioners shall die, or for any other reason be

Make report in writing.

Filed.

Copy filed.

When payment of award tendered, board may take possession of lands.

Justice to allow costs, etc.

Proviso.

Proviso.

unable to make such report, then the said justice, or any justice of said supreme court, upon like notice, may appoint other freeholders qualified as aforesaid, in the place or stead of the commissioners so deceased or otherwise unable to act, who, after taking oath or affirmation as aforesaid, shall proceed as if originally appointed; *and provided, further*, that should any such board of chosen freeholders of any county acting under the provisions of this act, or the owner or owners of any land or real estate, feel aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the circuit court of said county at any time within thirty days after the filing of the said report by the said commissioners. Proviso

7. *And be it enacted*, That every appeal from the decision of the commissioners appointed under the preceding section shall be made in writing, and in the form of a petition to said court, and filed with the clerk of said circuit court of such county at the next term of said court to be holden in said county; which proceedings shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck and a view of the premises to be had, and the said issue may be tried in the same manner as other issues in said court are tried, and upon such notice as the court may order, and if such jury shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said board of chosen freeholders, but if the said jury shall be applied for by the said owner or owners, and shall find a less sum than the said commissioners shall have awarded, then said cost shall be paid by said applicant or applicants, and either deducted out of said sum found by the said jury or execution awarded therefor as the said court shall direct, but such application shall not prevent the said board of chosen freeholders from taking the said land upon filing of the said report as aforesaid; *provided*, that in no case whatever shall said board of chosen freeholders enter upon or take possession of any land of any person or persons except to make survey and maps as aforesaid, until they have paid or tendered the party or parties entitled to receive the Proceedings on appeal from decision of commissioners

Proviso

same, the amount assessed by the commissioners as the value of said lands and damages, but in no case shall the proceedings of appeal stay the entry upon and possession by said board of the lands or real estate so as aforesaid taken and appraised in laying out and opening of said road:

Proviso. *and provided also*, that if any party entitled to the payment of the amount so as aforesaid assessed, shall refuse to receive the same, or be out of the state, or under any legal disability, or such lands or real estate be incumbered by any judgment, mortgage or other lien, then the amount assessed as aforesaid shall be paid into the court of chancery of this state, and shall there be distributed according to law, and such payment into court shall be taken and deemed a valid and legal payment.

Money for purposes of act to be raised by the issue of bonds.

8. *And be it enacted*, That in order to raise money to pay the costs, charges and expenses in laying out, opening, constructing and improving such road in accordance with the provisions of this act, and all moneys required or necessary for any of the purposes of this act, including money necessary to pay for awards of the commissioners or finding of the jury as herein provided, it shall be lawful for such board of chosen freeholders from time to time, either before or while the improvement provided for as aforesaid is in progress, by resolution, to cause the bonds of such county, in the name of such board of chosen freeholders, to be issued for the same, in such sums as the board may deem proper; that the moneys realized from such bonds shall be paid to and received by the county collector and be by him applied to the payment of the cost, charges and expenses of, in and about the laying out, opening, constructing and improving such road or the certificate of indebtedness issued thereon or therefor, as directed by resolution of said board; that the bonds issued may be either coupon or registered bonds, as such board of chosen freeholders may determine, and the same may be made payable, both principal and interest, at the office of the county collector of said county; said bonds shall be sold by the board of chosen freeholders of said county upon the orders and resolutions thereof, either upon bids for the same duly advertised for or otherwise:

Proviso. *provided*, that said bonds shall in no case be sold less than par; the director of such board and the county collector

of such county shall sign said bonds, and the same shall be sealed with the seal of the county; the county collector shall number and register the same; the registered bonds may be exchanged for coupon bonds and coupon bonds be exchanged for registered bonds, at the request of the holder thereof; *provided*, that such board of chosen freeholders by resolution shall consent to such exchange, and said bonds shall bear such interest as such board shall determine, not exceeding five per centum per annum, and said interest shall be paid semi-annually, and the said bonds shall have such time to run as said board of chosen freeholders may at the time of the issue thereof by resolution determine, not exceeding thirty years, and the costs, charges and expenses aforesaid, incurred in the laying out, opening, constructing and improving said road as provided for by this act, shall be paid in no other manner; *and provided*, that the issue of such bonds, in all, shall not exceed the sum of one million dollars.

Proviso

Proviso

9. *And be it enacted*, That such board of chosen freeholders shall each year place in the tax levy of such county for such year as long as such bonds shall run, a sufficient sum to pay all interest on such bonds falling due during such year, and also to pay such per centum of the principal of such bonds as said board may determine, which per centum so raised shall be deposited in the sinking fund of said county for the purpose of paying said bonds as they may become due; and said board shall also place in the tax levy for such county a sufficient sum to pay the principal of any of said bonds falling due in any year as may not be provided for by the said sinking fund, and the said sums so ordered to be levied and provided shall be levied and raised in the same manner as other county taxes are levied and raised.

Payment of bonds to be provided for by taxation.

10. *And be it enacted*, That said board shall establish and determine the width of the carriage-way and sidewalks of said road, provided that both carriage-way and sidewalk shall not exceed one hundred feet in width, and shall construct said road by grading the same in such way and manner according to such grade as the said board shall fix and determine, by excavating and removing earth, rocks, trees, stumps, buildings and all obstruc-

Board to establish width of carriageway and sidewalks.

How road constructed

tions, and the disposal of such portion thereof as not needed in the construction and improving of said road to the best advantage; by filling any low parts or otherwise in preparing the premises for said road, and building all bridges needed on such road; by building all sewers, culverts and receiving basins, and providing all necessary sewerage and outlets of the same, or by making connection with or using any public sewers or outlets that may exist that they may deem necessary within or without the lines of said road; *provided*, that such road may be constructed upon the grades established by any municipal authority (if any have been established) as near as conveniently may be or can be done, so as to insure an easy, and as near as can be, even grade throughout the entire road; and in case any grade shall be changed, compensation shall be made to the person injured (if any there shall be), by such alteration of grade, such injury to be ascertained in the same manner hereinbefore provided in the case of land taken; said board shall have power at any and all times to improve and repair said road or any part thereof, and to provide for properly lighting said road or any part thereof; and said board, in constructing said road and in making such improvements as aforesaid, may use therefor any material which said board is authorized to use for any purpose whatever, and any material which can be used for any of said purposes that may be found within the lines of said road, or may have been placed there by or under any municipal authority whatsoever.

Proviso.

Work and materials over certain sum, to be done or furnished by contract.

11. *And be it enacted*, That all work and material over and exceeding one thousand dollars, done or furnished in and about the opening, laying out, constructing and improving such road, shall be done or furnished by contract after advertisements in the following manner: the said board shall advertise for proposals for doing any work and furnishing material amounting in the whole to one thousand dollars or more, for at least two weeks, not less than once in each week, in such two or more of the newspapers of such county as they may deem expedient, and shall thereafter, at some regular or stated public meeting, award the contract or contracts to the lowest responsible bidder, who shall furnish such good and suf-

Board to advertise for proposals

Award contract.

ficient sureties as may be approved by said board; all bids must be opened at such regular or stated public meeting of said board, and not otherwise; but said board shall be under no obligation to accept the lowest bidder if they deem it to be against the public interest so to do, and may reject any or all bids, in whole or in part, if they deem it to be for the interest of the public so to do; and in case of such rejection, the said board shall again advertise for proposals as above provided.

Not obliged to accept lowest bid.

12. *And be it enacted*, That except to cross such road, no horse, dummy or other railroad shall be allowed on such road, or any part thereof.

No railroad allowed on road, except to cross same

13. *And be it enacted*, That said board shall have the power to issue certificates of indebtedness in payment for work done or materials furnished, or any expense incurred in the execution of this act, and to issue them at such times and for such amounts, payable at such periods and executed and transferable in such manner as they may deem best; said certificates of indebtedness shall be paid out of the proceeds of the sale of bonds, as hereinabove authorized to be issued and sold, and shall bear interest at a rate not exceeding four per centum per annum, and shall be made payable within one year from the date thereof, as the said board shall designate.

Board empowered to issue certificates of indebtedness.

How paid.

14. *And be it enacted*, That the entire costs of laying out, opening, constructing and improving said public road in any county of this state, shall not exceed (including awards for lands taken and damages thereto) the sum of one million dollars.

Cost of road not to exceed one million dollars

15. *And be it enacted*, That it shall be the duty of such board to maintain and properly light such road or any part thereof, and to keep the same in repair and fit for public use from year to year, at the expense of the public at large of such county, and that the appropriation of moneys for such purposes when necessary, shall be made and raised in the same manner as the appropriations for other county purposes are made and raised.

Board to maintain and light road.

16. *And be it enacted*, That the said board and the county collector shall keep the accounts and expenditures on account of said road separate and apart from the accounts of the other expenditures of such county, which account shall be called the public road account, and the clerk of

Accounts and expenditures of road, how kept, &c.

said board shall, on the first days of May and December in each year, file with the county clerk, there to remain as a public record, a detailed, itemized account of the expenditures of such board in relation to such road, which said account shall have been submitted to said board, approved of by said board and ordered to be filed as aforesaid, and that the county collector shall also in like manner, at the times aforesaid, make and file his report of the moneys received by him on account of the issue and sale of bonds or otherwise, and the amounts paid out by him by order of such board, which said reports shall be included under separate and appropriate headings in the annual reports of the receipts and expenditures of said board as now made in accordance with law.

Board may employ officers, engineers, etc., and fix compensation and term of office.

17. *And be it enacted*, That such board may, for the purpose of carrying this act into effect, employ, except as in the next succeeding section of this act otherwise provided, such officers, surveyors, engineers, agents, clerks or employes as shall be necessary and requisite, and fix their compensation, and their tenure of office or employment shall be during and at the pleasure of the board; no member of said board, nor any officer, surveyor, engineer, agent, clerk or employe in this section mentioned shall at any time be interested in any contract to be awarded as above specified, nor in any proposal or bid made or offered to said board for any work or materials to be supplied to said board: but neither this provision or prohibition nor anything contained in this act shall be construed as affecting the right of such board to employ the officers and other employes and persons in this section before specifically mentioned and provided for.

Not to be interested in contract

Chief engineer, how appointed.

18. *And be it enacted*, That a chief engineer, who shall have the supervision of the laying out and building of said road in accordance with the provisions of this act, shall be appointed by the judges of the inferior court of common pleas of such county or a majority of them; said appointment shall be certified in writing under the hands of said judges to such board of chosen freeholders; the salary of such chief engineer shall be determined and fixed by said judges at the time of making the appointment, and the same shall be paid by such board in equal monthly installments; the chief engineer shall be subject

Salary.

to removal by said judges or a majority of them at any time, whereupon said judges or a majority of them shall in the same manner appoint his successor; no moneys shall be paid to any contractor or person engaged in the building and construction of said road, with the exception of those provided for in section seventeen of this act, until the bill or claim therefor shall have been approved of by said chief engineer, except that said board may order the payment of any bill or claim without such approval by a two-thirds vote of all the members of such board; all subordinates and assistants to said chief engineer, as such board shall from time to time by resolution declare necessary and requisite, shall be nominated for employment by said chief engineer to said board, but before any person so nominated shall enter into the service of such board, his nomination shall be confirmed by a majority vote of the members thereof; all such subordinates and assistants to the chief engineer may be removed or discharged by said board at any time.

Subject to removal.

No money to be paid without his approval.

To nominate assistants.

How assistants removed.

19. *And be it enacted*, That said board may establish such rules and regulations for the authentication of all their acts and all contracts, the government of officers and employes, and for all other purposes necessary or expedient for the efficient execution of this act, as to them shall seem necessary or convenient; and all meetings and proceedings of said board relating to their duties under the provisions of this act shall be public.

Board may establish rules.

20. *And be it enacted*, That all the proceedings and acts of said board, as the same shall appear upon the minutes of said board, and all maps, contracts, awards, assessments or other matters or papers on file in their office, relative to or concerning said road, shall be matters of public record, and parties shall be deemed to have due notice of the existence thereof: and the same shall be open to the inspection of the public during the business hours of every day (except Sunday and holidays), and copies thereof, certified by the clerk of such board under its seal, shall be evidence in all courts and places the same as the original would be if produced.

Proceedings, maps, contracts, etc., to be public records.

21. *And be it enacted*, That after the completion of the laying out, opening, constructing and improvement of said road, such board shall carefully preserve and keep

When road completed, records to be preserved.

in its office or the office of the clerk thereof, all surveys, map or maps, report or reports, record or records whatever, relating to said road and the course and location thereof, there to be and remain of record.

Words construed.

22. *And be it enacted*, That whenever in this act words importing the plural number are used in describing or referring to any matter, parties or person, any single matter, party or person shall be deemed to be included, although distributive words may not be used; and when any subject, matter, party or person is described or referred to by words importing the singular number or the masculine gender, the several matters and persons, and females as well as males, and bodies corporate as well as individuals, shall be deemed to be included; and these rules of construction shall apply in all cases unless it be otherwise specially provided herein, or unless there be something in the subject or context repugnant to such construction.

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

Approved April 7, 1888.

CHAPTER CCLXXV.

An Act to provide for certain improvements in the New Jersey state prison.

Preamble.

WHEREAS, The supply of water at the state prison is inadequate for the purposes of that institution, and the quality thereof has been found by analysis to be such as to endanger the health of the inmates; *and whereas*, the system of sewerage and drainage is found to be defective, and not well adapted to the increasing necessities of the prison, as well as detrimental to the health of the inmates; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of inspectors and the supervisor and the keeper of the New Jersey state prison be and they are hereby authorized and directed to have such changes and improvements made in the system of drainage and sewerage as they may deem necessary, and to take the necessary measures to procure a sufficient supply of pure and wholesome water for the purposes of the prison, and to enable them to carry out the provisions of this act there is hereby appropriated for the purposes above named the sum of thirty thousand dollars, or so much thereof as may be necessary, from which sum the expenses of the said work shall be paid by the treasurer of the state, on the warrant of the comptroller, upon the approval of the said board of inspectors and supervisor and the keeper of the state prison, and the said board shall present to the next legislature a detailed report of their proceedings under this act. Improvements authorized. Appropriation. Report to legislature.

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

Approved April 7, 1888.

CHAPTER CCLXXVI.

An Act to amend an act entitled "An act to amend an act entitled 'An act for the settlement and relief of the poor' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four," which amendment was approved February twentieth, one thousand eight hundred and eighty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section fifteen of the act entitled "An act for the settlement and relief of the poor" [Revision], approved March twenty-seventh, one Section amended.

thousand eight hundred and seventy-four, which section as amended was approved February twentieth, one thousand eight hundred and eighty-six, be and the same is hereby amended to read as follows:

When overseers of poor may build or hire house for poor.

15. *And be it enacted*, That it shall and may be lawful for the overseers of the poor of any township, with the approbation and consent of the major part of the inhabitants, householders of such township, if they shall think it convenient and necessary, at any public town meeting for that purpose met and assembled, of which timely notice shall be given in the usual manner, to build, purchase or hire any house or houses in such township, and also to purchase necessary materials for that purpose, out of the money provided or to be provided for the relief of the poor, and there to keep, maintain and employ all and every such poor person and persons, and to take the benefit of the work, labor and service of any such poor person or persons who shall be kept and maintained in any such house or houses, for the better maintenance and relief of such poor person or persons who shall be there kept and maintained; and in case any poor person or persons claiming relief of any township within this state where such house or houses shall be so built, purchased or hired, shall refuse to be lodged, kept to work and maintained in such house or houses, such poor person or persons so refusing shall be put out of the book where the names of the poor are ordered to be registered by virtue of this act, and shall not be entitled to ask or receive any relief from the overseer or overseers of any such township; and where any township may be too small to build, purchase or hire such house or houses as aforesaid, it shall and may be lawful for two or more of them, with the consent and approbation of the major part of the inhabitants, householders of each respective place, at a public town meeting for that purpose met and assembled, of which timely notice shall be given in the usual manner, to join together and unite in building, purchasing or hiring such house or houses, for the lodging, keeping and maintaining of the poor of such places so joining together and uniting, and there to keep, maintain and employ the poor of such united places as aforesaid, and to take and have the benefit of the work, labor

Two or more townships may unite.

or service of any poor there kept and maintained, for the better maintenance and relief of the poor there kept, maintained and employed; and when two or more townships shall thus unite as aforesaid, the overseers of the poor of such townships so uniting shall meet as soon as practicable after the beginning of the fiscal year, and the overseers of the poor of such townships so uniting shall each serve by turn as steward of such house or houses for the term of one fiscal year each, in such succession of townships as shall be agreed upon by the overseers at their first regular meeting after the passage of this act, unless either shall waive his service, when it shall pass to the township having the right of succession; and the duties of such steward shall be the same as those of the overseer where the house or houses are kept and maintained by one township; and in case any poor person or persons claiming relief of any such united places as aforesaid shall refuse to be lodged, kept to work, or maintained in the house or houses built, purchased or hired for such united places as aforesaid, such poor person or persons so refusing shall be put out of the book where the names of the poor are ordered to be registered by virtue of this act, and shall not be entitled to ask or receive any relief from the overseer or overseers of any such township; and it shall and may be lawful for the overseers of the poor of any township, with the consent and approbation of the major part of the inhabitants, householders of such place or places where such house or houses shall be built, purchased or hired for the purposes aforesaid, at a public town meeting for that purpose met and assembled, of which timely notice shall be given in the usual manner, to contract with the overseers of the poor of any other place for the lodging, maintaining and employing of any poor person or persons to such other place belonging, as to them shall seem meet; and in case any such poor person or persons, belonging to any other township in this state, shall refuse to be lodged, maintained and employed in such house or houses so contracted for as aforesaid, such poor person or persons so refusing shall be put out of the book where the names of the poor are ordered to be registered by virtue of this act, and shall not be entitled to ask or re-

Regulations in such cases.

ceive any relief from the overseer or overseers of any such township.

Repealer.

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

Approved April 9, 1888.

CHAPTER CCLXXVII.

An Act to amend an act entitled "An act to amend an act entitled 'An act to provide for the regulation and incorporation of insurance companies,'" passed April twenty-seventh, one thousand eight hundred and eighty-six.

Section amended.

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

How charters of existing joint-stock or mutual companies may be extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any existing joint-stock company incorporated by this state for either of the purposes mentioned in this act may, at any time after notice being given for three months in a newspaper of this state published in the county where such company is located, and if no newspaper be published in such county then in a newspaper published nearest to the same, of such intention, and with the written consent of three-fourths in amount of its stockholders, or if a mutual company, or a mutual company whose charter has expired, with the unanimous consent of its trustees or directors, extend its original charter to the time specified by the provisions of this act, by altering or amending the same so as to accord with the provisions of this act, and filing a copy of the same so altered or amended, together

with a declaration, under its corporate seal, signed by the president and directors, of their desire for such extension, and also the written consent of three-fourths in amount of its stockholders, and the unanimous consent of the trustees or directors as aforesaid to such extension, in the office of the secretary of state; and upon the filing such consent, declaration and charter, the same proceedings shall be had as are required by the thirty-second section of this act; and any of the mutual insurance companies already chartered by the legislature of this state, or already organized under the general laws of this state, may, after giving ninety days' notice in three of the public papers of this state, change to joint-stock companies, by proceeding in accordance with and conforming their charter to the provisions of this act.

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

Approved April 9, 1888.

CHAPTER CCLXXVIII.

An Act defining the powers of the mutual fire insurance companies of this state.

Preamble

WHEREAS, Doubts exist as to whether the mutual fire insurance companies of this state have power under their respective acts of incorporation to make an assessment or assessments for a sum beyond the precise amount of existing losses or expenses, and it is found to be impracticable to make such assessments upon the numerous members of said companies to meet small losses and expenses as the same accrue, the costs incident to the making of which would often exceed the amount of loss or losses to be paid thereby; for remedy whereof and for the better securing the meaning and construction of said acts of incorporation; therefore,

Acts of incorporation construed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the directors of any mutual fire insurance company shall have occasion to assess or settle and determine the sums to be paid by the several members of said company for loss by fire or damage by lightning, wind-storms or tornadoes, or for such incidental expenses as shall be necessary for transacting the business of said company, or either one or all of them, the said acts of incorporation shall be so construed as not to limit the amount of the assessment by the precise amount of existing losses and expenses, but the said assessment against the several members of said company may, in the discretion of said directors, exceed the amount of such existing losses and expenses; *provided*, the same is against each member in proportion to the original amount of his or their deposit note or notes, and does not exceed twenty per centum of said deposit note, and the surplus moneys, if any, collected upon said assessment over and above what is necessary to pay existing losses and expenses, shall remain in the treasury of said company for the payment of such further loss or losses and expenses as may thereafter accrue, according to the provisions of its said act of incorporation; and the same proceedings, rights and remedies for the collection of such assessment, and the notes of the members of the said company, upon default made in the payment of said assessment, shall exist, as are given in and by their said act of incorporation.

Proviso.

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

Approved April 9, 1888.

CHAPTER CCLXXIX.

An Act concerning unclaimed deposits in savings banks.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all savings banks of this state shall include in their annual reports now required by law a sworn statement containing the name, the amount standing to his, her or their credit, the last known place of residence or post-office address and the fact of death, if known, of every depositor who shall not have made a deposit therein or withdrawn therefrom any part of his, her or their deposit or deposits, or any part of the interest thereon, for a period of ten or more years next preceding, when the amount exceeds the sum of fifty dollars; and the officers of such savings bank shall give notice of these deposits in one or more newspapers published in or nearest to the city or town where such banks are located, at least once a week for three weeks in succession during the month of February for two years.

Statement of depositors not making or withdrawing deposit for ten or more years, to be included in annual reports.

Notice to be published.

2. *And be it enacted*, That the secretary of state shall incorporate in his annual report each return which shall have been made to him as provided in section one.

Secretary of state to incorporate returns in annual report.

3. *And be it enacted*, That the officers of any savings bank neglecting or refusing to make the sworn return required by section one of this act, shall be guilty of a misdemeanor and liable to a fine not exceeding five hundred dollars.

Penalty for neglecting to make return.

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

Approved April 9, 1888.

CHAPTER CCLXXX.

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

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the supplement to the act to which this is a supplement, which said supplement was approved April tenth, one thousand eight hundred and eighty-five, be amended to read as follows:

Governing board of savings bank in certain cities to provide for election of depositors' committee.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governing board of every savings bank in any city of this state having a population of one hundred thousand, whether such bank be organized by general or special statute, shall, at each annual election of said board hereafter held, provide for the election of a depositors' committee of three, said election to be held two weeks after said annual meeting, upon not less than one week's public notice thereof, in not less than two newspapers circulating in such city, which notice shall designate the time and place of said election; and the necessary expense of said election shall be paid by said governing board, and shall be charged to expense account, and said governing board shall, at each annual meeting, appoint a board of inspectors, who shall be not less than four, two of whom, at least, shall be depositors, outside of the board of managers; the poll for said election shall be opened from four until seven o'clock post meridian on the day of said election, and any person producing a book showing a deposit in said bank shall be entitled to vote at said election, either in person or as proxy; the three depositors receiving the highest number of votes shall be elected; the inspectors conducting the election shall certify the result, under oath, to the board of managers appointing them, and the depositors' committee so elected shall be notified by five days' notice, in writing, of each examination made by the managers, or any committee

of the managers of said bank, of the fact that the examination is about to commence, and requesting them to be present thereat.

2. *And be it enacted*, That the by-laws of the board of managers of any savings bank in this state may fix the number that shall constitute a quorum of the board for the transaction of business; *provided*, that said number so fixed shall not be less than a majority of the whole board. By-laws of managers may fix quorum of board. Proviso.

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

Approved April 9, 1888.

CHAPTER CCLXXXI.

A Supplement to an act concerning roads [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the legal voters of any of the townships of this state at their annual township meeting shall fail or neglect, for any cause whatever, to raise any sum of money for improving the public roads, and for defraying the costs, charges and expenses of opening, clearing out, making, working, amending, repairing and keeping in good order the highways, and procuring material for the same, and also the compensation allowed for the services of the overseer thereof, then it shall be lawful for the said overseers, in each such road district, to give notice of an election to be held at any time before the first day of May next ensuing, for that purpose, and shall set up at least two notices in writing in two of the most public places in each road district, stating the time and place of such election, which shall be between the hours of two and eight o'clock post When voters of townships fail to raise money for improving roads, overseer of roads to give notice of election for that purpose.

meridian, five days before the day fixed for such election, and also stating the object and purpose of such election.

Voters to determine sum to be expended in district.

2. *And be it enacted*, That at the election provided for in the last preceding section the legal voters then and there assembled may determine, by the votes of two-thirds of all the voters voting at such election, the sum of money to be expended within such district for the purpose of keeping the roads of such district in repair during the ensuing year; and the sum of money so fixed shall be in lieu of all other road taxes in such district, and may be used as hereinafter provided.

Overseer to give notice to assessor of township of sum fixed.

3. *And be it enacted*, That within five days after such election the overseer shall give notice to the assessor of the township of the sum so fixed, who shall assess the sum upon the taxable property within such district; and the same shall be collected as other road taxes are collected, and paid over to the overseer of such road district for the purposes provided for in this act; and for the assessing and collecting of such tax, the assessor and collector shall each be entitled to receive out of the money so assessed and collected, the sum of five cents for each and every name appearing on the assessor's duplicate of such assessment.

Overseers may use broken stone in repairing roads.

4. *And be it enacted*, That it shall be lawful for the overseers of the highways of the various districts to use broken stone, as well as gravel and other materials heretofore provided for by law, in forming or repairing the roads in their respective districts.

Repealer.

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

Approved April 9, 1888.

CHAPTER CCLXXXII.

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

How money for maintenance of sidewalks in certain townships may be raised.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in all townships of this state where the overseer of any road district is now authorized by law to call a public meeting of the legal voters of said road district to be held therein, for the purpose of having the legal voters so convened, or a majority of them, to vote and raise, over and above the regular taxes for the improvement and repair of public roads, such sum or sums of money in such district as they may determine, for the purpose of making and repairing the roads, streets, highways or avenues in such district; it shall also be lawful at such meeting for said voters so convened, or a majority of them, to determine what, if any, amounts shall be raised for the purpose of maintaining and repairing such sidewalks as may have been laid therein, in addition to the tax for the repair of the roads as aforesaid; which tax shall be assessed and levied against and collected from the inhabitants of such road district by the same means and at the same time and in the same manner as the township taxes are assessed, levied and collected, and when collected shall be paid by the township collector to the overseers of the various road districts of said townships, for the time being, for the use of such road districts.

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

Approved April 9, 1888.

CHAPTER CCLXXXIII.

A Further Supplement to an act entitled "An act to secure to creditors an equal and just division of estates of debtors who convey to assignees for the benefit of creditors" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

When assignee or creditor may file exceptions to claim of creditor or final account of assignee.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at any time within two years from the making of any assignment heretofore made it shall be lawful for the assignee or assignees, or any creditor or other person interested, by himself or attorney, to appear at any term of the orphans' court of the county wherein such proceedings shall have been had or hereafter to be had and to file exceptions to the claim or demand of any creditor, or to the final account of the assignee or assignees; and where fraud or any irregularity is shown, the said orphans' court shall cause a notice to be served on said creditor or assignee or assignees, said notice to be served in such manner and mode as the said court may direct, and thereupon the said orphans' court shall have full and complete jurisdiction to hear and determine the same.

Repealer.

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

Approved April 12, 1888.

CHAPTER CCLXXXIV.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the orphans' court may certify any question of fact into the circuit court of the same county for trial before a jury, and upon filing the certificate in the circuit court, such proceedings shall be had thereupon as are provided for in the trial of questions involved in the probate of wills before a jury. Orphans' court may certify any question of fact into circuit court for trial before jury.

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

Approved April 14, 1888.

CHAPTER CCLXXXV.

A Supplement to an act entitled "An act to secure to mechanics and others payment for their labor and materials in erecting any building" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

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

When claim must be filed and suit brought.

13. *And be it enacted*, That no debt shall be a lien by virtue of this act, unless a claim is filed, as hereinbefore provided, within one year from the furnishing the materials or performing the labor for which such debt is due, and such part of any claim filed as may be for work or materials furnished more than one year before the filing of the same, shall not be recovered against the building or land by virtue of this act, nor shall any lien be enforced by virtue of this act unless the summons in the suit for that purpose shall be issued within one year from the date of the last work done or materials furnished in such claim; and the time of issuing such summons shall be indorsed on the claim by the clerk, upon the sealing thereof; and if no such entry be made within one year from such last date, or if such claimant shall fail to prosecute his claim diligently within three years from the date of the issuing of such summons, such lien shall be discharged; *provided*, that the time in which such lien may be enforced by summons may be extended for any further period not exceeding one year, by a written agreement for that purpose, signed by said land-owner and such claimant, and annexed to said claim on file before such time herein limited therefor shall have expired, in which case the county clerk shall enter the word "extended" on the margin of the lien docket opposite such claim; and any claimant, upon receiving written notice from the owner of the land or buildings, requiring him to commence suit on such claim within thirty days from the receipt of such notice, shall only enforce such lien by suit to be commenced within said thirty days.

Proviso.

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

Approved April 16, 1888.

CHAPTER CCLXXXVI.

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

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

6. *And be it enacted*, That each of the judges of the several district courts of this state shall have the same powers, jurisdiction and authority, upon petition for discovery in aid of execution upon the return of any execution unsatisfied in whole or part into any of said district courts, to order the judgment debtor to appear before the court, or one of the supreme court commissioners of this state, and make discovery on oath concerning his property or things in action before said judge or commissioner, and upon the taking of the testimony by said judge, or the certification by the commissioner of the testimony taken by him under the order, to appoint a receiver of the property and things in action belonging, or due to, or held in trust for such debtor at the time of issuing the execution, or at any time afterward, as is now vested in or exercised by any of the judges of the inferior courts of common pleas of this state; and such receiver, when appointed, shall have like power, authorities and duties as receivers appointed under similar proceedings by any of said judges of the inferior courts of common pleas, except that the judge may make such order when the amount due on such judgment, including costs, shall be twenty-five dollars or more; *provided, however*, that no receiver appointed by any of the district court judges shall become vested with the title to or have the power to demand and receive any of the real property of any such judgment debtor. Powers and jurisdiction of judges upon petition for discovery in aid of execution. Proviso.

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

Approved April 16, 1888.

CHAPTER CCLXXXVII.

A Supplement to an act entitled "An act regulating lettings in cases where no definite term is fixed," approved April fourteenth, one thousand eight hundred and eighty-four.

Act amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act regulating lettings in cases where no definite term is fixed," approved April fourteenth, one thousand eight hundred and eighty-four, be and the same is hereby amended so as to read as follows:

When landlord may dispossess tenant in case no term is agreed upon.

That in any letting where no term is agreed upon and the rent is payable monthly, so long as the tenant pays the rent as agreed, it shall be unlawful for the landlord to dispossess the tenant before the first day of April succeeding the commencement of such letting, without giving the tenant three months' notice in writing to quit;

Proviso.

provided, however, that in case any such tenant shall be so disorderly as to destroy the peace and quiet of the other tenants living in said house or the neighborhood, or shall willfully destroy, damage or injure the premises, or shall constantly violate the said landlord's rules and regulations governing said premises, and a copy of which regulations said landlord has caused to be conspicuously posted on said premises; in any such case the said landlord may cause a written notice of the termination of such tenancy to be served upon said tenant and a demand that said tenant remove from the premises so occupied by him within three days from the service of such notice, and in case said tenant shall not so remove, it shall be lawful for said landlord or his agent, after the expiration of said three days, to make and file with any justice of the peace, an affidavit setting forth either or any of the causes for removal above set forth and of the service of such notice, and thereupon it shall be lawful for such jus-

tice to issue his summons in ejectment such as now provided under the act entitled "An act concerning landlords and tenants," for the summary removal of tenants holding over after the expiration of his or her term, and on proof before said justice, on the return of said summons, of any one of the causes for removal aforesaid, it shall be lawful for said justice to give judgment for said landlord and issue his warrant for such removal and take such other proceedings as is now provided by law for summary removal of tenants.

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

Approved April 16, 1888.

CHAPTER CCLXXXVIII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section fifty-seven of an act entitled "An act respecting the court of chancery" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-five, be and the same is hereby amended so as to read as follows: Section amended.

57. *And be it enacted*, That neither the filing of a bill in chancery nor any proceedings had, or to be had thereon, before a final decree, shall be deemed or taken to be constructive notice to any bona fide purchaser or mortgagee of any lands or real estate to be affected thereby, until the complainant in such bill, or his solicitor, shall have first filed in the office of the clerk of the court of common pleas of the county in which such lands or real estate lie, a written notice of the pendency of such suit, setting forth the title of the cause and the general object thereof, Lis pendens. Notice of suit to be filed in county clerk's office.

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together with a description of the lands or real estate to be affected thereby; *provided*, that nothing in this section contained shall be construed or taken to apply to any bill filed, or to be filed, for the satisfaction or foreclosure of any duly-registered or recorded mortgage; *and provided further*, that in case the complainant named in such bill do not take steps to prosecute the suit diligently within three years after the filing of such written notice of the pendency of such suit, then the chancellor may, upon application to him by any interested party, and upon notice to the complainant or his solicitor, declare the filing of such notice to be null and void and of no effect.

Proviso.

Proviso.

Approved April 16, 1888.

CHAPTER CCLXXXIX.

An Act to authorize incorporated towns to construct sewers and drains, and to provide for the payment of the cost thereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of any incorporated town in this state, to order and cause sewers or drains to be constructed in any part of such town, and to provide, maintain and order a general system of sewerage and drainage for said town or any part thereof, conformably to which all sewers and drains shall be constructed, and to establish and maintain one or more outlets or places of deposit, within or without such town, for sewage and drainage, and to provide for the disposal of the sewage and drainage from the town, and to repair and cleanse such sewers and drains.

Lawful for common council to cause sewers or drains to be constructed.

2. *And be it enacted*, That whenever a petition in writing of any owners of property interested shall be presented to the common council of the said incorporated

town, asking for the construction of a sewer or drain in any particular section of said town, it shall be lawful for such common council to adopt a resolution declaring its intention to cause such sewer or drain to be constructed, and the said common council shall forthwith cause public notice of such intention to be given by the town clerk, or other designated officer, in a newspaper printed or circulated in such town, for the space of ten days, briefly describing the proposed work and requesting such persons as may object thereto to present their objections in writing, at or before the expiration of ten days from the date of such notice, to the officer signing the same; and if persons owning or representing more than one-half of the lineal frontage of the land along any street, or of the portion thereof through which it is proposed to construct any lateral sewer or drain, shall present their objections in writing, then such proceedings shall cease; but otherwise after the expiration of the said ten days it shall be lawful for such common council to adopt any ordinance for the construction of such sewer or drain, to award contracts for the same or for any part or section thereof, and to take all necessary steps for properly carrying into effect the desired improvement:

When petition presented, council may adopt resolution declaring intention to construct sewer.

Notice of.

When proceedings shall cease.

II. If in the judgment of the said common council the construction of such sewer or drain is likely to benefit and increase the value of any lands and real estate in the vicinity thereof, the said common council is authorized to treat with the owners of said lands and to agree with them as to the value of the said benefits, and the compensation to be paid therefor by such owners; and in case of a satisfactory agreement being made between any of the owners of lands likely to be benefited and the said common council, the same shall be in writing, signed by the said owner or owners, and entered upon the minutes of the said common council, and the amount agreed upon as a compensation for the benefits to be derived from said sewer or drain shall be paid by such owner or owners so agreeing, on or before the completion of said sewer or drain;

Council authorized to treat with owners of lands.

III. That in case no agreement can be made for such purpose, the said common council shall apply to the circuit court of the county wherein the said town is situ-

In case no agreement can be made, council to apply for appointment of commissioners.

ate, or to one of the judges of the supreme court of New Jersey, at his chambers, for the appointment of commissioners to estimate and assess such benefits, of the time and place of which application written notice shall be given by personal service of a copy thereof upon the said owner or owners, or by leaving a copy at his or their usual place of residence with a member of his family, or, in case said owner shall be a corporation, by serving a copy of the said notice upon the president, secretary, or one of the directors thereof, at which time and place the said court or judge shall, without unnecessary delay, appoint three commissioners, who shall be freeholders and residents of the town making the application, to estimate and assess the said benefits; the said court shall have power to remove any commissioner and appoint another in his place, and also to fill any vacancy that may occur in the office of any commissioner from any cause;

Commissioners to take oath.

IV. That the said commissioners, before entering upon the execution of the duties required of them by this act, shall take and subscribe before some person duly authorized to administer the same, an oath or affirmation that they will make all estimates and assessments required of them fairly, legally and equitably, according to the best of their skill and understanding, which oath or affirmation shall be attached to the report that they are hereinafter required to make;

To give notice of hearing.

V. The said commissioners having thus qualified shall give notice under the direction of the said court or judge of the time and place when and where they will hear any persons in interest who may present themselves to be heard, and at such time and place, and at such other times and places to which they may adjourn for that purpose, the said commissioners shall attend, and shall give a public hearing to those persons in interest who may desire to be heard; the said commissioners shall have

Empowered to examine witnesses, &c.

the power to examine witnesses under oath, to be administered by any one of them, to enter upon and view any premises that they may deem necessary, and to adjourn from time to time at their discretion, or as

To ascertain names of owners.

directed by said court or judge; they shall use diligent efforts to ascertain the names of the owners of the land and real estate benefited by the construction of such

sewer or drain as aforesaid, and shall state the same in the report hereinafter mentioned; but the failure to so ascertain the name of any such owner, or to state the same correctly, or the omission of any such name from the said report, shall not be deemed to invalidate the said assessment nor to be a bar to the collection of the same;

Commissioners to make report.

VI. That after having given opportunity as aforesaid for a public hearing of the persons in interest, and having viewed the premises likely in their judgment to be benefited by the construction of such sewer or drain, the said commissioners shall make a report in writing of their estimate and assessment to the said court or judge of the supreme court, accompanied by a survey and map prepared by the town surveyor or engineer, under their direction, showing the lots or parcels of land and real estate materially benefited by such sewer or drain: the said report shall state the estimated cost of the whole work, the portion, if any, assessed upon the town at large, the amounts, if any, assessed by agreement between any owner and common council, designating the lots upon which such assessments were made, and shall give the names, as far as ascertained, of the owners of the said lots or parcels of land and real estate, and the amount of the assessment to each owner, for each of such lots or parcels of land and real estate, for the said benefits, which assessment shall in each case be in proportion, as near as may be, to the advantage which each of such owners shall be deemed to have acquired by the construction of such sewer or drain; in case the costs and expenses of such work shall exceed the amount of such benefit, the excess thereof shall be paid by the town at large; in no case shall any property or owner thereof be assessed beyond the amount of benefit actually derived from the construction of such sewer or drain;

Survey and map.

What report to state.

Proceedings for confirmation of report.

VII. That upon the coming in of any such report signed by the said commissioners or any two of them, said court or judge shall cause such notice to be given as it shall seem proper of the time and place of hearing any objections that may be made to such assessment, and after hearing any matter that may be alleged against the same, the said court or judge, either by rule or order,

shall confirm the said report or shall refer the same to the said commissioners for revision and correction; and the said commissioners having reconsidered the subject-matter thereof, shall return the same corrected and revised, or a new report shall be made by them in the premises, to the said court or judge, without unnecessary delay, and the same, being so returned, shall be confirmed by the court or judge either without alteration or with such amendments and revisions as right and justice shall require; such report, when so confirmed, shall be final and conclusive as well upon the said town as upon the owners of any lands and real estate affected thereby; the said court or judge of the supreme court shall thereupon cause a certified copy of such report as finally adopted, and the accompanying map, to be transmitted to the town clerk of the said town, with a certified copy of the rule or order of the said court confirming the same, which shall be forthwith delivered by the said clerk to the common council of the said town.

Copy of report and map transmitted to town clerk.

When certiorari not to be allowed.

VIII. That no certiorari shall be allowed by any court to review any proceedings in relation to such improvement, nor to in any way affect any assessment made by such commissioners, after the lapse of thirty days from the making of the order of the court confirming such assessment; the court shall designate what notice, if any, shall be given of the confirmation of the report of said commissioners;

Notice of confirmation of report.

Assessments to be first liens on lands and real estate

IX. That all assessments made under the provisions of this act, whether by agreement or otherwise, shall be and remain a first lien upon the lands and real estate affected thereby, for the satisfaction of any judgment to be obtained therefor, notwithstanding any error or omission in stating the name or names of the owner or owners of any lot or parcel of such land and real estate, to the same extent as taxes and assessments are now a lien under the general laws of this state, and shall bear interest at the legal rate; and the common council may sue for and recover of each person so assessed the amount of his assessment with interest and costs by an action of contract in the corporate name of said town, in any court of competent jurisdiction, against the person or persons so assessed, for so much money laid out and expended by

How recovered.

the plaintiff for the use of such person or persons so assessed, and may declare generally and give the special matter in evidence; and if any such person or persons reside out of the state a writ of attachment may be resorted to as in other cases of non-resident debtors, and the said proceedings of the commissioners and the rule or order of said court or judge shall be conclusive evidence against the defendant:

Compensation of commissioners

X. That for his services each commissioner shall receive the sum of four dollars for each day he shall be engaged in the actual performance of the duties herein required of him, to be paid by the town in which the improvement is made.

When feasible to build sewer upon private property, lawful for town to acquire land.

3. *And be it enacted*, That whenever it shall be feasible or advantageous to any such town to build and extend any part of such sewers, or any of the outlets thereto, through and upon any private lands or property, in order to reach the waters into which the sewage of such town is emptied, then it shall be lawful for said town to acquire the land in fee simple or any lesser estate or right therein; the proceedings for acquiring such property, and estimating and assessing the damages to the owners thereof, by reason of the taking and appropriating the same, shall conform to the proceedings now provided by law for the acquiring of land for the opening of streets in such town.

Proceedings.

Amount which may be expended in one year.

4. *And be it enacted*, That it shall be lawful for each town to expend not more than one per centum of the total valuation of its taxable property in any one year for the purpose of constructing sewers or drains in such town.

Council may borrow money to meet expenses of improvement.

5. *And be it enacted*, That in order to meet the expenses of any such improvement, the common council may borrow the money necessary therefor, temporarily, upon the promissory notes of such corporation, or may issue temporary improvement certificates from time to time, as the work progresses, in such form as the common council may prescribe; said notes and certificates shall bear interest at a rate not exceeding six per centum per annum, and shall be payable at the expiration of not more than two years from the date of issue; all receipts from assessments made against property benefited by such improve-

Receipts from assessments, how applied.

ments shall be paid to the treasurer of the town, and shall be applied to the payment for such improvements, or to the payment of any temporary indebtedness incurred by the town therefor.

Lawful for town to issue bonds to provide for cost of improvement.

6. *And be it enacted*, That in order to provide for so much of the cost of such improvement as shall be required to be paid by any town, and the notes or certificates of indebtedness issued therefor, it shall and may be lawful for incorporated towns to issue bonds, to run for a period not to exceed twenty years, and to bear interest not exceeding four and one-half per centum per annum, which said bonds shall be styled improvement bonds, shall be issued in such denominations as the common council may determine, and be executed under the corporate seal of said town, and the signatures of the mayor, clerk and chairman of the committee on finance; coupons, signed by the mayor, for every half-year's interest, shall be attached to each bond, and numbered to correspond thereto, or the said bonds may be registered, at the option of the holder; they shall be sold for not less than par, and the proceeds thereof shall be used to pay the portion of costs and expenses of said sewers or drains required to be paid by such town as aforesaid, and to take up and pay off such temporary notes or certificates as have been given in payment of such costs and expenses;

Proviso.

provided, that in order to meet the interest on said bonds, and redeem the same at maturity, it shall be the duty of the common council to order the interest thereon, together with a sinking fund of not less than five per centum of the total amount of said issue to be raised in the annual tax levy.

Common council authorized to pass ordinances for government and control of sewers and drains.

7. *And be it enacted*, That it shall be lawful for the common council of any town in which sewers or drains may be constructed under the provisions of this act, to pass ordinances for the government and control of such sewers or drains, to enter into agreements with private persons or corporations for the use of said sewers and drains under such restrictions as said council may impose, to establish a price to be paid for such use, and to collect the same;

Proviso.

provided, that all moneys derived from the use of said sewers shall be applied to the payment of the debt incurred in building the same, and the interest thereon.

8. *And be it enacted*, That this act shall not be operative or in effect in any city until the same shall have been accepted by the common council or other governing body therein, by a vote of not less than three-fourths of the members thereof, and be concurred in and approved by the board having the control of the finances therein, and receive the approval of the mayor or chief executive officer. When act to take effect.

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

Approved April 17, 1888.

CHAPTER CCXC.

An Act to authorize the township committees of townships to raise money for certain purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when, owing to an unusual storm or unforeseen emergency, any township of this state shall heretofore have been or hereafter shall be obliged to incur expense in the opening and clearing out of the roads or any of them of such township, and there are no moneys belonging to such township on hand or available for defraying the expense of such opening and clearing out, it shall be lawful for the township committee of such township to borrow money in anticipation of the collection of a special tax hereby authorized to be levied and collected, for the purpose of defraying the expense of such opening and clearing out, and to give promissory notes or other obligations bearing legal rates of interest for the money so borrowed; and such loans may be made for such time as the township committee shall deem reasonable and prudent, and may be re-issued from time to time, until such special tax shall be received by the township collector; and when so received, such tax shall be When lawful for township committee to borrow money to defray expense of opening and clearing out roads

forthwith set apart and applied to the payment of such loans.

Money borrowed collected by taxation.

2. *And be it enacted*, That when the township committee of any township within this state shall have borrowed heretofore, or hereafter shall borrow any money for any of the purposes specified in the first section hereof, then and in that case it shall and may be lawful for such township committee, in its discretion and by a majority vote of the members thereof, to order and cause the sum or sums of money so borrowed to be levied, assessed and collected as a tax upon the real and personal property within such township liable to taxation therein, in the same manner as other taxes within such township are or may be levied, assessed and collected; and the said real and personal property is hereby made liable to the levy, assessment and collection of said tax; which said tax, when so as aforesaid ordered to be assessed, levied and collected, shall be in addition to the amount of other taxes which any such township committee now is or hereafter may be authorized to impose, levy, assess and collect.

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

Approved April 17, 1888.

CHAPTER CCXCI.

A Supplement to an act entitled "A further supplement to an act entitled 'An act to ascertain the rights of the state and the riparian owners in the lands lying under the waters of the bay of New York and elsewhere in this state,'" approved April eleventh, one thousand eight hundred and sixty-four, which supplement was approved April fifth, one thousand eight hundred and seventy-five.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the riparian commissioners may and shall, at the request of shore-owners, extend their surveys over the tide-waters of this state and prepare maps and have the same filed as now provided by the act to which this is a supplement and the supplements thereto; and to provide the necessary means to pay the expenses incurred by them in this work they may retain and expend for this purpose from the riparian fund, before any portion thereof is transferred to the school fund for permanent investment, a sum not exceeding in the aggregate five per centum of the amount named in the grants made to riparian owners, and they may further retain and disburse from the said fund the necessary sum to pay the salaries of the commissioners and the expenses incurred in the prosecution of their work as now provided by law, rendering in their annual report a detailed statement of the amounts so retained and disbursed; *provided*, that when in any year the grants made by the commissioners shall not amount (after deducting the above specified five per cent.) to a sufficient sum to pay the said salaries and expenses, such salaries and expenses shall be paid from

Commissioners may, at request of owners, extend surveys over tidewater.

How expense provided for.

Proviso.

the state treasury, and be returned thereto by the said commissioners from the proceeds of the first subsequent grants thereafter made.

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

Approved April 17, 1888.

CHAPTER CCXCII.

An act to authorize the enlarging of and the building of extensions to the county court-house or like public buildings in any of the several counties of this state in certain cases.

When lawful for board of freeholders to provide for enlargement and extension of public buildings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any county of this state, whenever imperative necessity exists for the enlargement of or the building of an extension or extensions to the county court-house or like county public building, in order to provide sufficient accommodation and room for the courts and court business, and to afford proper and necessary accommodation for the public officers and offices thereof, as well as for the keeping and preservation of the public records and papers, required by law to be kept and preserved in such county, and through or by reason of inadvertence or neglect, or other cause or reason whatever, moneys are not appropriated and set apart to provide and make the enlargement and build the extension or extensions aforesaid; and the board of chosen freeholders of such county shall, at any regular or stated meeting thereof, by resolution, passed by an affirmative vote, concurred in by not less than two-thirds of all the members of such board, declare that such necessity as aforesaid exists, it shall be lawful for such board of chosen freeholders to proceed to provide for and to make and build the enlargement and extension or

extensions above mentioned and specified; *provided*, that the work to be done and the materials therefor required to be furnished under this act shall be done and furnished upon contract, in writing, upon bids heretofore or hereafter advertised for according to law: *and provided further*, that the whole cost and expense to be incurred for the purposes aforesaid under this act shall not exceed the sum of fifty thousand dollars. Proviso. Proviso.

2. *And be it enacted*, That as payment or payments may become or shall fall due, under any contract awarded under this act, certificate or certificates of indebtedness may be issued therefor by such board of chosen freeholders, and the same may be made payable at such time or times as said board may order, not exceeding one year from the date of issue: and such certificates may be made to bear interest at not more than four per centum per annum. When payments due, certificates of indebtedness may be issued therefor.

3. *And be it enacted*, That the sum and sums of money, and the cost and expense which may be incurred under this act, which shall not exceed the said sum of fifty thousand dollars, shall be provided for and levied and raised in the same manner as other county taxes of such county are levied, or to be levied, and raised in and by virtue of the tax levy for county taxes and county purposes, to be made and levied next after the expense or obligations above provided for shall have been incurred, and the same shall be paid within the next fiscal year thereafter out of the moneys to be raised as aforesaid. Costs and expenses incurred to be provided for by taxation.

4. *And be it enacted*, That all acts and parts of acts, in so far as the same are inconsistent with this act, be and are hereby repealed, and this act shall take effect immediately. Repealer.

Approved April 17, 1888.

CHAPTER CCXCIII.

An Act for the preservation of the early records of the supreme court.

Preamble.

WHEREAS, The records and files of the supreme court from the year one thousand six hundred and eighty-one to one thousand eight hundred and fifty-two embrace many valuable papers relating to partition, roads and the early cases of the supreme court, which papers and records have never been arranged, thereby rendering it impossible for the clerk of the court to comply with requests for the examination of said papers; *and whereas*, by reason of the late fire at the state capitol the vaults of the supreme court were destroyed and a portion of the contents thereof injured by water; therefore,

Clerk of supreme court to arrange papers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerk of the supreme court be directed to arrange, label or docket the many valuable papers relating to partition, roads and the early cases of the supreme court, for convenient reference and preservation, and for that purpose he is hereby authorized to provide such books, conveniences and accomodation as may be necessary, and also to employ one or more persons for said service, and the expenses of said work shall be paid by the treasurer upon the warrant of the comptroller upon approval of the chief justice of the supreme court; *provided*, that the expenses incurred under this act shall not exceed the sum of two thousand dollars.

Provide books, &c.

Expenses, how paid.

Proviso.

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

Approved April 17, 1888.

CHAPTER CCXCIV.

An Act relating to the consolidation of corporations formed under the act entitled "An act concerning corporations," approved April seventh, one thousand eight hundred and seventy-five, and the acts amending and supplementing the same, for the purposes of the improvement and sale of lands, the construction, maintenance and operation of hotels and carrying on the business of an innkeeper, and the transportation of goods, merchandise or passengers upon land or water.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any corporation or corporations of this state, formed under the provisions of an act entitled "An act concerning corporations," approved April seventh, one thousand eight hundred and seventy-five, and the acts supplementing and amending the same, for all or any of the following purposes: the improvement and sale of lands, the construction, maintenance and operation of hotels and carrying on the business of an innkeeper, and the transportation of goods, merchandise or passengers upon land or water, having their principal office in, or carrying on business, in whole or in part, in the same county, at any time, to consolidate and merge such companies and their corporate rights, franchises, powers and privileges into a single corporation in the manner following, so that by virtue of this act such corporations shall be consolidated and merged into one company and so that all the property, rights, franchises and privileges by law vested in such corporations so merged shall be transferred to and vested in the corporation into which such consolidation and merger shall be made.

Corporations may consolidate and merge into one corporation.

2. *And be it enacted*, That such consolidation and merger shall be made under the following conditions and restrictions, to wit: a majority of the directors of any two or

Consolidation and merger to be made under certain conditions.

more of such corporations may enter into an agreement under their respective corporate seals, for the consolidation and merger of the said corporations, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the place or places in this state or elsewhere where the business of the said company is to be conducted, the number of directors thereof, the amount of the capital stock of such company, and the number of shares into which the same shall be divided and the par value of each share, and the periods during which such company shall continue, not exceeding fifty years, and the manner of converting the capital stock of the said corporation or corporations so to be merged, into the stock or obligations of the new company into which such merger shall be made, and all other provisions as they shall deem necessary to perfect the said consolidation and merger; and it shall and may be lawful for said agreement of consolidation to provide that such merger of any one or more of said companies so desired to be consolidated may take place by the new company purchasing and holding stock of said old company and issuing its stock, as for property purchased in lieu thereof, when, and in that event, the said old company whose stock is so purchased, shall remain in existence and no merger of its property or franchise into the new company shall take place, anything herein contained to the contrary in anywise notwithstanding.

When the agreement of directors to be deemed the agreement of corporations.

3. *And be it enacted*, That such agreement of the directors shall not be deemed to be the agreement of the said corporations so proposing to consolidate until after it has been submitted to the stockholders of each of said corporations respectively, separately, at a meeting thereof, to be called upon a notice of at least fourteen days, specifying the time and place of such meeting, and that its object is to consolidate said companies into said new company, to be addressed to each of such stockholders at his last known place of residence known to the secretary, and deposited in the post-office, the affidavit of the secretary to be evidence of said mailing, said notice of meeting of each corporation to be published in a newspaper published in the county where said corporation has its prin-

cipal office, at least one week before said meeting of said company, and has been sanctioned and approved by such stockholders by a majority vote in amount of the stockholders present at such meetings respectively, voting by ballot in regard to such agreement, either in person or by proxy, each share of such capital stock being entitled to one vote, and when such agreement of the directors has been sanctioned and approved by each of the meetings of the respective stockholders separately, after being submitted to the meetings in the manner above mentioned, then such agreement of the directors shall be deemed to be the agreement of the said several corporations, and a sworn copy of the notice of meeting, proof of service and proceedings of such meeting, made by the presidents or secretaries thereof respectively, and attached to the said agreement, shall be evidence of the notice, service of notice, holding and action of such meetings in the premises.

When agreement, &c., filed in office of secretary of state, corporation merged

4. *And be it enacted*, That upon filing said agreement with said sworn copy of notice, proof of service and proceedings of such meeting attached, or a duplicate or counterpart thereof, in the office of the secretary of state, the said corporation shall, except as herein stated, be merged in the new corporation provided for in the said agreement, to be known by the corporate name therein mentioned, and the details of such agreement shall be carried into effect as provided therein, and the said new company so formed shall have all the powers conferred by the act entitled "An act concerning corporations," approved April seventh, one thousand eight hundred and seventy-five, and the acts supplementing and amending the same, but nevertheless, if any stockholder shall, at said meeting of stockholders, or within twenty days thereafter, object to said consolidation and demand payment for his stock, and serve a notice in writing to that effect upon the president, secretary or treasurer of the new company within ten days after they are elected, he or she shall receive from the new company the fair value of his or her stock at the time when the vote for the agreement of consolidation and merger was so cast as aforesaid, which, if not agreed on, shall be appraised by three disinterested persons to be appointed by the chancellor or a justice of the supreme court of this state, whose duty it

Powers of new company

Stockholders objecting to consolidation, to be paid fair value of stock

shall be to make such appointment on reasonable notice, on the application of either party; and thereupon and upon the payment of the value so ascertained, such stockholder shall deliver up his or her certificate of stock, if any such has been issued, and the said new company into which the consolidation and merger shall have been made may issue the same amount of its own stock to any person or persons.

When agreement filed, rights franchises, &c., vested in new corporation.

5. *And be it enacted*, That upon the filing of the said agreement with said sworn copy of notice, proof of service and proceedings of such meetings attached, or a duplicate or counterpart thereof, in the office of the secretary of state, all and singular the rights, franchises and interests of the said several corporations so consolidated in and to every species of property, real, personal and mixed, and things in action thereunto belonging, shall be deemed to be transferred to and vested in such new corporation without any other deed or transfer; such new corporation shall be deemed to possess all the rights, privileges, property and franchises theretofore vested in said former companies, in the same manner and to the same extent as if the said several corporations so consolidated should have continued to retain the title and transact the business of such corporations, and the title and real estate acquired by either of the said old corporations shall not be deemed to revert or be impaired by means of such act of consolidation or anything relating thereto; *provided*, that all rights and liens of the creditors of each of said old companies against the property of said company so purchased by the new company shall remain and continue unimpaired, and the respective corporations as to this shall be deemed to be in existence to preserve the same until the same are fully paid and satisfied, and no suit, action or other proceeding now pending before any court or tribunal in which any of said companies that may be so consolidated is a party, shall be deemed to have abated or discontinued by reason of any such agreement of consolidation; but the same may be prosecuted or defended in the same manner as if the said corporation had not entered into such agreement of consolidation, or the said new corporation may, on its application, be substituted as a party in the place of any corporation of which it shall be composed, by order of

Proviso.

the court in which such action, suit or proceeding may be pending.

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

Approved April 17, 1888.

CHAPTER CCXCV.

An Act to authorize corporations formed under the act entitled "An act concerning corporations," approved April seventh, one thousand eight hundred and seventy-five, and the acts amending and supplementing the same, for the purpose of the improvement and sale of lands, or the building, operation and maintenance of hotels and carrying on the business of an innkeeper, or of the transportation of goods, merchandise or passengers upon land or water, to purchase and hold stock in any one or more of said companies in certain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any company heretofore or hereafter organized under the provisions of an act entitled "An act concerning corporations," approved April seventh, one thousand eight hundred and seventy-five, and the acts supplementing and amending the same, for the purposes of the improvement and sale of land, or the building, operation and maintenance of hotels and the carrying on the business of an innkeeper, or of the transportation of goods, merchandise or passengers upon land or water, to purchase and hold stock in the capital of any one or more corporations formed under said acts for either of the said purposes, and issue its own stock as for property purchased there- Corporations authorized to purchase and hold stock.

Proviso. for; *provided*, that said corporations shall have their principal office in, or be carrying on business, in whole
Proviso. or in part, in the same county: *and further provided*, that the said business of transportation carried on by said transportation company, may be incidental or necessary to the furnishing of proper facilities of travel to and from the lands or hotel of said other company or companies to the nearest points of established railroad transportation.

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

Approved April 17, 1888.

CHAPTER CCXCVI.

An Act providing for the digesting, tabulating and arranging under proper heads, all the fees and salaries allowed by law to the state, county, township and other public officers in this state, and for the distribution thereof.

Governor authorized to designate person to digest fees and salaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state is hereby authorized to select and designate some suitable and competent person to digest, tabulate and arrange, under proper and appropriate heads, all fees and salaries which, by any statute of this state, are allowed or prescribed to any state, county, township or other public officer.

Work to be submitted to governor, and if approved, copies may be delivered

2. *And be it enacted*, That the said fees and salaries, when so digested, tabulated and arranged, shall be submitted to the governor of this state, and if the plan and details of the work meet with his approval the same may be printed and bound in cloth, and one thousand copies thereof may be delivered to the treasurer of this state,

who shall thereupon, and upon the written authorization of the governor, pay out of the treasury of the state to the person so as aforesaid appointed the sum of one dollar for each of said copies. Cost.

3. *And be it enacted*, That one volume shall be, by the state treasurer, delivered to any state, county, township or other public officer who shall, in his official capacity, make application therefor. Treasurer to deliver one volume to each public officer.

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

Approved April 17, 1888.

CHAPTER CCXCVII.

An Act to authorize cities in this state to purchase lands for the erection of and to construct public docks, wharves and piers, and to purchase and improve rights of way leading thereto, and to purchase lands lying contiguous thereto, so as to make said lands, docks, wharves and piers accessible.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of finance or other body having the control of the finances of any city in this state, bordering on an arm of the sea or other navigable stream, or through which a navigable stream shall run, are hereby authorized and empowered, upon the written application of not less than fifty freeholders in said city, to purchase lands bordering on such arm of the sea or other navigable stream, including the lands under water in front thereof, for the erection, construction and maintenance of one or more public docks, wharves or piers, which purchase shall include a right or rights of way, not exceeding eighty feet in width, leading to said lands, docks, wharves and piers, and such lands Board of finance authorized, upon application of freeholders, to purchase lands for erection of docks, &c.

lying contiguous thereto, as shall be necessary to make said lands, docks, wharves and piers accessible.

When lands purchased, board having charge of construction of public docks to construct docks, &c.

2. *And be it enacted*, That after the purchase of such lands and the rights of way leading thereto, and the necessary lands lying contiguous thereto, so as to make the said lands, docks, wharves and piers accessible, it shall be the duty of the board having charge and control of the construction of public docks and buildings, and the opening, grading and otherwise improving the streets in said city, to proceed to construct one or more public docks, wharves and piers in front of the lands so purchased; said board shall first advertise for proposals for the construction of such docks, wharves or piers, in the newspapers printed and published in said city authorized to publish the proceedings of such board, for such time and in such manner as shall be provided by the charter of any such city, or otherwise, for proposals for the erection and construction of public buildings in such city; and it shall further be the duty of the board in said city having the control of the opening, grading and improving of streets in such city, to advertise in the same papers, in the same manner and for the same time for proposals for opening, grading, sewering, paving and otherwise improving such right or rights of way leading to said public dock or docks, wharf or wharves, pier or piers; and upon the said proposals being received, it shall be the duty of such board or boards so receiving said proposals to accept such as shall be in the judgment of such board for the best interest of said city, and proceed at once with the construction and erection of such docks, wharves or piers, and with the opening, grading, sewering, paving and improvement of such right or rights of way leading to such dock, wharf or pier; *provided, however*, that such acceptance shall be concurred in by the board having charge and control of the finances of such city.

Board to advertise for proposals for construction of docks, &c.

For opening and grading of streets

Proviso.

Board of finance authorized to issue bonds to pay for purchase of lands, construction of docks, &c.

3. *And be it enacted*, That for the purpose of the purchasing said lands and rights of way, and the construction and erection of such docks, wharves or piers, and the improvement of the right or rights of way leading thereto, and the opening, grading, sewering and paving of the said streets, the board of finance or other board

having the control of the finances of said city, are hereby authorized and empowered, from time to time, to issue bonds of said city in an amount not exceeding one hundred thousand dollars in all, for such length of time as they shall determine; said bonds to bear interest at not more than five per centum per annum, payable semi-annually, and to sell the same at not less than their par value, and from the proceeds of the sale of such bonds to pay for the purchase of said lands and rights of way, the construction of such docks, wharves or piers, and the improvement of the rights of way leading thereto.

Board having charge of public docks to prescribe rate of wharfage, and appoint officer to collect same.

4. *And be it enacted*, That it shall be the duty of the board of said city having charge of the public docks, to prescribe such rate of wharfage for vessels and other craft lying at, or loading or unloading at such docks, wharves or piers, to pay for the privilege, as they may determine, and to appoint an officer or officers to collect the same; and the revenue derived from the payment of such rates of wharfage shall be applied:

Revenue, how applied.

I. To the maintenance and protection of such lands, docks, wharves and piers, and the rights of way leading thereto;

II. To the payment of the interest on said bonds; and

III. To the payment of the principal sum accruing on said bonds and the purchase of the same before maturity;

IV. And after the payment in full of said bonds, to the general expenses of such city; *provided, however*, that any deficiency remaining for the payment of the interest and principal of said bonds, after the application of said wharfage revenues, shall be levied and raised in said city by general taxation from year to year.

Proviso.

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

Approved April 17, 1888.

CHAPTER CCXCVIII.

An Act relative to fishing in the river Delaware.

Lawful to fish for cat fish and eels at any time, with set lines.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful to fish in the Delaware river and its tributaries at any time during the year, for catfish and eels, with set lines; *provided*, said lines shall be weighted to the bottom, and that the snoods on said lines shall not be more than two feet in length.

Repealer.

2. *And be it enacted*, That all other acts or parts of acts contrary to the provisions of this act are hereby repealed.

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

Approved April 17, 1888.

CHAPTER CCXCIX.

An Act relative to the Princeton battle monument.

Preamble.

WHEREAS, "The Princeton battle monument association," a corporation organized under the laws of this state for the purpose of erecting a monument or statue in commemoration of the battle of Princeton, has received, by private subscriptions, large sums of money for the purposes of the association, and is now receiving from week to week private subscriptions for the said purpose: *and whereas*, the said association has not collected, and may not collect, a sum of money sufficient to erect a monument or statue of such size and finish as the importance of that historic event demands; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That out of any moneys in the treasury of this state, there be hereby appropriated the sum of fifteen thousand dollars, to be paid as hereinafter specified, towards the erection of a monument or statue of granite or marble on a tract of land in the township of Princeton, New Jersey; *provided*, that before said money, or any part thereof, be paid to the commissioners hereinafter mentioned, or simultaneously therewith, the said association shall convey their right in the premises on which said monument or statue is to be erected to the state of New Jersey, to be used for the said purpose only, and shall also pay to the said commissioners such a sum of money as will, together with the sum paid for the said land, amount to at least fifteen thousand dollars, to be used, with the sum hereby appropriated by the state, for the erection of said monument or statue. Appropriation for monument. Proviso.

2. *And be it enacted*, That the comptroller of the treasury, the adjutant-general and quartermaster-general of this state, the president of the senate and speaker of the house of assembly for the time being, together with five trustees of "the Princeton battle monument association," to be chosen by said association, be and the same are hereby constituted a commission under this act to select a design, to contract for, erect and finish a suitable monument or statue, to be ornamented in such manner as the commissioners shall determine, and also to grade, fence and improve the grounds at an expense not exceeding the sum hereby appropriated and the amount which shall be paid to said commission by said association, and that said commission commence work upon and finish said monument or statue as soon as practicable, and said commissioners shall not receive any compensation for their services. Commission constituted to select design and erect monument. Improve grounds.

3. *And be it enacted*, That the persons who shall compose said commission shall meet at the council chamber of the borough of Princeton at such time as shall be appointed by the president of said association (who shall notify the commissioners in writing at least ten days before the time), six of whom shall be a quorum for transaction of business, and shall at such meeting organ- Commission to meet and organize.

ize and pass by-laws, rules and regulations, and elect a treasurer and other officers, which treasurer, before he shall enter upon the performance of his official duties, shall enter into a bond to the state of New Jersey, conditioned for the faithful discharge of his duties, in such sum as the said commission shall determine, and shall not receive any compensation; and that the said association shall, within three months after such meeting, transfer to the treasurer of said commission all the moneys or evidences of indebtedness which now are or shall be in the hands of the treasurer of said association at that time, and shall from time to time pay to said commission the moneys which may thereafter be received by said association for the purpose of erecting the said monument or statue.

Treasurer to give bond.

Association to transfer moneys to commission.

State treasurer to pay moneys to treasurer of commission.

4. *And be it enacted*, That the treasurer of this state shall, on the warrant of the comptroller, pay to the treasurer of said commission the moneys hereby appropriated, to be used by said commissioners, together with the moneys contributed by said association, to erect and maintain a monument or statue in said township of Princeton, as aforesaid, and to grade, fence and improve said grounds; *provided*, the said association shall, as aforesaid, transfer all moneys and evidences of indebtedness belonging, or which shall then belong, to said association to the treasurer of said commission, and shall execute the deed aforesaid to the state of New Jersey; *provided, also*, that no part of said moneys hereby appropriated shall be drawn from the treasury of the state until a majority of the persons composing said commission (the comptroller being one) shall certify in writing that said moneys are needed and required for the purposes for which this appropriation is made, which certificate shall be filed in the office of the comptroller.

Proviso.

Proviso.

When monument completed, commission to make report to governor.

5. *And be it enacted*, That after the said monument or statue shall be completed and unveiled, and the grounds properly graded, fenced and improved, the commission aforesaid shall make report to the governor of this state, to be laid before the legislature on the first day of the session next succeeding the completion of the work, and then the duties of said commission shall cease, and the care and supervision of said monument or statue, and of

Care of monument vested in association.

the grounds, shall devolve upon and be vested in "the Princeton battle monument association."

Grounds to be open to the public.

6. *And be it enacted*, That said monument grounds shall always be open, so that all persons may have access thereto without charge, under proper rules and regulations, enacted by said association, which shall not be inconsistent with the laws of this state or of the United States.

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

Approved April 23, 1888.

CHAPTER CCC.

An Act relating to the compensation of police magistrates or recorders in cities of this state.

Municipal authorities to fix compensation of police magistrates or recorders.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council or board of aldermen or other governing body of any city of this state having a police justice, city judge or recorder therein, not now receiving a fixed salary, in lieu and stead of all fees and perquisites shall, by a majority vote, from time to time fix the pay and compensation of such police justice or recorder at a stated sum of money, which shall be in lieu and stead of all fees and perquisites and be payable in the same manner as the salaries of other officials of said city.

In lieu of fees.

Maximum amount of compensation.

2. *And be it enacted*, That the pay and compensation herein provided for shall not exceed fifteen hundred dollars per annum.

Fees to be paid into city treasury

3. *And be it enacted*, That all fees and perquisites now received under and by virtue of any law of this state or ordinance of any city therein by any such police justice, city judge or recorder, shall be duly accounted for and paid monthly into the treasury of said city.

Repealer.

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

Approved April 23, 1888.

CHAPTER CCCI.

An Act to provide for the incorporation of library associations.

Three or more persons may make certificate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any three or more persons of full age, who shall desire to associate themselves together for the purpose of establishing, owning and managing public libraries, may make, record and file a certificate in writing in manner hereinafter mentioned.

What certificate to set forth.

2. *And be it enacted*, That such certificate shall be made and signed by the persons forming such association, and shall set forth:

Name.

I. The name or title assumed to designate such corporation, and to be used in its business and dealings;

Place.

II. The place or places in this state where the said library or libraries are to be located;

Incorporators.

III. The names and residences of the persons signing such certificate;

Certificate acknowledged, recorded and filed.

which certificate shall be acknowledged or proved as conveyances of land are required to be acknowledged or proved, and after being recorded in the office of the clerk of the county in which said library or libraries are to be located, shall be filed in the office of the secretary of state, and a copy thereof duly certified by said secretary shall be evidence in all courts and places.

Copy evidence.

When association incorporated.

3. *And be it enacted*, That upon making such certificate and causing the same to be filed as aforesaid, the said persons so associating, their successors and assigns shall be, from the time of the filing of such certificate, incor-

porated into an association by the name mentioned in such certificate, and be governed by the provisions of this act.

4. *And be it enacted*, That such associations shall have power: Powers.

I. To acquire by lease or purchase, suitable buildings, libraries and furniture for the uses of such associations: to acquire and take by purchase, gift, devise, bequest or otherwise, and to hold, transfer and convey all or any such real or personal property as may be necessary or desirable for attaining the objects and carrying into effect the purposes of such association:

II. To have perpetual succession by their corporate names:

III. To sue and be sued, in any court of law or equity;

IV. To make and use a common seal, and alter the same at pleasure:

V. To appoint such officers or agents as the purposes of such association shall require, and to allow them a reasonable compensation:

VI. To make and adopt constitutions, by-laws, rules and regulations not inconsistent with the constitution and laws of the United States or this state.

5. *And be it enacted*, That any vacancy in the board of directors or among the officers of any such association, shall be filled in such manner as the by-laws shall direct. Vacancies in directors or officers, how filled.

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

Approved April 23, 1888.

CHAPTER CCCII.

An Act authorizing the inhabitants of townships to purchase land and erect a building thereon, or to purchase land with a building erected thereon, for the use of the fire departments of such township, and such other purposes as the township committee may designate.

When voters of township may determine amount to be raised for fire department and other purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when taxpayers representing and owning two-thirds of the taxable property in any township in the state shall, by petition to the township committee of such township, so request, the legal voters of such township may, by a vote of a majority of those voting at any spring election or annual town meeting, or at any special meeting to be called for the purpose, determine what amount of money shall be raised for the purpose of purchasing a lot with building thereon, or for purchasing a lot and erecting a suitable building thereon for the use of the fire department of such township, and for such other uses as may be authorized by the township committee of said township, taking the title thereto in the corporate name of the inhabitants of said township;

Proviso.

provided, however, that the total cost of such lot of land with building to be erected thereon, or lot of land with building already erected thereon, shall not exceed one-half of one per centum of the assessed valuation of the property in such township for the year next preceding such election.

May divide cost into equal parts and put one part in tax levy each year.

2. *And be it enacted*, That when so authorized, the township committee may divide the cost of such land and building to be erected thereon, or lot of land with the building already erected thereon, into not more than ten nor less than three equal parts, and cause one of such parts to be included in the tax levy of each year next succeeding, until the whole is paid.

3. *And be it enacted*, That the said township committee shall have the right and power to borrow upon the credit of the township, in such manner as they may determine by a resolution, the necessary money to pay for such lot of land and building to be erected thereon, or lot of land with building already erected thereon, at the time of the purchase of such lot of land, or lot of land with building thereon, and until the same is raised by tax as aforesaid. May borrow money to pay for lot and building.

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

Approved April 23, 1888.

CHAPTER CCCIII.

An Act authorizing certain towns and townships to extend streets or roads over and into adjoining municipalities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever, in the judgment of the governing body of any town or township in this state having authority to lay out, open and improve streets, roads or highways within the limits of such town or township, it shall be deemed to the interest and advantage of the inhabitants of such town or township that any street or road proposed or contemplated to be laid out therein should be extended over and into the territory of an adjoining city so as to connect safely and conveniently with a street or avenue in such adjoining city, it shall be lawful for, and the necessary power and authority are hereby granted to such governing body, to acquire by purchase such lands in the adjoining city as may be proper and necessary for such extension as aforesaid, and after such lands shall have been acquired, to lay out, open, construct, grade, pave, flag and otherwise improve such street or road, or extension thereof thereon; *provided*, that such street, road or extension shall be laid out and Governing body authorized to acquire lands and extend street or road. Proviso.

constructed so as to not interfere with the free use of any street or avenue in such adjoining city.

Cost of land, how assessed.

2. *And be it enacted*, That the cost of the land for such extension and the cost of grading or otherwise improving the same, shall, for the purposes of assessment, be included in and form part of the cost of opening, laying out and constructing the street or road in such town or township with which such extension shall connect.

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

Approved April 23, 1888.

CHAPTER CCCIV.

An Act to authorize the acquisition of real estate for the use of police departments in the cities of this state.

Common council authorized to purchase real estate for use of police department

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever in the opinion of the common council of any city of this state, or other board having charge of the erection of public buildings in said city, it shall be necessary to acquire additional real estate for the use of the police department of such city, it shall be lawful for said common council or other board to purchase in the corporate name of the city such real estate at such price or prices as shall be authorized by a vote of two-thirds of all the members of said common council or other board, by and with the concurrence of the board having charge of the finances of such city; *provided*, that the sum expended therefor shall not exceed twenty thousand dollars.

Proviso.

Authorized to issue bonds to provide moneys for the payment thereof.

2. *And be it enacted*, That to provide moneys necessary to pay for said real estate, it shall be lawful for the common council, by and with the consent of the board having charge and control of the finances of such city, to issue bonds in the corporate name of the city, not exceed-

ing the amount required to be paid for said real estate, pledging for the redemption thereof the faith of said city, under the seal of the city, and attested by the city clerk, of such denominations as said common council shall deem fit, bearing interest at a rate not exceeding five per centum per annum, and redeemable in not more than twenty years from the date of issue, and to dispose of the same for the best price that can be obtained, but at not less than par value, and to provide for the redemption thereof and the payment of the interest thereon by taxation.

Words construed

3. *And be it enacted*, That the words "common council," whenever used in this act, shall be held to include the board of aldermen and other governing body, by whatever name known, of any city of this state.

Repealer.

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

Approved April 23, 1888.

CHAPTER CCCV.

An Act amending "An act regulating proceedings in criminal cases" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section amended.

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

Justices to send up costs to clerk of grand jury or prosecutor of the pleas.

108. *And be it enacted*, That every justice of the peace shall make a bill of particulars of the costs in each criminal case before him, and send up the same with the papers in the case to the clerk of the grand jury in his county, if there be such clerk, and if there be none, then

to the prosecutor of the pleas in such county, and if an indictment be found in the case, said bill shall be handed by such clerk or prosecutor, as the case may be, to the county clerk, who shall review and correct the same if necessary and shall certify the correct amount to the county collector, who thereupon shall pay the amount so certified to the justice; and if no indictment be found in any case, and in the judgment of the prosecutor of the pleas the proceedings in such case were taken by the justice of the peace honestly, in good faith, and were calculated to promote the administration of justice, and the costs therein ought to be paid out of the county treasury and he shall so certify on the bill of particulars of costs in the case, said bill shall be paid by the county collector in the same manner as other bills of justices of the peace in criminal cases, and no justice of the peace shall ask, demand or receive from any complainant any fee or reward for the performance of any service in any criminal case.

County clerk to review and certify and collector to pay.

Justice not to receive fee or reward.

Approved April 23, 1888.

CHAPTER CCCVI.

An Act authorizing towns and townships which have heretofore voted an appropriation for public buildings to raise the amount of such appropriation by the issue and sale of the bonds of such town or township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where in any town or township of this state the inhabitants thereof shall, at the last annual town election held prior to the passage of this act, have voted or ordered an appropriation for public buildings, it shall be lawful for the council or other governing body of such town or township to raise the amount of such appropriation by the issue and sale of the bonds of

Lawful to raise amount of appropriation by the issue and sale of bonds.

such town or township for an amount not exceeding the amount of such appropriation, which bonds shall run for periods not exceeding sixteen years, and shall bear interest at a rate not exceeding six per centum per annum, and shall not be sold for less than their face value, and with the proceeds of the sale of such bonds to build and erect a town hall, station-house and lockup and fire engine-houses in such town or township.

2. *And be it enacted*, That there shall be raised annually by taxation in such town or township a sum sufficient to pay the annual interest on such bonds. Interest on bonds, how paid.

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

Approved April 23, 1888.

CHAPTER CCCVII.

An Act to provide for the construction of a state laboratory for the state agricultural experiment station.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of thirty thousand dollars be and hereby is appropriated for the construction of a state laboratory for the use of the state agricultural experiment station, under the direction of the board of managers of the state agricultural experiment station on land selected by the said board of managers; *provided*, such land shall be acquired without cost or expense to the state of New Jersey; which sum the treasurer of this state is hereby authorized to pay for such purpose, to the treasurer of said state agricultural experiment station, upon the warrant of the comptroller, as bills therefor shall be presented, marked approved by the president and two members of the said board of managers of said state agricultural experiment station. Appropriation for laboratory

Chemists to analyze samples of milk, butter, &c.

2. *And be it enacted*, That the chemist or chemists of the state agricultural experiment station shall analyze all samples of milk, butter or other farm products, or the imitations thereof, that may be sent to said station by the state dairy commissioner and his assistants and agents, and shall report to the said commissioner the results of such analyses, and the costs thereof shall be paid out of the appropriation made to said station.

Costs, how paid

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

Approved April 23, 1888.

CHAPTER CCCVIII.

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

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section fifteen of the said act as amended by act entitled "Supplement to the act entitled 'An act concerning landlords and tenants,'" approved March twenty-seventh, one thousand eight hundred and seventy-four, which said supplement was approved April fifth, one thousand eight hundred and seventy-six, be amended so as to read as follows:

Summons, how served.

15. *And be it enacted*, That the summons shall be served in the manner prescribed by the act constituting courts for the trial of small causes, except in cases where the tenant or other person in occupation or possession denies admission to the dwelling or other building occupied by, or in the possession of, such tenant or other person to the officer attempting to serve such summons, or should such tenant reside out of the county in which the demised premises are located, and there is no person in occupation or possession thereof, then it shall be lawful

service of such summons, if the said officer affix a copy of such summons to the door of said dwelling or other building, or at any conspicuous place on said premises if there be no building thereon; *and provided further*, in case the tenant shall not be a resident of the county in which said demised premises are situated, and the same are in the occupation of any other person, then said summons may be served either personally upon such person, or by leaving the same with a member of the family above the age of fourteen years. Proviso.

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

Approved April 23, 1888.

CHAPTER CCCIX.

An Amendment to an act entitled "An act to provide for the regulation and incorporation of insurance companies," approved April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That the second section of the act entitled "An act to provide for the regulation and incorporation of insurance companies," approved April ninth, one thousand eight hundred and seventy-five, be and the same is hereby amended so as to read as follows: Section amended.

2. *And be it enacted*, That if upon filing the statement aforesaid it shall appear that the company or association is possessed of an actually paid-in and well-invested capital stock of at least one hundred and fifty thousand dollars over and above all claims and liabilities, and has paid the license and tax hereinafter provided for, then the secretary of state shall issue a certificate of authority to the company for the transaction of business and allow- When secretary of state to issue certificate of authority to transact business

Proviso.

ing agencies to be established in this state; *provided*, that companies organized to do glass insurance exclusively, shall not be required to have a greater capital than one hundred thousand dollars.

Repealer.

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

Approved April 23, 1888.

CHAPTER CCCX.

A Further Supplement to an act entitled "An act to incorporate the chosen freeholders in the respective counties of this state" [Revision], approved April sixteenth, one thousand eight hundred and forty-six.

Terms of office of solicitor or attorney and clerk.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the solicitor or attorney and clerk of the boards of chosen freeholders in the counties of the second class of this state, elected after the passage of this act, shall hold their office for the term of two years.

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

Approved April 23, 1888.

CHAPTER CCCXI.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the commissioners chosen under the act to which this is a supplement, shall have borrowed money for the construction of such ditches, drains and channels for the passage of water as they were authorized to construct, or for the payment of land damages or awards for lands taken or used for such work, and have given certificates of indebtedness therefor, and the moneys raised by the assessment for benefits, together with the amount assessed against the township or townships and raised by taxation therein, as provided in said act shall have been expended on said work, and there are not sufficient moneys in the hands of said commissioners, available for the payment of such certificates and the interest thereon, after the same have become due, it shall be the duty of said commissioners, on application of the holders of one-half in amount of such certificates, to notify the township committee or township committees of the township or townships in which the drainage district lies, of the amount of such indebtedness remaining unpaid; and a sum sufficient to pay such certificates and the interest thereon, shall, at the next assessment for taxes for township purposes, be assessed and raised by general taxation in such township or townships, to be assessed, levied and collected in the same manner as other taxes for township purposes are assessed, levied and collected: and in case the drained district lies in more than one township, the said commissioners shall apportion the amount to be raised, to each township in proportion to the number of acres in each that are affected by such drainage: and when the

Proceedings when moneys in hands of commissioners insufficient to pay indebtedness.

Amount unpaid to be raised by taxation

amounts so assessed shall have been levied and collected, they shall be paid by the township collectors to the said commissioners, who shall forthwith apply the same to the redemption of such certificates.

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

Approved April 23, 1888.

CHAPTER CCCXII.

An Act to amend an act entitled "An act to further amend section seventy-nine of the act entitled 'An act for the organization of the national guard of the state of New Jersey,' approved March ninth, one thousand eight hundred and sixty-nine," approved March ninth, one thousand eight hundred and eighty-five.

Section amended.

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

Reward to widow and minor children, or dependent mother or father of soldier killed or injured.

79. *And be it enacted*, That the widow and minor children, or dependent mother or father of any officer or soldier who may have been within three years last passed, or who may hereafter be killed or fatally injured, or who shall die from disease contracted while in the line of duty in the performance of any actual service of this state, or while engaged in any parade, encampment, or brigade, regimental or battalion inspection (not in the service of the United States), or any officer or soldier who may be wounded or permanently disabled in the performance of any actual service of this state, or while engaged in any parade, encampment, or brigade, regimental or battalion inspection (not in the service of the United States), shall, upon making due proof of the fact,

receive from the treasury of this state the like reward that persons under similar circumstances receive from the United States, and in cases of fatal injury such reward shall date from the time of receiving the injuries on account of which such reward is allowed.

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

Approved April 23, 1888.

CHAPTER CCCXIII.

A Further Supplement to an act entitled "An act to incorporate the chosen freeholders in the respective counties of the state," approved April sixteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be lawful for the boards of chosen freeholders of the respective counties of this state, at the expense of such counties, to provide and furnish books of records, blanks and stationery of every kind which may be necessary for use by the courts of such counties, the county clerks, surrogates, registers and sheriffs of this state in the due and proper execution of the duties of their respective offices. Lawful for chosen freeholders to provide books and stationery for courts and county officers.

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

Approved April 23, 1888.

CHAPTER CCCXIV.

An Act to encourage the formation of associations for the improvement of public grounds in any city, town, township or borough in this state.

Five or more persons may form association

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any number of persons, not less than five, may form an association for the purpose of improving, decorating, beautifying and adorning or dedicating to public use any squares, parks or other grounds in any city, town, township or borough of this state.

Persons to make certificate in writing.

2. *And be it enacted*, That such persons, desirous of forming an association for such purpose, shall make, sign and acknowledge before some person authorized to take acknowledgments of deeds for lands in this state, a certificate in writing, which certificate shall state the following particulars, namely:

What certificate to state

I. The names and residences of the persons making the certificate:

II. The corporate name adopted by them:

III. The term of its existence, which shall not be more than fifty years:

IV. The general purpose of the association:

V. The name of the city, town, township or borough in which improvements are proposed to be made:

VI. The number of directors not less than three, and the names and residences of those who shall manage the affairs of the association for the first year, or until their successors are elected and qualified: which said certificate shall be filed in the office of the secretary of state, together with the consent in writing of the corporate authorities of said city, town, township or borough.

Certificate and consent to be filed in office of secretary of state

When filed, persons to be a body corporate

3. *And be it enacted*, That when such certificate and consent shall have been filed as aforesaid, the persons who shall have signed and acknowledged it, and their successors, shall be a body politic and corporate, without

capital stock, by the name specified in said certificate, with power to adopt and use a corporate seal, to sue and be sued, to purchase, take, have, hold, receive and enjoy any lands, tenements and hereditaments in fee simple or otherwise, and any goods, chattels or property of any description, real or personal, whether acquired by gift, grant, devise, bequest or otherwise, and to grant, convey, lease, assign, sell or otherwise dispose of the same for the purposes of said association, and to receive and enjoy the rents, issues and profits thereof, and expend the same without limitation or restriction; *provided*, *however*, that such association shall not have the power to grant, sell or convey, or convert to other than public use, any lands which have been in use by the public of any such city, town, township or borough as public squares, parks or places of public resort, without the authorization of the city or town council, township committee or borough commission or council of such city, town, township or borough, signified by their directing the proper officers of said city, town, township or borough to join in the execution of such deed; *and provided*, *also*, that any such conveyance shall be authorized by at least three-fourths of all the resident members entitled to vote at any annual election. Powers. Proviso. Proviso.

4. *And be it enacted*, That such association shall have power to make by-laws and regulations for its government, direction and management, elect officers and directors, and make such rules and regulations concerning the use by the public of such lands owned by it for public parks, squares, et cetera, as shall be necessary to preserve the shrubbery, improvements and grounds generally as places of free public resort and recreation forever. Association empowered to make by-laws and regulations

5. *And be it enacted*, That any city, town, township or borough as aforesaid, in which any such association shall be organized, may convey to said association any lands which the said city, town, township or borough now hold for the purpose aforesaid, to be used as places of public enjoyment; *provided*, that no such conveyance shall be made until it shall have been approved by a majority of all the legal voters of said city, town, township or borough entitled to vote for city, town, township or borough City, etc., may convey lands to association. Proviso.

authorities, at a special election to be held for that purpose.

No dividend to be declared nor money paid to members.

6. *And be it enacted*, That no dividend shall be declared by any such association upon any condition or pretence, and that no member of said association other than the regular officers thereof shall receive in any manner any money, emolument or dividend from the funds of said association, except in payment for services actually rendered.

Upon dissolution of association, property to revert to city.

7. *And be it enacted*, That upon the dissolution of the said association in any manner whatever, all the property of which it shall be seized, whether real or personal, and all the income to which it shall be entitled, shall revert to and become invested in the said city, town, township or borough in which said association was formed, of the same estate as the said association held, in perpetual trust for the uses and purposes for which it was held by said association.

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

Approved April 23, 1888.

CHAPTER CCCXV.

A Supplement to an act entitled "A supplement to an act entitled 'An act constituting district courts in certain cities in this state,'" which supplement was approved April fourteenth, one thousand eight hundred and eighty-four.

Section amended.

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

10. *And be it enacted*, That in every case which within one year heretofore shall have been, or which shall hereafter be tried in any of said courts, the judge may, if he sees fit, order a new trial to be had upon such terms as he shall think reasonable, and in the meantime stay proceedings, and for the purposes of this act every such court shall be a continuous court of record. Judge may order new trial, and stay proceedings

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

Approved April 23, 1888.

CHAPTER CCCXVI.

An Act to authorize and empower commissioners of assessments in cities of this state to assess for damages on street improvements.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful hereafter for the commissioners of assessments in cities of this state now having power to assess lands and real estate for benefits by reason of street improvements, but without power to assess damages therefor, to estimate and consider, and include in their report as such commissioners, such damages as they may consider property, lands and real estate on the line of said improvement to have suffered. Lawful for commissioners to estimate damages and include same in report.

2. *And be it enacted*, That whenever said commissioners of assessments shall have estimated, considered and included in their report the damages suffered as aforesaid, the owners of property, lands or real estate on the line of such improvement shall have the same remedy and privileges by way of appeal from the said report as are now accorded and given by the respective charters of the cities of this state in which such assessment may be made, to other owners of property specially assessed for benefits Remedy of owners when damages estimated.

accruing from said assessment, and no other or different remedy or privilege.

Rights of owners when commissioners fail to assess damages.

3. *And be it enacted*, That whenever the said commissioners of assessments shall fail to assess for damages as hereinbefore provided, the owners of property, lands or real estate shall have the same rights now provided by law in cases where said commissioners of assessments have no power to make such assessments.

Assessments not to extend beyond property benefited.

4. *And be it enacted*, That nothing in this act contained shall be considered as authorizing or empowering any board of commissioners of assessments to extend their said assessments for damages beyond the property specially benefited, and then only to the extent of the benefits received, as in the case of assessments for benefits as now provided for by law.

Repealer.

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

Approved April 23, 1888.

CHAPTER CCCXVII.

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

Section amended

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

Inhabitants may authorize the issue of bonds for certain school purposes.

87. *And be it enacted*, That it shall and may be lawful for the inhabitants of each district, when met in conformity to the provisions of the eighty-sixth section of this act, or at the call of the trustees, as provided in the eleventh division of the thirty-ninth section of this act,

by the consent of a majority of those present, to authorize the trustees, for the purpose of purchasing land for school purposes, or for the purpose of building a school-house or school-houses, or making additions, alterations, repairs or improvements in or upon such school-house or school-houses already erected, and the lands upon which the same may be located, and any additional lands purchased for school purposes in such district, to issue bonds of the district in the corporate name of the district, in such sums and in such amounts, and payable at such times as the inhabitants so met may direct, with interest at a rate not exceeding six per centum per annum, payable half-yearly; which bonds shall be signed by the trustees of such district, attested by the clerk, under the seal of the district, and the bonds so issued shall be a lien upon the property of said district.

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

Approved April 23, 1888.

CHAPTER CCCXVIII.

A Further Supplement to an act entitled "An act concerning executors and the administration of intestates' estates," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any executor or administrator appointed by letters obtained in another state or territory of the United States or District of Columbia may, on his or her application, become a party plaintiff or complainant in any suit in any court of this state in which his or her testator or intestate was such a party, in place of such testator or intestate, in the same manner and to the same effect as if such letters had been obtained in this state,

Executor or administrator appointed in another state or territory may become party in suit in this state.

Proviso.

and whether before or after judgment or decree; *provided*, that on making such application such executor or administrator shall file in such suit, in the office of the clerk of the court wherein such suit shall be pending, an exemplified copy of the record of such appointment; *and provided, also*, that such executor or administrator, if non-resident, may be required to give security for costs as in other cases of non-resident plaintiffs or complainants.

Proviso.

Payment to executor or administrator before letters granted in this state, valid.

2. *And be it enacted*, That any payment by any resident or citizen of this state to any executor or administrator appointed by letters obtained in another state or territory of the United States or District of Columbia, of or on account of any debt due to his or her testator or intestate, made before letters testamentary or of administration shall be actually granted in this state, shall be as valid and effectual as if made to an executor or administrator duly appointed in this state; and such foreign executor or administrator may, before any letters shall be actually granted in this state, release and discharge any lands or other security from any mortgage, judgment or other lien or incumbrance which was held by [his] or her testator or intestate, as fully and to the same effect as if he or she had been duly appointed in this state.

Surrogate may record letters of administrator appointed in another state or territory.

3. *And be it enacted*, That if any person shall desire to have the appointment of any administrator appointed by letters obtained in another state or territory of the United States or District of Columbia recorded in this state, for the purpose of manifesting the authority of such administrator to release or discharge any lands in the state from any mortgage, judgment or other lien or incumbrance which was held by his or her intestate, it shall be lawful for any surrogate of any county in this state wherein such land shall be, upon an exemplified copy of the record of the appointment of such administrator being presented to him, to record the same and file the said copy in his office, and such record or certified copies thereof shall be received as evidence in all courts of this state.

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

Approved April 23, 1888.

CHAPTER CCCXIX.

A Supplement to the act entitled "A further supplement to an act entitled 'An act concerning roads,'" approved March twenty-seventh, one thousand eight hundred and seventy-four, which further supplement was approved May eleventh, one thousand eight hundred and eighty-six.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the legal voters of any township in this state, by a majority of all the votes cast at the annual town meeting or at any special meeting to be called for that purpose, by ballot to vote for and appropriate such sum of money as they may determine for the purpose of crushing or providing crushed stone, gravel or cinders, and placing the same upon the public roads of the township; and it shall be the duty of the township committee upon request to them, by petition in writing, signed by one-quarter of the freeholders of any township, specifying the amount to be raised for the aforesaid purposes, to fix a time and place for such special meeting, and of the same shall give five days' notice, specifying the time and place where the same shall be held, and the purpose and object thereof, by notices printed or written, posted in five or more of the most public places in said township, at which special meeting the legal voters of the township shall, under such lawful rules as the township committee shall prescribe, vote by printed or written ballots "for the appropriation" or "against the appropriation." Lawful for voters of township to appropriate money for crushed stone, etc., for public roads.

Approved April 23, 1888.

CHAPTER CCCXX.

A Supplement to an act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight.

When governing body to adopt corporate name for borough.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the petition, notice or certificate mentioned in the second and third sections of the aforesaid act, is or shall be informal or defective by reason of any mistake or omission in or of any portion of the corporate name of any borough, formed or intended to be formed by virtue of the provisions of the aforesaid act, the governing body elected for any such borough shall and may, by certificate in writing, under their hands, adopt such corporate name for said borough as they, in their discretion, may deem appropriate under the provisions of the said act.

How signatures proven.

2. *And be it enacted*, That the genuineness of the signatures of the officers of said governing body to said certificate shall be proven by the affidavit of one or more witnesses indorsed thereon, and the certificate so proven shall be filed and recorded in the office of the clerk of the county in which such borough is or may be situated, and upon such filing and recording of such certificate, the inhabitants of said borough shall, from the time of the filing of the certificate referred to in section three in the aforesaid act, be a body corporate in fact and in law, under and by the corporate name or title specified and adopted in said certificate filed and recorded under the provisions of this supplement, and by that corporate name shall have all the rights and privileges and be subject to all the restrictions contained in the act to which this is a supplement.

Certificate filed and recorded.

Borough incorporated.

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

Approved April 23, 1888.

CHAPTER CCCXXI.

A Supplement to an act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three.

Preamble. WHEREAS, Certain railroad corporations organized under the act to which this is a supplement have allowed the period of limitation to expire within which their railroads can be constructed, whereby they have at this time no legal right to proceed with the construction of said railroads, or of the unfinished parts thereof: *and whereas*, the money paid by them respectively into the treasury of the state proportionate to the length of the route by them proposed is still lying therein and cannot be used for any purpose; *and whereas*, there is no reason why such moneys should be retained by the state; now, therefore,

Treasurer to repay moneys. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the treasurer of this state to repay to any such corporation such moneys, or so much thereof as represents any distance of railroad not constructed by said corporation within such period of limitation; *provided, nevertheless*, Proviso that before said repayment, said corporation shall file in the office of the secretary of state, a notice in writing of the abandonment by it of said route or distance of railroad not constructed, such notice to be under its corporate seal, attested by its president and secretary.

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

Approved April 23, 1888.

CHAPTER CCCXXII.

An Act to authorize cities to expend the money received for license fees for sale of intoxicating and brewed liquors.

Moneys received for license fees, how expended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state where the fees received for licenses for sale of intoxicating and brewed liquors are, by the charter of any of said cities, appropriated, designated or set apart for any particular department of said city, and the excess of said fees is not otherwise provided for by the charter of any such city, that the board of aldermen, common council or other governing body having control over the appropriation of the money raised by taxes in any such city, may, by ordinance, appropriate and expend the excess of the fees so received, over and above the amount required for such specific appropriation or appropriations, for any other department or departments, and if unappropriated, such excess shall go to the credit of the contingent account; *provided*, that nothing in this act shall affect cities whose charters direct that fees received from licenses shall be paid into the sinking fund, or be applied to the reduction of the bonded debt of such city.

Proviso.

When act takes effect.

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

Approved April 23, 1888.

CHAPTER CCCXXIII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all persons enrolled as active members of any fire engine, hook and ladder, hose or supply company, under supervision or control of any common council, township committee, or board of commissioners or other governing board or body whatsoever, or fire commissioners, of any city, town, borough, township or fire district in this state, shall be exempt from general and special poll tax, and from state, county and municipal taxation upon real or personal property, or both, not exceeding in the aggregate five hundred dollars, which may be assessed against them or their said property, by authority of the municipal corporation under the supervision or control of which they may be doing public fire duty. Exemption of active members of fire engine company, etc.

2. *And be it enacted*, That all exempt firemen of any city, town, borough, township or fire district in this state shall be exempt from general and special poll tax, and from state, county and municipal taxation upon real or personal property, or both, not exceeding in the aggregate five hundred dollars, which may be assessed against them or their said property, by authority of the municipal corporation in the service of which they became exempt firemen. Exempt firemen.

3. *And be it enacted*, That such members of any salvage corps, under supervision or control of any duly-authorized board of underwriters of this state, and such members of any duly-organized fire patrol, as shall have been enlisted from among the active or exempt firemen of any city, town, borough, township or fire district in this state, shall be exempt from general and special poll tax, and from state, county and municipal taxation upon real or personal Members of salvage corps and fire patrol.

property, or both, not exceeding in the aggregate five hundred dollars, which may be assessed against them or their said property, by authority of the municipal corporation of the city, town, borough, township or fire district within which they may be doing public fire, patrol or salvage duty.

Honorably discharged soldiers or sailors.

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

When exemptions claimed and allowed.

5. *And be it enacted*, That if the entire tax levied in any township in this state, within the bounds of which any city, town, borough or fire district may have been, or may hereafter be, set off or incorporated, shall be levied by authority of the township committee of such township, then and in such case the aforesaid exemptions may be claimed and shall be allowed from the taxes levied by authority of such township committee; or if any portion of the taxes levied upon the property within such city, town, borough or fire district, or upon the personal estate of the residents of such city, town, borough or fire district, or upon both, shall be levied by authority of such township committee, then the aforesaid exemptions may be claimed and shall be allowed from all taxes so levied.

What sufficient evidence of right to claim exemption.

6. *And be it enacted*, That the following shall be sufficient evidence to the collector or receiver of taxes of the right of any person to claim exemption as aforesaid, to wit, the certificate of the clerk of the city, town, borough or township, or of such other municipal or other officer as shall have charge of the records showing what persons are such active or exempt firemen or salvage corps members, which shall be furnished without charge, stating that the person claiming such exemption is either an active or exempt fireman or a salvage corps member; and in the case of soldiers or sailors, or their widows, the production to the taxing officer, board of revision of taxes, commissioners of appeals, or collector, of the discharge of such soldier or sailor from the service of the United States.

When certificates may be combined

7. *And be it enacted*, That in case any two or more persons, residing in the same city, town, borough or township, shall be entitled to certificates, as above provided, from the same officer, or from the clerk of any city, town, borough or township, such certificates may be combined in the form of a list of the persons residing and entitled as aforesaid, which list shall be certified by such officer or clerk, and filed by him with the collector or receiver of taxes of such city, town, borough or township, at or before the time, in each year, when taxes shall be due and payable therein.

False claims not to be allowed.

8. *And be it enacted*, That if any person shall falsely claim exemption under this act, such exemption shall in no case be allowed, and such person shall be deemed to have forfeited and lost all rights thereafter to such exemption in case he should become otherwise entitled thereto; no person shall, under any pretence, be entitled to claim or receive the benefit of more than one exemption in any one year.

Amount exempted may be included in tax

9. *And be it enacted*, That the incorporated towns and cities of this state in which a limitation on taxation exists, shall not be precluded from adding to and including in the aggregate amount on which taxation therein is based, the amount hereby exempted from taxation.

When persons not entitled to exemption.

10. *And be it enacted*, That no person shall be entitled to exemption, as above provided, unless the evidence of the right of such person to claim exemption from taxes shall be delivered to the assessor or taxing officer or officers at or before the time limited by law for closing the assessment in the city, town, borough or township where such person resides or is taxable; *provided, however*, that if it shall be made to appear to the satisfaction of the board of commissioners of appeal, or of the officers by law authorized to hear and determine appeals, that the person assessed was prevented by sickness or other unavoidable cause from delivering, or causing to be delivered, such evidence to the assessor or taxing officer or officers, the said board, commissioners, or officers authorized to hear and determine appeals, shall permit the said person to make such proof, and if satisfied of the correctness thereof, they shall thereupon allow the deduc-

Proviso.

tion or exemption as if the same had been made to the taxing officer or officers

Repealer.

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

Approved April 23, 1888.

CHAPTER CCCXXIV.

A Further Supplement to the act entitled "A further act concerning taxes, making the same a first lien on real estate, and to authorize sales for the payment of the same," approved March fourteenth, one thousand eight hundred and seventy-nine.

Proceedings heretofore had for sale of lands in townships, valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any and all proceedings heretofore had, under or by virtue of any law of this state, in relation to the sale of any lands and real estate, in any township of said state, for the collection of any unpaid taxes or any unpaid assessment for any improvement, with interest, costs and fees thereupon, and any and all certificate or certificates, declaration or declarations, of any such sale or sales, heretofore made, executed and delivered to any purchaser or purchasers of any such lands and real estate, and any and all record or records, assignment or assignments thereof, shall be and the same are hereby declared to be valid, and are confirmed, in all things, so far as may be necessary to establish and confirm the lien of said taxes and assessments, and of such certificate or certificates, declaration or declarations, upon said lands and real estate, in the same manner and to the same extent provided for in and by the certain law or laws under which the same were made; and that, in any case where any such certificate or declaration for any

such sale or sales has not been already made, executed and delivered, it shall be lawful to make, execute, deliver, record and assign the same, at any time or times hereafter, in the same manner, and with the same effect in every particular, as if the law to which this is a supplement had not been passed; *provided*, that any mortgagee whose mortgage has been heretofore duly registered, and who is now entitled to avail himself of any illegality in any tax or tax sale, may, at any time within six months from the passage of this act, redeem from any such sale upon paying the amount of the tax with interest and costs of the sale. Proviso.

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

Approved April 24, 1888.

CHAPTER CCCXXV.

An Act providing for the formation and government of towns.

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

2. *And be it enacted*, That the council, township committee or other governing body of any such town, borough or township, upon the petition in writing of at least fifty resident freeholders, may, by the vote of a majority Governing body of town, etc., upon petition, may pass ordinance for holding election.

of all the members thereof, pass and adopt an ordinance for the holding of a special election in such town, borough or township for the purpose of deciding whether such town, borough or township shall become incorporated as a town under the provisions of this act, which ordinance shall prescribe the time and place or places of holding such special election and such other regulations respecting the same as may be deemed necessary or proper.

Notice of election, how given.

3. *And be it enacted*, That notice of such special election shall be given by advertisement published in the official newspaper or newspapers (if any) of such town, borough or township, and if there be none, then in at least one newspaper published in the county and circulating in such town, borough or township at least once in each week for four weeks successively, and by printed notices posted up for at least twenty days next preceding the day fixed for such special election in at least one hundred conspicuous places therein; which notices and advertisement shall specify and set forth the time, place or places, and the object and purpose of holding such special election.

How election conducted

4. *And be it enacted*, That such special election shall be by ballot, and shall be held and conducted in the same manner and under the same rules as elections for members of the state legislature are held and conducted, and by the election officers who may at that time be lawfully authorized to act at a general or local election; the votes shall be counted and canvassed in the manner provided by law for the counting and canvassing of votes at town or local elections held in such town, borough or township; the ballots shall contain the words "for incorporation as a town under the act entitled 'An act providing for the formation and government of towns,'" or "against incorporation as a town under the act entitled 'An act providing for the formation and government of towns;'" if a majority of the votes cast at such election shall be in favor of incorporation as a town under said act, then within ten days after the result of the election shall have been declared, a certificate of the result of such election, signed by the chairman of the council, township committee or other governing body, and attested by the clerk of such town, borough or township under the cor-

If majority of votes in favor of incorporation, certificate of result, etc., to be filed with secretary of state.

porate seal thereof, together with certified copies of the petition, and the ordinance, and the statement of the board of canvassers or election officers who canvassed the vote, and proof by affidavit that due notice of such special election was given, shall be filed with the secretary of state, and from and after filing the same, such town, borough or township shall be, and it is hereby declared to be a body politic and corporate, in fact and in law, by the name and title aforesaid, and by said name and title shall have perpetual succession, sue and be sued, prosecute and defend in all courts in this state; have a common seal and alter the same at pleasure, and purchase, hold and convey real and personal property for the use and benefit of the town: *provided, however*, that the government of the town under this act, except as herein otherwise provided, shall not commence until five days after the filing of the aforesaid certificate with the secretary of state.

Proviso

5. *And be it enacted*, That it shall be the duty of the council, township committee or other governing body of such town, borough or township which shall have voted as aforesaid for incorporation as a town under this act, excepting, however, such as may then be divided into wards, to divide (by ordinance) such town (formed and incorporated as aforesaid) into not less than three wards; each ward shall consist of contiguous territory, and each shall contain, as nearly as possible, an equal number of inhabitants; *provided, however*, that such division into wards shall be made at least one month before the first annual town election held under this act.

Governing body to divide town into wards

Proviso

6. *And be it enacted*, That the officers of any town, borough or township which has voted as aforesaid for incorporation as a town under this act, who shall hold office at the time of filing the aforesaid certificate with the secretary of state, shall continue to hold their respective offices until the first day of May next thereafter, and shall in all things be subject to the provisions of this act in the same way as if they had been elected hereunder, and no surety of any such officer shall be discharged from liability on account of any change made in the duties of such officer by this act, unless within five days after this act becomes operative in such town he shall in writing

Officers of town, etc., to continue in office until certain time.

Subject to provisions of act.

Sureties not discharged, &c.

notify the council of his intention to withdraw from his suretyship, in which case he shall be discharged from liability from the time that this act becomes operative in such town; and the council may require such officer to furnish new or additional sureties in place of the one withdrawing as aforesaid, and for failure so to do may declare his office vacant, and fill such vacancy in the manner herein provided; *and provided, further*, that where any town, borough or township shall have been divided into three or more wards before adopting this act, such division shall continue and such existing wards shall constitute the wards of the town as formed and incorporated under this act.

Proviso.

Governing body may fill offices.

7. *And be it enacted*, That the council or governing body of the town may fill by appointment all such offices herein provided for which did not exist in the town, borough or township of which it is the successor; and all such appointments to elective offices shall hold only until the first day of May next succeeding the first town election held under the provisions of this act, and all other such appointments shall hold only until the first day of June next thereafter.

Term of office of appointees.

Town vested with rights and property of town, borough or township.

8. *And be it enacted*, That any town which may be formed or incorporated under the provisions of this act shall take, hold, possess and enjoy and become absolutely vested with all the rights and property of the town, borough or township of which it is the successor, and shall be responsible for and liable to all contracts, debts and obligations of such town, borough or township.

Town and ward officers.

9. *And be it enacted*, That the town and ward officers of the town shall be a town council, consisting of two councilmen from each ward and one councilman at large, a town clerk, a town collector, a town treasurer, a town attorney, an assessor, a recorder, a board of commissioners of appeal, consisting of one member from each ward, an overseer of the poor, one or more town surveyors, one or more pound-keepers, a board of education, consisting of three members from each ward, three commissioners of assessment, a chief of police and a chief engineer of the fire department, three constables in each ward and such number of justices of the peace as the town may be entitled to under the constitution and laws of this state,

Justices of the peace.

and for the purpose of electing justices of the peace, each town shall be considered a township, and in counties in which chosen freeholders are elected by townships and wards each ward of the town shall elect one chosen freeholder.

Chosen freeholders.

10. *And be it enacted*, That the councilmen from each ward and the councilman at large, town clerk, town collector, assessor, constables and members of the board of education shall be elected at an annual town election; the town treasurer, town attorney, recorder, commissioners of appeal, overseer of the poor, chief of police, town surveyors and the commissioners of assessment and pound-keepers shall be appointed by the council in the manner and for the terms hereinafter provided; the chief of the fire department shall be elected in the manner and for the term hereinafter provided by the active members of the fire department.

How officers elected.

11. *And be it enacted*, That the annual town election shall be held on the second Tuesday in April in each year, between the hours of seven o'clock in the morning and seven o'clock in the afternoon, at the place or places in each ward designated by the council, in the same manner and under the same regulations in all things as is prescribed by law for election of members of the general assembly of this state; notice of the time and place or places of such election and of the officers to be chosen shall be given by the town clerk at least two weeks before the day of election, by publication in the official newspapers of the town, and if there be none, by publication in at least one newspaper published in the county in which the town is situated and generally circulating in the town; no person shall be permitted to vote at any such election unless he is an actual resident of the election district in which he offers his vote: immediately after the polls shall be closed at any such election the election officers of each election district shall count the votes given for the several candidates, and certify under their hands the number given for each, and publicly announce the same; and within twenty-four hours thereafter they shall immediately deliver one such statement to the judge or inspector, who shall be delegated to attend the meeting of the board of town canvassers, and

Annual town election, when held.

Place.

Manner.

Notice

What persons may vote.

Statement of the result to be certified and delivered.

one to the town clerk and one to the county clerk, to be by them filed in their respective offices.

What persons to be declared elected.

12. *And be it enacted*, That the person or persons receiving the greatest number of votes of those given in the town for any town office and of those given in each ward respectively, for any office in or from the ward, shall be declared to be elected.

Board of town canvassers.

13. *And be it enacted*, That the board of town canvassers shall consist of one judge or inspector of election from each election district in the town, who shall be appointed for that purpose by the other election officers (excluding the clerk) of such district; a majority of the board shall constitute a quorum, and the town clerk shall be clerk of said board: the board shall meet on the Friday next after such election, at three o'clock in the afternoon, at the town hall, and shall choose one of their number to be the chairman thereof; if the town clerk shall fail to attend, the board may appoint one of their own number to be clerk thereof; thereupon the members of the board shall produce the statements which shall have been delivered to them as aforesaid, and lay the same before the board, and from such statement the board shall proceed to ascertain the votes given at such election for the several officers voted for thereat; *provided*, *however*, that if for any reason, any member of such board shall fail to produce such statement, that then, on the request of the board, the town clerk shall produce and lay before the board the statement filed with him, and the same may be used with the like effect as if it had been produced by the member so failing to deliver his statement.

When to meet, &c.

Proviso.

Board to make written statement and determination.

14. *And be it enacted*, That the said board of canvassers shall make a written statement of the number of votes given for the several officers to be elected for said town and the several wards thereof, the names of the persons for whom such votes were given and the number of votes given for each; that upon such statement said board shall proceed to determine and declare what person or persons have received the greatest number of votes for each of the offices mentioned in such statement; the statement and final declarations of the board shall be certified to by the presiding officer and clerk, and shall be filed with the town clerk and be by him recorded in a

Certified and filed.

book to be kept for that purpose, and within two days after such canvass of the votes, the town clerk shall deliver to every person elected to any town or ward office a certificate thereof, under the seal of the town. Town clerk to deliver certificate to persons elected.

15. *And be it enacted*, That if at any such election there shall be a failure to fill any office, except that of councilman or member of the board of education, by reason of two or more persons having received an equal number of votes therefor, the town council then in office shall by ballot elect one of the persons so receiving an equal number of votes to fill such office until the next town election, when the unexpired portion of the term (if any) shall be filled by the electors of the town; and if there shall be a failure for like cause to fill the office of councilman or member of the board of education, a new election for such officer or officers shall be immediately ordered by the town council. How office filled when two or more persons receive equal number of votes.

16. *And be it enacted*, That at the first town election held under this act one member of the council for each ward shall be elected for one year and one member for two years; and one member of the board of education for each ward shall be elected for one year, and one member for two years and one member for three years; and the electors voting at such election shall designate on their ballots the terms for which the several candidates for such offices shall hold; and thereafter, annually, a member of the council shall be chosen from each ward for two years, and a member of the board of education for three years. Election of members of council and board of education.

17. *And be it enacted*, That no person shall be eligible to any office under this act unless he shall have resided in the town for the period of at least one year, and no person shall be eligible to any ward office unless he shall be an actual resident of the ward; and no person shall be eligible to any office unless he is a citizen of the United States; *provided, however*, that the town attorney and the town surveyors need not be residents of the town; and when any person except town attorney and town surveyors, elected or appointed to any town or ward office shall remove from the town or ward his office shall thereby become vacant. What persons eligible to office. Proviso.

Lawful for council to fill vacancies occurring by death, &c.

18. *And be it enacted*, That in case a vacancy occurs by reason of the death, resignation, inability, disqualification, removal or refusal to serve of or by any town or ward officer, elected as aforesaid, it shall be lawful for the town council to fill such vacancy by the appointment of a suitable and qualified elector to hold until his successor shall have been duly elected and qualified, and the unexpired portion of the term (if any remain) shall be filled at the town election to be held next after such appointment: *provided, however*, that in case any such vacancy shall occur in the board of education, said board of education may fill such vacancy by appointment until the next town election, when the vacancy shall be filled by the electors of the town: *provided*, that if at any town election there shall be a vacancy in any office to be filled and at the same time an election for the full term of such office, the term for which each person shall be voted for shall be designated on each ballot cast therefor.

Proviso.

Proviso.

May fill vacancy in office filled by appointment.

19. *And be it enacted*, That in case any such vacancy as aforesaid shall occur in any office which is filled by appointment or election by the town council, the said town council shall have power to fill such vacancy by the appointment of a suitable person to hold for the unexpired portion of the term of such office.

Persons elected or appointed to take oath.

20. *And be it enacted*, That every person elected or appointed under this act to any office, shall, within ten days after such election or appointment, take and subscribe before an officer qualified to administer oaths, an oath or affirmation, faithfully and impartially to execute the duties of his office according to the best of his ability and understanding, which oath or affirmation shall be filed in the town clerk's office, and if any person so elected or appointed shall fail so to qualify, then his office shall be deemed vacant, and may be filled in the manner hereinbefore provided.

Officers to give bond.

21. *And be it enacted*, That the town clerk, town treasurer, town collector and such other officers as the town council may require, before they enter on the duties of their office and within such time as the board of council may by ordinance prescribe, shall give bonds to the town in its corporate name in such sums and with such sureties as the board of council shall require and approve

for the faithful performance of their duties, which bonds, when so given, shall bind the obligors therein named until the successors to the officers giving the same shall be actually inducted into office, and it any officer shall fail or neglect to give bonds in the sum or with the sureties or within the time required by such ordinance, the council may declare such office vacant, and such vacancy shall be filled in the manner hereinbefore provided.

When official terms to commence.

22. *And be it enacted*, That the official terms of the several officers who shall be elected under this act shall commence on the first day of May next succeeding their election; and the term of any officer who shall be appointed by virtue of this act shall commence on the first day of June next succeeding his appointment, except in cases otherwise provided for in this act, and every officer shall hold his office during his official term and until his successor shall have been duly elected or appointed and shall have duly qualified.

Term of office.

Officer to deliver books, etc., to successor.

23. *And be it enacted*, That it shall be the duty of every officer in said town within ten days after the expiration of his term of office or his removal therefrom, to deliver to his successor in office, or to such person as the town council may appoint, all books, records, papers, vouchers and property of every kind in his possession or under his control, belonging to said town or appertaining to such office.

No officer to hold other office.

24. *And be it enacted*, That no officer of the town, elected or appointed under this act, shall hold any other office of profit or trust under this act, and any such officer who shall accept any other office under this act shall be deemed to thereby vacate the office to which he was first elected or appointed.

Salaries of officers.

25. *And be it enacted*, That the salaries and compensation to be paid to the town clerk, the town collector, the town treasurer, the town attorney, the assessor, the chief of police, the overseer of the poor, the town surveyors, pound-keepers, commissioners of appeal, members of the town council and commissioners of assessment shall be fixed by ordinance of the town council, and no other town or ward officer other than those last herein above specified, excepting the clerk of the board of education, shall receive any salary, fees or compensation whatso-

ever from the town for his services; and the salary or compensation of any officer which has been fixed as aforesaid shall not be increased or diminished during his term of office, and all fees paid to any of said officers for any services required of him by this act or by any ordinance or resolution of the town council, shall, immediately after the receipt thereof, be paid by such officer to the town treasurer for the use of the town unless herein otherwise specially provided.

Fees to be paid to treasurer.

Officers, how governed and removed.

26. *And be it enacted*, That all the officers of the town shall be governed by such general ordinances as the town council may from time to time adopt, not inconsistent with the provisions of this act and the laws of this state, and every officer may be removed from office for cause by a two-thirds vote of all the members of the council, but no such removal shall take place until the person sought to be removed shall have had an opportunity of being heard in his own defense; but the provisions of this section shall not apply to any member or officer of the board of education.

Town clerk, term of office and duties.

27. *And be it enacted*, That the town clerk shall hold office for the term of two years, and shall, in addition to the duties required of him by this act or any other law of this state, have charge of all the records, books and documents of the town, except when the town council shall otherwise direct; he shall keep a record of the proceedings of the council, he shall engross all ordinances in a book to be provided for that purpose, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the chairman of the council and said clerk; copies of all papers duly filed in the office of the town clerk and transcripts thereof and of the records and proceedings of the board of council and copies of the ordinances of said town, certified by the said clerk under the corporate seal of the town, shall be evidence in all courts and places; the town clerk shall pay over to the town treasurer, without delay, all moneys received by or paid to him for the use of the town; his office shall be at the town hall, and he shall keep the same open for the transaction of public business during such hours as the council shall by ordinance prescribe; it shall be lawful for him to charge and

receive for his own use, at the rate of ten cents per folio, for copies of all official papers and records and for the return to any writ of certiorari made by him.

Town collector, term of office and duties

28. *And be it enacted*, That the town collector shall hold office for the term of two years, and it shall be his duty to receive and collect all moneys due to the town, whether for taxes, assessments, arrears of taxes or otherwise; the town council shall provide him with an office at the town hall, which he shall attend at such times as shall be designated by the council by ordinance; he shall enter, in suitable books to be provided for that purpose by the council, the sums received by him for any purpose, and he shall specify in such entry the names of the persons by whom or on whose account the payments are made, the dates of payment and the purpose for which payment is made, and if any part of any payment is for interest or penalties, the amount thereof shall be separately stated; he shall at least once each week pay over all moneys collected by him for the town to the town treasurer and shall take his receipt therefor; he shall furnish the council at least once in each week, and oftener, if required, a statement of all moneys received and collected by him since his last preceding report was made, and he shall perform all such other duties appertaining to the said office as the council shall by ordinance prescribe; he shall make a full report annually on the first day of April to the council of all moneys received and disbursed by him, and he shall, whenever required, lay before the council for examination and audit all books, papers and vouchers appertaining to his office.

Town treasurer, term of office and duties, &c.

29. *And be it enacted*, That the town treasurer shall hold office for two years; he shall receive, safely keep and disburse, under the direction of the council, all moneys belonging to or under the control of the town; he shall keep an accurate account of all receipts and payments in such manner as the council shall direct; no money shall be paid out of the treasury except on warrant signed by the chairman of the council and attested by the town clerk, excepting payments of state and county taxes, which the said treasurer is hereby required to make annually out of the first moneys received by him from the town collector and moneys paid into the

town treasury for the redemption of property sold for taxes and assessments; and no warrant shall be drawn on the treasurer except in pursuance of an order or resolution of the council passed at a stated meeting and entered in their minutes; all such warrants shall be numbered and made payable to the order of the person entitled to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid and the appropriation against which it is to be charged; it shall be the duty of the clerk before he delivers any warrant so drawn to enter into the margin of a book to be called "warrant-book," opposite to said warrant, the number, date, amount of the same, the appropriation to which it is charged, the date of the resolution or order authorizing it to be drawn, the purpose for which ordered and the name of the person or persons to whose order it is made payable, and to take his or their receipt in said book at the end of said marginal entry for said warrant; *provided, however*, that nothing in this section contained shall apply to the disbursement and payment of moneys raised or received for public school purposes.

Proviso.

Treasurer to receive and disburse moneys raised for school purposes.

30. *And be it enacted*, That the town treasurer shall receive, safely keep and disburse all moneys raised and received for public school purposes; he shall keep separate accounts thereof and pay the same out only on warrant signed by the chairman and clerk of the board of education, and no warrant for any such purpose shall be drawn on the treasurer except in pursuance of an order or resolution passed at a stated meeting and entered in their minutes, and the provisions of the last preceding section of this act relative to warrants on the treasurer by the town council shall apply to the warrants of the board of education; and the said treasurer shall do and perform all acts and duties enjoined upon township collectors by the school laws of the state.

Treasurer to furnish statement of moneys received and expended.

31. *And be it enacted*, That the treasurer, at least once every month, and oftener if required, shall furnish the council with a statement of all moneys received and expended by him (including school moneys) since his last report, and he shall annually, on the first day of April, make to the council a full report of all his receipts and expenditures, and he shall, whenever required, lay before

Annual report.

the council, for examination and audit, all books, papers and vouchers appertaining to his office.

Recorder, term of office, jurisdiction and powers.

32. *And be it enacted*, That the recorder shall hold office for two years, and 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 the town, to issue process either in the nature of a summons or 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 five 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 return of such process, or at the time to which the recorder shall have adjourned the same, the said recorder shall proceed to hear testimony and to determine and give judgment in the matter without the filing of any pleadings, and the recorder shall, if judgment be rendered for the plaintiffs, forthwith issue execution against the goods and chattels and against the body of the defendant or defendants; and the said recorder shall be further empowered to inflict fines not exceeding the sum of twenty dollars on such persons as shall be convicted before him of vagrancy, disorderly conduct, breach of the peace, or, in his discretion, to order such persons to be committed to the county jail or workhouse for any period not exceeding thirty days; *provided*, that in all cases when the fine or penalty shall exceed ten dollars or where the punishment shall be imprisonment, there may be a trial by jury, to be conducted as in cases now triable in courts for the trial of small causes; the recorder shall also have power to cause any person or persons who shall be found guilty of a violation of the ordinances of the town, and who may refuse or neglect to pay any penalty imposed, to be committed to the county jail for any period not exceeding thirty days; and the recorder shall be present at the station-house or other place provided for him by the town council, at such hours every day as the council shall designate; and the

Proviso.

recorder shall have the same powers in criminal matters within the territorial limits of the town as are po sessed and exercised by justices of the peace of this state.

Members of council and policemen empowered to make arrests.

33. *And be it enacted*, That any member of the council during his term of office, and any policeman of said town, shall have the power, on witnessing any breach of the peace or any violation of a town ordinance, to forthwith arrest and take into custody, without warrant, the offender or offenders, and to take said offender or offenders before the recorder of the town for a hearing.

Convictions before recorder, how reviewed.

34. *And be it enacted*, That every conviction for violating a town ordinance had before the recorder, either with or without a jury trial, may be reviewed by appeal to the court of common pleas of the county in the same manner and upon the same terms as appeals are or may be taken from courts for the trial of small causes, and in case the judgment appealed from shall be imprisonment the said recorder or any judge of the court of common pleas may admit to bail the party appealing during the pendency of his appeal; but no judgment for the violation of any ordinance shall be reversed for any imperfection, omission, defect in or lack of form, nor for any error except such as shall or may have prejudiced the defendant in maintaining his defence upon the merits.

Process, by whom issued and how returned.

35. *And be it enacted*, That the officers empowered to serve process issued by the recorder shall be, besides the constables elected or appointed within the town, the policemen of the town, and that said process shall be returned in the same manner, so far as circumstances may permit, as warrants in courts for the trial of small causes are returned, and 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 the penalty named in the process or in any proceedings brought for the recovery of the same, with such surety as may be approved by the recorder, unto the town, by its corporate name, 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

If hearing adjourned, defendant to enter into recognizance.

same might have been if the said recognizance had been taken in a proceeding in courts for the trial of small causes.

Councilman at-large, assessor and overseer of the poor.

36. *And be it enacted*, That the councilman-at-large, assessor and overseer of the poor shall each hold office for the term of two years, and the said assessor and overseer shall perform all the duties required of such officers by law in the several townships of this state and the ordinances of the town.

Town attorney

37. *And be it enacted*, That the town attorney shall be appointed by the council; he shall hold his office for the term of one year, and shall perform such duties as the council shall by ordinance prescribe.

Town surveyors

38. *And be it enacted*, That the town surveyors shall be designated from time to time by the council, and they shall give bonds in such penalty and upon such condition, and shall receive such compensation for the service they may render as the council shall by ordinance prescribe.

Pound-keepers

39. *And be it enacted*, That the pound-keepers shall be appointed by the council, and shall hold their office for such term, and shall perform such duties, in addition to the duties imposed upon them by any law of this state, as the council may by ordinance prescribe.

Commissioners of appeal.

40. *And be it enacted*, That the board of commissioners of appeal shall hold office for three years, and shall be appointed by the council; they shall perform such duties as are now or hereafter may by law be enjoined upon commissioners of appeal in cases of taxation; they shall receive such per diem compensation for their services as the council shall by ordinance prescribe, and it shall be lawful for the council to limit the number of sessions for which they may be paid, and the first appointments made under this section shall be for one, two and three years respectively and thereafter one commissioner shall be annually appointed.

Chief of fire department.

41. *And be it enacted*, That the chief of the fire department shall be elected annually on the first Monday in May in each year, and shall hold his office for one year from the first day of June next ensuing his election; the active firemen of the department shall alone be qualified to vote at such election; the election shall be held and

conducted under such rules and regulations as the council shall by ordinance prescribe.

Council to meet annually for organization.

42. *And be it enacted*, That the town council shall meet annually for organization on the first day of May, unless that day should happen to be Sunday, and in that case on the day next preceding; they shall elect one of their members to be chairman of the board, and in his absence shall elect one of their number to act as chairman for the time being; they shall appoint the times of meeting, determine and establish the rules of their own proceedings, and pass ordinances, by-laws and resolutions pertaining to the purposes and object of the corporation and necessary and proper for carrying out the provisions of this act.

Council to cause statement of finances to be printed annually.

43. *And be it enacted*, That the council shall, on the first day of April in each year, cause to be printed a full statement of all receipts and expenditures of every description for the year preceding, with all such further information as may be necessary for a full understanding of the financial concerns of the town, and that it shall be the duty of the town clerk to distribute such printed statements among the people of the town or to furnish a copy of such statement to every citizen applying for the same.

Town clerk to distribute.

Majority of council to be a quorum.

44. *And be it enacted*, That a majority of the council shall be a quorum for the transaction of business, but a smaller number may meet and adjourn from day to day; the council shall hold stated meetings at least twice in each month at the town hall, at such times as they may appoint, but the chairman 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, but no business other than that specified in the call shall be transacted at such special meeting, and no business by this act required to be done at a stated meeting of the council shall be done or performed at any such special meeting.

When meetings held.

Contracts in which councilmen interested, void.

45. *And be it enacted*, That all contracts in which any councilman shall be interested, either directly or indirectly, or in which any councilman may be surety for the faithful performance thereof, shall be null and void, and

no member of the council shall become security for any public officer elected or appointed under this act.

How ordinance passed

46. *And be it enacted*, That no ordinance or by-law shall be passed by the town council, unless the same shall have been introduced at a previous stated meeting, and shall be agreed to by a majority of the members of the council; and no ordinance shall take effect until five days after it shall have been published in the official newspapers of the town, and if there be none, in at least one newspaper published in the county and circulating in the town; *provided, however*, that no ordinance for opening, grading, flagging, curbing, paving or macadamizing any street, avenue or public place, or for the construction of any sewer, or for any street improvement, shall be passed or adopted unless it shall receive the votes of two-thirds of the members of the council.

When to take effect

Proviso

Council may pass ordinances for certain purposes

47. *And be it enacted*, That the council may, by the title, "the council of the town of , in the county of ," pass, adopt, alter, modify and repeal ordinances to take effect within the town for the following purposes:

To manage, regulate, protect and control the finances and property of the town; to make and adopt an assessment map or maps whereby to describe lands assessed for taxes or improvements: to ascertain and establish the boundaries of all streets, highways, public lanes and alleys in the town; to regulate, clean and keep in repair the streets, highways, lanes and alleys in the town, and to prevent and remove all encroachments, obstructions and incumbrances in and upon all streets, highways, lanes and alleys, sewers, drains and water-courses; to prescribe the manner in which corporations or individuals shall exercise any privilege granted to them in the use of any street, highway or alley, or in digging up any street, highway or alley for any purpose whatsoever; to direct and regulate the planting, rearing, trimming and preserving of ornamental shade trees in the streets, parks and public places of the town, and to authorize or prohibit the removal or destruction of such shade trees; to name and number the streets, houses and lots in the town; to provide for and enforce the removal of snow and ice from the sidewalks and gutters of streets, by the

owners of land fronting thereon, and to provide that in case of neglect or refusal of or by the owner of any lot of land fronting on a public street or highway to remove snow or ice from the sidewalks and gutters in front of his lands, that the council may cause the same to be done at the expense of such owner, and that the cost and expense thereof, with interest thereon, shall be added to and shall form part of the taxes next to be levied and assessed upon such lands, and shall be and remain a lien upon such lands until paid; to regulate the use of streets, highways and public places by individuals, vehicles, railways and engines of every kind; to prevent and punish horse-racing and immoderate driving or riding in any street, and to regulate the speed and running of locomotives, engines and railroad cars through the town; to regulate and control the passage through the streets and public places of buildings and other large structures; to prevent animals of all kinds from running at large in the streets or public places of the town, and for the impounding, sale or destruction of the same, and to regulate and prevent the driving of cattle or other animals in droves in or through any of the streets of the town; to prevent and prohibit any practice having a tendency to frighten animals or persons passing in the streets of the town; to regulate or prohibit all public performances and exhibitions for money; to prevent and suppress vice and immorality; to restrain or punish tramps, vagrants, mendicants and street beggars; to preserve the public peace; to prevent and quell riots, disturbances and disorderly assemblages; to restrain and suppress disorderly and gaming-houses and houses of ill-fame; [to regulate] to establish and regulate one or more public pounds, and to provide for the sale of animals impounded, and to fix the fees to be paid persons impounding animals, and the redemption fees to be paid; to regulate and prevent and to provide for the destruction of dogs running at large; to regulate or prohibit swimming or bathing in the waters of or bounding the town; [to] buildings that are dangerous to life; to regulate or prohibit the carrying on of manufactures dangerous in causing or promoting fire: to regulate or prohibit the manufacture, sale, keeping, storage or use of fire-works, gunpowder, camphene, kerosene,

burning fluid, nitro-glycerine, dynamite or other inflammable or explosive materials; to raze and demolish any building or erection when necessary to prevent the extension of a conflagration, and to provide for the ascertainment and payment of just damages and compensation to owners of property destroyed in such cases; to regulate or prohibit the use of firearms and the carrying of weapons of any kind; to erect, provide, repair and control a town hall, police and station-houses, fire engines and such other buildings as may be necessary; to regulate, license or prohibit inns, taverns and restaurants and the sale or transfer of spirituous, vinous, malt or other strong or intoxicating liquors; *provided, however*, that no Proviso. such license shall be granted to any person who is not a citizen of the United States; and to fix and prescribe the terms and conditions upon which licenses for such purposes shall be granted, and to provide for the revoking and annulling of licenses for violations of such conditions; *provided, however*, that all such conditions shall be Proviso. printed on the license; *and provided, further*, that no Proviso. license shall be granted unless the applicant shall first pay to the town clerk such license fee as may be required by any general law of this state, and if there be no general law, such fee, not less than fifty dollars, as may be fixed by ordinance, and, if the application is rejected, the deposit shall be returned; to provide that the penalty for a second conviction within six months of a violation of any such ordinance shall be a fine not exceeding one hundred dollars or imprisonment in the county jail not exceeding three months; to license and regulate cartmen, porters, hack, cab, omnibus, stage and truck-owners and drivers, carriages and vehicles used for the transportation of passengers and merchandise, goods or articles of any kind, and to require the owners to mark vehicles in such manner as the council shall designate; and to license and regulate auctioneers, common criers, pawnbrokers, junk shop keepers, sweeps and scavengers, and to prohibit unlicensed persons from acting in such capacities: to license and regulate peddlers, hawkers and hucksters, and to require the payment of a license fee of not exceeding five dollars in all cases, except as herein otherwise provided; and no license granted for any of

the aforesaid purposes by any other authority shall be valid, except license granted by the governor to hawkers and peddlers: to fix the penalty where the same is not fixed or provided for by this act for the violation of any ordinance by this act authorized to be passed, which penalty shall be a fine not exceeding twenty dollars, and, in case of non-payment thereof, imprisonment in the county jail not exceeding thirty days; to provide for, establish, regulate and control a fire department and to establish rules for the government thereof (whose members shall be exempt from militia duty in time of peace, and from serving as jurors in courts for the trial of small causes), and to provide engines and other fire apparatus, and to designate the manner of appointing and removing members of the fire department; to provide for the government of the fire department and the care and repair of the engines and other fire apparatus, and for the purchasing of necessary supplies by a board of fire commissioners consisting of five members, to be appointed by the council, who shall hold office for one year, and who shall receive no salary; and to further provide for the payment of the lawful debts contracted or incurred by such commissioners.

To regulate use of streets by street railway companies.

48. *And be it enacted*, That the council shall have power by ordinance to regulate the use of the streets of the town by street railway companies; to require such companies to lay and confine their tracks according to such grades of the streets as may from time to time be established by the council; to keep that portion of the street lying between the rails paved and in good repair, also to keep the street to the extent of eighteen inches beyond the rails in good repair and on a level with the rails; to keep their tracks free from snow and ice and to compel the removal of the same from the streets; and to provide a penalty not exceeding fifty dollars for every violation of such ordinance.

Penalty.

When boundary line of town is a street or road, to regulate use of same.

49. *And be it enacted*, That in case the boundary line between any town formed under this act and any other municipality shall be one of the extreme lines of a street or road, such street or road being wholly within such town, it shall be lawful for the council of such town to pass ordinances regulating the use of such street or road

by the owners or occupants of property in such other municipality adjoining such street or road, and to provide penalties for the violation of such ordinance not exceeding ten dollars fine; and it shall be lawful for any constable or policeman of such town to execute any process issued by the recorder for the violation of any such ordinance within the territorial limits of such other adjoining municipality. Penalty.

50. *And be it enacted*, That the council shall have power by ordinance to provide for, 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; *provided*, that such police force (excluding officers) shall not exceed more than one policeman to every eight hundred inhabitants: *and provided further*, that no policeman or police officer shall be removed except for neglect of duty, misbehavior, incompetency or inability to serve. To provide for police force. Proviso. Proviso.

51. *And be it enacted*, That the council shall have full power to enact and pass such and so many other ordinances or by-laws for the peace, good government, order, welfare and convenience of the town as they may deem necessary, proper and expedient, not repugnant to this act or to the constitution of this state or of the United States. Empowered to pass other ordinances.

52. *And be it enacted*, That the council shall have power to pass ordinances appropriating and providing for raising by taxation moneys for the following purposes: Empowered to pass ordinances for raising money by taxation for certain purposes.

I. For lighting the streets of the town:

II. For the support of the police department:

III. For the maintenance of the fire department:

IV. For regulating, cleaning and keeping in repair streets and highways;

V. For repairs to public buildings:

VI. For the relief of the poor;

VII. For water for the extinguishment of fires:

VIII. For the payment of interest upon the debt of the town and such part of the principal as shall from time to time become due and payable;

IX. For the sinking fund required to be raised:

X. For the general and incidental expenses of the town, including the printing and publication of minutes of

council, ordinances and such other matters required by law to be published;

XI. For the support of public schools;

and no appropriations shall be made or ordered for any other purpose, except by a majority of the voters of the town voting at an annual town election.

Lighting of streets.

53. *And be it enacted*, That the council shall have power to provide for the lighting of the streets, avenues and public places of the town, in such places as they in their judgment may deem necessary.

Supply of water.

54. *And be it enacted*, That the council shall have power to provide for a supply of pure and wholesome water to the inhabitants, and for extinguishing fires, by contract, either with private corporations or with adjoining municipalities owning or controlling water works; and the council shall have power to fix and determine the terms and conditions upon which private companies may lay their mains or pipes in the streets of the town.

Official newspaper.

55. *And be it enacted*, That the council shall have power to designate an official newspaper in which all advertisements and notices required by law to be published shall be published.

May borrow money in anticipation of revenues.

56. *And be it enacted*, That the council shall have power to borrow money temporarily in the name of the town in anticipation of appropriated revenues not exceeding in amount one half of such anticipated revenues.

Special election to fill vacancy.

57. *And be it enacted*, That the council shall have power at any time to direct a special election to fill any vacancy that may occur in their own body.

May require owners to keep flagging, etc., in good repair.

58. *And be it enacted*, That the council may require the owners or occupants of any parcel of land fronting on any improved street to keep the flagging, curbs and gutters in front of such land in good repair, and if in any case, after reasonable notice, such repairs be not done by such owner or occupant, the council may have the same done, and the expense thereof, with interest and costs, may be recovered by the council by suit in the name of the town, against such owner, as for so much money due for labor performed and material furnished by said town for such owner or occupant, at his request, or may be assessed as a tax on such lot, and shall be a lien thereon and be collected as other taxes are collected.

59. *And be it enacted*, That the town council shall appoint three discreet persons, residents and freeholders of the town, to be commissioners of assessment, and who shall hold their offices for three years: the said commissioners shall make all assessments for improvements of every kind under this act; *provided*, that if any of the said commissioners shall be interested in the matter of any such assessments, the council shall appoint some discreet and impartial freeholder or freeholders, resident in said town, to act in regard to such assessment in lieu of the commissioner or commissioners interested therein as aforesaid; and every report of assessments made by commissioners of assessment shall be accompanied by the oath or affirmation of each commissioner making the same, that he is not interested, directly or indirectly, in the matter of the assessment, and that he has performed his duties in relation thereto honestly, faithfully and impartially, to the best of his ability, skill and understanding, which oath or affirmation the clerk of said town is hereby authorized to administer; and the first commissioners appointed under this act shall determine among themselves by lot which of them shall serve for one, two and three years respectively, and thereafter annually one commissioner shall be appointed to serve for the full term of three years.

Commissioners of assessment

Proviso.

60. *And be it enacted*, That the council shall have power and they are hereby authorized by ordinance—

Council empowered.

To lay out, open, straighten, widen and extend any street, avenue or highway, or any part or section thereof, and to take and appropriate for such purpose any necessary lands and real estate upon making compensation to the owners thereof as hereinafter provided;

To lay out streets.

To provide for grading and altering the grade of streets and avenues in the town, and filling, macadamizing, guttering, curbing, bridging, planking, graveling, paving and repairing the same;

To provide for grading, macadamizing, &c.

To make and adopt a general plan of sewerage and drainage for such town or any section thereof, conformably to which all sewers, drains, receiving basins and all other appurtenances of public drainage shall be made;

Adopt plan of sewerage and drainage.

To provide for the building and constructing of public sewers and drains, and for taking land and real estate for

Construction of sewers and drains.

building the same, and for acquiring an outlet for sewers over and through lands in adjoining municipalities; *provided*, that the consent of such adjoining municipality and of such other municipality (if any) as may in any manner be affected by such outlet shall be to that end first obtained: *provided, however*, that no ordinance for any of such purposes shall be passed except in the manner hereinafter stated and unless it shall receive the votes of two-thirds of the members of the council; *and provided, further*, that any such ordinance may be introduced and passed at the same stated meeting of the council.

Proviso.

Proviso.

Proviso.

How streets to be laid out or boundaries changed.

61. *And be it enacted*, That streets shall be laid out, opened, straightened, extended, widened or otherwise changed as to their boundaries, in the following manner, and not otherwise: a petition, in writing, signed by the owners of one-third of the property fronting on the improvement desired, shall be presented to the council, setting forth accurately the improvement desired; and the petitioners shall deposit with the treasurer such sum of money as the council shall direct, being sufficient to cover the expense incurred in case such improvement shall not be ordered; if the council shall favor the petition the same shall be referred to the commissioners of assessment and a town surveyor not interested in such improvement, who shall thereupon make a map of such improvement, showing the real estate to be taken therefor, and all the property which in the judgment of said commissioners will be specially benefited thereby, designating each lot and parcel on said map by a number; said commissioners shall also ascertain, so far as practicable, the name of the owners of said real estate to be taken and property to be benefited, and the interest of each of the owners of real estate to be taken, and when such names or estates are not known they shall so report: they shall also appraise the value of the interest of each known owner of real estate to be taken, and the damage to be done to such owner by taking the same; and where the estates in any plot of land are unknown, they shall appraise the value of or the damage done to the fee simple: said commissioners shall also estimate all other expenses likely, in their judgment, to attend to

completion of the improvement: said commissioners shall also estimate the amount likely to be realized from the sale of any buildings, or parts of buildings, required to be taken on account of said improvement, and shall so determine the probable net cost of making the improvement; this probable net cost they shall then assess upon the land to be specially benefited, in proportion to the benefit to be received; thereupon they shall, under their hands, make a report of the facts ascertained and of the appraisements, estimates, determinations and assessments made by them concerning said improvement, and shall file such report and their map with the clerk of the town within thirty days after the reference to them or within such further time as the council shall grant; thereupon the said clerk shall cause a notice of the filing of said map and report to be printed in the official newspaper of the town, or, if there be none, in a newspaper published in the county and circulating in the town, for the period of two weeks, which notice shall contain a general description of the improvement intended, of the land to be taken, and of the land to be assessed therefor, and shall state the time and place when and where the council will meet to hear and consider any objections to said report or to the improvement, which may be presented in writing: said clerk shall also, within said period, cause notices to the same effect to be posted at points not over three hundred feet apart along the whole line of said improvement: the time appointed for hearing such objections being not less than ten days after the expiration of said period of two weeks, and shall also, within the said period, serve a copy of such notice upon resident owners of real estate affected thereby; but the omission of the clerk to serve such notice shall not invalidate any of said proceedings; and all objections at such time and place, presented in writing, the council shall consider and adjudicate upon, and the awards or assessments made in said report may be corrected accordingly, a copy of which corrections, signed by the chairman of the council, shall be filed with the said clerk within twenty days after the expiration of said period of two weeks; if the said council shall then determine to make said improvement, notwithstanding any objections to the same, the

said council shall confirm said awards, with the corrections, if any, and pass an ordinance ordering said improvement to be made and completed in such manner as said council may direct, under the supervision of said commissioners of assessments: *provided*, the said council shall not proceed to make any such improvement if the owners of the property subject to more than one-half of the assessment for the improvement shall remonstrate against the same being made; the said council shall also pass a resolution directing the several sums awarded to be paid to the persons to whom the awards are made for real estate taken and damages sustained in making said improvement, and upon the passage of such resolution the fee simple of said real estate to be taken shall be vested in the town; *provided*, that where the commissioners shall have reported the name or estates of the owners of any plot as unknown, the said resolution shall direct the sum of the award on account of such plot to be paid to the owners thereof, when and as their interest may appear, and any such owner or person interested in said land may, by bill in chancery, according to the practice of that court, have the said sum distributed or in whole or in part paid over to him, as law and justice may require; after the completion of said improvement the said commissioners shall ascertain and determine the actual net cost thereof, and shall assess, as hereinafter provided, such actual net cost upon the lands specially benefited in proportion to the benefit received.

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Proviso.

How award paid.

62. *And be it enacted*, That whenever, by the report and map of the said commissioners, corrected as aforesaid, it shall appear that an award has been made to any person for property taken or damages sustained, and that such person is also assessed for benefits received on account of the same improvement, then if the assessment equal or exceed the award, no payment shall be made on account of such award: and if the award exceed the assessment, only so much of the award as is in excess shall be paid, and the resolution of the council ordering the awards to be paid shall be framed accordingly; and when the amount to be assessed shall be finally determined, such amount shall be set off against the amount of the

award unpaid: and if the amount of the award unpaid be in excess, the assessment shall be canceled, and such excess only shall be paid to the person to whom the award is made: and if the amount of the assessment be in excess, the award unpaid shall be canceled and such excess only shall be a lien upon the property assessed: the rest of the award or assessment, as the case may be, being also canceled.

Persons dissatisfied with determination may bring action against town

63. *And be it enacted*, That whenever any person who shall have presented objections as aforesaid, to an award, shall be dissatisfied with the determination of the council, thereupon such person may commence an action on contract against the said town in the circuit court of the county, or in the supreme court of this state (*provided*, that the trial shall be had in the county in which such town is located), which action shall proceed in all things as if such town had, upon taking the real estate required for the said improvement, agreed in writing to pay therefor the value thereof and the damage done by taking the same; and if in said action the plaintiff shall recover more than the amount awarded as aforesaid, he shall recover his taxable costs according to law; and if he shall not recover more than the amount awarded, then the defendant shall recover his taxable costs against the plaintiff and shall be entitled to have them deducted from the amount recovered by the plaintiff, and execution shall issue only for the balance, the assessment (if any) against the plaintiff being also deducted from the amount of the judgment: *provided, always*, that no such action shall be brought by any person who may have received payment of the amount awarded, nor unless notice that such action will be brought, be filed with the clerk of said council within sixty days after the confirmation of the award, nor unless such action be commenced within six months after such confirmation; *provided, further*, that the judge of the said circuit court may, upon petition, for good cause shown, and upon such terms as he may direct, dispense with either or all of the provisions in the last proviso contained.

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Proviso.

How streets graded, macadamized, &c.

64. *And be it enacted*, That any street or section of a street may be graded, flagged, macadamized, paved, curbed, guttered or otherwise improved, as hereinbefore

provided, in the following manner, viz.: on the petition in writing to the council by the owners of one-third of the lands fronting on the street proposed to be improved, the council shall, by resolution, direct the town clerk to advertise such application or petition and the notice hereinafter provided for, for at least two weeks, once in each week successively, in the official paper of the town, or if there be none, in one or more newspapers published in the county and circulating in the town, and to post copies of the said petition and notice in five public places in the town, designated by the council, at least ten days prior to the time fixed for the hearing of objections to such improvement; the clerk shall also publish and post as aforesaid, with the petition, a notice signed by him, stating that objections in writing to said proposed improvement shall be filed with him, and designating the time and place when and where the town council will meet to consider such objections, which time shall not be less than ten days after the date of the first publication of such petition and notice as aforesaid; and the said clerk shall also serve like notice on the owners of property residing along the street or section of street so proposed to be improved, at least five days before the time designated in such notice; *provided, however*, that no assessment shall be set aside or affected by reason of the failure of said clerk to serve such notice; and at or before the time named in such notice the said clerk shall file in his office affidavits showing that such petition and notice have been published and posted as herein required; at the time named in such notice the council shall proceed to consider such objections as have been presented, and if it appear that the owners of a majority of the land fronting on such proposed improvement have objected thereto, such improvement shall not be made, and all costs and expenses incurred in such proceedings shall be paid by the petitioners, to secure which the council shall in all cases require a deposit of twenty dollars before receiving any petition; and in case the owners of a majority of the lands fronting on the proposed improvements have not objected thereto, the council may, in its discretion, determine not to make such improvement, in which case the deposit made by the petitioner or petitioners shall be

Proviso.

returned to him or them: and the defeat of any ordinance for such improvements, introduced before the council, shall be conclusive as to the determination of the council not to make such improvement; at any time after the time named in said notice for objections, the council may proceed to pass an ordinance for such improvement, and such ordinance shall be valid if it describes in general language the improvement required to be made and done, and it shall not be necessary to state therein any other matter or thing connected with said improvement; the town clerk shall publish and post such ordinance in the same manner and for the same time he is required to publish and post the petition for the improvement described therein; and he shall file in his office an affidavit showing that such ordinance has been duly published and posted; at any time after the passage of such ordinance the council may require the clerk to advertise for proposals for doing the work of and furnishing the materials necessary for such improvement in the official paper of the town and in such other newspapers as shall be designated by the council; which proposals shall be presented in such form and manner and under such regulations as the council shall prescribe; upon the coming in of such proposals the council may enter into contract with the lowest responsible bidders on the terms of their proposals; *provided, however*, that the council may reject all bids if they deem it for the interest of the town so to do, in which case they shall again advertise for proposals and shall proceed in all things as if no proposals had been offered; and the council shall require the person or persons so entering into contract with the town to give bonds with ample freehold security for the due performance thereof. Proviso.

65. *And be it enacted*, That sewers may be built and constructed in any of the streets of the town on the petition of owners of one-third of the lands adjoining the proposed route of the sewer; and the proceedings, after receiving such petition, shall be in all respects the same as are hereinbefore set forth for flagging and grading of streets; and all the provisions of this act relating to flagging and grading of streets shall be applicable to proceedings for When sewers constructed. Proceedings.

the construction of sewers, except as modified in and by this section.

Council may appoint inspector.

66. *And be it enacted*, That the council may appoint an inspector over the work and materials on any sewer or street improvement and may fix his compensation; the amount of such compensation shall be included in and form part of the cost of the improvement.

Before work accepted, council to publish notice of meeting to hear objections.

67. *And be it enacted*, That before the council accept any work on any sewer or street improvement, or any final payment be made to the contractor, the council shall publish as aforesaid a notice stating when the council shall meet to receive and consider objections in writing, the work and materials done and used in such improvement, and if any such objections shall appear to be well founded, the council shall take such action thereon as in their judgment the interests of the town shall require.

Proceedings when necessary to take or use private property

68. *And be it enacted*, That where it shall be necessary in the construction of any public sewer to take or use private property for that purpose, the council shall have power to provide, in the ordinance for the building or constructing of any such sewer, for the taking of such private property as is necessary; for that purpose the damages and awards to be made for lands so taken shall be determined and made by the commissioners of assessment, who shall report the same to the council, and thereafter the proceedings shall be the same in all respects as are hereinbefore provided for opening of streets.

Town and adjoining municipality may contract for payment of sum for right to connect sewers.

69. *And be it enacted*, That where any town shall be so situated that it shall have no immediate outlet for sewerage, except through adjoining municipalities or by connections with sewers existing or contemplated to be built in adjoining municipalities, it shall be lawful for the town council of the town and the governing body of such adjoining municipality to enter into contract for the payment of a sum in gross by such town for the right to connect with any sewer or sewers in such adjoining municipality, and the amount of such contract price shall be included in the costs of making the sewer in and through such town which it is proposed so to connect with the sewer in the adjoining municipality, and shall be assessed in the manner hereinafter directed as if such

contract price were portion of the cost of wholly constructing the sewer within the territorial limits of the town.

Council may issue improvement certificates.

70. *And be it enacted*, That the council shall have power to issue improvement certificates, payable within one year or less, with interest, to the amount of seventy per centum of the work done upon any street, sewer or other public improvement, when certified as correct by the engineer in charge of the work; and when the contract is fully completed and the work fully accepted by the town council they may issue a certificate for an additional twenty per centum of said work done; and in not less than three nor more than six months after the date of the acceptance of the work may issue a final certificate for the balance due, unless some errors or defects in the work shall have appeared, in which case the certificate shall be withheld until the defects or errors are rectified to the satisfaction of the council.

Costs and expenses of improvements, how assessed.

71. *And be it enacted*, That the costs and expenses of opening, extending or widening any street, and, after the completion thereof, the whole cost and expense of any street, sewer, or other public improvement, shall be ascertained and determined by the commissioners of assessment, and such cost and expense shall, so far as the same can be, be assessed upon the lands and real estate specially benefited by the improvement in proportion to the benefit received, and no lot or parcel of land shall be assessed more than it is so specially benefited; and if the total assessable benefits exceed the total cost the excess shall be borne and paid by the town at large; the commissioners shall make and file with the town clerk a map showing what lots and parcels of land are specially benefited by the improvement, the amount assessed as special benefits upon each lot or parcel of land, the amount of such assessment, the names of the owners of the several lots or parcels assessed, so far as the commissioners can ascertain the same, and the amount (if any) of the excess of the cost of the improvement over the total amount assessed; no assessment shall be deemed defective by reason of any mistake in the names of the owners of lands assessed or omitting the said names or any of them; the clerk shall publish and post a notice in the same way

Commissioners to file map.

Clerk to publish notice.

and manner as he published and posted the petition for the improvement, stating that the map and report of the commissioners have been filed in his office, and that the council will consider any objections to said assessment presented in writing on or before a day named in said notice to be fixed by the town council, which day shall be at least five days after the expiration of such period, on which day the town council will meet to consider such objections; in case the objections to the assessments are not sustained, the town council may confirm such assessment, or if they refuse to confirm the same, they may return it to the commissioners for such amendment as may to the commissioners seem necessary, and the town council may thereafter, without any further notice, confirm the assessment, and upon such confirmation said assessment shall constitute a lien upon the property assessed; and if any assessment shall remain unpaid for two years thereafter, the town council may proceed to enforce the lien of such assessment in the manner provided for in this act.

Council may confirm assessment.

When certiorari not allowed.

72. *And be it enacted*, That no certiorari, injunction or other writ or process shall be allowed or granted to set aside any ordinance for any improvement after the contract therefor shall have been awarded by the council of the town; and no certiorari, injunction or other writ or process shall be allowed or granted to set aside any assessment made for any sewer or street improvement of any kind after thirty days shall have elapsed from the date of the confirmation of such assessment by the council of such town.

Council may issue bonds.

73. *And be it enacted*, That the council shall have the power to issue bonds payable in not exceeding ten years, and bearing interest at not exceeding six per centum per annum, to raise moneys to pay for lands taken for opening or extending or widening streets, constructing roads or building sewers, or for the redemption of improvement certificates issued under this act, or to pay any judgment recovered against the town; and the council may likewise issue bonds to run not exceeding ten years, and bearing interest at not exceeding six per centum per annum, as above, to renew such part of the bonded debt of the municipality of which the town is the successor

which may become due and payable, and for the payment of which no provisions shall have been made.

Fiscal year.

74. *And be it enacted*, That the fiscal year of the town shall commence on the first day of May in each year.

Moneys from arrears of taxes, etc., how apportioned.

75. *And be it enacted*, That all moneys received on redemptions of lands from sales for unpaid taxes, and for or on account of arrears of taxes, shall be apportioned to and among the several appropriations for which such taxes were raised, except that the costs of sale and redemption fee shall be paid into the incidental fund, and all moneys received on redemptions of lands from sales for unpaid assessments shall be paid into the sinking fund, excepting costs of sales, which shall be returned to the incidental fund; all unexpended balances remaining at the close of any fiscal year shall be appropriated or transferred or otherwise disposed of as the council in its judgment shall deem proper.

Annual sum raised by taxation for payment of bonded debt.

76. *And be it enacted*, That there shall be annually raised by taxation a sum sufficient to pay all interest accruing on the bonded debt during the fiscal year, and also at least three and one-third per centum of the principal of such bonded debt, which shall be paid into the sinking fund.

Moneys from licenses, etc.

77. *And be it enacted*, That all moneys received for licenses, and all other moneys received and not specifically appropriated, shall be paid into the incidental fund.

Rate of interest on taxes and assessments.

78. *And be it enacted*, That all taxes and all assessments in such town shall bear interest at the rate of seven per centum per annum from the time the same became due and payable.

Taxes and assessments to be liens on lands and real estate.

79. *And be it enacted*, That all taxes and all assessments heretofore or hereafter levied, assessed or made upon any lands, tenements or real estate, situate in such town, shall be and remain a lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereof; and if the full amount of any such tax or assessment shall not be paid and satisfied within such time as shall be limited and appointed by the council for the payment thereof, it shall and may be lawful for the council to cause such lands, tenements or real estate to be sold at public auction for the shortest term for which any person will agree to take the same

If not paid, lands may be sold.

and pay such tax or assessment, or the balance due thereof remaining unpaid, with the interest thereon, and all costs, charges and expenses, and to execute under the common seal of said town a declaration of such sale, to be signed by the chairman of the council and the town clerk, and to deliver the same to the purchaser; and such purchaser, his executors, administrators or assigns, shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements or real estate for his and their own proper use against the owner or owners thereof, and all persons claiming under him or them, until said term shall be completed and ended; *provided*, the said council shall first have caused said sale to be advertised for at least two months in its official paper, or, if none, then at least in one public newspaper published in the county, and circulating in such town, and also by advertisement put up in at least five public places in such town, which advertisement shall describe the said lands, tenements or real estate, and specify the amount of assessment or tax; and the recitals in such declaration of sale shall be evidence of the assessment, advertising and sale; *and provided, also*, that the purchaser shall not be entitled to possession of lands so purchased until the period herein limited for redemption shall have expired; *and provided, also*, that the lands, tenements or real estate so sold may be redeemed by the owner, mortgagee, occupant or persons interested therein, or by any other persons, or in 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 town, for the use of said purchaser, the purchase-money, together with any other sum paid for tax or assessment, 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 town, stating the payments, and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption; any mortgagee shall have power to redeem at any time until the expiration of the

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Proviso.

six months' notice therein specified; no mortgagee whose mortgage shall have been duly recorded before sale for any tax or assessment shall be affected by such sale until six months' notice, in writing, shall have been given to him, either personally, or if not to be found in said town, then such notice shall be deposited in the post-office, in said town, directed to him at his last known place of residence (or at the post-office nearest thereto), but nothing therein contained shall be so construed as to impair the lien created by such tax, assessment or sale; *and* Proviso. *provided*, the same term of time for which any lands, tenements 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 lands, tenements 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 the time limited in such declaration of the 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: *provided*, *also*, that the said sale may be adjourned or Proviso. postponed from time to time, or suspended, as the council or their committee, appointed to attend to said sale, may direct: *and provided*, that if at any sale of lands, Proviso. tenements or real estate, for assessment or taxes, the whole or any part thereof shall remain unsold for want of purchasers, then it shall be lawful for the said council or said committee to adjourn sale not less than thirty days nor more than sixty days: twenty days' notice at least, by publication for two weeks and posting, shall be given as aforesaid of the said adjourned sale; and if, at such adjourned sale, there shall be no purchasers for said lands, tenements or real estate, or for any part thereof, then it shall be lawful for the treasurer of the said town to purchase the said lands, tenements or real estate for any term not exceeding one hundred years for the benefit of the town, subject to the same redemption as hereinbefore provided for; *provided*, *also*, that all Proviso. moneys paid for the redemption of said lands, tenements, or real estate as aforesaid, together with all taxes and assessments paid by any mortgagee or judgment creditor,

shall be a lien upon said lands, tenements or real estate for the amounts so paid, with interest at the rate of seven per centum per annum, and such lien shall have precedence over all other liens on said lands, tenements or real estate; *provided, further*, that a complete record of all taxes and assessments shall be kept in the town clerk's office, which record shall contain the time when such assessment and taxes were laid, the time when they were paid (and if the property has been sold therefor), the time of said sale and to whom sold, and if redeemed, when and by whom; it shall be the duty of the town clerk to enter in a book to be called "record of sales" a minute of all declarations of sales, and 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 town treasurer of such redemption, and to file such certificate in the said clerk's office; it shall be the duty of the treasurer to make out two certificates of all property redeemed, one for the person redeeming and one to be filed in the said clerk's office; it shall be lawful for the council of said town to sell, assign and transfer any declaration of sale or any term in lands purchased for the benefit of said town as aforesaid, or any portion of a term, for such price as said council may think proper.

Proviso

Dog tax

80. *And be it enacted*, That the assessor shall levy a tax upon every person who owns or has the care of any dog, male or female, as follows: one dollar for each male dog, and three dollars for every female dog, in lieu of the state law, which tax shall be appropriated to the support of the school.

When assessor to complete assessment.

81. *And be it enacted*, That the assessor shall complete his assessment and present his books to the council for examination by the third Monday in September, annually, and the council shall complete their examination of the same by the first Monday in October; immediately thereafter the collector shall give notice as required by section ten of the tax act, and within thirty days thereafter the collector shall make the demand and give the notice as required by section eleven of the tax act, and the day fixed by him for the payment thereof shall not be later than December twentieth.

Collector to give notice and make demand.

82. *And be it enacted*, That all the property, real and personal, of the several school districts existing within the limits of any town, township or borough, before its incorporation under the provisions of this act, shall, upon such incorporation under this act, become and be the property of such incorporated town, and shall be held in its corporate name, and the several obligations, contracts and debts of said previously-existing school districts shall be assumed by and shall become and be the obligations, contracts and debts of such incorporated town; and that the board of education shall possess and exercise all the powers and perform all the duties by law vested in or imposed upon the boards of trustees of school districts; they shall annually organize by choosing a chairman and a clerk, and may establish schools and provide for their government; they shall define and fix the duties and compensation of their clerk, who shall also perform all duties enjoined by law on district clerks, and of the principals, teachers and janitors of public schools in the town; *provided*, that no property shall be bought or building erected by the said board unless a majority of the voters of the town voting at an annual town election shall have ordered an appropriation for that purpose.

Property of school districts vested in town.

Board of education, powers and duties.

Proviso.

83. *And be it enacted*, That all general laws and statutes of this state heretofore passed relating to incorporated towns shall be and they are hereby made applicable to any town formed or created under this act, except in so far as the same may be inconsistent with or repugnant to the provisions of this act.

Laws applicable to town.

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

Approved April 24, 1888.

CHAPTER CCCXXVI.

An Act to defray the incidental expenses of the legislature of New Jersey, for the session of one thousand eight hundred and eighty-eight.

Lawful for state treasurer to pay certain amounts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of the state of New Jersey to pay upon warrant of the comptroller to the several persons hereinafter named, the following amounts, videlicet:

Item No. 1. To Thomas K. Johnston, for parchment rolls and preparing oaths of officers and members of the senate and general assembly, session of one thousand eight hundred and eighty-eight, fifty dollars, $50 00

Item No. 2. To B. F. Methven, for minute files furnished house of assembly and senate, session of one thousand eight hundred and eighty-eight, one hundred and fifty dollars, $150 00

Item No. 3. To Joseph Atkinson, for one senate calendar, one house calendar and blank books furnished the senate and house of assembly, session of one thousand eight hundred and eighty-eight, one hundred and nineteen dollars, $119 00

Item No. 4. To Joseph Atkinson, to service in opening house of assembly, session one thousand eight hundred and eighty-eight, ten dollars, $10 00

Item No. 5. To E. J. Disbrow, to services rendered in cleaning spittoons, closets, and cleaning paint for the house of assembly, session of one thousand eight hundred and eighty-eight, one hundred and fifty dollars, $150 00

Item No. 6. To Mrs. E. J. Disbrow, for services rendered in washing and ironing towels for the house of assembly, session one thousand eight hundred and eighty-eight, seventy-five dollars, $75 00

Item No. 7. To Margareth Reingruber, for services rendered in cleaning assembly chamber, speaker's and committees' rooms, session of one thousand eight hundred and eighty-eight, one hundred dollars, $100 00

Item No. 8. To Naar, Day & Naar, for advertisement for bills, session of one thousand eight hundred and eighty-eight, two dollars, $2 00

Item No. 9. To the Foye Letter Files, Cabinet and Index Co., for bill files furnished the legislature, session one thousand eight hundred and eighty-eight, four hundred and seventy-seven dollars, $477 00

Item No. 10. To Kessler Bros., for keys, locks and repairs furnished senate and house of assembly, session of one thousand eight hundred and eighty-eight, twelve dollars, $12 00

Item No. 11. To The John L. Murphy Publishing Co., for stationery, and so forth, furnished clerk of assembly, session one thousand eight hundred and eighty-eight, one hundred and seventy-eight dollars and seventy cents, $178 70

Item No. 12. To The John L. Murphy Publishing Co., for stationery, and so forth, furnished engrossing clerk, house of assembly, session one thousand eight hundred and eighty-eight, one hundred and ninety dollars, $190 00

Item No. 13. To The John L. Murphy Publishing Co., for advertisements for bills, session of one thousand eight hundred and eighty-eight, two dollars, $2 00

Item No. 14. To The John L. Murphy Publishing Co., for original minute-books and printing copy-books, furnished clerk of house of assembly, session of one thousand eight hundred and eighty-eight, thirty-seven dollars and twenty cents, $37 20

Item No. 15. To Knight & Gnichtel, to stenographic services rendered to committee appointed to investigate charges made in connection with Assembly, No. 157, ten dollars; for furnishing copy of testimony, thirty-five folios, three dollars and fifty cents, thirteen dollars and fifty cents, $13 50

Item No. 16. To The John L. Murphy Publishing Co., for stationery, and so forth, furnished document clerk, house of assembly, session of one thousand eight hundred and eighty-eight, forty-two dollars and ninety-five cents, $42 95

Item No. 17. To The John L. Murphy Publishing Co., for stationery, and so forth, furnished sergeant-at-arms, house of assembly, session of one thousand eight hundred and eighty-eight, two hundred and sixty dollars and fifteen cents, $260 15

Item No. 18. To The John L. Murphy Publishing Co., for stationery, and so forth, furnished Hon. S. D. Dickinson, speaker house of assembly, session of one thousand eight hundred and eighty-eight, one hundred and seventeen dollars and five cents, $117 05

Item No. 19. To P. H. Cornish, to services rendered as assistant sergeant-at-arms, opening house of assembly, session of one thousand eight hundred and eighty-eight, ten dollars, $10 00

Item No. 20. To Edward W. Conklin, for additional services rendered as keeper of cloak-room, house of assembly, session one thousand eight hundred and eighty-eight, one hundred and fifty dollars, $150 00

Item No. 21. To William Becker, for additional services rendered as assistant bill clerk, house of assembly, session of one thousand eight hundred and eighty-eight, one hundred and fifty dollars, $150 00

Item No. 22. To Walter M. Randall, for additional services rendered as keeper of cloak-room, house of assembly, session of one thousand eight hundred and eighty-eight, one hundred and fifty dollars. $150 00

Item No. 23. To Remington Corson, for services rendered committee on incidental expenses, as per resolution, session of one thousand eight hundred and eighty-eight, fifty dollars. $50 00

Item No. 24. To each clergyman, for opening sessions of the legislature with prayer, during session of one thousand eight hundred and eighty-eight, ten dollars, $10 00

Item No. 25. To William A. B. Holmes, for services as page, house of assembly, session of one thousand eight hundred and eighty-eight, two hundred dollars. $200 00

Item No. 26. To James Reese, James L. McDonald, Albert Walton, Thomas Lenahan, James Moore, B. P. Earle, Edward Davin, Lansing Van Doran, John P. Cleary, Ignatius Noonan, James Dougherty, J. Frank Chattin, to services as page, opening house of assembly, session of one thousand eight hundred and eighty-eight, ten dollars each, one hundred and twenty dollars, $120 00

Item No. 27. To John E. Brundage, sergeant-at-arms, for towels, soap, brooms, brushes, and so forth, furnished in the coat-rooms, house of assembly, session of one thousand eight hundred and eighty-eight, one hundred and thirty dollars, $130 00

Item No. 28. To John Hunt, Frank Daley, J. J. Maher, John G. Kennan, Michael Hannessey, Michael P. Mulhearns, Michael Kelly, Patrick Kernan, for services rendered as doorkeepers, opening house of assembly, session one thousand eight hundred and eighty-eight, ten dollars each, eighty dollars, $80 00

Item No. 29. To Frank Young, James Lyons, for services rendered as pages, opening house of assembly, session one thousand eight hundred and eighty-eight, ten dollars each, twenty dollars, $20 00

Item No. 30. To James D. O'Brien, for services rendered as journal clerk in opening house of assembly, session one thousand eight hundred and eighty-eight, ten dollars, $10 00

Item No. 31. To William Mailly, for services rendered as page at opening of house of assembly, session one thousand eight hundred and eighty-eight, ten dollars, $10 00

Item No. 32. To J. W. Harrison, for one fountain pen, furnished to clerk of assembly, five dollars, $5 00

Item No. 33. To The John L. Murphy Publishing Co., for stationery, and so forth, furnished secretary of the senate, session of one

thousand eight hundred and eighty-eight, one hundred and ninety-seven dollars and fifty-five cents, $197 55

Item No. 34. To The John L. Murphy Publishing Co., for stationery, and so forth, furnished engrossing clerk of the senate, session of one thousand eight hundred and eighty-eight, one hundred and ninety-two dollars and seventy-five cents, $192 75

Item No. 35. To The John L. Murphy Publishing Co., for stationery, and so forth, furnished president of the senate, session of one thousand eight hundred and eighty-eight, one hundred and seventy-four dollars and seventy-five cents, $174 75

Item No. 36. To The John L. Murphy Publishing Co., for stationery, and so forth, furnished sergeant-at-arms of the senate, session of one thousand eight hundred and eighty-eight, one hundred and eighty dollars and ten cents, $180 10

Item No. 37. To The John L. Murphy Publishing Co., for stationery, and so forth, furnished to committee on engrossed bills of senate, session of one thousand eight hundred and eighty-eight, thirty-six dollars and fifty-five cents, $36 55

Item No. 38. To Joseph F. Mongar, for extra services as page in document room of senate, session of one thousand eight hundred and eighty-eight, one hundred and fifty dollars, $150 00

Item No. 39. To Kessler Brothers, for one desk lock, furnished senate, session one thousand eight hundred and eighty-eight, one dollar and twenty-five cents, $1 25

Item No. 40. To Ernest O. Chamberlin, president's private secretary, John H. McMurray, engrossing clerk, and Richard C. Dillmore, page, for services opening the senate, session of one thousand eight hundred and eighty-eight, ten dollars each, thirty dollars, $30 00

Item No. 41. To George Still, for services rendered in cleaning senate chamber, spittoons,

lobbies, and so forth, session of one thousand eight hundred and eighty-eight, one hundred dollars, $100 00

Item No. 42. To May Still, for washing towels, for senate chamber, session of one thousand eight hundred and eighty-eight, fifty dollars, $50 00

Item No. 43. To the Foye Letter File, Cabinet and Index Co., for three dozen bill files furnished senate, session of one thousand eight hundred and eighty-eight, ninety-four dollars and fifty cents, $94 50

Item No. 44. To Furman L. Richardson, sergeant at-arms of senate, for expressage on bill files, session of one thousand eight hundred and eighty-eight, one dollar and forty-five cents, $1 45

Item No. 45. To B. F. Methven, for thirty Keystone files, furnished senate, session of one thousand eight hundred and eighty-eight, sixty-seven dollars and fifty cents, $67 50

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

Approved April 24, 1888.

CHAPTER CCCXXVII.

A Further Supplement to an act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight.

Preamble. WHEREAS, Boroughs incorporated under the provisions of the above-entitled act and the supplements thereto, caused notice to be given of an election to be held on the thirteenth day of March, one thousand eight hundred and eighty-eight, for the election of a borough assessor, collector, three commissioners of appeal, a judge and two inspectors of election, in anticipation of

the passage of a law entitled "A further supplement to 'An act for the formation of borough governments,' approved April fifth, one thousand eight hundred and seventy-eight," which supplement was approved March sixth, one thousand eight hundred and eighty-eight, at which said election, held on the thirteenth day of March, one thousand eight hundred and eighty-eight, the said officers above mentioned were elected by the various boroughs throughout this state; *and whereas*, by the provisions of the above-entitled act, the borough clerk is required to give ten days' notice of elections to be held under said act for the election of borough officers; *and whereas*, the said supplement, entitled "A supplement to 'An act for the formation of borough governments,' approved April fifth, one thousand eight hundred and seventy-eight," was not approved in time to admit of the giving of the ten days' notice of the election of the officers mentioned in the said last-entitled act, and by reason thereof doubts have arisen concerning the legality of the election of the officers above mentioned; therefore,

Election valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the election of the borough assessor, collector, three commissioners of appeal, a judge and two inspectors of election, held on the thirteenth day of March, one thousand eight hundred and eighty-eight, under the provisions of the above-recited act, by any borough in this state, shall be as valid and effectual in law, to all intents and purposes, as if the said act of the legislature had been approved and taken effect before the time fixed by law for giving notice of said borough election, and that all acts of the said various officers done and performed or to be hereafter done or performed under and by virtue of the provisions of the said supplement, shall be held and declared to be valid and effectual in law.

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

Approved April 24, 1888.

CHAPTER CCCXXVIII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "A supplement to an act entitled 'An act for the punishment of crimes,'" approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved April ninth, one thousand eight hundred and seventy-five, be and the same is hereby amended to read as follows: Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any member of any board of chosen freeholders, or of any township committee, or of any board of aldermen or common councilmen, or any board of education or school trustees in any city, or any board of commissioners of any county, township, city, town, borough or school district in this state, shall be directly or indirectly concerned in any agreement or contract for the construction of any bridge or building of any kind whatsoever, or any improvement whatever to be constructed or made for the public use or at the public expense, or shall be a party to any contract or agreement, either as principal or surety, between the county, township, city, town, borough or school district, as the case may be, and any other party, or shall be directly or indirectly interested in furnishing any goods, chattels, supplies or property of any kind whatsoever, to or for the county, township, city, town, borough or school district, the contract or agreement for which is made, or the expense or consideration of which is paid, by the board, council or committee of which such member is a part, shall be deemed guilty of a misdemeanor, and, on being thereof convicted, shall be punished by fine not exceeding one thousand dollars, or imprisonment Penalty for public officer being concerned in any public contract.

New Jersey State Library

at hard labor for any term not exceeding three years, or both, at the discretion of the court.

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

Approved April 24, 1888.

CHAPTER CCCXXIX.

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

Fees of constables.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the constables of the several counties of this state shall receive per day, for each and every day engaged in attending the circuit court, court of oyer and terminer and general jail delivery, court of common pleas and general quarter session of the peace, in their respective counties, the following fees: those residing within two miles of the court-house, two dollars and fifty cents; those residing more than two miles from and within five miles of the court-house, three dollars; those residing more than five miles from and within ten miles of the court-house, three dollars and twenty-five cents, and those residing more than ten miles from the court-house, three dollars and fifty cents, which payments shall be in full and in lieu and stead of all mileage or other allowances heretofore allowed.

Repealer.

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

Approved April 24, 1888.

CHAPTER CCCXXX.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes and assessments and water rates or water rents in cities of this state, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages, and to enforce the payment thereof, and to provide for the sale of lands subjected to future taxation and assessment," passed March thirtieth, one thousand eight hundred and eighty-six, be and the same is hereby amended so that it shall be and shall read as follows: Section amended.

3. *And be it enacted*, That the said commissioners shall keep a record of their proceedings under this act, in which shall be entered their determination as to the amount to be charged and assessed upon and against each lot or tract of land as aforesaid, designating the same by block and lot numbers on assesment maps to be made for that purpose, and shall make reports, from time to time as they proceed with the discharge of their duties, of the amounts so charged and assessed, and shall file the same, with the said map, in the office of the clerk of the court by which they were appointed; said reports shall be certified by the signatures of at least two of the said commissioners, and upon the coming in and filing of any Commissioners to keep record of proceedings. Make and file report. Proceedings for confirmation of report.

such report signed by the said commissioners, or any two of them, such notice shall be given as the said court shall direct, of the time and place of hearing any objection that may be made to the assessments, charges and liens so fixed and certified by the commissioners, and, after hearing any matter that may be alleged against the same, the said court shall, by rule or order, either confirm the said report, or refer it to the same commissioners, or to other commissioners to be appointed by the said court, to reconsider the subject-matter thereof, and the said commissioners to whom the said report may be so referred, shall return the same corrected and revised, or a new report to be made by them in the premises, to the said court, without unnecessary delay, and the same, on being so returned, shall be confirmed, or again referred by the said court in the manner aforesaid, as right and justice may require, and so, from time to time, until a report shall be made or returned in the premises which the said court shall confirm; any commissioner who shall refuse to sign such report shall file with the same a statement of his reasons for so refusing, for the information of the court; said report, upon being so confirmed, shall be final and conclusive upon the said city, and upon all persons owning or having any interest in or lien upon the said lands and against all persons whomsoever, and the amount so fixed, determined, certified and confirmed in each case shall thereupon become and be a valid and binding tax, assessment and lien on the lands so designated, in lieu and instead of all outstanding claims of the city for arrearages of taxes, assessments or water rates levied or confirmed, or attempted to be levied or confirmed, prior to the making of the said report, and shall be a valid lien on said lands, having priority over all other liens, claims or demands whatsoever, except taxes, assessments or water rates levied after the making of the said report; and the proceeds thereof, when collected, shall be applied to the payment of the expenses of carrying out the provisions of this act, and any indebtedness to which the original tax, assessment or water rate was specifically pledged, and to the payment of other debts of the city, if any, but no application to any other use shall b emade while any bonds of the city remain unpaid; it

Report, when confirmed, to be final.

Proceeds, how applied.

shall be competent for the said commissioners to include in any one report their several determinations respecting as many lots or tracts of land as may seem to them convenient, and it shall be their duty to indicate in their report how much of the new lien imposed by them on each lot or tract of land was made on account of taxes, assessments and water rates, respectively, to the end that the money to be derived from the sale of the lands as hereinafter provided, may be applied in due proportion to the purchase or payment of any bonds or obligations that may have been issued on account of taxes, assessments and water rates respectively, or for the payment of which the same may have been pledged; it shall be the duty of the corporation attorney or counsel for the city to assist the said commission by advice, preparation of reports and otherwise in the discharge of their duties, when requested, and the city surveyor or engineering department of the city shall make all necessary surveys and maps required: and the said commissioners shall have the power to appoint a clerk and such other assistants as in their judgment shall be necessary, and fix their compensation, which appointments and compensations shall be subject to the approval of the judge of the circuit court of the county appointing the commissioners; the compensation of any clerk heretofore fixed may be changed by the commissioners, and when approved by the judge of the circuit court by whom said commissioners were appointed, the compensation of said clerk shall be the amount so fixed and approved, in lieu of the amount fixed by the body having charge or control of the finances of the city; *provided, however*, that in any city where the compensation and expenses of carrying out the provisions of the act to which this is a supplement are now paid out of the general or contingent fund of said city, then and in that case the compensation of said clerk and his assistants shall be fixed by the finance committee of the common council or other body in said city having charge and control of the finances in said city.

What commissioners to include in report.

City attorney to assist commissioners.

Surveyor or engineer to make maps, etc.

Commissioners may appoint assistants.

Proviso.

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

Section amended

Report, etc., to be filed with city comptroller.

4. *And be it enacted*, That upon the confirmation of the said report the same, or a certified copy thereof, with the assessment map or maps filed therewith, shall be transmitted to the comptroller of the city or other officer for collecting assessments, to be filed by him in his office,

Tax due.

and thereupon the amount of said tax, assessment and lien so fixed and certified in respect of each and every lot or parcel of land included therein, shall immediately

How collected.

become due and payable, and shall be collected by the said comptroller or said other officer without interest, if the same be paid within sixty days after the filing of such report with him, and if not so paid, then with interest from the date of such filing at the rate of six per centum per annum, and if not paid within six months from such filing, with interest at the rate of seven per centum per annum from the date of such filing; the comptroller or said other officer shall not be required to make any demand for the payment of said tax, assessment and lien,

When lands to be sold.

and if, after the expiration of six months from the filing of the said report and assessment map, the amount therein certified in respect of any lot or parcel of land shall not have been collected or paid, the said comptroller or said other officer, after giving notice by advertisement as hereinafter required, shall sell the said lot or parcel of land at public auction to the highest bidder, but not for less than the amount due from the same, as appears by the

Advertisement of sale.

said report, with interest and costs; said advertisement shall include a designation of the time and place of sale, and of the ward or wards, district or districts, in which the property then and there to be sold is situate, and the lot and block numbers of the same on the said assessment maps, and shall state that further particulars of the property to be sold may be obtained at the office of the comptroller or said other collecting officer, and it shall not be necessary in said advertisement to include any further particulars of the property to be sold; said advertisement, in cases where publication has not already been

How published

commenced, shall be published once in each week for four weeks prior to said sale, in the official newspapers of such city, or, in case such city shall not have any regularly designated official newspapers, in two newspapers printed and circulating in the city; it shall be the duty

of said comptroller or other collecting officer, from and after the first publication of said advertisement, to deliver to any applicant at the office, within office hours, a written or printed list of all the parcels of property intended to be included in said sale, but it shall not in anywise be an objection to the validity of any sale that any person has failed for any reason to receive such list; it shall not be necessary in the said list, or in the reports of the said commissioners hereinbefore mentioned, or in any notice required to be given or published by any of the provisions of this act, to state the name of the owner of the premises affected, nor to describe the premises affected otherwise than by the said block and lot numbers on the said assessment maps: the sale may be adjourned from time to time by the said comptroller or other collecting officer, but it shall not be necessary to publish any notice of such adjournment or of the continuation of the sale; affidavits of the publication of the notice of sale, in the manner above provided, and of all other notices required by the provisions of this act to be published, made by one of the respective publishers of said newspapers, or by some person in the employ of such publisher having cognizance of the publication, shall be filed in the office of the clerk and shall thereupon become public records and shall be prima facie evidence in all courts and places of the matters stated therein: if any original report shall be transmitted to the comptroller, or such other officer as aforesaid, a copy thereof, certified by such comptroller, or other officer for collecting assessments, shall be forthwith filed in the office of the clerk of said circuit court.

Lists of property to be sold to be delivered to applicant

Sale may be adjourned, &c.

3. *And be it enacted*, That section eleven of said act be and the same is hereby amended so that the same shall be and shall read as follows:

Section amended

11. *And be it enacted*, That all moneys received upon sales in pursuance of any of the provisions of this act, shall be deposited with the treasurer of the city, and the surplus, if any, remaining in any case, after deducting the amount of the tax, assessment and lien, and interest and expenses of sale and disbursements shall be held for the use of and paid over to the person legally entitled thereto, upon his establishing his right to the same: *provided, however*, that interest thereon shall not be recover-

Disposition of moneys received from sales

Proviso

able from the city; all bonds received at sales under this act shall be canceled after the delivery of the deed; *provided further*, that if in any case a lot or parcel of land is sold upon which there is a mortgage or lien other than the lien of the city, and the sum bid and paid therefor is in excess of the sum due to the city, then, if the mortgagee or holder of such lien shall notify the city of the nature and amount of his or her mortgage or lien, within sixty days after the receipt of such excess by the city, the city shall thereupon pay such excess into the circuit court of the county, and the judge of said court, on the application of any party interested, may make such order in relation to the distribution and disposition of the same as shall be just and equitable.

Comptroller to certify designation of lands affected by taxes

4. *And be it enacted*, That when the said report, or a certified copy thereof, shall have been filed with the comptroller of the city or other officer for collecting assessments, it shall be the duty of said comptroller or other officer forthwith to certify to all officers of the city having custody of records showing liens for taxes, assessments and water rates or water rents, a particular designation of the land and premises affected thereby, whereupon the said comptroller, city collector, city clerk or other officer in whose office any record of taxes, assessments, water rates or water rents, or sales therefor shall remain, shall forthwith cancel upon the records in their respective offices all prior liens for taxes, assessments and water rents or water rates, held by or for the use of said city upon the land and premises included in said report.

Records to be canceled

Upon application, commissioners to adjust assessments in arrears prior to certain time

5. *And be it enacted*, That upon the application of the owners, or persons interested in any lands in any city, to the commissioners appointed under the act to which this is a supplement, for said city, for the adjustment of any assessments in arrears prior to the thirtieth day of March, one thousand eight hundred and eighty-six, said commissioners may proceed forthwith to adjust the same, and may report the same to the comptroller of the city or other officer for collecting assessments, and in case said amount so adjusted shall be paid within thirty days after said report shall be received by said comptroller or other officer, together with all arrears of taxes, water rents or water rates upon said property, due to the said

city at the time of said payment, the payment of said amount so adjusted shall be in lieu of all assessments for street and sewer improvements due upon said property at the time of said payment; *provided*, no adjustment shall be made for an amount less than the principal amount of said assessments; *provided*, that if the amount so adjusted in lieu of said assessments shall not be paid within thirty days after the same shall be reported to said comptroller of said city or other officer for collecting assessments, together with all arrearages of taxes, assessments, water rents or water rates due at the time of said report, said adjustment shall be void, and said assessments shall remain as if no adjustment had been made and subject to the general provisions of the act to which this is a supplement.

Proviso.

Proviso.

6. *And be it enacted*, That in each and all of the cities of this state in which commissioners of adjustment have been or shall hereafter be appointed under the provisions of the act of the legislature of this state to which this act is a supplement, the officials of said city, who shall have the custody of the records of taxes, assessments for local improvements and water rates or water rents, or either or any of them, or who, by the act of incorporation of said city, are qualified to make official certificates in regard thereto, shall, upon the request of the said commissioners, prepare and furnish to them, for their use in making their determinations under the provisions of said act, certificates under his or their hand and official seal, if any, of the arrearages of such taxes, assessments and water rates or water rents, as recorded in said records in his or their custody, which are liens upon real estate within said city, and he shall furnish such certificates concerning such properties within said cities within a reasonable time after such request; that in making return of the taxes in arrears he shall specify and set out in his certificate the years in which such arrears occurred, and the amount thereof, the valuation of the property for the purpose of taxation, and the amount or amounts of poll and other special taxes not included in the general tax rate of said city, but which may be included in the amount of such arrearages, for each and every year of such arrearages; that in such certificates of arrearages of taxes said

Officials to furnish certificates.

officials shall return such arrearages in the same tracts or parcels of lots as they appear in the tax levy for each and every year thereof; that in no case shall he include in one item of his certificate the arrearages of taxes on more than one tract or parcel of lots appearing in the tax levy for the last year included in said certificate: that in making return of the assessments in arrears, he shall return such arrearages in the same tracts or parcels of lots as they appear in the original assessments, and so as to, in all cases, show the tracts or lots affected thereby as they are delineated and numbered on the official map of the city in force at the time of the making of such returns and certificates; *provided*, that if the plot or lot as to which a certificate is given shall be part of a larger tract against which taxes and assessments have been made as a whole, and remain unpaid, then the said certificate shall include the whole of such tract and each subdivision thereof; *provided further*, that the officials herein required to furnish certificates shall not be liable for any error or omission therein.

Proviso.

Proviso.

Officers authorized to make sales.

7. *And be it enacted*, That the officer in any city authorized to make sale of lands sold by virtue of the act to which this is a supplement, and the supplements thereto, shall in every case be the officer now or hereafter authorized by law to make sale of lands sold therein for unpaid or delinquent taxes, to whom, when confirmed, the said report, or the certified copy thereof, shall be transmitted for this purpose.

How payments made and sales canceled.

8. *And be it enacted*, That payments in redemption from sales under this act, shall be made to the same officers, and sales shall be canceled from the records by the same officers of the several cities, as is by the charters of the respective cities required to be done.

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

Approved April 24, 1888.

CHAPTER CCCXXXI.

An Act to enable cities in this state to pay past-due improvement certificates out of the general funds of such cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any city in this state in which improvement certificates have been or shall be issued to any person for work done or to be done, or materials furnished or to be furnished for the construction, grading or improvement of any street, sewer or other public improvement in such city, where the costs and expenses of such improvements have not been collected by such city, or paid over by the owners of the property assessed for such improvement, to pay the said certificates on presentation by the holders thereof to the treasurer of such city out of the general contingent fund of such city, or in the same manner that a judgment for the amount of such certificate or certificates would be met and paid by such city before the passage of this act. Lawful for city to pay certificates out of general fund.

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

Approved April 24, 1888.

CHAPTER CCCXXXII.

An Act in relation to certain sales of lands, tenements, hereditaments or real estate, made under the order of and confirmed by any court of this state.

Preamble.

WHEREAS, The provisions heretofore in force relative to the advertisement of sales of lands, tenements, hereditaments or real estate have not been in certain cases in all respects complied with, whereby the titles to certain lands, tenements, hereditaments or real estate are alleged to be defective or uncertain;

Sale not invalidated by omission to advertise according to law.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of any lands, tenements, hereditaments or real estate heretofore made under the order of and confirmed by any court of this state, shall be invalidated by reason of any omission to advertise such sale, or any adjournment thereof, in the manner and for the length of time then required by law, or by reason of any other irregularity or default in such advertisement; but the purchaser of such lands, tenements, hereditaments or real estate, having paid the price thereof, and having received his or her deed therefor, and his or her heirs and assigns, shall be deemed to have as good and complete a title thereto as if such sale or adjournment had been in all particulars duly advertised.

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

Approved April 24, 1888.

CHAPTER CCCXXXIII.

A Further Supplement to the act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight, which said supplement was approved March fifteenth, one thousand eight hundred and eighty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of the supplement to the act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight, which said supplement was approved March fifteenth, one thousand eight hundred and eighty-one, be and the same is hereby amended so as to read as follows: Section amended.

2. *And be it enacted*, That it shall and may be lawful for the council of every borough organized and formed under the act to which this is a supplement, to order and cause to be assessed and raised by tax every year, such sum or sums of money, not exceeding fifteen hundred dollars in any one year, as they shall deem expedient for the current expenses of such borough, which sum so designated being certified to by the mayor and clerk shall be assessed and collected the same as provided for and directed in the act to which this is a supplement; *provided*, that such mayor and common council shall have power to exempt from municipal taxation, either in whole or in part, for a period not exceeding five years, the property of manufacturing corporations, companies and individual enterprises, employing labor within the limits of any such borough, and manufacturing therein, for the purpose of inducing such manufacturing corporation, company or individual enterprise aforesaid to locate in such borough. Lawful for borough council to cause money for current expenses to be raised annually by taxation. Proviso.

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

Approved April 24, 1888.

CHAPTER CCCXXXIV.

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

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of an act entitled "An act concerning idiots and lunatics" [Revision], approved March twenty-seventh, anno domini one thousand eight hundred and seventy-four, be and the same is hereby amended so as to read as follows:

Orphans' court or chancellor may order lands sold if necessary.

4. *And be it enacted*, That if any such idiot or lunatic is justly indebted to any person or persons, or if any person or persons shall have advanced moneys, purchased necessaries or rendered services on account of any such idiot or lunatic, for his or her care, support or maintenance, or for the preservation or benefit of his or her estate, beyond the ability of any such idiot or lunatic, to pay the same out of his or her personal estate, or in case the personal estate of such idiot or lunatic, together with the profits of his or her lands and tenements, shall be insufficient for his or her support and comfortable maintenance, and that of his or her household, if any he or she shall have, it shall and may be lawful for the orphans' court of the county in which the lands and tenements of any such idiot or lunatic shall be situate, or for the chancellor, on full investigation of the situation and circumstances of the said idiot's or lunatic's real and personal estate, and of the just debts owing by him or her, and of the advances which have been made on his or her account, and of the services rendered for him or her or for his or her estate, from time to time, to order the guardian of such idiot or lunatic to sell so much of the timber growing or being upon the lands of said idiot or lunatic, or to sell such parts of the said idiot's or lunatic's lands, tenements, hereditaments or real estate, as said court, or

the chancellor, shall direct and judge sufficient to pay his or her just debts and the advances as above mentioned, and proper and necessary for his or her support and maintenance, and for the support of his or her household, if any he or she have.

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

Approved April 24, 1888.

CHAPTER CCCXXXV.

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

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

8. *And be it enacted*, That the board of aldermen, common council, board of commissioners, township committee or other governing body of any municipality or township, upon the petition of the directors of any company incorporated under this act, or a majority thereof, for a location of the tracks of its railway therein conformably to the route designated in their articles of incorporation, shall give notice to all parties interested, by publication in one or more newspapers published and circulated in said municipality or township, or, if none be published there, then by posting in five of the most public places in such municipality or township, at least fourteen days before their meeting, of the time and place at which they Governing body of municipality to give notice of time and place of hearing application for location.

May pass ordinance granting or refusing location.

will consider such application for location; and, after hearing, they shall pass an ordinance refusing such location or granting the same or any portion thereof, under such lawful restrictions as they deem the interests of the public may require; and the location thus granted shall be deemed and taken to be the true location of the tracks of the railway, if an acceptance thereof in writing by said directors shall be filed with the secretary of state within thirty days after receiving notice thereof, and a copy thereof delivered to the clerk or other equivalent officer of the municipality or township; *provided*, that no street railway shall be constructed in any street or highway where a street railway may be then constructed and operated within one thousand feet of said railway, nor parallel thereto within two blocks thereof, without the written consent of the company then operating said railway, except to cross the same: and that nothing herein contained shall be deemed to authorize the construction of any street railway upon any road lawfully built or controlled by any turnpike, plank-road or toll-road company without the written consent of such turnpike, plank-road or toll company: *and provided further*, that such ordinance shall not be passed or adopted until the company applying for a location of route shall file with the clerk of the board of aldermen or other body to which application is made the written consent of the owners of at least one-half of the property fronting on such portion of the street or highway through which such railway is to be made, which written consent shall be acknowledged by the subscribers thereto as are deeds entitled to be recorded; if the route thus accepted shall be shorter than the route designated in the certificate of incorporation, a proportionate part of the moneys paid to the state treasurer upon filing the certificate of incorporation shall be forthwith refunded by the treasurer to the said company; *provided, however*, that none of such moneys shall be refunded as aforesaid for any difference in length of the route less than half a mile.

Acceptance of location to be filed.

Proviso.

Proviso.

Proviso.

Section amended.

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

11. *And be it enacted*, That the board of aldermen, common council, board of commissioners, township com-

mittee, or other governing body of any municipality or township in which any company incorporated under this act may build or operate its road, may, from time to time, under such restrictions as they deem the interests of the public may require, and under the restrictions contained in the eighth section of this act, upon petition, authorize a street railway company whose charter has been duly accepted and whose tracks have been located and constructed, or its lessees and assigns, to extend the location of its tracks within their municipality or township; and such extended location shall be deemed to be the true location of the tracks of the company, if the acceptance thereof in writing is filed in the office of the secretary of state within thirty days after the date of such ordinance; and the said company shall, at the time of filing such acceptance, file therewith a certificate of the length of such extension, sworn to by the president, treasurer and secretary, and a majority of the directors of said company, and shall, at the same time, pay to the state treasurer the sum of two thousand dollars for each mile of said extension, and a proportionate sum for any fractions over or under a mile; such moneys shall be refunded to the company or forfeited to the use of the state at the times and in the manner provided in the third and tenth sections of this act; and the building of such extension shall not be commenced until the foregoing requirements shall have been complied with.

May authorize company to extend location of tracks.

Acceptance of location and certificate of length of extension to be filed.

Pay moneys to state treasurer.

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

Section amended.

12. *And be it enacted*, That if any street railway company incorporated under this act shall fail to acquire from the board of aldermen, common council, board of commissioners, township committee or other governing body of any municipality or township, within the bounds of which it shall seek the right to construct its road, the right to locate its track or any satisfactory operative portion thereof, as the same shall be described in the certificate of incorporation, it may file an amended certificate of incorporation with the secretary of state, describing a new route, on paying to the state treasurer moneys at the rate of two thousand dollars per mile for any excess of length in the new route over the old one, such moneys

Company failing to acquire right to locate tracks, may file amended certificate.

Pay moneys to state treasurer.

to be held and disposed of by the state treasurer in the manner and at the times prescribed by the third and tenth sections of this act: and if the new route shall be shorter than the old, the state treasurer shall forthwith refund to the said company or its treasurer, a proportionate amount of the money so held by him for the said difference in length: *provided*, such difference shall exceed one-half mile; or the said company may certify to the state treasurer in writing, under the oaths of its president, secretary, treasurer and a majority of the board of directors, the failure of the municipal or township authorities to grant such operative route, and thereupon the state treasurer shall refund to said company the moneys deposited by it with him as aforesaid, and the charter of said company shall thereupon become null and void.

When treasurer to refund moneys.

Proviso.

4. *And be it enacted*, That whenever the location of the tracks of any street railway company heretofore incorporated under the act referred to in the title of this act, has been granted by any board of commissioners or other governing body of any municipality or township wherein the same is located, the location thus granted shall be deemed and taken to be the true location of the tracks of said railway, and shall be as valid and effectual as if the same had been granted by a board of aldermen, common council or township committee designated in said act; *provided*, an acceptance thereof shall have been filed with the secretary of state, as provided by section eight of said act; *and provided further*, that this act shall not apply, unless money shall have been actually expended in the construction of said railway, or some portion thereof.

Locations granted by certain municipal authorities valid.

Proviso.

Proviso.

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

Approved April 24, 1888.

CHAPTER CCCXXXVI.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplement to the act to which this is a supplement, and which last supplement was approved February twenty-second, one thousand eight hundred and eighty-eight, shall be and the same is hereby amended to read as follows: Supplement amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all savings banks shall, in lieu of all other taxes, pay an annual tax on the amount of their deposits of one-half of one per centum, after deducting therefrom available funds on hand or on deposit to meet current payments or expenses, and the amount invested in any securities issued by this state or by any county, town, township or city in this state, or which, by the statutes of this state or of the United States, are exempt from taxation, and the cost of the real estate purchased under foreclosure, which real estate shall be subject to the same tax as other like property. Savings banks to pay an annual tax.

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

Approved April 27, 1888.

CHAPTER CCCXXXVII.

An Act to amend an act entitled "A further supplement to an act entitled 'An act to incorporate and regulate telegraph companies,' approved April ninth, one thousand eight hundred and seventy-five," which further supplement was approved April first, one thousand eight hundred and eighty-seven.

Sections amended.

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

Proceedings for designation of route of telegraph or telephone company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any telegraph or telephone company, organized by virtue of the act to which this is a further supplement, or by virtue of any special act, shall apply to the common council, township committee, or other legislative body of any city, town, township, village or borough in this state (the common council, township committee, or other legislative body of which is authorized by law to take and appropriate lands or real estate for the opening, laying out, or constructing streets therein, and to make awards for lands or real estate taken therefor, and to levy assessments for benefits or expenses of such improvements, by a board of assessment, or otherwise), through which it is intended to construct or extend any telegraph or telephone line, for a designation of the street, streets or highways in or upon which the posts or poles of said company may be erected, it shall be the duty of such common council, township committee or other legislative body to give to such company a writing, designating the street, streets or highways in which the posts or poles of said company shall be placed, and the manner of placing the same, subject in other respects to the provisions of the act to which this is a supplement; the street, streets or highways to be desig-

nated as aforesaid shall be such as form a practicable and suitable continuous route for the line of said company through such municipality, commencing and ending upon a public highway, and shall be designated with due regard to the improvement of facilities for telegraphic or telephonic communications; in case such common council, township committee, or other legislative body shall not, within fifty days from the time of the making of such application, give to such company a writing designating the street, streets or highways in which the posts or poles of such company may be erected and the manner of placing the same, as hereinbefore provided, it shall be lawful for such company to apply to the circuit court of the county in which such city, town, township, village or borough is situate, or to the judge thereof in vacation, and such court or the judge thereof, after a hearing upon twenty days' notice to such common council, township committee or other legislative body, which notice shall be published at least once a week for two weeks in a newspaper in which the ordinances of such city, town, township, village or borough are published according to law, or in case there is no such official newspaper, then in a newspaper published in the county to be designated by said court or judge, shall as speedily as possible hear the matter in question, and may, in the discretion of said court or judge, designate the street, streets or highways in which the posts or poles of such company may be erected and the manner of placing the same, which designation shall have the same force and effect as if made by the legislative body of said city, town, township, village or borough.

Unlawful to construct lines unless designation obtained.

2. *And be it enacted*, That it shall be unlawful for any telegraph or telephone company to construct or extend any telegraph or telephone line, or to erect any posts or poles therefor in any city, town, township, village or borough having the powers enumerated in the first section of this act, without first obtaining such designation of their route, and then only upon the street, streets or highways so to be designated.

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

Approved April 27, 1888.

Joint Resolutions.

JOINT RESOLUTIONS.

NUMBER I.

Joint Resolution authorizing the appointment of a commission to locate and mark out the boundary line between the state of New Jersey and the state of New York, in the Hudson river, New York bay, Kill Von Kull and Arthur Kill or Staten Island sounds.

WHEREAS, Disputes are likely to arise between citizens of this state and citizens of the state of New York as to the true location of the boundary line between the two states in lands under water in the Hudson river, New York bay, Kill Von Kull and Arthur Kill or Staten Island sounds; *and whereas*, by reason of the absence of any means to locate the boundary line in the above-named waters, an uncertainty exists about the true location thereof between the state of New Jersey and the state of New York, as defined in the act entitled "An act for the settlement of the territorial limits and jurisdiction between the states of New Jersey and New York," passed the sixth day of February, one thousand eight hundred and thirty-three; now, therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state be and he is hereby authorized to appoint three commissioners, with power on the part of the state to meet any authorities of the state of New York, and with them locate and mark out, by reference to permanent landmarks, monuments or buoys, the boundary line between the two states in lands under water in the Hudson river, New York bay, Kill Von Kull sound and Arthur Kill or

Staten Island sound; that the expenses of said commission shall be paid by the treasurer, on the warrant of the comptroller, after being first approved by the governor.

2. *And be it resolved*, That this resolution shall take effect immediately.

Approved February 14, 1888.

NUMBER II.

Joint Resolution to congress, asking the appropriation of funds to defray the expenses of an international congress to provide for a uniform system of saving the lives of shipwrecked mariners.

WHEREAS, The life-saving service of the United States, under its present efficient management, has well-nigh approached perfection; *and whereas*, the crews of many vessels from foreign ports, by reason of diversity of language, do not understand the present system, thereby causing loss of life when the means of rescue are within their reach; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That our senators and representatives in congress be respectfully requested to use their influence for and urge the passage of a bill making such appropriation as will defray the expense of an international congress, the object being to adopt a uniform system which will be understood by the sailors of all nations, and thus perfect the means of saving life.

2. *And be it resolved*, That the governor of this state be requested to transmit a copy of this resolution to each of our senators and representatives in congress.

Approved February 15, 1888.

NUMBER III.

Joint Resolution requesting congress to make an appropriation for the removal of Smith's, or Windmill island, from the Delaware river.

WHEREAS, The navigation of the Delaware river between the cities of Camden, in the state of New Jersey, and Philadelphia, in the state of Pennsylvania, is impeded and obstructed by the island known as Smith's island, or Windmill island, located near the center of said river, to the great loss, inconvenience and damage to the citizens of this state, and of the state of Pennsylvania: therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the senators and representatives in congress from this state are earnestly requested to support and use their influence with the present congress for an appropriation of sufficient money to defray the expense of an examination of the islands in the Delaware river, between the cities of Philadelphia and Camden, with a view to the removal of said islands, which not only impede and obstruct the navigation of said river, but are the occasion of great loss, inconvenience and damage to the citizens of this state and of the state of Pennsylvania.

2. *And be it resolved*, That copies of this resolution be forwarded to the senators and representatives in congress from New Jersey, by the secretary of state.

Approved February 15th, 1888.

NUMBER IV.

Joint Resolution in reference to the closing of the first one hundred years of constitutional government in the United States of America.

WHEREAS, The thirtieth of April, one thousand eight hundred and eighty-nine, will close the first century of constitutional government, being the centennial of the day when George Washington, the first president elected by the people of this country, in the presence of the first senate and house of representatives of the United States, and of a vast assemblage of the people in front of Federal hall, in Wall street, in the city of New York, took the solemn oath of office to support the constitution of the United States, and to administer the government in the sacred interests of the people and of the Union; *and whereas*, the test of one hundred years, under every variety of circumstances incident to the experiment of a government formed and administered by the people, has removed all doubts as to its success, and verified the most sanguine hopes of the friends of liberty, and its existence has been sustained by the moral force of its people, so that it now commands the admiration of the civilized world, and as this event is the culmination of those that have preceded it, in camp, upon the field and in the halls of legislation; *and whereas*, the people of the state of New Jersey will cordially aid and coöperate in making the memory of the day a worthy conclusion of the series of centennial celebrations held in commemoration of these important events in the history of the country; *and whereas*, the people of New Jersey are in sympathy with the resolutions adopted by the legislature of the state of Tennessee, at a recent session, and with the sentiment expressed by the citizens of New York city, in public meeting, on the tenth of November last; now, therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the congress of the United States be requested, as a mark of gratitude and respect to the men who founded this republic, to erect a monument in Fairmount park, in the city of Philadelphia, where the one hundredth anniversary of the declaration of American independence was celebrated and officially participated in by all nations, to signalize and perpetuate that event in the world's history, the monument to bear the names of the signers of the declaration of independence, the names of the framers of the constitution of the United States, and also the names of the representatives of foreign governments to the centennial celebration of one thousand eight hundred and seventy-six, who gave to this country as perpetual souvenirs, to be preserved in the Smithsonian institute, the exhibits of their various governments at the centennial.

AND WHEREAS, It is important that the original thirteen states who laid the foundation of our government should take the initiative in preserving the recollection of historical events; therefore,

2. *Be it resolved*, That the governor of this state be requested to forward a copy of this resolution to the executives of each of the states, and request them to be present in person or by delegate, and that a day be mutually agreed upon to meet the citizens of New York for the purpose of memorializing congress on this subject.

Approved February 22, 1888.

NUMBER V.

Joint Resolution relative to the preservation of fish in the waters and seas in and contiguous and near to the state of New Jersey, within the jurisdiction of the United States.

WHEREAS, Serious complaints have been, and are being made that numerous persons and parties have been, and are, by various modes and devices, at all available seasons of the year, gathering and destroying unusually large quantities of menhaden and other fish in waters and seas in and contiguous and near to the territory of the state of New Jersey, and within the jurisdiction of the United States, and persist so to continue to gather and destroy such kinds of fish under the pretense of pursuing therein a legitimate and lawful occupation of using the same and the products thereof for manufacturing and various purposes other than for food: *and whereas*, serious complaints have been and are made, that such gathering and destruction of fish, if so continued, will work a material injury to and diminution of fish useful and necessary for food in said waters and seas, to the great injury of the residents and citizens of the state of New Jersey, and detrimental to the welfare of the same; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That three proper and fit persons be appointed by the senate and general assembly in joint meeting assembled, to ascertain as far as possible the facts pertinent to such complaints, and suggest such remedy as they may deem advisable in the premises; and make their report in writing to the present or next legislature of this state, and also to our senators and congressmen during the present session of congress, for their consideration and use.

2. *And be it resolved*, That the compensation and expenses of the three persons so appointed shall be paid to

them by the treasurer of this state out of any moneys in the treasury not otherwise appropriated, but the same shall not exceed five hundred dollars in the aggregate.

Passed February 27, 1888.

NUMBER VI.

Joint Resolution to equalize the right of fishing in the navigable waters of the United States which border on any state or territory.

WHEREAS, A bill has been introduced by Congressman Hires in the house of representatives of the United States, known as house bill 1651, to equalize the right of fishing in the navigable waters of the United States which border on any state or territory; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That our senators and representatives in congress be respectfully requested to use their influence for and urge the passage of the said bill introduced to equalize the right of fishing in the navigable waters of the United States which border on any state or territory.

2. *And be it resolved*, That a copy of this resolution be sent to each of our senators and representatives.

Approved February 28, 1888.

NUMBER VII.

Joint Resolution to congress urging the enactment of a law providing for the relief of persons who lose their lives or become disabled in the life-saving service of the United States.

WHEREAS, Persons connected with the life-saving service have lost their lives in trying to rescue the shipwrecked, some have died while patrolling the coast, others have been disabled by injuries received in the line of duty, and many more, by continued exposure to the rigors of the service, have become physically unable to pass the rigid examinations required; *and whereas*, no provision has been made for the relief of the injured for a longer period than two years, thus leaving disabled keepers and surfmen, as well as the widows and orphans of those whose lives have been sacrificed, without the means of support to which their courage entitles them; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the senators and reprentatives from this state in the congress now assembled, be and they are hereby requested, and respectfully though earnestly urged to use their influence in favor of the enactment of a law to provide the necessary funds to pay all persons who have been, now are, or may hereafter be connected with the life-saving service, from and after their retirement from the service, and to the widows and orphans of those whose lives have been or may be sacrificed, a yearly pension or allowance equal to at least one-half the amount of salary of such persons, respectively, for active service, whether such retirement has resulted or may result from death, injury received or disability on account of advanced age; said relief to continue during the natural life of said persons and their widows, and to their orphan children until the youngest shall arrive at the age of sixteen years; and also such other measures

as may be now pending in congress for the relief of the persons engaged in said service.

2. *And be it resolved*, That his excellency the governor of this state be and he is hereby requested to forward a copy of these resolutions to each of the senators and representatives in congress of this state, one to the general superintendent of the life-saving service, and one to the superintendent of the fourth life-saving district.

Approved March 7, 1888.

NUMBER VIII.

Joint Resolution relative to the battle-flags of the New Jersey volunteer regiments.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be and he is hereby authorized and directed to refit and render fire-proof the room in the state-house now occupied by the commissioners of the sinking fund, and that the adjutant-general be directed to place the battle-flags of the New Jersey volunteer regiments in a glass case in this room, and that he be directed not to allow them to be touched or to be taken from this fire-proof room by any one's order under any circumstances whatever, but to have the room open at all proper times for the inspection of the public.

2. *And be it resolved*, That all acts or parts of acts or joint resolutions inconsistent with this joint resolution be and the same are hereby repealed.

3. *And be it resolved*, That this joint resolution shall take effect immediately.

Approved March 8, 1888.

NUMBER IX.

Joint Resolution providing for the purchase of a portrait of the late Honorable Joel Parker.

WHEREAS, The late Honorable Joel Parker was honorably conspicuous and eminently useful during a quarter of a century, in the administration of our affairs of state; *and whereas*, by his patriotism, amid the national agony and danger of civil conflict, and by his wisdom and integrity after peace had come, he earned encomium for himself and honored this commonwealth as its chief executive: *and whereas*, during his connection with the judiciary of this state his service was distinguished and scrupulously upright; *and whereas*, he is worthy of being ranked a peer of those other statesmen and jurists who gained respect, gratitude and honor from the state of New Jersey; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That a committee of three be appointed, two from the house of assembly and one from the senate, to procure a portrait of the late Honorable Joel Parker, which shall be hung on the walls of the assembly chamber; the cost of said portrait, not exceeding one thousand dollars, after being approved by said committee or a majority thereof, shall be paid by the state treasurer upon a warrant drawn by the comptroller.

2. *And be it resolved*, That this joint resolution shall take effect immediately.

Approved March 23, 1888.

NUMBER X.

A Joint Resolution concerning a committee to inquire into the management of the state asylum for the insane at Morristown, N. J.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the joint committee appointed under a concurrent resolution adopted February 21, 1888, to inquire into the government, management and discipline of the state asylum for the insane at Morristown, N. J., shall be authorized to sit during the recess of the legislature, and shall have power to summon and compel the attendance before them of such persons as they may deem necessary and proper to testify, and any member of said committee may administer an oath to any person so summoned, and the persons testifying shall be entitled to receive the like witness fees and mileage as are now allowed to persons summoned to testify in the courts of this state; the said committee shall have power to employ a stenographer and messenger and to fix their compensation, which compensation, together with the fees and mileage of witnesses and such other necessary expenses as shall be incurred by the committee in the pursuit of their inquiry, shall be paid by the state treasurer on the warrant of the comptroller when duly approved and certified by the chairman of the committee.

2. *And be it resolved*, That this joint resolution shall take effect immediately.

Approved March 23, 1888.

NUMBER XI.

A Joint Resolution to recompense Joseph T. Crowell, of Rahway, for certain disbursements incident to the first call for volunteers.

WHEREAS, Joseph T. Crowell, of Rahway, when the first call to arms was made, in order to equip men for service, on that immediate demand, and make provision for their families, expended from his own resources funds requisite, and has not been re-imbursed therefor; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That there be paid to Joseph T. Crowell, of Rahway, the amount of money thus advanced by him, with the interest thereon, in equipping and furnishing aid to volunteers under the first call for troops and in assistance to their families.

2. *And be it resolved*, That the amount claimed under this joint resolution, on the approval of the governor, is hereby appropriated, and the comptroller is hereby authorized and directed to draw his warrant on the treasurer for the same.

3. *And be it resolved*, That this joint resolution shall take effect immediately.

Approved March 30, 1888.

Proclamations.

PROCLAMATIONS.

PROCLAMATION BY THE GOVERNOR.

I, ROBERT S. GREEN, governor of the state of New Jersey, do hereby, by virtue of the sixth section of the "Act providing for decreeing and making known that certain laws and joint resolutions have become inoperative and void," approved March 3, 1873, make proclamation that the comptroller of the treasury hath, according to said section, reported to me the following named bills, passed at the last preceding session of the legislature (a list of which is hereto annexed, with the date of passage of each, and making part of this proclamation), as those that have become inoperative and void, for the reasons that the parties interested therein have failed to pay the sum assessed thereon, and declared to be payable on the same according to the requirements of the act entitled "An act to increase the revenue of the state of New Jersey," approved March sixth, one thousand eight hundred and fifty-eight, and the supplement thereto, approved March eighteenth, one thousand eight hundred and fifty-nine.

Given under my hand and the great seal of the state of New Jersey, at Trenton, this nineteenth day of July, A. D. eighteen hundred and eighty-seven.

[L. S.]

ROB'T S. GREEN.

By the Governor,
HENRY C. KELSEY,
Secretary of State.

List of private acts passed during the legislative session of 1887, upon which the assessments have not been paid as required by law:

July 19th, 1887. (565)

1. An act for the relief of James M. Peer, passed March 15th, 1887.
2. An act for the relief of Morris Ford, Lewis Ford and Asa Ford, passed April 5th, 1887.

PROCLAMATION BY THE GOVERNOR.

For abundant harvests, for commercial and industrial prosperity, for freedom from pestilence, for peace and order, for continued civil and religious liberty, and for innumerable other blessings during the past year, we, as a grateful people, should offer thanksgiving to Almighty God, "from whom cometh every good and perfect gift."

In recognition of such duty, and in accordance with established custom, I, ROBERT S. GREEN, governor of the state of New Jersey, do hereby designate Thursday, the twenty-fourth day of November, instant, as a day of public thanksgiving, and recommend that on that day the people of this state, abstaining from all unnecessary secular employment, meet in their usual places of worship and give thanks and praise to God for His infinite mercy and goodness, with prayer for a continuance of peace, prosperity and happiness to the nation, state and people.

Given under my hand and privy seal, at the city of Trenton, this third day of November, in the year of our Lord one thousand eight hundred and eighty-seven, and of the independence of the United States the one hundred and twelfth.

[L. S.]

ROB'T S. GREEN,
Governor.

By the Governor,
ROB'T S. GREEN, JR.,
Private Secretary.

PROCLAMATION BY THE GOVERNOR.

Ex-Governor JOEL PARKER died suddenly in the city of Philadelphia on the morning of January 2, 1888.

The eminent services rendered by him to his native state, his selection to the prominent and important positions which he filled, his pure patriotism, unyielding integrity and conspicuous fidelity to every trust, render it fitting that more than ordinary respect be paid to his memory.

That he was her only citizen who has been twice elected governor of the state by the people, identified with the military as a major-general, once occupying the position of attorney-general, and at the time of his death a justice of the supreme court, are evidences of the respect, esteem and confidence of the people which he secured and to the last enjoyed.

He administered the affairs of state during some of the most trying times of the late war with ability, firmness and prudence, complying with every requirement, and true and loyal to the integrity of the union and the government, yet always maintaining the rights and dignity of the state and its institutions. His foresight established a method for the settlement of the war debt without burden to the people. His every act as her chief magistrate was dictated by anxious desire for her interests and prosperity.

Therefore, I, ROBERT S. GREEN, governor of the state of New Jersey, do in testimony of the respect for his memory and sympathy in his loss, hereby direct that the public buildings be draped in mourning for thirty days, and that until the day of the funeral the flags thereon be placed at half-mast, and that during the funeral services the public offices be closed and the proper salute be fired.

Given under my hand and privy seal, at
[L. S.] Trenton, this third day of January, A. D. eighteen hundred and eighty-eight.

Attest: ROB'T S. GREEN,
Governor.

ROB'T S. GREEN, JR.,
Private Secretary.

PROCLAMATION BY THE GOVERNOR.

Whereas, the Governor is, by Joint Resolution adopted February twenty-first, one thousand eight hundred and eighty-four, authorized to issue a proclamation annually, setting apart a day in April for the planting of forest trees, and recommending that the day be devoted for that purpose;

And whereas, it is represented that such planting will be more successful if different days be so named for different sections of the state;

Now, therefore, pursuant to the said authority, I, ROBERT S. GREEN, governor of the state of New Jersey, do hereby set apart Friday, April twentieth, one thousand eight hundred and eighty-eight, in the county of Burlington, and in all counties south of Burlington county, and Friday, April twenty-seventh, one thousand eight hundred and eighty-eight, in all counties of the state north of the county of Burlington, for the planting of forest trees, and recommend that the day be devoted by the people to that purpose.

In testimony whereof I have hereunto set my hand and caused the great seal of the state [L. S.] to be hereunto affixed, at Trenton, this thirtieth day of March, A. D. one thousand eight hundred and eighty-eight.

ROB'T S. GREEN.

By the Governor,
HENRY C. KELSEY,
Secretary of State.

Special Public Acts.

SPECIAL PUBLIC ACTS

PASSED BY THE

One Hundred and Twelfth Legislature

CHAPTER X.

A Further Supplement to an act entitled "An act for the improvement of the town of Freehold, in the county of Monmouth," approved March twenty-fifth, one thousand eight hundred and sixty-nine.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the limits of the town of Freehold, in the county of Monmouth, for the purposes of this act, shall be as follows: Beginning at a stake in the middle of South street, distant three hundred and fifty-two feet and three-quarters of an inch on a course south, thirteen degrees and ten minutes west, from the intersection of the middle lines of South street and Brinkerhoff avenue; thence (1) prolonging the southerly line of the present town boundary, south, fifty-eight degrees and fifty-six minutes east, eleven hundred and ninety-four feet and three inches; thence (2) parallel with Parker avenue as opened between the lands of formerly Joel Parker and Thomas C. Throckmorton, and two hundred feet east of the middle line of the same, north, fourteen degrees east, thirty-two hundred and sixty feet and four inches, to the east line of the Freehold and New York railway company's land; thence (3) Limits of town of Freehold.

along the east line of the said company's land, north, thirty-three degrees eighteen minutes east, twenty-two hundred and seventy-one feet and three inches, to a point in the Colt's Neck turnpike; thence (4) north, fifty-four degrees seven and a half minutes west, twenty hundred and sixty-four feet and nine inches; thence (5) parallel with Henry street and six hundred feet northerly from the middle line of the same, south, eighty-one degrees thirty-five and a half minutes west, nineteen hundred and seventy-one feet and three inches; thence (6) parallel with Haley street and two hundred and fifty-eight feet north of the northerly line of the same, south, fifty-five degrees twenty-one minutes west, forty-one hundred and eighteen feet and three inches, to the middle of the fair grounds road; thence (7) along the middle of the same, south, forty-four degrees forty-eight minutes east, nineteen hundred and sixty-eight feet; thence (8) along the middle of the same and crossing Main street, south, thirty-two degrees eighteen and a half minutes east, six hundred and thirty-three feet and seven inches, to a point in the lands of Henry Brinkerhoff, distant three hundred feet from the southeasterly line of Main street as defined by Simon F. Pyle, surveyor; thence (9) parallel with said Main street, north, fifty-seven degrees east, two hundred and thirty-six feet and three inches; thence (10) south, fifty-eight degrees fifty-six minutes east, twenty-three hundred and sixty-nine feet and seven inches to the beginning.

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

Approved February 11, 1888.

CHAPTER XXVII.

An Act to empower the board of chosen freeholders of the county of Union to build a draw-bridge over the Elizabeth river in the city of Elizabeth.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the board of chosen freeholders of the county of Union, to build and construct, or cause to be built and constructed, or to authorize any person or association of persons to build and construct, a bridge across or over the Elizabeth river, at or near its intersection with Summer street, in said city of Elizabeth and county of Union, and to place in said bridge a draw or swing of at least forty feet in width, of such construction as to impede as little as possible the navigation of said river. Lawful for chosen freeholders to build bridge.

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

Approved February 15, 1888.

CHAPTER XXIX.

An Act entitled "An act to change the number and boundaries of the road districts in the township of Englewood."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the township of Englewood, in the county of Bergen, shall be divided into five road districts to be known and designated as road districts number one (1), two (2), three (3), four (4) Number and boundaries of road districts.

and five (5), and to be respectively bounded as follows: District number one (1) to be bounded on the east by the Hudson river, and on the west by the easterly line of Jones' road and the westerly side of Brayton street, continued north in a straight line to the division line between the townships of Englewood and Palisades; district number two (2) to be bounded on the east by district number one (1), and on the west by the track of the Northern Railroad of New Jersey; district number three (3) to be bounded on the east by the westerly line of district number two (2), and on the west by a line running parallel with the Teaneck public road, and distant twenty-five hundred feet easterly therefrom; district number four (4) to be bounded on the east by the westerly line of said district number three (3), and on the west by the track of the New York, Ontario and Western railroad; district number five (5) to be bounded on the east by the said westerly line of district number four (4), and on the west by the Hackensack river; all of said districts to be bounded on the north by the division line between the townships of Englewood and Palisades, and on the south by the division line between the townships of Englewood and Ridgefield.

Repealer.

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

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

Approved February 15, 1888.

CHAPTER XLIII.

An act to set off a portion of the city of Bridgeton, in the county of Cumberland, into the townships of Deerfield and Fairfield, in said county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the fourth ward of the city of Bridgeton, in the county of Cumberland, bounded and described as follows, to wit: Beginning at a point in the division line between the city of Bridgeton and the township of Deerfield where said line crosses the public road leading from the city of Bridgeton to Carll's corner, and is forty links eastwardly from the marble set in the west side of said road, marking said line, and runs thence (in accordance with the meridian line standard of Cumberland county), south, eight degrees east, one hundred and twelve chains, to a stake in the run of Indian Fields branch; thence up said run to the south fork of the same; thence up the said south fork to the culvert in the public road leading from Fairton to Woodruff's corner, and on the farm of Isaac W. Mulford; thence south, seventy-six and one-quarter degrees east, one hundred and twenty-nine chains, to a marble, being the northeast corner of Fairfield township and the northwest corner of the city of Millville; thence along the line of the city of Millville to the run of Chatfield branch; thence down said run to the run of Lebanon branch; thence up said run of Lebanon branch to the head thereof; thence along the division line between the city of Bridgeton and the township of Deerfield to the place of beginning aforesaid, be and the same doth and shall cease to be included in and a part of the fourth ward of the city of Bridgeton, but shall be and is hereby set off by the passage of this act, and shall and doth become a part and parcel of the township of Deerfield, in the county of Cumberland, and form part of the second assembly district of the county of Cumberland. Description of portion set off into Deerfield township.

Description of portion set off into Fairfield township

2. *And be it enacted*, That all those parts of the fourth ward and of the second ward of the city of Bridgeton, in the county of Cumberland, bounded and described as follows, to wit: Beginning at a stake set in the run of Indian Fields branch, and runs thence (in accordance with the meridian line standard of Cumberland county) south, eight degrees east, one hundred and twenty-seven chains, to a stake in Coney's run; thence up said run and along the division line between the township of Fairfield and the city of Bridgeton to a marble, marking the line between the township of Fairfield and the city of Millville; thence north, seventy-six and a quarter degrees west, one hundred and twenty-nine chains, to the culvert in the public road leading from Fairton to Woodruff's corner, and on the farm of Isaac W. Mulford, at the run of the south fork of Indian Fields branch; thence down the run of said fork to the run of Indian Fields branch; thence down the said run of Indian Fields branch to the place of beginning aforesaid, be and the same shall cease to be a part of the fourth ward of the city of Bridgeton and a part of the second ward of said city, but shall be and is hereby set off by the passage of this act, and shall and doth become a part and parcel of the township of Fairfield, in the county of Cumberland.

Commissioners appointed.

3. *And be it enacted*, That Samuel M. Fox, of the township of Deerfield; George S. Whitaker, of the township of Fairfield; John Tralinger, Jesse Gould, Jonathan Elmer, Benjamin Keen and Daniel Sharp, of the city of Bridgeton, be and they are hereby appointed commissioners, whose duty it shall be to make a just and equitable settlement between the portion of the said city of Bridgeton proposed to be set off by this act and the portion of said city which this act does not affect, so far as relates to the bonded indebtedness of the said city, and also of any and all taxes which have been assessed previous to the passage of this act for the benefit of said city.

Repealer.

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

Approved February 20, 1888.

CHAPTER LIV.

An Act for the preservation of fish in the Hackensack river and its tributaries or branches, within the counties of Bergen and Hudson.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall not be lawful for any person or persons to take any striped bass, white or yellow perch from the Hackensack river and its tributaries or branches within the counties of Bergen and Hudson, by any means, methods or devices, save only with hook and line, commonly called angling, or with scroll spoon, commonly called trolling. Unlawful to catch certain fish except with hook and line or scroll-spoon.

2. *And be it enacted*, That any person who shall offend against the provisions contained in this act shall, upon conviction thereof before any justice of the peace, either in the county in which said offense is committed, or in which the offender resides or may be found, be punished by imprisonment in the common jail of the county where the conviction is had, for the term of ten days, or by a fine of twenty dollars and costs for each and every offense, one-third of the said fine to be paid by the said justice into the treasury of the state, one-third to the fish warden making complaint, and the balance to the person or persons furnishing material evidence towards conviction, or if said fish warden be the only witness, he shall receive the balance of the fine, and when any fine or imprisonment is imposed by virtue of this act, the offender or offenders shall stand committed until fine and costs are paid. Penalty for violating act. How fine paid.

3. *And be it enacted*, That if any person or persons shall be found making use of a boat, seine, net, gill, drift, purse net or nets, anchor or sink nets, fixed nets, trap, pot, pound, fike, weir, or other apparatus or tackling except hook and line, commonly called angling, or scroll-spoon, commonly called trolling, for the taking of striped bass, white or yellow perch, in any of the aforesaid waters Boats, nets, etc., of persons fishing therewith to be forfeited.

within the jurisdiction of the state, contrary to the true intent and meaning of this act, he or they so offending shall, in addition to the fine and penalties aforesaid, forfeit the boat or boats, seine or seines, net or nets, gill or gills, drift or drifts, purse net or nets, anchor or sink net or nets, or fixed net or nets, trap or traps, pot or pots, pound or pounds, fike or fikes, weir or weirs, or other apparatus, except said hook and line or scroll-spoon so made use of; and it shall be the duty of all the sheriffs, constables and fish wardens, and may be lawful for any person or persons to seize and secure any such boat or boats, seine or seines, net or nets, gill or gills, drift or drifts, purse net or nets, anchor or sink net or nets, or fixed net or nets, trap or traps, pot or pots, pound or pounds, fike or fikes, weir or weirs, or other apparatus or tackling other than said hook and line or scroll-spoon as aforesaid, and immediately thereafter give notice to some justice of the peace of the county where such seizure shall have been made, and such justice is hereby required and empowered, at such time and place as he shall appoint for the trial thereof, to hear and determine the same in a summary manner, and in case the same shall be condemned, it shall be sold by order and under the direction of the said justice, who, after deducting all legal costs and charges, shall pay one-half of the proceeds of said sale to the collector of the county in which such offense shall have been committed, and the other half to the person who shall have seized and prosecuted the same.

Proceedings.

Repealer.

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

Passed February 21, 1888.

CHAPTER LXIX.

A Supplement to an act entitled "A further supplement to 'An act concerning roads in the township of Hackensack,' approved March tenth, one thousand eight hundred and seventy," which said supplement was approved March twenty-seventh, one thousand eight hundred and seventy-four.

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

2. *And be it enacted*, That the township of Ridgefield be and is hereby divided into six road districts, numbered and bounded as follows, to wit: District number one commencing at the northeastern corner of the township at low-water mark on the Hudson river, and extending westwardly with and along the line dividing the township of Englewood from the township of Ridgefield, to a point one hundred feet west of the highway commonly known as Jones' road; thence parallel with said road southwardly to the southern line of property now or late of Isaac R. Vreeland; thence eastwardly, with and along said line, and in a line continuous therewith, to the Hudson river at low-water mark; thence along low-water mark, including therein all wharves, piers and bulkheads now built, or that may hereafter be built on said line, to the place of beginning: district number two commencing at the southeastern corner of district number one, at low-water mark on the Hudson river, and continuing with and upon the southern line of district number one westwardly to a point one hundred feet west of Jones' road; thence southwardly, and parallel with said road, until it strikes the northern line of property now or late of Jacob Aider; thence southwardly, along and with the southern line of the said Aider, and with and along the southern Ridgefield township divided into road districts. District number one. District number two.

lines of the property of Frederick Rosentangel, Henry J. Anderson, Jacob Edsall and Gabriel Caspar, to the Fort Lee turnpike road; thence diagonally crossing said road to a point one hundred feet west of the old Dallytown road; thence southwardly, parallel to said road, to the northerly line of the property of the heirs of A. Smith Mabie, deceased; thence eastwardly, with and along the said northerly line, to a point one hundred feet west of a new road, continuous with the street or road running southwardly from William H. Elsinger's corner, recently surveyed and opened at the instance of Henry J. Anderson and others; thence southwardly, and parallel with said road, to a point due west of the southwestern corner of land now or late of the heirs of Francis J. Tillou, deceased; thence due east to the southwestern corner last aforesaid; thence with the southern line of the property of the said heirs to low-water mark on the Hudson river, and thence along low-water mark, including all wharves, piers and bulkheads now built, or that may hereafter be built, to the place of beginning; district number three commencing at the southeast corner of district number two, and thence westwardly, along and with the lines of the same, to a point one hundred feet east of the Dallytown road; thence southwardly, and parallel with the said road, to the dividing line between the county of Bergen and the county of Hudson; thence eastwardly, along and with said county line, to the Hudson river at low-water mark, including all wharves, piers and bulkheads now built, or that may be hereafter built, to the place of beginning; district number four commencing at the southwestern corner of district number three; thence westwardly, along and with the line between the county of Bergen and the county of Hudson, to the Mill creek; thence northerly, along said creek, to the Overpivek, sometimes known as the Overpeek and sometimes as the English creek; thence along the southeastern, southern and eastern bank of said creek to the southern line, or line continuously extended from the southern line of property now belonging to the heirs of Luke Corigan, deceased; thence eastwardly, with and along said southern line till it strikes the line of district number

District number three.

District number four.

two; thence southwardly, along and with said line, and along and with the westward line of district number three, to the place of beginning; district number five commencing at a point on the eastern bank of the Overpivek creek, intersected by the northern line of the township of Ridgefield; thence eastwardly along and with said line to a point one hundred feet west of Jones' road, corner to district number one; thence southwardly, along and with the westward line of district number one and of district number two, and along with the northern line of district number four, and with and along the eastern bank of the Overpivek creek, so as to include all that part of the township lying eastward of said creek, not assigned hereinbefore to other districts, to the place of beginning; district number six commencing at the northwestern corner of district number five; thence westwardly, with and along the line dividing the township of Ridgefield from the township of Englewood, to the Hackensack river; thence southerly, with and along the eastern bank of said river and with the low-water mark, including all wharves, piers and bulkheads now built, or that may hereafter be built, to a point where the dividing line between the public school district number five and the public school district number sixty-three, in said township of Ridgefield, strikes the said river; thence easterly, along said last-mentioned dividing line to the Overpeek or Overpivek creek; thence northerly, along said creek, to the place of beginning; and district number seven commencing at the southeastern corner of district number six; thence westerly, along the dividing line between said public school districts numbered five and sixty-three, to the Hackensack river; thence southerly, along the said river, to the mouth of said Overpivek or Overpeek creek, and thence along said creek, the various courses thereof, including all wharves, piers and bulkheads on said river and creek, to low-water mark to the place of beginning.

District number five.

District number six.

District number seven.

2. *And be it enacted*, That an election for commissioner, under the act to which this is a supplement, in said road district number seven, shall be held on the third Monday of April of the present year, for a term of one year, and on the same Monday of the month for the succeeding

Election for commissioner.

year and every second year thereafter, for a term of two years, the term to begin on the first day of May following such election.

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

Approved February 25, 1888.

CHAPTER CLIX.

An Act to authorize the building of a bridge over or across the North Shrewsbury river, in the county of Monmouth.

Chosen freeholders authorized to construct bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the board of chosen freeholders in the county of Monmouth, to build and construct, or cause to be built and constructed, or to authorize any association of persons to build and construct a public road bridge across the North Shrewsbury river, in said county of Monmouth; beginning at Ligier's wharf at the foot of Washington street, Oceanic, known as the steamboat landing at Oceanic, and thence across said river to the public road along the Middletown shore at a point in said road between Locust Point and Clay Pit creek, where the dividing line of lands of Howard Potter and Mrs. Reed intersects said road; and to place in said bridge, on the south side of the south channel, a single sliding draw of not less than one hundred feet opening, so as to impede as little as possible the navigation of the river.

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

Approved March 23, 1888.

CHAPTER CLXXXV.

An Act to authorize and empower the mayor and council of the borough of Rutherford, in the county of Bergen, to quit-claim and release all the right, title and interest, if any, of the public and the said municipality in and to certain lands therein, alleged to have been dedicated to public use.

Preamble.

WHEREAS, The Mount Rutherford Company, a corporation organized under the laws of the state of New Jersey, purchased certain lands now within the borough limits and laid the same out into streets and lots, and on the sixth day of June, one thousand eight hundred and sixty-seven, filed a map thereof, whereon a certain part of said lands were designated as "Glen Waters," and were then, or a greater part thereof, covered with water forming a lake, and another part thereof was designated "Mountain Side Park;" *and whereas*, subsequently the said company drained said lands so designated "Glen Waters" and laid the same out into lots and straightened one of the streets adjoining the same, and also laid out into streets and lots another tract of land alleged and claimed to have been intended as a part of said "Mountain Side Park," and filed two maps thereof, one on the thirtieth day of June, one thousand eight hundred and sixty-eight, and the other on the seventh day of March, one thousand eight hundred and seventy-two, and sold and conveyed said lands so laid out to various purchasers; *and whereas*, it is claimed and averred that the aforesaid lands were by said company dedicated to public use; therefore,

Mayor and council authorized to quit claim title to lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the borough of Rutherford, in the county of Bergen, be and they are hereby authorized and empowered to release and forever quit-claim to the owners of the said

lands any and all right, title or interest which the public and the mayor and council of the borough of Rutherford now or hereafter, at any time, can have in and to said lands so alleged to have been by said Mount Rutherford Company dedicated to public use; *provided, however*, that a petition in writing, signed by at least five of such owners, be presented to the mayor and council at a regular meeting, describing said lands and praying for a release and quit-claim.

Proviso.

To fix time and place for hearing petition.

2. *And be it enacted*, That the mayor and council, upon receiving such petition, shall fix a time and place for the consideration thereof, which shall not be less than twenty days after receipt of the said petition, and shall cause the borough clerk to give notice of the time and place of such hearing, by publishing a notice thereof at least twice in the two newspapers published in said borough, and by posting the same in five of the most public places, one of which shall be at the post-office; *provided, however*, that the petitioners shall deposit with the tax collector of the borough the sum of fifty dollars, from which to defray the expenses of the application.

Notice of hearing.

Proviso.

If decided to grant petition, deeds to be executed.

3. *And be it enacted*, That if, after hearing and consideration of the allegations and arguments for and against the granting of the prayer of said petition, the said mayor and council shall decide to grant the same, then the mayor and council shall execute and deliver to all of the owners of said lands who contribute toward the expense of the application, a deed or deeds of release and quit-claim, under the corporate seal of the borough, signed by the mayor and attested by the borough clerk and proved according to law; and that thereupon the lands described in such deed or deeds shall be, become and forever thereafter remain absolutely freed, released and quit-claimed of and from any and all rights, title or interest, in any way, accruing to the public or municipality by reason of the alleged dedication of such lands to public use.

Lands released.

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

Approved March 23, 1888.

CHAPTER CCXXXI.

An Act to consolidate with the city of Trenton, in the county of Mercer, the borough of Chambersburg and the township of Millham.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be and hereby is annexed to and made a part of the city of Trenton all that territory which is embraced within the bounds of the borough of Chambersburg and within the bounds of the township of Millham. Territory annexed to the city of Trenton.

2. *And be it enacted*, That this act shall take effect on the first day of May, eighteen hundred and eighty-eight. When act takes effect.

Passed March 30, 1888.

No Private Acts were enacted by the Legislature of 1888.

Contents.

CONTENTS.

GENERAL PUBLIC LAWS.

Chapter.		Page.
1.	Further supplement to the act entitled "An act constituting district courts in certain cities in this state," approved March ninth, one thousand eight hundred and seventy-seven.....	11
2.	A further supplement to "An act relative to sales of land under a public statute, or by virtue of any legal proceeding" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, and the supplement thereto approved April ninth, one thousand eight hundred and seventy-five.....	14
3.	A supplement to an act entitled "A further supplement to an act entitled 'An act regulating proceedings in criminal cases,'" approved March seventeenth, one thousand eight hundred and eighty-one.....	15
4.	Supplement to an act entitled "An act to provide for the purchase of the tract of land on the Atlantic coast, in the county of Monmouth, and to vacate certain streets and to take and extinguish certain easements thereon and therein," approved April twenty-first, one thousand eight hundred and eighty-seven.....	16
5.	An act to extend the time for the completion of railroads whose charters shall expire by limitation during the year one thousand eight hundred and eighty-eight, where work has been performed on said railroads or money expended thereon.....	16
6.	A supplement to an act entitled "An act for the punishment of crimes" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.....	18
7.	A supplement to an act entitled "An act to establish a bureau of statistics upon the subject of labor, considered in its relation to the growth and development of the state industries,".....	19
8.	A supplement to an act entitled "An act for the incorporation of safe deposit and trust companies," approved April twentieth, one thousand eight hundred and eighty-five.....	19
9.	An act to amend an act entitled "A supplement to an act entitled 'An act fixing the compensation of certain public officers of this state,'" which supplement was approved March fourteenth, one thousand eight hundred and seventy-nine.....	20

Chapter. Page.

11. An act to amend an act entitled "Supplement to an act entitled 'An act concerning taxes,' approved April fourteenth, one thousand eight hundred and forty-six," which said supplemental act was approved April sixteenth, one thousand eight hundred and eighty-six..... 21

12. An act to facilitate proceedings in the prerogative court..... 22

13. A further supplement to an act entitled "An act to provide for drainage and sewage in densely-populated townships in which there is a public water supply." approved March fourth, one thousand eight hundred and eighty-four..... 23

14 A further supplement to an act entitled "An act relative to the jurisdiction and practice of district courts in this state," approved March twenty-seventh, one thousand eight hundred and eighty-two..... 24

15. An act authorizing towns to change the width of streets in certain cases..... 25

16. A supplement to an act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 26

17. An act authorizing cities to purchase land and to erect buildings thereon for fire department purposes, within the limits of townships heretofore annexed to cities, and to provide for the payment thereof..... 26

18. A further supplement to an act entitled "A supplement to an act entitled 'An act to provide for the incorporation and regulation of insurance companies,' approved April ninth, one thousand eight hundred and seventy-five," which supplement was approved March eighth, one thousand eight hundred and seventy-seven..... 28

19. An act concerning the construction, care and improvement of the public ways, parks and sewers in certain of the cities of this state, and assessments for the same..... 29

20. A supplement to an act entitled "An act relative to county lunatic asylums," approved April fourth, anno domini one thousand eight hundred and seventy-three..... 32

21. An act to enable cities to purchase lands for public parks or squares, and improve the same, and to issue bonds for the cost of such purchase and improvement..... 33

22. A further supplement to an act entitled "An act concerning corporations" [Revision]. approved April seventh, one thousand eight hundred and seventy-five..... 34

23. An act to provide for the further relief of the poor in cities of this state..... 35

24. A further supplement to an act entitled "An act to encourage the establishment of mutual loan, homestead and building associations," approved February twenty-eighth, one thousand eight hundred and forty-nine..... 36

Chapter. Page.

25. A supplement to an act entitled "An act for the relief of creditors against absconding and absent debtors" [Revision], approved February nineteenth, one thousand eight hundred and fifty-two..... 38

26. An act to authorize the payment of the sum of three hundred dollars to Charles W. Schanck, for services rendered as clerk to the committee on judiciary of the house of assembly, session of one thousand eight hundred and eighty-seven..... 39

28. Supplement to an act entitled "An act to protect the navigable waters of the Arthur Kill, Kill Von Kull and Staten Island sounds, Newark bay and tributaries, Raritan bay and tributaries, and of New York bay and harbor and Hudson river, over which the state of New Jersey may have jurisdiction," approved March twenty-second, one thousand eight hundred and eighty-two..... 40

30. An act to regulate the sale of distilled and malt liquors..... 41

31. An act for the condemnation of lands which any school district of this state has purchased, or may hereafter purchase, and upon which said school district has built, or may hereafter build, a school-house, the title to which said lands is, or may be, in any way defective; and to provide money for the payment thereof..... 41

32. An act to provide for the erection or purchase of armories for the national guard in incorporated towns, boroughs or police, sanitary and improvement commissions in this state..... 44

33 An act to permit mutual live stock insurance companies to extend their business territory..... 46

34. An act to amend an act entitled "An act to amend an act entitled 'A supplement to an act entitled "An act for the preservation of fish,"' approved April fifth, one thousand eight hundred and seventy-eight, which said supplement was approved March seventeenth, one thousand eight hundred and eighty-two," approved April first, one thousand eight hundred and eighty-seven..... 47

35. An act to amend an act entitled "An act to incorporate societies for the promotion of learning," approved April ninth, one thousand eight hundred and seventy-five..... 48

36. A supplement to "An act in relation to the distribution of the laws of this state and other documents published under the authority thereof," approved April ninth, one thousand eight hundred and seventy-five..... 49

37. A further supplement to an act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight..... 50

38. An act for the promotion of manual training..... 51

Chapter. Page.

39. An act to secure in this state the certification of marriages, births and deaths, and of the vital facts relating thereto, and to provide for the record thereof..... 52

40. An act to provide for the payment of a compensation to the clerk of the committee on engrossed bills of the house of assembly of the session of one thousand eight hundred and eighty-seven..... 63

41. An act relative to the court of common pleas, the orphans' court, and the court of general quarter sessions of the peace, in the several counties of this state..... 64

42. A further supplement to an act entitled "An act to regulate elections," approved March eighteenth, one thousand eight hundred and seventy-six..... 65

44. An act to take for public use a tract of land on the Atlantic coast, in the county of Monmouth, and to vacate the streets and ways thereon, and to take and extinguish certain easements thereon and therein..... 66

45. An act for the better protection of homing pigeons..... 71

46. An act authorizing the common council or other governing body of the cities of this state to abolish the office of surveyors of the highways within such city..... 72

47. A supplement to an act entitled "An act to regulate the acquiring of land for exclusive public uses by the state of New Jersey," approved May second, one thousand eight hundred and eighty-five..... 73

48. An act to authorize horse railroad companies incorporated under the laws of this state to merge and consolidate their corporate franchises and other property..... 74

49. A supplement to an act entitled "An act providing for sewerage in and by adjoining cities, towns and townships," approved April twenty-first, one thousand eight hundred and eighty-seven..... 78

50. A supplement to an act entitled "An act for the more easy partition of lands held by coparceners, joint tenants and tenants in common" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 81

51. An act to amend an act entitled "An act to encourage the establishment of public libraries in any town or municipality in this state, and to provide for taking care of and perpetuating the same," approved March first, one thousand eight hundred and eighty-two..... 82

52. An act providing for the support of the state industrial school for girls..... 83

53. An act to increase the powers of boards of commissioners... 83

Chapter. Page

55. An act to ratify and confirm an agreement made between the commissioners appointed by the governor of the state of New York and the commissioners appointed by the governor of the state of New Jersey, to locate and mark out by proper buoys the boundary line between the two states in lands under water in Raritan bay..... 85

56. A supplement to an act entitled "An act to establish in this state boards of health and a bureau of vital statistics, and to define their respective powers and duties," approved March thirty-first, one thousand eight hundred and eighty-seven..... 89

57. A further supplement to an act entitled "An act relative to sales of land under a public statute or by virtue of any judicial proceedings" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 91

58. A supplement to an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 92

59. An act to amend an act entitled "An act for building school-houses in townships," approved March eleventh, one thousand eight hundred and eighty..... 93

60. An act to provide compensation for one John G. Babcock, for loss of pay caused by transfer from New Jersey state troops to regular army..... 94

61. An act to enable certain municipal corporations of this state to raise increased sums of money for public purposes..... 95

62. A supplement to the act entitled "An act providing for the pensioning of police officers and policemen in certain cities of this state, and regulating the method by which the same may be accepted and become operative in said cities," approved March thirty-first, one thousand eight hundred and eighty-seven..... 96

63. An act concerning taxes and assessments in villages and other municipal corporations governed by a board of trustees, and making same a first lien on real estate, and authorizing sale for the payment of the same..... 97

64. An act concerning cities..... 98

65. An act relative to the state reform school for boys..... 99

66. A supplement to "An act concerning savings banks," approved April twenty-first, one thousand eight hundred and seventy-six..... 99

67. An act to authorize the payment to Thomas J. Cummings the sum of three hundred dollars, for services rendered as assistant to the engrossing clerk of the house of assembly, session of one thousand eight hundred and eighty-seven... 100

68. A supplement to an act entitled "An act for the maintenance of bastard children," approved March twenty-seventh, one thousand eight hundred and seventy-four..... 101

Chapter. Page.
70. An act fixing the compensation of certain public officers of this state 102

71. Supplement to an act entitled "An act to establish in this state boards of health and a bureau of vital statistics, and to define their respective powers and duties." 103

72. Supplement to "An act respecting the orphans' court, and relating to the powers and duties of the ordinary, and the orphans' court and surrogate" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four 104

73. A supplement to an act entitled "An act to authorize cities in this state to erect buildings to be used for fire department purposes, and to provide for the payment and cost of erection," approved April fifth, one thousand eight hundred and eighty-seven 105

74. A supplement to an act entitled "An act to amend and consolidate the several acts relating to game and game fish," approved March twenty-seventh, one thousand eight hundred and seventy-four 106

75. A further supplement to an act entitled "An act to provide for the organization of the New Jersey home for disabled soldiers," approved April fourth, one thousand eight hundred and sixty-six, and the supplements thereto 107

76. A supplement to an act entitled "An act for the formation of borough governments in seaside resorts," approved March twenty-ninth, one thousand eight hundred and seventy-eight 108

77. A supplement to an act entitled "An act providing for sewerage in and from certain towns in this state," approved April twentieth, one thousand eight hundred and eighty-six 109

78. An act to amend an act entitled "An act to amend "An act to provide for the election of road overseers in their respective districts,' approved April twenty-eighth, one thousand eight hundred and eighty-four, which amendatory act was approved April seventeenth, one thousand eight hundred and eighty-five 110

79. A further supplement to an act entitled "An act respecting the court of chancery," approved March twenty-seventh, one thousand eight hundred and seventy-five 111

80. An act to amend an act entitled "An act concerning corporations," approved April seventh, one thousand eight hundred and seventy-five 112

81. An act to fix the minimum amount of salary of the prosecutor of the pleas in the counties of the second class in this state 114

Chapter. Page.

82. An act to authorize the payment to Frank Gulick the sum of three hundred dollars, for services rendered to the committee of municipal corporations, and clerk to the standing committee on elections, of the house of assembly, session of one thousand eight hundred and eighty-seven..... 114

83. An act to authorize the payment to Wilson S. Runkle the sum of three hundred dollars, for services rendered as clerk to the committee on railroads and canals and corporations of the house of assembly, session of one thousand eight hundred and eighty-seven..... 116

84. An act to amend an act entitled "An act concerning division of wards in cities of this state," approved April twenty-fifth, one thousand eight hundred and eighty-four..... 116

85. Supplement to "An act for the punishment of crimes," approved March twenty-seventh, one thousand eight hundred and seventy-four..... 117

86. A supplement to an act entitled "An act for the imposition of state taxes upon certain corporations and for the collection thereof," approved April eighteenth, one thousand eight hundred and eighty-four..... 118

87. An act respecting the taxation of personal tangible property used in connection with any business or employment..... 119

88. A further supplement to an act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight..... 119

89. A supplement to an act entitled "An act to incorporate boat-clubs and other associations for the promotion of athletic exercises," approved April twenty-first, one thousand eight hundred and seventy-six..... 120

90. A supplement to "An act regulating proceedings in criminal cases" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 121

91. A further supplement to an act entitled "An act to secure to creditors an equal and just division of the estate of debtors who convey to assignees for the benefit of creditors" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 122

92. A further supplement to an act entitled "An act to provide for the incorporation and regulation of insurance companies," approved April ninth, one thousand eight hundred and seventy-five..... 124

93. A supplement to an act entitled "An act to provide for the incorporation of associations for the erection and maintenance of hospitals, infirmaries, orphanages, asylums and other charitable institutions," approved March ninth, one thousand eight hundred and seventy-seven..... 126

94. An act to amend an act entitled "An act regulating proceedings in criminal cases," approved March twenty-seventh, one thousand eight hundred and seventy-four..... 126

Chapter. Page.
95. A supplement to an act entitled "An act to regulate the state library," approved March twenty-ninth, one thousand eight hundred and seventy-eight..... 127
96. A supplement to an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four 128
97. A further supplement to an act entitled "An act appropriating scrip for public lands granted to the state of New Jersey by the act of congress, approved July second, one thousand eight hundred and sixty-two," approved April fourth, one thousand eight hundred and sixty-four..... 129
98. A further supplement to an act entitled "An act to provide for licensing hacks and other vehicles by the township committees of the several townships of this state, and for the better government of the same," approved March fifth, one thousand eight hundred and seventy-nine..... 131
99. A supplement to "An act constituting district courts in certain cities in this state," approved March ninth, one thousand eight hundred and seventy-seven..... 132
100. A further supplement to "An act in relation to the naintenance and improvement of certain roads," approved March third, one thousand eight hundred and eighty-two..... 132
101. An act to enable boards of commissioners and improvement commissions in towns and villages, or within townships in this state, to employ police and to fix the compensation of the same..... 133
102. A further supplement to an act entitled "An act to provide for the organization of the New Jersey home for disabled soldiers," approved April fourth, one thousand eight hundred and sixty-six, and the supplements thereto..... 134
103. An act concerning cities. 135
104. An act in regard to honorably discharged Union soldiers..... 135
105. An act in relation to practicing physicians..... 136
106. A supplement to an act entitled "An act concerning corporations," approved April seventh, one thousand eight hundred and seventy-five..... 137
107. An act to authorize the township committees of townships to borrow money in anticipation of the collection of taxes.. 139
108. A supplement to "An act to ascertain the rights of the state and the riparian owners in the lands lying under the waters of the bay of New York and elsewhere in the state" [Revision], approved April eleventh, one thousand eight hundred and sixty-four, and the several supplements thereto..... 140
109. A supplement to "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight..... 140

Chapter. Page.

110. An act to regulate the sale of intoxicating and brewed liquors..... 142

111. An act concerning roads in townships having a public road board..... 147

112. An act to authorize the governor to detail a suitable portion of the national guard of this state to act as an escort to the state officers, veteran soldiers and guests, on the occasion of the dedication of the state monuments at Gettysburg, and to provide for the expenses attending the same..... 148

113. A supplement to an act entitled "An act to incorporate the New Jersey pharmaceutical association," passed the eighteenth day of February, one thousand eight hundred and seventy-four..... 149

114. An act to amend an act entitled "An act for the promotion of industrial education," approved April twenty-eighth, one thousand eight hundred and eighty-seven..... 150

115. An act relative to the titles of corporations..... 152

116. A further supplement to the "Act to complete geological survey of the state," approved March thirtieth, in the year of our Lord one thousand eight hundred and sixty-four..... 153

117. An act to repeal a supplement to an act entitled "An act to incorporate trustees of religious societies" [Revision], approved April ninth, one thousand eight hundred and seventy-five, which supplement was approved March eighth, one thousand eight hundred and seventy-seven..... 154

118. A further supplement to "An act relative to the sale of land under a public statute or by virtue of any legal proceedings" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 155

119. An act to amend section four of the act entitled "An act concerning roads" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 156

120. A further supplement to an act entitled "An act for the instruction and maintenance of indigent deaf and dumb, blind and feeble-minded persons, inhabitants of this state," approved March twelfth, one thousand eight hundred and seventy-three..... 157

121. An act to authorize the construction and maintenance of bridges and the approaches thereto, over navigable streams which mark the dividing line between counties in this state..... 158

122. A supplement to an act entitled "An act respecting the cutting of ice in cities of this state, and giving to boards of health in such cities power to regulate and control the same," approved March eighteenth, one thousand eight hundred and eighty-five..... 160

123. A further supplement to an act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight..... 161

Chapter. Page.
124. An act concerning cities..... 161
125. A further supplement to "An act in relation to the improvement and maintenance of certain roads," approved March third, one thousand eight hundred and eighty-two..... 162
126. An act to authorize the issue of bonds for building public bridges in counties..... 163
127. A supplement to the act approved May sixth, one thousand eight hundred and eighty-seven, entitled "An act to amend an act entitled 'A supplement to an act entitled "An act for the incorporation of safe deposit and trust companies,"'" approved April twentieth, one thousand eight hundred and eighty-five..... 164
128. An act to authorize and enable counties in this state to acquire and improve lands for public parks, and to maintain and regulate the same..... 166
129. An act to amend section four of the act entitled "An act to secure to workmen the payment of wages in lawful money," approved March twelfth, one thousand eight hundred and eighty..... 174
130. A supplement to "An act to legalize certain newspapers, the issues of which have been temporarily suspended," approved March third, one thousand eight hundred and eighty..... 175
131. A further supplement to an act entitled "An act concerning township officers," approved April twenty-first, one thousand eight hundred and seventy-six..... 176
132. An act to amend an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 177
133. An act to provide for vacating dedicated streets, roads and alleys..... 178
134. An act relating to the sale of lands for unpaid taxes and assessments in this state, and proceedings in reference thereto..... 179
135. A supplement to an act entitled "An act for the construction, maintenance and operation of water-works, for the purpose of supplying cities, towns and villages of this state with water," approved April twenty-first, one thousand eight hundred and seventy-six..... 180
136. An act regulating appeals from special assessments in towns governed by a board of commissioners where an appeal has been heretofore given to three chosen freeholders..... 181
137. A further supplement to an act entitled "An act concerning evidence" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 182

Chapter. Page.

138. An act to amend an act entitled "An act for the better protection of manufacturers and bottlers of and dealers in mineral waters, beer, ale, porter and other beverages," approved March eleventh, one thousand eight hundred and eighty-one 183

139. A further supplement to an act entitled "An act to provide for drainage and sewage in densely-populated townships in which there is a public water-supply," approved the fourth day of March, anno domini one thousand eight hundred and eighty-four 184

140. An act to provide for addition to the assembly chamber and the enlarging of the clerk's room of said chamber 185

141. A supplement to "An act concerning corporations," approved April seventh, one thousand eight hundred and seventy-five 186

142. An act authorizing towns and townships in certain cases to construct sewers in, over or across the streets of adjoining municipalities 186

143. An act to authorize the payment of the sum of one hundred and fifty dollars to John W. Simmons, late sergeant-at-arms of the senate 187

144. An act respecting the confinement of persons under the age of sixteen years detained in the jails, work-houses, penitentiaries and other places of confinement in the several counties of this state 188

145. An act to authorize the payment to John T. Burton the sum of one hundred dollars, for services rendered as one of the keepers of the ladies' gallery of the house of assembly, session of one thousand eight hundred and eight.-seven 189

146. An act to provide for the payment of a compensation of one hundred dollars to Thomas Kircher, a door-tender of the house of assembly, of the session of one thousand eight hundred and eighty-seven 190

147. A further supplement to "An act respecting conveyances" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four 191

148. An act to empower certain police officers to take bail in certain cases 192

149. Supplement to an act entitled "An act to provide for the better security of life and limb in cases of fire in hotels and other buildings," approved March seventeenth, one thousand eight hundred and eighty-two 192

150. A supplement to an act entitled "An act for the formation of borough governments in seaside resorts," approved March twenty-ninth, one thousand eight hundred and seventy-eight 194

151. A supplement to an act entitled "An act for the punishment of crimes" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four 195

Chapter. Page.

152. An act to amend an act entitled "An act relative to dower," approved April sixteenth, one thousand eight hundred and forty-six 196

153. A supplement to an act entitled "An act for the formation of borough governments in seaside resorts," approved March twenty-ninth, one thousand eight hundred and seventy-eight..... 197

154. A further supplement to an act entitled "An act for the government and regulation of the state prison," passed April twenty-first, one thousand eight hundred and seventy-six, 197

155. An act to authorize land improvement companies having authority to purchase and enjoy a ferry or ferries, to sell and transfer their franchise or franchises of operating a ferry or ferries and the property connected therewith..... 198

156. An act respecting bridges and the causeways or other roads leading thereto..... 200

157. An act in relation to the use of bicycles and tricycles..... 201

158. A further supplement to the act entitled "An act to provide additional accommodation for the insane of the state," approved March thirty-first, one thousand eight hundred and seventy-one, and the supplements thereto..... 202

160. A further supplement to an act entitled "An act to authorize the formation of railroad corporations, and to regulate the same," approved April second, one thousand eight hundred and seventy-three..... 203

161. A supplement to an act entitled "A further supplement to an act entitled 'An act to provide for the organization of the state lunatic asylum and for the care and maintenance of the insane,'" approved February twenty-third, one thousand eight hundred and forty-seven, which supplement was approved March seventh, one thousand eight hundred and sixty-seven..... 204

162. An act to provide for the preservation and protection of the state boundary monuments and marks..... 205

163. A further supplement to an act entitled "An act to establish and organize the state reform school for juvenile offenders," approved April sixth, one thousand eight hundred and sixty-five..... 205

164. A further supplement to an act entitled "An act to provide for the drainage of lands," approved March eighth, in the year of our Lord one thousand eight hundred and seventy-one..... 206

165. A supplement to an act entitled "An act to provide for the assessment and payment of the costs and expenses incurred in constructing sewers and making other improvements in townships and villages," approved April twelfth, one thousand eight hundred and seventy-eight..... 209

Chapter. Page.
166. An act to provide for the appointment of clerks of the grand jury in certain counties in this state 211
167. An act amending "An act for the formation of borough commissions," approved March seventh, eighteen hundred and eighty-two 211
168. An act to prevent the shooting, trapping or hunting of English hare for the term of three years 213
169. An act concerning cities, towns and boroughs 213
170. A supplement to an act entitled "An act to provide for licensing boats, hacks and other vehicles, and the owners and drivers thereof, and also hucksters and peddlers of merchandise and provisions, or persons soliciting orders for the sale thereof, by incorporated camp-meeting associations or sea-side resorts, and also to enable such associations or sea-side resorts to prescribe penalties for the violation of any of their ordinances, by-laws, rules or regulations," approved March seventeenth, one thousand eight hundred and eighty-seven 215
171. An act to extend the time for the purchase of lands by lake associations 217
172. An act in relation to the temporary custody of dangerous lunatics 218
173. A further supplement to an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary and the orphans' court and surrogates [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four 220
174. A supplement to an act entitled "An act regulating proceedings in criminal cases," approved March twenty seventh, anno domini one thousand eight hundred and seventy-four. 221
175. An act in relation to the lien of dyers upon goods in their possession 222
176. An act to provide for the compensation of certain officers of the legislature 222
177. A supplement to an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six 223
178. A further supplement to an act entitled "An act concerning corporations" [Revision], approved April seventh, one thousand eight hundred and seventy-five 224
179. An act to authorize the boards of councilmen of incorporated towns in this state to license, regulate and prohibit the sale of malt, spirituous, vinous and other liquors 225
180. A further supplement to an act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight 226

Chapter. Page.
181. An act for the incorporation of associations to encourage the purchase of homes and to facilitate the payment therefor... 231
182. An act to provide for the purchase of sites for and the erection and equipment of armories in cities of the first and second class, and making appropriations therefor, and to provide for the taking of real estate for such sites by commission in case the same cannot be purchased by agreement..... 233
183. A supplement to an act entitled "An act to regulate the practice of courts of law," approved March twenty-seventh, one thousand eight hundred and seventy-four..... 237
184. An act concerning the fire departments of this state and to provide for the retirement of firemen and employes therein..... 238
186. An act relating to roads and streets in townships and authorizing the inhabitants of townships to place all roads and streets within the township under the management of the township committee, and to raise money by bonds for grading, macadamizing and improving the same..... 240
187. An act granting the consent of the state of New Jersey to the purchase by the United States of certain lands for the purpose of erecting public buildings in the city of Newark, county of Essex, and in the city of Camden, county of Camden 244
188. A further supplement to an act entitled "An act to prevent the burning of woods, marshes and meadows," passed November twenty-fourth, one thousand seven hundred and ninety-four 245
189. A further supplement to an act entitled "An act for the formation of borough governments in seaside resorts," approved March twenty-ninth, one thousand eight hundred and seventy-eight..... 246
190. An act to establish standard packages for cranberries..... 247
191. A further supplement to the act entitled "An act concerning sheriffs," approved March fifteenth, one thousand eight hundred and seventy-six 248
192. A further supplement to an act entitled "An act concerning disorderly persons," approved April ninth, one thousand eight hundred and seventy-five..... 249
193. A supplement to "An act concerning juries" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 250
194. A supplement to an act entitled "An act to provide for the regulation and incorporation of insurance companies," approved April ninth, one thousand eight hundred and seventy-five..... 251

Chapter. Page.

195. A further supplement to "An act for the better preservation of the early records of the state of New Jersey," passed March twenty-ninth, one thousand eight hundred and seventy-two..... 252

196. Supplement to an act entitled "An act to protect the health of boys and girls and secure to parents the control of their children," approved March tenth, one thousand eight hundred and eighty..... 253

197. A further supplement to an act entitled "An act for the formation of borough commissions," approved March seventh, one thousand eight hundred and eighty-two, and the supplements thereto..... 254

198. An act regulating the number of school trustees to be elected in the respective school districts in this state, being a supplement to an act entitled "An act to establish a system of public instruction," approved March twenty-seventh, one thousand eight hundred and seventy-four..... 255

199. An act validating certain instruments, and authorizing scroll or other device by way of seal in sealed instruments..... 256

200. An act in relation to the power of aqueduct boards having the control of the water-supply in the cities of this state, to issue bonds or borrow money on the credit of the cities wherein such boards exist, to limit the powers heretofore given to such boards and giving the common council or other governing body of such cities powers in relation thereto, and providing for the funding and payment of indebtedness heretofore incurred by such boards..... 257

201. A supplement to an act entitled "An act to enable cities to build main sewers in certain districts, and to acquire private lands for that purpose," passed March twenty-fourth, one thousand eight hundred and eighty-five..... 260

202. An act to provide for the annexation of additional township territory to boroughs incorporated under "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight..... 261

203. A supplement to an act entitled "An act concerning savings banks," approved April twenty-first, one thousand eight hundred and seventy-six, authorizing extensions of corporate existence..... 264

204. A supplement to an act entitled "An act to authorize limited partnerships," passed February ninth, one thousand eight hundred and thirty-seven..... 265

205. A supplement to "An act for the better securing of the property of married women living in a state of separation from their husbands," approved March third, one thousand eight hundred and eighty..... 266

206. An act in relation to assessments and taxes in cities..... 267

Chapter. Page.
207. An act to provide for the establishment of a home for the care and training of feeble-minded women..... 267
208. An act to revise and amend "An act for the taxation of railroad and canal property," approved April tenth, one thousand eight hundred and eighty-four..... 269
209. A supplement to an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 288
210. An act concerning town meetings..... 290
211. An act to amend an act entitled "An act appointing commissioners for a sinking fund and defining their duties," approved March twenty-fifth, one thousand eight hundred and sixty-four. 291
212. A further supplement to the act entitled "An act to ascertain the rights of the state and of riparian owners in the lands lying under water in the bay of New York and elsewhere in the state" [Revision], approved April eleventh, one thousand eight hundred and sixty-four..... 292
213. An act to authorize incorporated townships in this state to establish and maintain fire departments, for protection of life and property against fire..... 293
214. A supplement to an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six..... 294
215. A supplement to an act entitled "An act for the more easy partition of lands held by coparceners, joint tenants and tenants in common" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 298
216. Supplement to an act entitled "An act to provide for the filing of a lis pendens in actions, either at law or in equity, relating to or affecting the possession or title of lands or real estate," approved February sixteenth, one thousand eight hundred and eighty..... 299
217. An act to authorize canal companies in certain cases to surrender their franchise of navigation and be released from public obligation in respect thereto..... 300
218. A further supplement to "An act relative to sales of land under a public statute or by virtue of any legal proceeding" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, and the supplement thereto, approved April ninth, one thousand eight hundred and seventy-five..... 303
219. A further supplement to an act entitled "An act concerning juries" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 304
220. An act regulating the granting of licenses to sell spirituous, vinous, malt and brewed liquors..... 308

Chapter. Page.
221. An act concerning railroads.. 308
222. An act to establish the use of local indexes for public records relating to land in certain counties in this state..... 309
223. An act to fix the salary of the bill clerks of the senate and house of assembly..... 319
224. An act to provide for the compensation of certain officers of the legislature..... 319
225. An act concerning cities of the third class..... 320
226. A supplement to an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six..... 321
227. An act to provide for the appointment of commissioners of fisheries of the state of New Jersey..... 327
228. A supplement to the act entitled "An act concerning jurors," approved March twenty-seventh, one thousand eight hundred and seventy-four..... 327
229. A supplement to a supplement to an act entitled "An act respecting the compensation of the chancellor and the justices of the supreme court," approved March fourteenth, one thousand eight hundred and seventy-nine, approved February ninth, one thousand eight hundred and eighty... 329
230. An act concerning consolidated cities and annexed municipalities and townships and portions thereof..... 330
232. An act to prevent persons from unlawfully using or wearing the insignia or rosette of the military order of the loyal legion of the United States..... 337
233. A supplement to an act entitled "An act for the punishment of crimes" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 338
234. An act to authorize the paving of streets in boroughs and incorporated towns of this state, and to provide for the payment thereof..... 340
235. An act entitled "An act to provide for the reformation of wayward girls..... 345
236. A further supplement to the act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three..... 346
237. An act for the support and improvement of the New Jersey school for deaf-mutes..... 348
238. An act in relation to the manufacture and sale of vinegar..... 349
239. A further supplement to an act entitled "An act relative to sales of lands under a public statute or by virtue of any judicial proceedings," approved March twenty-seventh, one thousand eight hundred and seventy-four..... 352

Chapter. Page.

240. A supplement to an act entitled "An act respecting recognizances," approved April sixth, anno domini one thousand eight hundred and seventy-six..... 353

241. An act to amend an act entitled "An act respecting conveyances" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 354

242. An act to authorize the division of townships into street-lamp districts, and the erection and maintaining of street lamps in said districts..... 355

243. An act to vacate streets, highways and public places laid out on lands required for the uses of the United States..... 356

244. An act to amend "An act fixing the compensation of certain public officers of the state," approved March sixteenth, one thousand eight hundred and seventy-six..... 360

245. An act to amend an act entitled "An act to amend an act entitled 'An act to incorporate societies or clubs for social, intellectual and recreative purposes,' approved March twenty-seventh, one thousand eight hundred and seventy-eight," which amendatory act was approved February twentieth, one thousand eight hundred and eighty-six..... 360

246. A supplement to "An act in relation to county expenditures," approved April second, one thousand eight hundred and seventy-eight 362

247. A supplement to an act entitled "An act for the formation of borough governments in seaside resorts," approved March twenty-ninth, one thousand eight hundred and seventy-eight.. 363

248. An act concerning roads 364

249. A supplement to an act entitled "An act to fix the salary of the bill clerks of the senate and house of assembly," passed March twenty-ninth, one thousand eight hundred and eighty-eight..... 365

250. An act to authorize any of the municipal corporations of this state to contract for a supply, or a further or other supply of water therefor..... 366

251. A supplement to "An act in relation to the power of aqueduct boards having the control of the water-supply in the cities of this state, to issue bonds or borrow money on the credit of the cities wherein such boards exist, to limit the powers heretofore given to such boards, and giving the common council or other governing body of such cities powers in relation thereto, and providing for the funding and payment of indebtedness heretofore incurred by such boards," approved March twenty-sixth, one thousand eight hundred and eighty-eight..... 367

252. An act to divide the counties of this state into two sections, to be known as game sections, and to fix the time for shooting certain game birds and animals therein..... 368

Chapter. Page.

253. A general act in relation to assessments for roads, streets or sewers, where the same have been or shall be set aside or reversed by any court only as to the prosecutor or prosecutors of any writ of certiorari, and providing for a re-assessment, in all such cases, by the court setting aside such assessment..... 370

254. An act to authorize cities of this state to change the time fixed for the payment of taxes..... 371

255. Supplement to an act entitled "An act concerning taxes, making the same a first lien on real estate, and to authorize sales for the payment of the same," approved March fourteenth, one thousand eight hundred and seventy-nine..... 372

256. A further supplement to an act entitled "An act to incorporate the chosen freeholders in the respective counties of the state," approved April sixteenth, one thousand eight hundred and forty-six..... 373

257. A supplement to an act entitled "An act to incorporate boat-clubs and other associations for the promotion of athletic exercises," approved April twenty-first, one thousand eight hundred and seventy-six..... 374

258. A further supplement to an act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary and the orphans' court, and surrogates," approved March twenty-seventh, one thousand eight hundred and seventy-four..... 375

259. An act to amend an act entitled "An act to revise and amend 'An act for the [taxation] of railroad and canal property,' approved April tenth, one thousand eight hundred and eighty-four," which was approved March twenty-seventh, one thousand eight hundred and eighty-eight..... 376

260. A supplement to an act entitled "An act to enable cities to build main sewers in certain districts, and to acquire private lands for that purpose," passed March twenty-fourth, one thousand eight hundred and eighty-five..... 378

261. A supplement to an act entitled "An act to authorize the establishment of a free public library in the cities of this state," passed April first, one thousand eight hundred and eighty-four..... 378

262. An act to provide means to increase fish production in the waters of this state..... 379

263. An act to extend the time for building and putting in operation certain street railways, incorporated under an act entitled "An act to provide for the incorporation of street railway companies, and to regulate the same," approved April sixth, one thousand eight hundred and eighty-six.... 380

264. A further supplement to an act entitled "An act respecting the court of chancery" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-five..... 381

Chapter. Page.

265 A general act for the assessment of the costs and expenses of street improvements that lie between or run through two or more municipalities..... 381

266. An act to amend the first section of a supplement to "An act to establish and organize the state reform school for juvenile offenders," approved April sixth, one thousand eight hundred and sixty-five, which supplement was approved April second, one thousand eight hundred and sixty-eight..... 383

267. A supplement to the "Act concerning roads" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 384

268. A further supplement to the act entitled "An act to regulate fees, approved April fifteenth, one thousand eight hundred and forty-six..... 385

269. An act concerning corporations of this state, and of other states, doing business in this state..... 385

270. A further supplement to an act entitled "An act for the preservation of sheep," approved April fourteenth, one thousand eight hundred and forty-six..... 386

271. A supplement to an act entitled "An act to enable street-car or horse-car railroad companies to provide better accommodation to the public by using what is now known as the cable system for motive power on elevated railroads," approved March twenty-sixth, one thousand eight hundred and eighty-six..... 388

272. A supplement to an act entitled "Supplement to an act entitled 'An act for the formation of borough commissions,' approved March seventh, anno domini one thousand eight hundred and eighty-two," which supplement was approved March twenty-third, anno domini one thousand eight hundred and eighty-seven..... 393

273. A supplement to an act entitled "An act concerning executors and the administration of intestates' estates" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, regulating the sale of lands by administrators with the will annexed, or by administrators de bonis non with the will annexed, and defining their powers..... 395

274. An act to authorize the board of chosen freeholders of any of the several counties of this state to lay out, open, construct, improve and maintain a public road therein..... 397

275. An act to provide for certain improvements in the New Jersey state prison..... 410

276. An act to amend an act entitled "An act to amend an act entitled 'An act for the settlement and relief of the poor' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four," which amendment was approved February twentieth, one thousand eight hundred and eighty-six..... 411

Chapter. Page.
277. An act to amend an act entitled "An act to amend an act entitled 'An act to provide for the regulation and incorporation of insurance companies,'" passed April twenty-seventh, one thousand eight hundred and eighty-six..... 414
278. An act defining the powers of the mutual fire insurance companies of this state..... 415
279. An act concerning unclaimed deposits in savings banks..... 417
280. A supplement to an act entitled "An act concerning savings banks" [Revision], approved April twenty-first, one thousand eight hundred and seventy-six..... 418
281. A supplement to an act concerning roads [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 419
282. A further supplement to an act entitled "An act concerning roads" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 421
283. A further supplement to an act entitled "An act to secure to creditors an equal and just division of estates of debtors who convey to assignees for the benefit of creditors" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 422
284. A further supplement to an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary and the orphans' courts and surrogates" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 423
286. An act to amend an act entitled "An act relative to the jurisdiction and practice of district courts in this state," approved March twenty-seventh, one thousand eight hundred and eighty-two..... 425
287. A supplement to an act entitled "An act regulating lettings in cases where no definite term is fixed," approved April fourteenth, one thousand eight hundred and eighty-four... 426
288. A supplement to an act entitled "An act respecting the court of chancery" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-five..... 427
289. An act to authorize incorporated towns to construct sewers and drains, and to provide for the payment of the cost thereof..... 428
290. An act to authorize the township committees of townships to raise money for certain purposes..... 435
291. A supplement to an act entitled "A further supplement to an act entitled 'An act to ascertain the rights of the state and the riparian owners in the lands lying under the waters of the bay of New York and elsewhere in this state,'" approved April eleventh, one thousand eight hundred and sixty-four, which supplement was approved April fifth, one thousand eight hundred and seventy-five... 437

Chapter. Page.

292. An act to authorize the enlarging of and the building of extensions to the county court-house or like public buildings in any of the several counties of this state in certain cases.. 438

293. An act for the preservation of the early records of the supreme court..... 440

294. An act relating to the consolidation of corporations formed under the act entitled "An act concerning corporations," approved April seventh, one thousand eight hundred and seventy-five, and the acts amending and supplementing the same, for the purposes of the improvement and sale of lands, the construction, maintenance and operation of hotels and carrying on the business of an innkeeper, and the transportation of goods, merchandise or passengers upon land or water..... 441

295. An act to authorize corporations formed under the act entitled "An act concerning corporations," approved April seventh, one thousand eight hundred and seventy-five, and the act amending and supplementing the same, for the purpose of the improvement and sale of lands, or the building, operation and maintenance of hotels and carrying on the business of an innkeeper, or of the transportation of goods, merchandise or passengers upon land or water, to purchase and hold stock in any one or more of said companies in certain cases..... 445

296. An act providing for the digesting, tabulating and arranging under proper heads, all the fees and salaries allowed by law to the state, county, township and other public officers in this state, and for the distribution thereof..... 446

297. An act to authorize cities in this state to purchase lands for the erection of and to construct public docks, wharves and piers, and to purchase and improve rights of way leading thereto, and to purchase lands lying contiguous thereto, so as to make said lands, docks, wharves and piers accessible. 447

298. An act relative to fishing in the river Delaware..... 450

299. An act relative to the Princeton battle monument..... 450

300. An act relating to the compensation of police magistrates or recorders in cities of this state..... 453

301. An act to provide for the incorporation of library associations..... 454

302. An act authorizing the inhabitants of townships to purchase land and erect a building thereon, or to purchase land with a building erected thereon, for the use of the fire departments of such township, and such other purposes as the township committee may designate..... 456

303. An act authorizing certain towns and townships to extend streets or roads over and into adjoining municipalities..... 457

304. An act to authorize the acquisition of real estate for the use of police departments in the cities of this state..... 458

Chapter. Page.
305. An act amending "An act regulating proceedings in criminal cases" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four 459

306. An act authorizing towns and townships which have heretofore voted an appropriation for public buildings to raise the amount of such appropriation by the issue and sale of the bonds of such town or township 460

307. An act to provide for the construction of a state laboratory for the state agricultural experiment station 461

308. Supplement to the act entitled "An act concerning landlords and tenants," approved March twenty-seventh, one thousand eight hundred and seventy-four 462

309. An amendment to an act entitled "An act to provide for the regulation and incorporation of insurance companies," approved April ninth, one thousand eight hundred and seventy-five 463

310. A further supplement to an act entitled "An act to incorporate the chosen freeholders in the respective counties of this state" [Revision], approved April sixteenth, one thousand eight hundred and forty-six 464

311. Supplement to an act entitled "An act to provide for drainage where the same is necessary to the public health," approved March twenty-fourth, one thousand eight hundred and eighty-one 465

312. An act to amend an act entitled "An act to further amend section seventy-nine of the act entitled 'An act for the organization of the national guard of the state of New Jersey,' approved March ninth, one thousand eight hundred and sixty-nine," approved March ninth, one thousand eight hundred and eighty-five 466

313. A further supplement to an act entitled "An act to incorporate the chosen freeholders in the respective counties of the state," approved April sixteenth, one thousand eight hundred and forty-six 467

314. An act to encourage the formation of associations for the improvement of public grounds in any city, town, township or borough in this state 468

315. A supplement to an act entitled "A supplement to an act entitled 'An act constituting district courts in certain cities in this state,'" which supplement was approved April fourteenth, one thousand eight hundred and eighty-four 470

316. An act to authorize and empower commissioners of assessments in cities of this state to assess for damages on street improvements 471

317. Supplement to the act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four 472

Chapter. Page.

318. A further supplement to an act entiled "An act concerning executors and the administration of intestates' estates," approved March twenty-seventh, one thousand eight hundred and seventy-four..... 473

319. A supplement to the act entitled "A further supplement to an act entitled 'An act concerning roads,'" approved March twenty-seventh, one thousand eight hundred and seventy-four, which further supplement was approved May eleventh, one thousand eight hundred and eighty-six..... 475

320. A supplement to an act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight..... 476

321. A supplement to an act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three.. 477

322. An act to authorize cities to expend the money received for license fees for sale of intoxicating and brewed liquors..... 478

323. A further supplement to the act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six..... 479

324. A further supplement to the act entitled "A further act concerning taxes, making the same a first lien on real estate, and to authorize sales for the payment of the same," approved March fourteenth, one thousand eight hundred and seventy-nine..... 482

325. An act providing for the formation and government of towns..... 483

326. An act to defray the incidental expenses of the legislature of New Jersey, for the session of one thousand eight hundred and eighty-eight..... 520

327. A further supplement to an act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight 525

328. A further supplement to an act entitled "An act for the punishment of crimes," approved March twenty-seventh, one thousand eight hundred and seventy-four..... 527

329. A further supplement to the act entitled "An act to regulate fees," approved April fifteenth, one thousand eight hundred and forty-six..... 528

330. A further supplement to an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes and assessments and water rates or water rents in cities of this state, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages, and to enforce the payment thereof, and to provide for the sale of lands subjected to future taxation and assessment," passed March thirtieth, one thousand eight hundred and eighty-six..... 529

Chapter. Page.
331. An act to enable cities in this state to pay past-due improvement certificates out of the general funds of such cities..... 537
332. An act in relation to certain sales of lands, tenements, hereditaments or real estate, made under the order of and confirmed by any court of this state..... 538
333. A further supplement to the act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight, which said supplement was approved March fifteenth, one thousand eight hundred and eighty-one..... 539
334. A supplement to an act entitled "An act concerning idiots and lunatics" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 540
335. An act to amend an act entitled "An act to provide for the incorporation of street railway companies and to regulate the same," approved April sixth, one thousand eight hundred and eighty-six..... 541
336. A supplement to an act entitled "An act concerning savings banks," approved April twenty-first, one thousand eight hundred and seventy-six..... 545
337. An act to amend an act entitled "A further supplement to an act entitled 'An act to incorporate and regulate telegraph companies,' approved April ninth, one thousand eight hundred and seventy-five," which further supplement was approved April first, one thousand eight hundred and eighty-seven..... 546

JOINT RESOLUTIONS.

No.		Page.
1.	Joint resolution authorizing the appointment of a commission to locate and mark out the boundary line between the state of New Jersey and the state of New York, in the Hudson river, New York bay, Kill Von Kull and Arthur Kill or Staten Island sounds	551
2.	Joint resolution to congress, asking the appropriation of funds to defray the expenses of an international congress to provide for a uniform system of saving the lives of shipwrecked mariners	552
3.	Joint resolution requesting congress to make an appropriation for the removal of Smith's, or Windmill island, from the Delaware river	553
4.	Joint resolution in reference to the closing of the first one hundred years of constitutional government in the United States of America	554
5.	Joint resolution relative to the preservation of fish in the waters and seas in and contiguous and near to the state of New Jersey, within the jurisdiction of the United States	556
6.	Joint resolution to equalize the right of fishing in the navigable waters of the United States which border on any state or territory	557
7.	Joint resolution to congress urging the enactment of a law providing for the relief of persons who lose their lives or become disabled in the life-saving service of the United States	558
8.	Joint resolution relative to the battle-flags of the New Jersey volunteer regiments	559
9.	Joint resolution providing for the purchase of a portrait of the late Honorable Joel Parker	560
10.	A joint resolution concerning a committee to inquire into the management of the state asylum for the insane at Morristown, N. J	561
11.	A joint resolution to recompense Joseph T. Crowell, of Rahway, for certain disbursements incident to the first call for volunteers	562

PROCLAMATIONS.

No.		Page.
1.	Decreeing that certain laws have become inoperative and void	565
2.	Designating a day of public thanksgiving and prayer	566
3.	Directing the public buildings to be draped in mourning, flags placed at half mast, and public offices closed during the funeral services of Ex-Governor Joel Parker	567
4.	Setting apart days for the planting of forest trees	568

SPECIAL PUBLIC ACTS.

Chapter. Page.

10. A further supplement to an act entitled "An act for the improvement of the town of Freehold, in the county of Monmouth," approved March twenty-fifth, one thousand eight hundred and sixty-nine..... 571

27. An act to empower the board of chosen freeholders of the county of Union to build a draw-bridge over the Elizabeth river in the city of Elizabeth..... 573

29. An act entitled "An act to change the number and boundaries of the road districts in the township of Englewood".. 573

43. An act to set off a portion of the city of Bridgeton, in the county of Cumberland, into the townships of Deerfield and Fairfield, in said county..... 575

54. An act for the preservation of fish in the Hackensack river and its tributaries or branches, within the counties of Bergen and Hudson..... 577

69. A supplement to an act entitled "A further supplement to 'An act concerning roads in the township of Hackensack,' approved March tenth, one thousand eight hundred and seventy," which said supplement was approved March twenty-seventh, one thousand eight hundred and seventy-four..... 579

159. An act to authorize the building of a bridge over or across the North Shrewsbury river, in the county of Monmouth... 582

185. An act to authorize and empower the mayor and council of the borough of Rutherford, in the county of Bergen, to quit-claim and release all the right, title and interest, if any, of the public and the said municipality in and to certain lands therein, alleged to have been dedicated to public use..... 583

231. An act to consolidate with the city of Trenton, in the county of Mercer, the borough of Chambersburg and the township of Millham..... 585

General Index.

GENERAL INDEX.

A.

Page.

Absconding and absent debtors—supplement to act for the relief of creditors against..... 38
Absent debtors—supplement to act for the relief of creditors against absconding and..... 38
Accommodation for the insane—supplement to act to provide additional..... 209
Actions at law or in equity—supplement to act to provide for the filing of a lis pendens in, relating to or affecting the possession or titles of lands or real estate..... 299
Acquiring of land for exclusive public use by the state of New Jersey—supplement to act to regulate the..... 73
Addition to the assembly chamber—act to provide for the, and enlargement of clerk's room..... 185
Administration of intestates' estates—supplement to act concerning the, &c.....395, 473
Agreement between commissioners of states of New York and New Jersey to locate and mark out by proper buoys the boundary line between said states in lands under water of Raritan bay—act to ratify and confirm an..... 85
Agricultural college—supplement to act appropriating scrip for public lands granted to the state of New Jersey by act of congress..... 129
Agricultural experiment station—act to provide for the construction of a state laboratory for the..... 461
Ale—act to amend act for the better protection of bottlers and dealers in beer, porter, &c..... 183
supplement to act to protect the health of boys and girls, &c., 253
Alleys—act to provide for vacating dedicated streets, roads and... 178
American cranberry growers' association—act to establish standard packages for cranberries..... 247
Animals, game—act to divide the counties of this state into two game sections, and to fix the time for shooting certain game birds and..... 368
Annexation of additional township territory to boroughs incorporated under "Act for the formation of borough governments"..... 261

Page.
Appeals from special assessments in towns governed by a board of commissioners—act regulating, where an appeal has been heretofore given to three chosen freeholders..... 181
Aqueduct boards—act in relation to the power of, having control of the water-supply in cities, &c..... 257
supplement to act..... 367
Aqueduct companies—supplement to act for the construction, maintenance and operation of waterworks, for the purpose of supplying cities, towns, villages, &c..... 180
Arbor day—proclamation by the governor relative to planting of forest trees..... 568
Armories for the national guard—act to provide for the erection or purchase of, in incorporated towns, boroughs or police, sanitary and improvement commissions..... 44
act to provide for the purchase of sites for and the erection and equipment of, in cities of the first and second class, and making appropriations therefor, and to provide for the taking of real estate for such sites, &c..... 233
Arrearages of unpaid taxes, assessments and water rents in cities—supplement to act concerning the settlement and collection of, and imposing and levying a tax assessment and lien in lieu of, &c 529
Arthur Kill, Kill Von Kull, Staten Island Sound, &c.—joint resolution authorizing the appointment of a commission to locate and mark out the boundary line between the states of New York and New Jersey, in, &c..... 551
Supplement to act to protect the navigable waters of..... 40
Assembly Chamber—act to provide for addition to the, and the enlargement of the clerk's room of the.... 185
Assessments—commissioners of—act to authorize and empower in cities to assess for damages on street improvements..... 471
unpaid—act relating to the sale of lands for unpaid taxes and, and proceedings in reference thereto..... 179
and taxes in cities—act in relation to..... 267
water rates in cities—supplement to act concerning the settlement and collection of arrearages of unpaid taxes, and imposing a tax, assessment and lien in lieu of, &c..... 529

Page.

Assessments—for roads, streets or sewers—a general act in relation to, where the same have been or shall be set aside or reversed by any court only as to the prosecutor or prosecutors of any writ of certiorari, and providing for a re-assessment in all such cases by the court setting aside such assessment..... 370
street improvements—a general act for the costs and expenses, that lie between or run through two or more municipalities... 381
in constructing sewers and other improvements in townships and villages—supplement to act to provide for the payment of costs and expenses... 209
in towns governed by a board of commissioners—act regulating appeals from special, where an appeal has been heretofore given to three chosen freeholders..... 181
in villages and other municipal corporations—act concerning taxes and, by a board of trustees and making same a first lien on real estate and authorizing sale for the payment of the same..... 97
Associations, camp meeting—supplement to act to provide for the licensing of boats, hacks and other vehicles, hucksters, peddlers by seaside resorts, or..... 215
lake—act to extend time for the purchase of lands by..... 217
library—act to provide for the incorporation of..... 454
mutual—supplement to act concerning corporations 186
mutual loan, homestead and building—supplement to act to encourage the establishment of..... 36
for the erection and maintenance of hospitals, infirmaries, orphanages, asylums and other charitable institutions—supplement to act to provide for the incorporation of..... 126
for the improvement of public grounds in any city, town, township or borough in this state—act to encourage the formation of..... 468
for the promotion of athletic exercises—supplement to act to incorporate boat clubs and other, 120, 374

Page.
Associations, to encourage the purchase of homes—act for the incorporation of, and to facilitate the payment thereof..... 231
Asylum for the insane, state—joint resolution concerning a committee to inquire into the management of the..... 561
supplement to act to provide additional accommodation for the insane..... 202
state lunatic—supplement to act to provide for the organization of the, and care of the insane..... 204
Asylums—county lunatic—supplement to act relative to..... 32
supplement to act to provide for the incorporation of hospitals, infirmaries, orphanages and other charitable institutions..... 126
Athletic exercises—supplement to act to incorporate boat clubs and other associations for the promotion of.....120, 374

B.

Babcock, John G.—act to provide compensation to, for loss of pay caused by transfer from New Jersey state troops to regular army..... 94
Bail—act to allow certain police officers to take, in certain cases.. 192
Baker, Philip P.—senator from Cumberland county..... 5
Bale, Andrew J.—member from Sussex county..... 7
Banks, savings—act concerning unclaimed deposits in..... 417
supplement to act concerning..... ..99, 264, 418, 545
Bastard children—supplement to act for the maintenance of..... 101
Battle flags of the New Jersey volunteer regiments—joint resolution relative to the 559
monument, Princeton—act relative to the..... 450
Bay of New York—joint resolution to locate and mark out the boundary line between the states of New York and New Jersey, &c..... 551
supplement to act to ascertain the rights of the state and of the riparian owners to lands lying under the waters of.....140, 292, 437
supplement to act to protect the navigable waters of Arthur Kill, Kill Von Kull, Staten Island Sound, &c..... 40
Beer—act to amend act for the better protection of manufacturers and bottlers of mineral waters, ale, porter, &c..... 183
supplement to act to protect the health of boys and girls, &c. 253
Bicycles and tricycles—act in relation to the use of..... 201
Bill clerks of the senate and house of assembly—act to fix the salary of the 319
supplement to act to fix the salary of..... 365

Page.
Birds and animals—act to divide the counties of this state into two game sections and to fix the time of shooting certain game..... 368
Births and deaths—act to secure the certification of marriages, and of the vital facts, &c..... 52
Blind and feeble-minded—supplement to act for the instruction and maintenance of the indigent deaf and dumb persons of this state. 157
Bloomer, Anderson—member from Bergen county..... 6
Boards, aqueduct—act in relation to the powers of, having control of the water supply in cities, to issue bonds or borrow money on the credit of cities, to limit the powers, &c..... 257
supplement to act..... 367
Boards of commissioners—act regulating appeals from special assessments in towns governed by where an appeal has been heretofore given to three chosen freeholders 181
act to increase the powers of..... 83
in towns and villages or townships—act to enable improvement commissions to employ police and to fix the compensation of the same..... 133
health—supplement to act respecting the cutting of ice, &c..... 160
supplement to act to establish in this state, &c. 89
supplement to act to establish, and a bureau of vital statistics and to define their respective powers and duties.....89, 103
Boat clubs—supplement to act to incorporate, and other associations for the promotion of athletic exercises....120, 374
Boats, hacks and other vehicles—supplement to act to provide for licensing by incorporated camp meeting associations or sea side resorts, &c..... 215
Bogert, John W.—senator from Bergen county..... 5
Borough commissions—act amending act for the formation of..... 211
supplement to act for the formation of..254, 393
Borough governments—act to provide for the annexation of additional township territory to boroughs incorporated under "Act for the formation of..... 261
supplement to act for the formation of.....50, 119, 140, 161, 226, 476, 525, 539
in seaside resorts—supplement to act for the formation of..... 108, 194, 197, 246, 363
Borough of Chambersburg—act to consolidate with the city of Trenton and the township of Millham..... 585

Page.

Borough of Rutherford—act to authorize and empower the mayor and council of the, to quit-claim and release all the right, title and interest of the public to certain lands therein, &c..... 583
Boroughs—act concerning cities, towns and..... 213
act concerning consolidated cities and annexed municipalities and townships and portions thereof..... 330
act concerning town meetings..... 290
act providing for the formation and government of towns..... 483
act to encourage the formation of associations for the improvement of public grounds in cities, towns, townships and..... 468
act to provide for the annexation of additional township territory to, incorporated under "Act for the formation of borough governments"..... 261
act to provide for the paving of streets in incorporated towns and to provide for the payment thereof..... 340
act to provide for the purchase or erection of armories for the national guard in towns, police, sanitary and improvement commissions..... 44
supplement to act respecting the cutting of ice, &c., extended to..... 160
supplement to act to provide for licensing boats, hacks and other vehicles by camp-meeting associations, &c..... 215
Bottlers—act to amend act for the protection of manufacturers, dealers and, in beer, ale, &c..... 183
Boundary line between states of New York and New Jersey in lands under water of Raritan bay—act to ratify and confirm an agreement made by commissioners of New York and New Jersey..... 85
in the Hudson river, New York bay, Kill Von Kull and Arthur Kill or Staten Island sounds—joint resolution authorizing the appointment of commissioners to locate and mark out the..... 551
monuments and marks, state—act to provide for the preservation and protection of the..... 205
Boys—act relative to the state reform school for..... 99
and girls—supplement to act to protect the health of, and to secure to parents the control of their children..... 253
Brewed liquors—act regulating the granting of licenses to sell spirituous, vinous, malt and..... 308
act to regulate the sale of intoxicating and..... 142
act to authorize cities to expend the money received for license fees for sale of intoxicating and..... 478

Page.
Bridge over Elizabeth river—act to empower the board of chosen freeholders of Union county to build a draw, in Elizabeth..... 573
North Shrewsbury river—act to authorize the building of a..... 582
Bridges—act respecting, and the causeway or other roads leading thereto..... 206
act to authorize the construction and maintenance of, and the approaches thereto, over navigable streams, the dividing line between counties..... 158
act to authorize the issue of bonds for building public, in counties..... 163
Bridgeton, city of—act to set off a portion of the, into the townships of Deerfield and Fairfield..... 575
Brown, Richard—member from Hudson county..... 6
Building associations—supplement to act to encourage the establishment of mutual loan, homestead and, 36
Buildings—supplement to act to provide for the better security of life and limb in cases of fire in hotels and other, 192
supplement to act to secure to mechanics and others payment for their labor in erecting..... 425
public, in counties—act to authorize the enlarging of and the building of extensions to, &c..... 438
in towns and townships—act authorizing, which have heretofore voted an appropriation for, to raise the amount of such appropriation by the issue and sale of the bonds of such town or township..... 460
for fire department purposes—act authorizing cities to purchase lands and to erect within the limits of townships annexed to cities..... 26
act authorizing the inhabitants of townships to purchase land and erect buildings thereon, or to purchase land with a building thereon for the use of the fire department of such townships, &c..... 456
supplement to act to authorize cities to erect, and to provide for the payment and cost of erection..... 105

Page.
Bureau of statistics upon the subject of labor—supplement to act to establish a.... 19
vital statistics—act to secure the certification of marriages, births and deaths, &c..... 52
supplement to act to establish in this state boards of health and a.....89, 103
supplement to act to regulate fees..... 385
Burning of woods, marshes and meadows—supplement to act to prevent the..... ... 245
Burton, John T.—act to authorize the payment of $150 to, as one of the keepers of the ladies' gallery of house of assembly, session of 1887..... 189

C.

Camden, city of—act granting consent of the state of New Jersey to the purchase by the United States of certain lands for the purpose of erecting public buildings in the city of Newark and the.. 244
Camp at Sea Girt—act to take for public use a tract of land on the Atlantic coast, and to vacate certain streets, &c..... 66
supplement to act to provide for the purchase of..... 16
Camp meeting associations—supplement to act to provide for licensing boats, hacks, vehicles, hucksters, peddlers, &c., and to prescribe penalties..... 215
Canal and railroad property—act to revise and amend act for the taxation of..... 269
act to revise and amend act for the taxation of, approved March 27th, 1888..... 376
Canal companies—act to authorize, in certain cases to surrender their franchises of navigation and to release from public obligation in respect thereto..... 300
Carter, William H.—senator from Burlington county..... 5
Cases, criminal—supplement to act regulating proceedings in..... ..... 15, 121, 126, 221
Causeways—act respecting bridges and the, or other roads leading thereto..... 200
Certificates, improvement—act to enable cities to pay past due, out of the general funds of cities... 537
Chambersburg, borough of—act to consolidate with the city of Trenton the, and the township of Millham 585
Chancellor—supplement to act respecting the compensation of, and the justices of the supreme court..... 329
Chancery—supplement to act respecting the court of.....111, 381, 427
Charitable institutions—supplement to act to provide for the associations for the erection and maintenance of hospitals, orphanages, infirmaries, asylums and other..... 126

Page
Chase, Daniel C.—senator from Middlesex county..... 5
Children, bastard—supplement to act for the maintenance of..... 101
supplement to act to protect the health of boys and girls and to secure to parents the control of their..... 253
Chosen freeholders—act to authorize the board of the several counties to lay out, open, construct, improve and maintain a public road therein, 307
supplement to act in relation to the maintenance and improvement of certain roads..... 132, 162
in counties—supplement to act to incorporate the.....375, 464, 467
of the county of Union—act to empower the board to build a drawbridge over the Elizabeth river in the city of Elizabeth..... 573
Christie, James A.—member from Essex county..... 6
Cities—act authorizing the common council or other governing body of, to abolish the office of the surveyors of highways within..... 72
act authorizing, to purchase lands and to erect buildings thereon for fire department purposes within the limits of townships heretofore annexed to cities, and to provide for the payment thereof..... 26
act concerning.....98, 135, 161
act concerning consolidated, and annexed municipalities and townships and portions thereof..... 330
act concerning division of wards in..... 116
act concerning fire departments, and to provide for the retirement of firemen and employees therein..... 238
act concerning, of the third class..... 320
act concerning towns, boroughs and..... 213
act concerning the construction, care and improvement of the public ways, parks and sewers in certain, and assessments for the same..... 23
act in regard to honorably discharged union soldiers..... 135
act in relation to assessments and taxes in..... 267
act in relation to the power of aqueduct boards having control of the water supply in, to issue bonds or borrow money on the credit of, wherein such boards exist, to limit the powers heretofore given to such boards, and giving the common council or other governing body of such cities powers in relation thereto, and providing for the funding and payment of indebtedness heretofore incurred by said boards..... 257
supplement to act..... 367
act relating to the compensation of police magistrates or recorders in..... 453
act to amend act concerning division of wards in..... 116
act to authorize any of the municipal corporations of this state to contract for a supply of water, &c..... 356

Page.

Cities—act to authorize commissioners of assessments in, to assess for damages on street improvements..... 471
act to authorize the acquisition of real estate for the use of police departments in..... 458
act to authorize, to change the time fixed for the payment of taxes..... 371
act to authorize, to expend the money received for license fees for sales of intoxicating and brewed liquors..... 478
act to authorize, to purchase lands for the erection of and to construct public docks, wharves and piers, and to purchase and improve rights of way leading thereto, and to purchase lands lying contiguous thereto, so as to make said lands, docks, wharves and piers accessible... 447
act to enable certain municipal corporations to raise increased sums of money for public purposes..... 95
act to enable, to pay past due improvement certificates out of the general funds of such city..... 537
act to enable, to purchase lands for public parks or squares, and improve the same, and to issue bonds for the cost of such purchase and improvement..... 33
act to encourage the formation of associations for the improvement of public grounds in towns, townships, boroughs and..... 468
act to provide for the further relief of the poor in..... 35
act to provide for the purchase of sites for and the erection and equipment of armories in, of the first and second class, and making appropriations therefor, and to provide for the taking of real estate for such sites by commissions in case the same cannot be purchased by agreement..... 233
act to provide for vacating dedicated streets, roads and alleys..... 178
a general act for the assessment of costs and expenses of street improvements, &c..... 381
supplement to act concerning the settlement and collection of arrearages of unpaid taxes and assessments and water rates or water rents in, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages, &c..... 529
supplement to act constituting district courts in certain... 11, 132, 470
supplement to act for the construction, maintenance and operation of water works for the purpose of supplying towns, villages and, with water..... 180
supplement to act providing for sewerage in and by adjoining towns, townships and..... 78
supplement to act providing for the pensioning of police officers and policeman in certain, and regulating the method by which the same may be accepted and become operative in..... 96
supplement to act relative to the practice and jurisdiction of district courts in..... 24
supplement to act respecting the cutting of ice in, and giving boards of health power to regulate and control the same..... 160

Page.
Cities—supplement to act to authorize the establishment of a free public library in..... 378
supplement to act to authorize, to erect buildings to be used for fire department purposes and to provide for the payment and cost of erection..... 105
supplement to act to enable, to build main sewers in certain districts and to acquire private lands for that purpose.....260, 378
supplement to act to regulate elections..... 294
of the third class—act concerning..... 320
towns and boroughs—act concerning..... 213
City of Bridgeton—act to set off a portion of, into the townships of Deerfield and Fairfield..... 575
of Camden—act granting consent of the state to the purchase of lands by the United States..... 244
of Newark—act granting consent of the state to the purchase of lands by the United States..... 244
of Trenton—act to consolidate with the borough of Chambersburg and township of Millham..... 585
Clerks of grand juries—act to provide for the appointment of, in certain counties..... 211
the boards of freeholders of counties of the second class—supplement to act to incorporate the chosen freeholders, &c..... 464
Clerk's room of assembly chamber—act to provide for additions to the assembly chamber and the..... 185
Clerk to committee of judiciary, house of assembly, session of 1887—act to authorize the payment of the sum of $300 to. 39
to committee on elections, house of assembly, session of 1887—act to authorize payment to Frank Gulick for services rendered as..... 115
to committee on engrossed bills, house of assembly, session of 1887—act to provide for the payment of a compensation to the..... 63
to committee on railroads and canals, house of assembly, session of 1887—act to authorize payment to Wilson S. Runkle for services rendered as..... 116
Clubs, boat—supplement to act to incorporate, and other associations for the promotion of athletic exercises...120, 374
or societies for social, intellectual and recreative purposes—act to amend act for the incorporation of..... 360
Commission to locate and mark out the boundary line between the states of New York and New Jersey, in the Hudson river, New York bay, &c.—joint resolution authorizing the appointment of a 551
Commissioners, board of—act regulating appeals from special assessments in towns governed by a, &c..... 181
act to enable improvement commissions in towns and villages or within townships to employ police, &c... 133

Page.
Commissioners, Board of—act to increase the powers of..... 83
of assessments in cities—act to authorize and empower, to assess for damages on street improvements..... 471
fisheries—act to provide for the appointment of..... 327
juries—supplement to act concerning juries... 304
land records—act to establish the use of local indexes, &c..... 309
the sinking fund—act to amend act appointing, and defining their duties..... 291
the states of New York and New Jersey to locate and mark out the boundary line between said states in lands under water of Raritan bay—act to ratify and confirm an agreement made between..... 85
Commissions, borough—act amending act for the formation of..... 211
supplement to act for the formation of.....254, 393
improvement—act to enable boards of commissioners in towns and villages, &c., to employ police, &c..... 133
act to provide for the erection or purchase of armories for the national guard in incorporated towns, boroughs, police, sanitary, &c..... 44
Common council of incorporated towns—act to authorize boards of, to license, regulate and prohibit the sale of malt, spirituous, vinous and other liquors..... 225
Common pleas court—act relative to the orphans' court, court of general quarter sessions of the peace and..... 64
Compensation of certain officers of the legislature—act to provide for the...222, 319
public officers of the state—act fixing the..... 102
act to amend an act fixing the..... 360
act to amend supplement to act fixing..... 20
police magistrates or recorders in cities—act relating to the..... 453
the chancellor and justices of the supreme court—supplement to act respecting the..... 329
to the clerk of committee on engrossed bills, house of assembly, session of 1887—act to provide for the payment of a..... 63

Page.
Completion of railroads whose charters expire in 1888—act to extend time for the.... 16
Comptroller of the treasury—act fixing the compensation of certain public officers..... 102
Condemnation of lands the title to which is defective—act for, by school districts, &c... 41
Confinement of persons under the age of sixteen years in jails, work houses, &c.—act respecting the..... 188
Conkling, Oscar—member from Somerset county..... 7
Consent of the state of New Jersey to the purchase by the United States of certain lands for the purpose of erecting public buildings in the city of Newark and city of Camden—act granting..... 244
Consolidated cities—act concerning, and annexed municipalities and townships and portions thereof..... 330
Consolidation of corporations formed under "Act concerning corporations"—act relating to the, &c..... 441
Constables—supplement to act to regulate fees..... 528
Constitutional government in the United States of America—joint resolution in reference to the closing of the first one hundred years of..... 554
Conveyances—act to amend act respecting..... 354
supplement to act respecting..... 191
Coparceners, joint tenants and tenants in common—supplement to act for the more easy partition of lands held by.....81, 298
Corporations—act concerning, of this and other states doing business in this state..... 385
act for the incorporation of associations to encourage the purchase of homes, &c..... 231
act relating to the consolidation of, formed under the act concerning..... 441
act relative to the titles of..... 152
act to amend act concerning..... 112
act to authorize corporations formed under "act concerning corporations," &c..... 445
supplement to act concerning.....34, 137, 186, 224
supplement to act for the imposition of state taxes upon certain, and for the collection thereof..... 118
of this and other states doing business in this state—act concerning..... 385
municipal—act concerning taxes and assessments in villages and other, governed by a board of trustees, &c..... 97
act to authorize any of the, of this state to contract for a supply of water, &c..... 366
act to enable certain, of this state to raise increased sums of money for public purposes..... 95

Page.
Corporations, railroad—supplement to act to authorize the formation of, and regulate the same..... 203, 346, 477
tramways—supplement to act to authorize the formation of railroad corporations, &c..... 346
Counties—act in regard to honorably discharged union soldiers... 135
act in relation to the temporary custody of dangerous lunatics..... 218
act providing for the digesting, tabulating, &c., fees and salaries allowed by law to state, township and other public officers..... 446
act respecting bridges and the causeways or other roads leading thereto..... 200
act respecting the confinement of persons under the age of 16 years in the jails, work-houses, penitentiaries and other places of confinement in..... 188
act to authorize and enable, to acquire and improve lands for public parks, &c..... 166
act to authorize the board of chosen freeholders to lay out, open, construct, improve and maintain a public road therein..... 397
act to authorize the construction and maintenance of bridges and the approaches thereto over navigable streams which mark the dividing line between..... 158
act to authorize the enlarging of and the building of extensions to the county court house or like public buildings in any of the several, in certain cases..... 438
act to authorize the issue of bonds for building public bridges in..... 163
act to divide the, into two sections, to be known as game sections, and to fix the time for shooting certain game birds and animals therein..... 368
act to establish the use of local indexes for public records relating to land in certain..... 309
act to fix the minimum amount of salary of the prosecutors of the pleas in the, of the second class... 114
act to provide for the appointment of clerks of the grand juries in certain..... 211
supplement to act concerning juries..... 304
supplement to act in relation to county expenditures... 362
supplement to act in relation to the improvement and maintenance of certain roads.....132, 162
supplement to act relative to county lunatic asylums... 32
supplement to act to incorporate the chosen freeholders in the.....373, 464, 467
of the second class—act to fix the minimum amount of salary of the prosecutors of the pleas..... 114
County court houses—act to authorize the enlarging of, and the building of, extensions, &c..... 438
expenditures—supplement to act in relation to..... 362
officers—act providing for the digesting, tabulating and arranging under proper heads all the fees and salaries allowed by law to state, township and other public officers, &c..... 446

Page.
County lunatic asylums—supplement to act relative to..... 32
of Union—act to empower the board of chosen freeholders in the, to build a draw-bridge over Elizabeth river in Elizabeth..... 573
Court houses, county—act to authorize the enlarging of and the building of extension to the, or like public buildings in any of the several counties in certain cases..... 438
Court, orphans'—act relative to the court of common pleas, general quarter sessions and..... 64
supplement to act respecting the, and the powers and duties of the ordinary, &c.....104, 220, 375, 423
prerogative—act to facilitate proceedings in the..... 22
supreme—act for the preservation of the early records of the..... 440
supplement to act respecting the compensation of the chancellor and justices of the..... 329
Court of chancery—supplement to act respecting the..... 111, 381, 427
common pleas—act relative to the orphans' court, general quarter sessions of the peace and the... 64
general quarter sessions of the peace—act relative to the court of common pleas, orphans' court and the..... 64
Courts, district—act to amend act relative to the jurisdiction and practice of..... 425
supplement to act constituting in certain cities... 11, 132, 470
supplement to act relative to the jurisdiction and practice of..... 24
Courts of law—supplement to act to regulate the practice of..... 237
Cranberries—act to establish standard packages for..... 247
Cranmer, George T.—senator from Ocean county..... 5
Creditors—supplement to act for the relief of, against absconding and absent debtors..... 38
supplement to act to secure to, an equal and just division of the estate of debtors who convey to assignees for the benefit of.....26, 122, 422
Crimes—supplement to act for the punishment of...18, 117, 195, 338, 527
Criminal cases—act amending act regulating proceedings in..... 459
act to amend act regulating proceedings in..... 126
supplement to act.....15, 121, 221
Crowell, Joseph T.—joint resolution to recompense, for certain disbursements incident to the first call for volunteers..... 562
Cummings, Thomas J.—act to authorize the payment of $300 to, for services rendered as assistant to the engrossing clerk of the house of assembly, session of 1887..... 100
Custody of dangerous lunatics—act in relation to the..... 218
Cutter, Ephraim—member from Middlesex county..... 7
Cutting of ice—supplement to act respecting, in cities, and giving boards of health power to regulate and control the same..... 160

D.

Page.
Damages on street improvements—act to authorize and empower commissioners of assessments in cities to assess for.. 471
Dangerous lunatics—act in relation to the custody of..... 217
Deaf and dumb—supplement to act for the instruction and maintenance of the indigent, blind and feeble minded persons of this state..... 157
mutes, New Jersey school for—act for the support and improvement of..... 348
Dealers in beer, &c.—act to amend act for the better protection of bottlers, manufacturers and..... 183
Deaths—act to secure the certification of marriages, births and, of the vital facts relating thereto, &c..... 52
Debtors—supplement to act for the relief of creditors against absconding and absent..... 38
supplement to act to secure to creditors an equal and just division of the estates of, who convey to assignees for the benefit of creditors.....26, 122, 422
Dedicated streets, roads and alleys—act to provide for vacating... 178
Dedication of the state monuments at Gettysburg—act to authorize the governor to detail a portion of the national guard to act as escort on the..... 148
Deerfield, township of—act to set off a portion of the city of Bridgeton into the township of Fairfield and..... 575
Delaware river—act relative to fishing in the..... 450
Densely populated townships—supplement to act to provide for drainage and sewage in, &c...23, 184
Deposits in savings banks—act concerning unclaimed..... 417
Dickinson, Samuel D.—member from Hudson county..... 6
Digest of fees and salaries—act providing for, allowed by law to state, county, township and other public officers, &c..... 446
Disabled soldiers—supplement to act to provide for the organization of the New Jersey home for.....107, 134
Discharged union soldiers—act in regard to honorably..... 135
Disorderly persons—supplement to act concerning..... 249
Distilled and malt liquors—act to regulate the sale of..... 41
Distribution of laws and documents—supplement to act in relation to the..... 49
supplement to act to incorporate chosen freeholders, &c..... 373
District courts—act to amend act relative to the jurisdiction and practice of..... 425
supplement to act constituting, in cities....11, 132, 470

Page.
District courts—supplement to act relative to the practice and jurisdiction of..... 24
Division of townships into street lamp districts—act to authorize the, and the erection and maintaining of street lamps in said districts..... 355
Division of wards in cities—act to amend act concerning..... 116
Docks, wharves and piers—act to authorize cities to purchase lands for the erection of, and to construct, and to purchase and improve rights of way leading thereto, &c..... 447
Documents and laws—supplement to act in relation to the distribution of..... 49
supplement to act to incorporate the chosen freeholders, &c..... 373
Doron, William H.—member from Burlington county..... 6
Dower—act to amend act relative to..... 196
Drainage and sewage in densely populated townships—supplement to act to provide for the.....23, 184
of lands—supplement to act to provide for the..... 206
where the same is necessary to the public health—supplement to act to provide for..... 465
Drains and sewers—act to authorize incorporated towns to construct, and to provide for the payment of the cost thereof..... 428
Draw-bridge over Elizabeth river—act to empower the board of chosen freeholders of the county of Union to build, in Elizabeth..... 573
Dumb, blind and feeble minded—supplement to act for instruction and maintenance of..... 157
Duseuberry, Augustus—member from Essex county..... 6
Dyers—act in relation to the lien of, upon goods in their possession..... 222

E.

Early records of the state of New Jersey—supplement to act for the better preservation of the..... 252
supreme court—act for the preservation of... 440
Education, industrial—act to amend act for the promotion of..... 150
Edwards, William D.—senator from Hudson county..... 5
Election of road overseers—act to amend act to provide, &c..... 110
Elections—supplement to act to regulate.....65, 223, 294, 321
Elizabeth river, draw-bridge over—act to empower the board of chosen freeholders of the county of Union to build, in city of Elizabeth..... 573

Page.
Emley, Eugene—member from Passaic county..... 7
Englewood, township of—act to change the number and boundaries of the road districts in..... 573
English hare—act to prevent the shooting, trapping or hunting of, for three years..... 213
Establishment of a home for feeble-minded women—act to provide for the... 267
of mutual loan, homestead and building associations—supplement to act to encourage the..... 36
of public libraries—act to amend act to encourage the, in any town or municipality, &c..... 82
Estates, intestate—supplement to act concerning executors and the administration of.....395, 473
of debtors who convey to assignees for the benefit of creditors—supplement to act to secure to creditors a just division of.....26, 122, 422
Evidence—supplement to act concerning..... 182
Executors and the administration of intestates' estate—supplement to act concerning.....395, 473
Expenditures, county—supplement to act in relation to..... 362
Expenses, incidental—act to defray the, of the legislature for the session of 1888..... 520
Experiment station, state agricultural—act to provide for the construction of a state laboratory for the..... 461
Extension of time for completion of railroads whose charters expire during the year 1888—act for the..... 16

F.

Fairfield, township of—act to set off a portion of the city of Bridgeton into the townships of Deerfield and..... 575
Farrell, Edward P.—member from Hudson county..... 6
Feeble-minded persons—supplement to act for the instruction and maintenance of the indigent deaf and dumb, blind and..... 157
supplement to act to provide for the incorporation of associations, &c..... 126
women—act to provide for the establishment of a home for the care and training of..... 267
Feeney, John P.—member from Hudson county..... 6
Fees—supplement to act to regulate.....385, 528
Fees and salaries—act providing for the digesting, tabulating and arranging under proper heads all the, allowed by law to the state, county, township and other public officers..... 446
Ferry or ferries—act to authorize land improvement companies having authority to purchase and enjoy a, to sell and transfer their franchise or franchises of operating a, and the property connected therewith..... 198

Page.
Fire—supplement to act for the better security of life and limb in case of, in hotels and other buildings..... 192
Fire departments—act authorizing the inhabitants of townships to purchase land and erect buildings thereon, or to purchase land with a building erected thereon, for the use of the, of such townships, and such other purposes as the township committee may designate..... 456
act concerning the, and to provide for the retirement of firemen and employes therein... 238
act to authorize incorporated townships to establish and maintain, for protection of life and property against fire..... 293
department, buildings for—act authorizing cities to purchase land and to erect within the limits of townships heretofore annexed to cities, &c 26
supplement to act to authorize cities to erect, and to provide for the payment and cost of erection..... 105
insurance companies—act defining the powers of mutual..... 415
Firemen—act concerning the fire departments of this state, and to provide for the retirement of firemen and employes therein..... 238
supplement to act concerning taxes..... 479
Firemen's associations—supplement to act concerning corporations..... 224
Fish—act to amend supplement to act for the preservation of..... 47
supplement to act to amend and consolidate the several acts relating to game and game..... 106
preservation of—act for the, in the Hackensack river and its tributaries or branches..... 577
joint resolution relative to the, in the waters and seas in and contiguous and near to the state of New Jersey, within the jurisdiction of the United States..... 556
Fish production in the waters of this state—act to provide means to increase the..... 379
Fisheries—act to provide for the appointment of commissioners of, of the state of New Jersey..... 327
Fishing in the navigable waters of the United States, &c.—joint resolution to equalize the right of..... 557
in the river Delaware—act relative to..... 450
Flags, battle, of the New Jersey volunteer regiments—joint resolution relative to the..... 559
Flynn, Thomas—act to provide for compensation to, as clerk of committee on engrossed bills, session of 1887... 63
Ford, Asa, Morris and Lewis—act for the relief of, proclamation declaring act inoperative and void..... 565
Forest trees—proclamation by the governor relative to the planting of... 568

Page.
Freehold, town of—supplement to act for the improvement of the..... 571
Freeholders, chosen—act to authorize the board of any of the several counties to lay out, open, construct, improve and maintain a public road therein..... 397
supplement to act to incorporate, in the respective counties of this state.....373, 464, 467
Free public libraries—supplement to act to authorize the establishment of, in cities..... 378
Fuller, Charles W.—member from Hudson county..... 6

G.

Gallagher, Joseph—member from Hudson county..... 6
Game—act to prevent the shooting, &c. of English hare for three years..... 213
Game and game fish—supplement to act to amend and consolidate the several acts relating to..... 106
birds—act to divide the counties of this state into two game sections and to fix the time for shooting, and animals therein..... 368
sections—act to divide the counties of this state into two, &c..... 368
Gardner, John J.—senator from Atlantic county..... 5
General quarter sessions of the peace—act relative to the court of common pleas, orphans' court and the court of... 64
Geological survey of the state—supplement to act to complete the, 153
supplement to act to provide for drainage of lands..... 206
Gettysburg—act to authorize the governor to detail a portion of the national guard to act as escort, &c. on the occasion of the dedication of the state monuments at, &c..... 148
Girls, wayward—act to provide for the reformation of..... 345
Girls—supplement to act to protect the health of boys and, and to secure to parents the control of their children..... 253
Girls state industrial school—act providing for the support of..... 83
act to provide for the reformation of wayward girls..... 345
Goble, Jonathan—member from Ocean county..... 7
Goods in possession of dyers—act in relation to the lien upon..... 222
Government of towns—act providing for the formation and..... 483
Governments, borough—act to provide for the annexation of additional township territory to boroughs incorporated under act for the formation of..... 261
supplement to act for the formation of... 50, 119, 140, 161, 226, 476, 525, 539
in seaside resorts—supplement to act for the formation of..... 108, 194, 197, 246, 363

Page.
Grand Army of the Republic—supplement to act to provide for the purchase of a tract of land on the Atlantic coast, &c..... 16
Grand juries—act to provide for the appointment of clerks of, in certain counties..... 211
Griggs, John W.—senator from Passaic county..... 5
Gulick, Frank—act to authorize the payment to, the sum of $300 for services rendered to the committee on municipal corporations and elections of house of assembly, session of 1887..... 115

H.

Hackensack river—act for the preservation of fish in the, and its tributaries or branches..... 577
Hackensack, township of—supplement to act concerning roads in the..... 579
Hacks, boats and other vehicles—supplement to act to provide for licensing by incorporated camp meeting associations or seaside resorts, &c..... 215
Hacks—supplement to act to provide for the licensing of, and other vehicles by township committees, and for the better government of the same..... 131
Hanes, Joseph H.—senator from Cape May county..... 5
Hansell, Albert—member from Burlington county..... 6
Hare—act to prevent the shooting, trapping or hunting of English, for the term of three years..... 213
Harrington, Charles F.—member from Bergen county..... 6
Harris John—member from Camden county..... 6
Health, boards of—act to secure the certification of marriages, births and deaths, &c..... 52
supplement to act respecting the cutting of ice, &c..... 160
supplement to act to establish in this state, and a bureau of vital statistics, and to define their respective powers and duties...89, 103
supplement to act to establish in this state... 89
public—supplement to act to provide drainage where the same is necessary to the..... 465
of boys and girls—supplement to act to protect the, and to secure to parents the control of their children..... 253
Heppenheimer, William C.—member from Hudson county..... 6
Herbert, Charles B.—member from Middlesex county..... 7
Higgins, Archibald A.—member from Monmouth county..... 7
Higgins, George H.—member from Camden county..... 6
Highways—act to vacate streets, public places and, laid out on lands required for the uses of the United States..... 356
Hill, Charles E.—member from Essex county..... 6
Historical society of New Jersey—supplement to act for the better preservation of the early records of the state..... 252

Page.
Home for disabled soldiers, New Jersey —Supplement to act to provide for the organization of the.....107, 134
Home for the care and training of feeble-minded women—act to provide for the establishment of a..... 267
Homes—act for the incorporation of associations to encourage the purchase of, and to facilitate the payment thereof, 231
Homestead and building associations—supplement to act to encourage the establishment of mutual loan... 36
Homing pigeons—act for the better protection of..... 71
Honorably discharged union soldiers—act in regard to..... 135
Hoover Eliphalet—member from Warren county..... 7
Horse car railroad companies—supplement to act to enable street car or, to provide accommodation to the public by using what is now known as the cable system for motive power on elevated roads..... 388
Horse railroad companies—act to authorize, to merge and consolidate their corporate franchises and other property..... 74
Hospitals—supplement to act to provide for the incorporation of, infirmaries, orphanages, asylums and other charitable institutions..... 126
Hotels—supplement to act to provide for the better security of life and limb in cases of fire in, and other buildings... 192
Hudson river—Joint resolution authorizing the appointment of a commission to locate and mark out the boundary line between the states of New York and New Jersey in the Kill Von Kull, New York bay, &c., 551
supplement to act to protect the navigable waters of the Arthur Kill, Kill Von Kull, Newark bay, &c..... 40
Hunting of English hare—act to prevent the shooting, trapping or, for three years..... 213
Hutchinson, Robert C.—member from Burlington county..... 6

I.

Ice—supplement to act respecting the cutting of, in cities, and giving boards of health power to regulate and control of the same..... 160
Idiotic and feeble-minded children—supplement to act to provide for the incorporation of associations for schools, &c., for..... 126
Idiots and lunatics—supplement to act concerning..... 540
Imposition of state taxes upon certain corporations and for the collection thereof—supplement to act for the..... 118

Page

Improvement certificates, past due—act to enable cities to pay, out of the general funds of cities..... 537
commissions—act to provide for the purchase or erection of armories for the national guard in towns, boroughs, police or sanitary and..... 44
in towns and villages or townships—act to enable boards of commissioners, and to employ police and to fix the compensation of the same..... 133
companies, land—act to authorize, to sell and transfer ferry or ferries and the property connected therewith..... 158
of certain roads—supplement to act in relation to the maintenance and.....132. 162
of public grounds—act to encourage the formation of associations for the, in any city, town, township or borough in this state..... 468
Improvements in townships and villages—supplement to act to provide for the assessment and payment of the costs and expenses incurred in constructing sewers and making other..... 203
street—act to authorize and empower commissioners of assessments in cities of this state to assess for damages for..... 471
Incidental expenses, session of 1888—act to defray the..... 520
Incorporated camp-meeting associations—supplement to act to provide for licensing boats, hacks, vehicles, hucksters, peddlers, &c..... 215
towns—act to authorize the boards of councilmen of, to license, regulate and prohibit the sale of malt, spirituous, vinous or other liquors..... 220
act to authorize, to construct sewers and drains and to provide for the payment of the cost thereof..... 425
act to provide for the paving of streets in boroughs and to provide for the payment thereof..... 346
act to provide for the purchase or erection of armories for the national guard in, &c..... 44

Page.
Incorporated townships—act to authorize, to establish and maintain fire departments for protection of life and property against fire..... 293
Incorporation of insurance companies—act to amend act for the regulation and..... 414
supplement to act for the regulation and..28, 124, 251, 463
safe deposit and trust companies—supplement to act for the..19, 164
Indexes—act to establish the use of local, for public records relating to land in certain counties in this state..... 309
Indigent deaf and dumb, blind and feeble-minded persons—supplement to act for the instruction and maintenance of 157
Industrial education—act to amend act for the promotion of..... 150
school for girls (state)—act providing for the support of the 83
act to provide for the reformation of wayward girls..... 345
Industries, state—supplement to act to establish a bureau of labor 19
Infirmaries—supplement to act to provide for the incorportion of hospitals, orphanages, asylums and other charitable institutions..... 126
Insane—joint resolution concerning a committee to inquire into the management of the state asylum for the, at Morristown, N. J..... 561
supplement to act to provide additional accommodation for the..... 202
supplement to act to provide for the organization of the state lunatic asylum, and for the care and maintenance of the..... 204
Insignia or rosette of the military order of the loyal legion of the United States—act to prevent persons from unlawfully using or wearing the..... 337
Instruction, public—act to amend act to establish a system of..... 177
supplement to act to establish a system of..... ..... 91, 128, 255, 288, 472
Instruments, sealed—act validating certain, and authorizing scroll or other device, &c..... 256
Insurance companies—act defining the powers of mutual fire..... 415
act to permit mutual live stock, to extend their business territory..... 46
act to amend act to provide for the incorporation and regulation of.....414, 463
supplement to act to provide for the incorporation and regulation of.....28, 124, 251
International congress to provide for a uniform system of saving the lives of shipwrecked mariners--joint resolution to congress asking the appropriation of funds to defray the expenses of an..... 552
Intestates' estates--supplement to act concerning executors and the administration of, &c.....395, 473
Intoxicating and brewed liquors—act to authorize cities to expend the money received for license fees for sale of.. 478
act to regulate the sale of..... 142

J.

Page.

Jails—act respecting the confinement of persons under sixteen years detained in the workhouses, penitentiaries and other places of confinement in the several counties..... 188
Joint resolution authorizing the appointment of a commission to locate and mark out the boundary line between the state of New Jersey and the state of New York, in the Hudson river, New York bay, Kill Von Kull, and Arthur Kull, or Staten Island sounds..... 551
concerning a committee to inquire into the management of the state asylum for the insane at Morristown, N. J..... 561
in reference to the closing of the first one hundred years of constitutional government in the United States of America..... 554
providing for the purchase of a portrait of the late Hon. Joel Parker..... 560
relative to the battle flags of the New Jersey volunteer regiments..... 559
relative to the preservation of fish in the waters and seas in and contiguous and near to the state of New Jersey within the jurisdiction of the United States..... 556
requesting congress to make an appropriation for the removal of Smith's or Windmill Island from the Delaware river..... 555
to congress asking the appropriation of funds to defray the expense of an international congress to provide for a uniform system of saving the lives of shipwrecked mariners..... 552
to congress urging the enactment of a law providing for the relief of persons who lose their lives or become disabled in the life saving service of the United States..... 558
to equalize the right of fishing in the navigable waters of the United States which border on any state or territory..... 557
to recompense Joseph T. Crowell, of Rahway, for certain disbursements incident to the first call for volunteers..... 562
tenants—supplement to act for the more easy partition of lands held by coparceners, tenants in common and.....81, 298
Jones, Josiah—member from Mercer county..... 7
Juries—supplement to act concerning.....250, 304
grand—act to provide for the appointment of clerks of, in certain counties..... 211
Jurors—supplement to act concerning..... 327
Justices of the supreme court—supplement to act respecting the compensation of the chancellor and the..... 329

Page.
Juvenile offenders, reform school—act to amend first section of act to establish and organize 383
supplement to act to establish 205

K.

Keys, James—member from Passaic county 7
Kill Von Kull, Arthur Kill, Staten Island sound, etc.—joint resolution authorizing the appointment of a commission to locate and mark out the boundary line between the states of New York and New Jersey, in 551
supplement to act to protect the navigable waters of 40
Kircher, Thomas—act to provide for the payment of a compensation of $100, to, as door-keeper of house of assembly, session of 1887 190

L.

Labor—supplement to act to establish a bureau of statistics upon the subject of 19
and materials in erecting any building—supplement to act to secure to mechanics and others payment for their 423
Laboratory, state, for the agricultural experiment station—act to provide for the construction of 461
Lake associations—act to extend the time for the purchase of lands by 217
Lamp districts—act to authorize the division of townships into streets, and the erection and maintaining of street lamps in said districts 355
Land for exclusive public uses by the state of New Jersey—supplement to act to regulate the acquiring of 73
improvement companies—act to authorize, to sell and transfer their franchises of operating a ferry or ferries and property connected therewith 198
Landlords and tenants—supplement to act concerning 462
supplement to act regulating lettings, in case where no definite term is fixed ... 426
Lands, drainage of—supplement to act to provide for the 206
for exclusive public uses by the state of New Jersey—supplement to act to regulate the acquiring of 73
for police departments in cities—act to authorize the acquisition of 458

Page.
Lands for public parks—act to authorize and enable counties to acquire and improve..... 166
or squares—act to enable cities to purchase, and to issue bonds for the cost, &c..... 33
for the erection of and to construct public docks, wharves and piers, &c.—act to authorize cities to purchase.. 447
for school purposes and the construction of school-houses —act to authorize the purchase or acquirement of.. 93
granted to the state of New Jersey—supplement to act appropriating scrip for public, &c..... 129
held by co-parceners, joint tenants and tenants in common—supplement to act for the more easy partition of.....81, 298
lying under the waters of the bay of New York and elsewhere—supplement to act to ascertain the rights of the state and the riparian owners to.. 140, 292, 437
purchase of, by lake associations—act to extend the time for the purchase of... 217
purchase of, by the United States for public buildings—act granting consent of state of New Jersey, &c..... 244
required for the uses of the United States—act to vacate streets, highways and public places laid out on..... 356
which any school district has purchased, the title to which is defective, &c.—act for the condemnation of..... 41
sales of—supplement to act relative to, under a public statute or by virtue of any judicial proceedings.....14, 91, 155, 303, 352
supplement to act concerning taxes, &c..... 372
by administrators, &c—supplement to act concerning executors, &c..... 395
tenements, hereditaments or real estate—act in relation to certain sales of, made under the order of and confirmed by any court of this state..... 538
title of—supplement to act to provide for the filing of a lis pendens in actions at law or equity relating to or affecting the title of real estate or..... 299
under water in Raritan bay—act to ratify and confirm an agreement made between commissioners of states of New York and New Jersey to locate and mark out by proper buoys the boundary line between the two states in..... 85

Page.
Large, George H.—senator from Hunterdon county..... 5
Law, George—member from Passaic county..... 7
action at—supplement to act to provide for the filing of a lis pendens in, or equity relative to the possession or title of lands or real estate..... 299
courts of—supplement to act to regulate the practice of..... 237
Laws and documents—supplement to act in relation to the distribution of the..... 49
supplement to act to incorporate the chosen freeholders in counties..... 373
Laws, inoperative and void—proclamation by the governor relative to..... 565
Leaming, Walter S.—member from Cape May county..... 6
Learning, societies for the promotion of—act to amend act to incorporate..... 48
Leavitt, Lyman—member from Mercer county..... 7
Legislature of 1888—act to defray the incidental expenses of the, 520
Legislature, officers of—act to fix the salary of the bill clerks of the senate and house of assembly..... 319
supplement to act..... 365
act to provide for the compensation of certain.....222, 319
Lettings—supplement to act regulating, in case where no definite term is fixed..... 426
Letts, William H.—member from Hudson county..... 6
Librarian, state—act to amend act fixing compensation to certain public officers.....20, 360
Libraries, public—act to amend act to encourage the establishment of, in any town or municipality in this state, and to provide for taking care of and perpetuating the same..... 82
supplement to act to authorize the establishment of free, in cities..... 378
Library associations—act to provide for the incorporation of..... 454
state—supplement to act to regulate the..... 127
License fees for sale of intoxicating and brewed liquors—act to authorize cities to expend the money received for..... 478
License, regulate and prohibit the sale of malt, spirituous, vinous and other liquors—act to authorize boards of councilmen of incorporated towns to..... 225
Licensing boats, hacks and other vehicles, hucksters and peddlers by incorporated camp meeting associations or seaside resorts—supplement to act to provide for the, &c..... 215
Licensing hacks and other vehicles—supplement to act to provide for the, by the township committees of the several townships, &c..... 131
Licenses to sell spirituous, vinous, malt and brewed liquors—act regulating the granting of..... 308
act to regulate the sale of..... 142

Page.
Lien of dyers—act in relation to, upon goods in their possession, 222
Life and limb, better security of—supplement to act to provide, in case of fire in hotels, &c., 192
Life saving service of the United States—joint resolution to congress asking the appropriation of funds to defray the expenses of an international congress, &c... 552
joint resolution to congress urging the enactment of a law providing for the relief of persons who lose their lives or become disabled in the..... 558
Limited partnerships—supplement to act to authorize..... 265
Liquors—act regulating the granting of licenses to sell spirituous, vinous, malt and brewed..... 308
act to amend act for the better protection of manufacturers, bottlers and dealers in beer, ale, &c..... 183
act to authorize boards of councilmen in incorporated towns to license, regulate and prohibit the sale of malt, spirituous, vinous or other..... 225
act to authorize cities to expend the money received for license fees for sale of intoxicating and brewed.... 478
act to regulate the sale of distilled and malt..... 41
act to regulate the sale of intoxicating and brewed..... 142
supplement to act to protect the health of boys and girls, &c..... 253
Lis pendens—supplement to act to provide for the filing of a, in actions either at law or equity relating to or affecting the possession or title of lands or real estate... 299
Live stock insurance companies—act to permit mutual, to extend business territory..... 46
Loan, homestead and building associations—supplement to act to encourage the establishment of..... 36
Local boards of health—supplement to act to establish in this state boards of health and a bureau of vital statistics, &c..... 89
Local indexes—act to establish the use of, for public records relating to lands in certain counties in this state.. 309
Loyal legion of the United States—act to prevent persons from unlawfully using or wearing the insignia or rosette of the military order of..... 337
Lozier, De Forrest P.—member from Essex county..... 6
Ludlam, Mulford—member from Cumberland county..... 6
Luf burrow, Grover H.—member from Monmouth county..... 7
Lunatic asylum, state—joint resolution concerning a committee to inquire into the management of the asylum for the insane at Morristown... 561
supplement to act for the organization of, and care of the insane..... 204

Page.
Lunatic asylums, county—supplement to act relative to..... 32
Lunatics—act relative to the temporary custody of dangerous..... 218
supplement to act concerning idiots and..... 540
Lyon, Samuel S.—member from Morris county..... 7

M.

Magistrates, police or recorders—act relating to the compensation of, in cities..... 453
Main sewers—supplement to act to enable cities to build, in certain districts, and to acquire private lands for that purpose.....260, 378
Maintenance and improvement of certain roads—supplement to act in relation to the.....132, 162
of bastard children—supplement to act for the..... 101
Malt liquors—act regulating the granting of licenses to sell spirituous, vinous, brewed and..... 308
act to authorize the boards of councilmen to license, regulate and prohibit the sale of spirituous, vinous or other liquors..... 225
act to regulate the sale of distilled and..... 41
supplement to act to protect the health of boys and girls, &c..... 253
Manual training—act for the formation of..... 51
Manufacture and sale of vinegar—act in relation to the..... 349
Manufacturers and bottlers of mineral waters, beer, ale, porter and other beverages—act to amend act for the better protection of..... 183
Marlatt, James—member from Essex county..... 6
Marriages, births and deaths—act to secure the certification of, and of the vital facts relating to, 52
Married women—supplement to act for the better securing of the property of, living in a state of separation from their husbands..... 266
Marshes and meadows—supplement to act to prevent the burning of woods..... 245
Martin, Augustus F. R.—senator from Essex county..... 5
William H.—member from Hunterdon county..... 7
Materials and labor in erecting buildings—supplement to act to secure to mechanics and others payment for their..... 423
Matthews, John J.—member from Union county..... 7
McBride, John A.—senator from Sussex county..... 5
McDermitt, Frank M.—member from Essex county..... 6
McGowan, Thomas—member from Essex county..... 6
Meadows—supplement to act to prevent the burning of woods, marshes and..... 245
Mechanics—supplement to act to secure to, and others payment for their labor and materials in erecting any building..... 423
Meeker, Carnot B.—member from Morris county..... 7

Page.
Meetings, town—act concerning..... 290
Military order of the loyal legion of the United States—act to prevent persons from unlawfully using or wearing the insignia or rosette of the..... 337
Miller, James A.—senator from Union county..... 5
Millham, township of—act to consolidate with the city of Trenton and the borough of Chambersburg..... 585
Mineral waters, beer, ale and porter—act to amend act for the better protection of manufacfacturers, bottlers and dealers in..... 183
Money for public purposes—act to enable municipal corporations of this state to raise increased sums of..... 95
Monument, Princeton battle—act relative to the..... 450
Monuments, state, at Gettysburg—act to authorize the governor to detail a portion of the national guard to act as escort, etc., on the occasion of the dedication of..... 148
state boundary—act to provide for the preservation and protection of..... 205
Mulvey, John—member from Middlesex county..... 7
Municipal corporations—act concerning taxes and assessments in villages and other, governed by a board of trustees and making same a first lien on real estate and authorizing sale for the payment of the same.. 97
act to authorize any of the, to contract for a supply or a further or other supply of water therefor..... 366
act to enable certain, of this state, to raise increased sums of money for public purposes..... 95
a general act for the assessment of costs and expenses of street improvements, &c..... 381
Municipalities—act authorizing towns and townships in certain cases to construct sewers in, over or across the streets of adjoining..... 186
act authorizing towns and townships to extend streets or roads over and into..... 457
(annexed)—act concerning consolidated cities and, townships and portions thereof..... 330
act to provide for, vacating dedicated streets, roads and alleys..... 178
a general act for the assessment of the costs and expenses of street improvements that lie between or run through two or more..... 381
supplement to act respecting the cutting of ice, &c., extended to..... 160
Mutchler, Samuel B.—member from Warren county..... 7
Mutes, school for deaf—act for the support and improvement of.. 348
Mutual associations—supplement to act concerning corporations.. 186

Page.
Mutual fire insurance companies—act defining the powers of..... 415
live stock insurance companies—act to permit, to extend their business territory..... 46
loan, homestead and building associations—supplement to act to encourage the establishment of..... 36

N.

National guard—act to amend an act to further amend section 79 of act for the organization of the..... 466
act to authorize the governor to detail a portion of the, to act as escort, &c., on the dedication of the state monuments at Gettysburg, &c..... 148
act to provide for the erection or purchase of armories for, in incorporated towns, boroughs or police, sanitary and improvement commissions..... 44
act to provide for the purchase of sites for, and the erection and equipment of armories in cities of the first and second class, &c..... 233
Navigable streams between counties—act to authorize the construction and maintenance of bridges and approaches thereto over..... 158
waters of the Arthur Kill, Kill Von Kull, &c.—supplement to act to protect the..... 40
United States—joint resolution to equalize the right of fishing in the, which border on any state or territory..... 557
Nevius, Henry M.—senator from Monmouth county..... 5
Newark bay—supplement to act to protect the navigable waters of Arthur Kill, Kill Von Kull, Staten Island sound, Raritan bay, &c..... 40
city of—act granting the consent of the state of New Jersey to the purchase, by the United States, of certain lands for the purpose of erecting public buildings in the city of Camden and... 244
Newell, William—senator from Salem county..... 5
New Jersey historical society—supplement to act for the better preservation of the early records of the state..... 252
home for disabled soldiers—supplement to act to provide for the organization of the.. 107, 134
pharmaceutical association—supplement to act to incorporate the..... 149
school for deaf mutes—act for the support and improvement of..... 348

Page.
New Jersey state prison—act to provide for certain improvements in the..... 410
supplement to act for the government and regulation of..... 197
volunteer regiments—joint resolution relative to the battle flags of the..... 559
Newspapers—supplement to act to legalize certain, the issues of which have been temporarily suspended..... 175
New York bay—joint resolution authorizing the appointment of a commission to locate and mark out the boundary line between the states of New York and New Jersey in, &c..... 551
supplement to act to ascertain the rights of the state and the riparian owners in the lands lying under the waters of, &c.....140, 292, 437
supplement to act to protect the navigable waters of Arthur Kill, Kill Von Kull, Staten Island sound, Raritan bay, &c..... 40
Nixon, James B.—member from Atlantic county..... 6
North Shrewsbury river—act to authorize the building of a bridge over or across the..... 582
Norton, James F.—member from Hudson county..... 6

O.

Office of surveyor of the highways—act authorizing the common conncil or other governing body of cities to abolish the..... 72
Officers of the legislature—act to authorize the payment of $300 to Charles W. Schanck..... 39
act to authorize the payment of $500 to Thomas Flynn..... 63
act to authorize the payment of $300 to Thomas J. Cummings.. 100
act to authorize the payment of $100 to Thomas Kircher..... 190
act to authorize the payment of $300 to Frank Gulick..... 115
act to authorize the payment of $300 to Wilson S. Runkle..... 116
act to authorize the payment of $150 to John W. Simmons..... 187
act to authorize the payment of $100 to John T. Burton..... 189
act to fix the salary of the bill clerks of the senate and house of assembly..... 319
supplement to act..... 365
act to provide for the compensation of certain.....222, 319
public—act fixing the compensation of certain..... 102

New Jersey State Library

Page

Officers, public—act providing for the digesting, tabulating and arranging under proper heads all the fees and salaries allowed by law to state, county, township and other..... 446
act to amend act fixing the compensation of certain..... 360
act to amend supplement to act fixing the compensation of certain..... 20
township—supplement to act concerning..... 176
Olden, Charles H.—member from Mercer county..... 7
Order of the loyal legion of the United States—act to prevent persons from unlawfully using or wearing the insignia or rosette of the military... 337
Ordinary—supplement to act respecting the orphans' court and relating to the powers and duties of, and surrogates.....104, 220, 375, 423
vice—act to facilitate proceedings in the prerogative court..... 22
Orphanages—supplement to act to provide for the incorporation of associations for the erection of and maintenance of hospitals, infirmaries, asylums and other charitable institutions 126
Orphans' court—act relative to the court of common pleas, general quarter sessions of the peace and..... 64
supplement to act respecting the, and relating to the powers and duties of the ordinary and the, and surrogates.....104, 220, 375, 423
Overseers of roads—act to amend act to provide for the election of, in their respective districts..... 110

P.

Packages for cranberries—act to establish standard..... 247
Palisades township—supplement to act concerning roads in the, repealed..... 148
Parker, Joel, ex-Governor, death of—proclamation by the governor relative to the..... 567
Parker, Joel—joint resolution providing for the purchase of a portrait of the late Hon..... 560
Parks—act concerning the construction, care and improvement of the public ways, sewers in certain cities, and assessments for the same..... 29
act to authorize and enable counties to acquire and improve lands for public, and to maintain and regulate the same..... 166
act to enable cities to purchase lands for public, or squares and improve the same, and to issue bonds for the cost... 33
act to encourage the formation of associations for the improvement of public grounds in any city, town, township or borough..... 468

Page.
Partition of lands held by coparceners, joint tenants and tenants in common—supplement to act for the more easy partition of....81, 298
Partnerships, limited—supplement to act to authorize.... 265
Past due improvement certificates—act to enable cities to pay, out of the general funds of cities 537
Paving of streets in boroughs and incorporated towns—act to authorize the, and to provide for the payment thereof, 340
Payment of wages to workmen—act to amend section 4 of act to secure the, in lawful money... 174
Peck, James—member from Essex county.... 6
Peer, James M., act for the relief of—proclamation declaring act inoperative and void..... 565
Penitentiaries—act respecting the confinement of persons under the age of sixteen years detained in the jails, workhouses and, in the several counties..... 188
Pensioning of police officers and policemen—supplement to act providing for the, in certain cities, and regulating the method by which the same may be accepted, &c..... 96
Personal tangible property—act respecting the taxation of, used in connection with any business or employment..... 119
Persons, disorderly—supplement to act concerning..... 249
Pfeiffer, George, Jr.—senator from Camden county..... 5
Pharmaceutical Association, New Jersey—supplement to act to incorporate the..... 149
Physicians—act in relation to practicing..... 136
Piers, docks and wharves—act to authorize cities to purchase lands for the erection of, and to construct public, and to purchase and improve rights of way leading thereto, &c..... 447
Pigeons—act for the better protection of homing..... 71
Pitney, John R.—member from Morris county..... 7
Planting of trees—proclamation by the governor..... 568
Police—act to enable boards of commissioners and improvement commissions in towns, villages or townships to employ, and fix the compensation..... 133
departments in cities—act to authorize the acquisition of real estate for the use of..... 458
justices—act relating to the compensation of police magistrates or recorders..... 453
magistrates or recorders—act relating to the compensation of, in cities..... 453
officers—act to empower certain, to take bail in certain cases..... 192
and policemen—supplement to act providing for the pensioning of, in certain cities, and regulating the method by which the same may be accepted, &c..... 96

New Jersey State Library

Page.
Policemen—supplement to act providing for the pensioning of, and police officers in certain cities, and regulating the method by which may be accepted, &c..... 96
Police, sanitary and improvement commissions—act to provide for the erection or purchase of armories for the national guard in incorporated towns, boroughs, or..... 44
Poor—act to amend act for the settlement and relief of the..... 411
act to provide for the further relief of the, in cities..... 35
Portrait of Hon. Joel Parker—joint resolution providing for the purchase of a..... 560
Possession or title of lands or real estate—supplement to act for the filing of a lis pendens in action, &c... 299
Potts Edward B.—member from Monmouth county..... 7
Practice of courts of law—supplement to act to regulate the..... 237
Practicing physicians—act in relation to..... 136
Prerogative court—act to facilitate proceedings in the..... 22
Preservation of fish—act to amend supplement to act for the..... 47
joint resolution relative to the, in the waters and seas in and contiguous and near to the state of New Jersey, within the jurisdiction of the United States..... 556
in the Hackensack river and its tributaries or branches—act for the..... 577
the early records of the state of New Jersey—supplement to act for the better..... 252
supreme court—act for the..... 440
Princeton battle monument—act relative to the..... 450
Prison, state—act to provide for certain improvements in the New Jersey..... 410
supplement to act for the government and regulation of the..... 197
Proceedings in criminal cases—act amending an act regulating.... 459
act to amend act regulating..... 126
supplement to act regulating..... 15, 121, 221
the prerogative court—act to facilitate..... 22
Proclamation by the governor—certain laws inoperative and void..... 565
designating a day for thanksgiving..... 566
relative to the death of ex-governor Joel Parker..... 567
relative to planting of forest trees..... 568

Page.
Promotion of athletic exercises—supplement to act to incorporate boat clubs and other associations.....120, 374
industrial education—act to amend act for the..... 150
learning—act to amend act to incorporate societies for the..... 48
manual training—act for the promotion of..... 51
Property of married women living in a state of separation from their husbands—supplement to act for the better securing of the..... 266
used in connection with any business or employment—act respecting the taxation of personal..... 119
Prosecutors of the pleas—act to fix minimum amount of salary of, in the counties of the second class in this state..... 114
Protection of homing pigeons—act for the better..... 71
manufacturers, bottlers and dealers—act to amend act for the better, &c..... 183
Public bridges—act to authorize the issue of bonds for building, in counties..... 163
buildings in Camden and Newark—act granting the consent of the state of New Jersey to the purchase of lands by the United States, &c..... 244
docks, wharves and piers—act to authorize cities to purchase lands for the erection of, and to construct and to purchase and improve rights of way leading thereto, &c... 447
grounds, associations for the improvement of—act to encourage the formation of, in any city, town, township or borough in this state..... 468
health—supplement to act to provide for drainage where the same is necessary to the..... 465
instruction—act to amend act to establish a system of..... 177
supplement to act to establish a system of..... 91, 128, 255, 288, 472
lands granted to the state of New Jersey—supplement to act appropriating scrip for, by act of congress..... 129
libraries—act for the incorporation of library associations, 454
act to amend act to encourage the establishment of, in any town or municipality, and to provide for taking care of and perpetuating the same..... 82
supplement to act to authorize the establishment of, in cities..... 378
officers—act fixing the compensation of certain..... 102

Page.

Public officers—act to amend act fixing the compensation of certain 360
act to amend supplement to act fixing the compensation of certain 20
act providing for the digesting, tabulating and arranging under proper heads all the fees and salaries allowed by law to state, county, township and other, &c 446
parks—act concerning the construction, care and improvement of ways, sewers and, in certain cities, &c... 29
act to authorize and enable counties to acquire and improve lands for, and to maintain and regulate the same 166
act to enable cities to purchase lands for, or squares and improve the same, and to issue bonds, &c... 33
act to encourage the formation of associations for the improvement of public grounds in any city, township or borough 468
places—act to vacate streets, highways and, laid out on lands required for the use of the United States, 356
purposes—act to enable certain municipal corporations to raise increased sums of money for 95
records—act to establish the use of local indexes for, &c... 309
road boards—act concerning roads in townships having.... 147
roads—act to authorize the board of chosen freeholders in any of the counties to lay out, open, construct, improve and maintain, therein 397
uses—supplement to act to regulate the acquiring of land for, by the state of New Jersey 73
ways, parks and sewers in certain cities—act concerning the construction, care and improvement of, &c 29
Punishment of crimes—supplement to act for the 18, 117, 195, 338, 527
Purchase of homes—act for the incorporation of associations to encourage the, and to facilitate the payment therefor 231
lands by lake associations—act to extend the time for the 217
sites for erection of armories in cities—act to provide for the, &c... 233

R.

Railroad and canal property—act to revise and amend act for the taxation of 269, 376
Railroad companies—act to authorize horse, to merge and consolidate their corporate franchises and other property 74

Page

Railroad companies, street or horse car—supplement to act to enable, to provide better accomodation, &c., by using the cable system for motive power on elevated roads..... 388
Railroad corporations—supplement to act to authorize the formation of, and regulate the same...203, 346, 477
Railroads—act concerning..... 308
act to extend the time for the completion of, whose charters shall expire by limitation during the year 1888, where work has been performed on said railroads or money expended thereon..... 16
Railway companies, street—act to amend act to provide for the incorporation of, and to regulate the same.. 541
Railways, street—act to extend time for building and putting in operation certain, incorporated under act of April 6, 1886..... 380
Raritan bay—act to ratify and confirm an agreement made between commissioners of New York and New Jersey to locate and mark out by buoys the boundary line between the two states in lands under waters of.. 85
supplement to act to protect the navigable waters of Arthur Kill, Kill Von Kull, Staten Island sound, Newark bay, &c..... 40
Real estate, sales of, made under the order of and confirmed by any court—act in relation to certain, sales of lands, tenements, hereditaments or..... 538
title of—supplement to act to provide for the filing of a lis pendens in actions at law or equity relating to the possession of or title to lands or..... 299
Recognizances—supplement to act respecting..... 353
Recorders in cities—act relating to the compensation of police magistrates or..... 455
Records of the state of New Jersey—supplement to act for the better preservation of the early..... 252
supreme court—act for the preservation of the early..... 440
public—act to establish the use of local indexes for, in counties..... 309
Reformation of wayward girls—act to provide for the..... 345
Reform school for boys—act relative to the state..... 99
juvenile offenders—act to amend first section of supplement to act to establish..... 383
supplement to act to establish and organize the..... 205
Relief of creditors against absconding and absent debtors—supplement to act for the..... 38
Relief of the poor—act to amend act for the settlement and..... 411
in cities—act to provide for the further..... 35

Page.
Religious societies—act to repeal supplement to act to incorporate trustees of..... 154
Ridgefield, township of—supplement to act concerning roads in township of Hackensack..... 579
Rights of the state lying under the waters of the bay of New York and elsewhere—supplement to act to ascertain the, and of the riparian owners.....140, 292, 437
Riker, Adrain—member from Essex county..... 6
Riley, Millard F.—member from Salem county..... 7
Riparian commissioners—supplement to act to ascertain the rights of the state to lands lying under water, &c..... 292
Riparian owners—supplement to act to ascertain the rights of the state and the, to lands lying under the waters of the bay of New York and elsewhere in the state.....140, 292, 437
Road boards—act concerning roads in townships having public... 147
districts in Englewood township—act to change number and boundaries of..... 573
overseers—act to amend act to provide for the election of, in their respective districts..... 110
Roads—a general act in relation to assessments for streets, sewers and, where the same have been or shall be set aside or reversed by any court only as to the prosecutor or prosecutors of any writ of certiorari, and providing for a re-assessment, &c..... 370
act authorizing towns and townships to extend streets or, over and into adjoining municipalities..... 457
act concerning..... 364
supplement to act concerning.....384, 419, 421, 475
act concerning, in townships having a public road board, 147
act in relation to the use of bicycles and tricycles..... 201
act relating to streets and, in townships, and authorizing inhabitants of townships to place all roads and streets within the township under the management of the township committee, and to raise money by bonds for grading, macadamizing and improving the same..... 240
act respecting bridges and the causeways or other, leading thereto..... 200
act to amend act providing for the election of road overseers in their respective districts..... 110
act to amend section 4 of act concerning, approved March 27th, 1884..... 156
act to authorize the township committees of townships to raise money for certain purposes..... 435
act to provide for vacating dedicated streets, alleys and... 178
supplement to act in relation to the maintenance and improvement of certain.....132, 162
in counties, public—act to authorize the boards of chosen freeholders to lay out, construct, open and maintain..... 397
in the township of Hackensack—supplement to act concerning..... 579

Page.
Roads in the township of Palisade—supplement to act concerning, repealed..... 148
Ridgefield—supplement to act concerning township of Hackensack..... 579
in townships having a public road board—act concerning. 147
Roe, Joseph B.—senator from Gloucester county..... 5
Rogers, James H.—member from Passaic county..... 7
Rosette of military order of the loyal legion—act to prevent persons from wearing, &c..... 337
Rue, John D.—senator from Mercer county..... 5
Runkle, Wilson S.—act to authorize the payment to, the sum of $300 for services as clerk to committee on railroads and canals and corporations, session of 1887..... 116
Rutgers college of New Jersey—supplement to act appropriating scrip for public lands granted to the state of New Jersey by act of congress, &c..... 129
scientific school—supplement to act appropriating scrip, &c..... 129
Rutherford, borough of—act to authorize and empower the mayor and council of the, to quit claim and release all the right, title and interest, if any, of the public and the said municipality in and to certain lands therein alleged to have been dedicated to public use..... 583

S.

Safe deposit and trust companies—supplement to act for the incorporation of.....19, 164
Salaries of bill clerks of the senate and house of assembly—act to fix the..... 319
supplement to act..... 365
state, county, township and other public officers—act providing for the digesting, tabulating and arranging under proper heads all the fees and..... 446
the chancellor and justices of the supreme court—supplement to act respecting the compensation of, &c.. 329
the prosecutors of the pleas in counties of the second class—act to fix the minimum amount of..... 114
Sale of distilled and malt liquors—act to regulate the..... 41
intoxicating and brewed liquors—act to authorize cities to expend the money received for license fees for..... 478
act to regulate the..... 142

Page.
Sale of lands for unpaid taxes and assessments—act relating to the, and proceedings in reference thereto.... ... 179
by administrators—supplement to act concerning executors and the administration of intestates' estates, &c. 395
malt, spirituous, vinous or other liquors—act to authorize boards of councilmen to license, regulate and prohibit..... 225
spirituous, vinous, malt and brewed liquors—act regulating the granting of licenses for the..... 308
vinegar—act in relation to the manufacture and..... 349
Sales for taxes—supplement to act concerning taxes, making the same a first lien on real estate, and to authorize, &c..... .....372, 482
of lands—act in relation to certain, tenements, hereditaments or real estate, made under the order of and confirmed by any court of this state..... 538
supplement to act concerning the settlement and collection of arrearages of unpaid taxes and assessments and water rates or water rents in cities, &c..... 529
by administrators—supplement to act concerning executors, &c..... 395
for unpaid taxes and assessments—act relating to the, and proceedings in reference thereto..... 179
tenements, hereditaments or real estate, made under the order of and confirmed by any court of this state—act in relation to certain..... 538
under a public statute or by virtue of any judicial proceedings—supplement to act relative to, 14, 91, 155, 303, 352
Sanitary and improvement commissions—act to provide for the purchase or erection of armories for the national guard in towns, boroughs, police or..... 44
Savings banks—act concerning unclaimed deposits in..... 417
supplement to act concerning.....99, 264, 418, 545
Schanck, Charles W.—act to authorize payment of $300 to, for services rendered as clerk to committee of judiciary, house of assembly, session of 1887..... 39

Page.
Schmelz, Joseph—member from Essex county..... 6
School, Rutgers Scientific—supplement to act appropriating scrip for public lands granted to the state of New Jersey by act of congress..... 129
districts—act for the condemnation of lands which any, has purchased or may hereafter purchase, and upon which school district has built or may hereafter build a school-house, &c..... 41
act for the promotion of industrial education... 150
act for the promotion of manual training..... 51
act regulating the number of school trustees to be elected in the respective, &c..... 255
act to authorize the purchase or acquirement of lands for school purposes, &c..... 93
supplement to act to establish a system of public instruction.....91, 128, 177, 255, 288, 472
for boys, state reform—act relative to the..... 99
deaf mutes—act for the support and improvement of the New Jersey..... 348
girls (industrial)—act providing for the support of the state..... 83
act to provide for the reformation of wayward girls..... 345
juvenile offenders, state reform—act to amend first section of act to establish, &c..... 383
supplement to act to establish and organize the..... 205
School houses—act to amend act for building, in townships..... 93
act to authorize the purchase or acquirement of lands for school purposes, and the construction of..... 93
tax—act to amend act to establish a system of public instruction..... 177
trustees—act for the promotion of manual training..... 51
act regulating the number of, to be elected in the respective school districts..... 255
supplement to act to establish a system of public instruction..... 91
Schools for manual training—act for the promotion of..... 51
promotion of industrial education—act to amend act for the..... 150
public—supplement to act to establish a system of public instruction..... 258
Scrip for public lands—supplement to act appropriating, granted to the state of New Jersey by the act of congress of July 2, 1862..... 129
Scroll or other device by way of seals on sealed instruments—act validating certain instruments and authorizing, 256
Sea Girt, tract of land at—act to take for public use, on the Atlantic coast, &c..... 66
supplement to act to provide for the purchase of, on the Atlantic coast, &c., 16

Page.
Sealed instruments—act validating certain instruments, and authorizing scroll or other device by way of seals on sealed instruments..... 256
Seals on sealed instruments—act validating instruments, and authorizing scroll or other device by way of..... 256
Seaside resorts—supplement to act for the formation of borough governments in.....108, 194, 197, 246, 363
supplement to act to provide for licensing boats, hacks and other vehicles, hucksters and peddlers by incorporated camp meeting associations or, and to prescribe penalties for violation of ordinances, &c 215
Security of life and limb in cases of fire in hotels and other buildings—supplement to act to provide for the better, 192
Sergeant-at-arms of the senate—act to authorize the payment of $150 to John W. Simmons, late.. 187
Settlement and relief of the poor—act to amend act for the relief and the.....35, 411
Sewage and drainage in densely-populated townships—supplement to act to provide for the.....23, 184
Sewerage—supplement to act providing for, in and by adjoining cities, towns and townships..... 78
supplement to act providing for, in and from certain towns in this state..... 109
Sewers—act authorizing towns and townships to construct, over or across adjoining municipalities..... 186
act concerning the construction, care and improvement of public ways, parks and, in certain cities, and assessments for the same..... 29
a general act in relation to assessments for roads, streets and, where the same have been or shall be set aside or reversed by any court only as to the prosecutor or prosecutors of any writ of certiorari, and providing for a re-assessment, &c..... 370
act to authorize incorporated towns to construct drains, and to provide for the payment of the cost thereof..... 428
supplement to act to enable cities to build main, in certain districts, and to acquire private lands for that purpose..... .....260, 378
supplement to act to provide for the assessment and payment of the costs and expenses incurred in constructing, and making other improvements in townships and villages..... 209
Sheep—supplement to act for the preservation of..... 386
Sheriffs—supplement to act concerning..... 248
Shipwrecked mariners—joint resolution to congress asking the appropriation of funds to defray the expenses of an international congress to provide for a uniform system of saving the lives of..... 552
Shooting of English hare—act to prevent the hunting, trapping or, for three years..... 213

Page.
Shooting of game birds and animals—act to divide the counties of this state into two game sections, and to fix the time for..... 368
Short, E. Frank—member from Hudson county..... 6
Shrewsbury (North) river—act to authorize the building of a bridge over or across the..... 582
Simmons, John W.—act to authorize the payment of $150 to, late sergeant-at-arms of the senate..... 187
Sinking fund commissioners—act to amend act appointing, and defining their duties..... 291
Sites for the erection of armories in cities, &c.—act to provide for the purchase of, &c.....44, 233
Smalley, Isaac M.—member from Cumberland county..... 6
Smith, Adam Clark—member from Camden county..... 6
Smith's or Windmill island—joint resolution requesting congress to make an appropriation for the removal of..... 553
Social societies or clubs for intellectual and recreative purposes—act to amend act to incorporate..... 360
Societies for the promotion of learning—act to amend act to incorporate..... 48
or clubs for social, intellectual and recreative purposes—act to amend act to incorporate..... 360
religious—act to repeal supplement to act to incorporate trustees of..... 154
Soldiers, home for disabled—supplement to act to provide for the organization of the.....107, 134
honorably discharged union—act in regard to..... 135
Solicitors of boards of chosen freeholders of counties of the second class—supplement to act to incorporate boards of chosen freeholders, &c..... 464
Squares—act to enable cities to purchase lands for public parks or, and improve the same, and to issue bonds, &c..... 33
act to encourage the formation of associations for the improvement of public grounds in any city, town, township or borough..... 468
State agricultural college—supplement to act appropriating scrip for public lands, &c..... 129
experiment station—act to provide for the construction of a state laboratory for the..... 461
supplement to act appropriating scrip for public lands, &c..... 129
asylum for the insane—joint resolution concerning a committee to inquire into the management of the, at Morristown, N. J., 561
supplement to act to provide additional accommodation for the insane..... 202
board of health—act to secure the certification of marriages, births and deaths, &c..... 52

Page.

State board of health—supplement to act to establish in this state boards of health and a bureau of vital statistics and to define their respective powers.....89, 103
boundary monuments and marks—act to provide for the preservation and protection of..... 205
bureau of vital statistics—act to secure the certification of marriages, births and deaths, &c..... 52
comptroller—act fixing the compensation of certain public officers of the state..... 102
county, township and other public officers—act providing for the digesting tabulating and arranging under proper heads all the fees and salaries of, &c..... 446
geological survey—supplement to act to complete..... 153
supplement to act to provide for the drainage of lands..... 206
house—act to provide for addition to assembly chamber and clerk's room..... 185
industrial school for girls—act providing for the support of the..... 83
act to provide for the reformation of wayward girls..... 345
industries—supplement to act to estabablish a bureau of statistics upon the subject of labor, &c..... 19
laboratory—act to provide for the construction of a, for the state agricultural experiment station..... 461
librarian—act to amend supplement to act fixing compensation of certain public officers.....20, 360
library—supplement to act to regulate the..... 127
lunatic asylum—supplement to act to provide for the organization of the, and the care of the insane, 204
monuments at Gettysburg—act to authorize the governor to detail national guard to act as escort, &c., of the dedication of the..... 148
officers—act providing for the digesting, tabulating and arranging under proper heads all the fees and salaries of, county, township and other public officers..... 446
prison—act to provide for certain improvements in the..... 410
supplement to act for the government and regulation of the..... 197
reform school for boys—act relative to the..... 99
juvenile offenders—act to amend first section of supplement to act to establish... 383

Page.
State reform school for juvenile offenders—supplement to act to establish and organize the.... 205
school for deaf mutes—act for the support and improvement of the..... 348
fund—supplement to act to establish a system of public instruction..... 288
tax—act to amend act to establish a system of public instruction..... 177
sinking fund—act to amend act appointing commissioners of, &c..... 291
taxes upon certain corporations and for the collection thereof—supplement to act for the imposition of, 118
treasurer—act fixing the compensation of certain public officers of this state..... 102
supplement to act in relation to the distribution of laws and other documents.....49, 373
Staten Island sound—joint resolution authorizing the appointment of a commission to locate and mark out the boundary line between the states of New York and New Jersey in, &c..... 551
supplement to act to protect the navigable waters of Arthur Kill, Kill Von Kull, Newark bay and..... 40
State of New Jersey—act granting consent of the, to the purchase by the United States of certain lands for the purpose of erecting public buildings in the city of Newark and city of Camden, 244
an act to ratify and confirm an agreement made between the commissioners appointed by the governors of the states of New York and New Jersey to locate and mark out by proper buoys the boundary line between the two states in lands under water of Raritan bay..... 85
joint resolution authorizing the appointment of a commission to locate and mark out the boundary line between the states of New York and, in the Hudson river, New York bay, &c..... 551
supplement to act appropriating scrip for public lands granted to the, by act of congress..... 129
supplement to act for the better preservation of the early records of..... 252
supplement to act to ascertain the rights of the, and of the riparian owners to lands lying under the waters of the bay of New York and elsewhere.....140, 292, 437
supplement to act to regulate the acquiring of lands for exclusive public uses by the, 73

Page.
State of New York—act to ratify and confirm an agreement between the commissioners appointed by the governors of New Jersey and New York to locate and mark out by proper buoys the boundary lines between the two states in lands under water of Raritan bay, 85
joint resolution authorizing the appointment of a commiss on to locate and mark out the boundary lines between the states of New Jersey and, in Hudson river, Kill Von Kull, &c..... 551
Statistics—act to secure the certification of marriages, births and deaths, &c..... 52
supplement to act to establish a bureau of, upon the subject of labor..... 19
supplement to act to establish boards of health and a bureau of vital.....89, 103
supplement to act to regulate fees..... 385
Street car railroad companies—supplement to act to enable, or horse car railroad companies to provide better acco nmodations to the public by using the cable system for motive power on elevated railroads..... 388
improvements—act to authorize and empower commissioners of assessments in cities to assess for damages on..... 471
a general act for the assessment of the costs and expenses of, that lie between or run through two or more municipalities..... 381
lamp districts—act to authorize the division of townships into, and the erection and maintaining of street lamps in said districts..... 355
railway compar ies—act to amend act to provide for the incorporation of, and to regulate the same..... 541
railways—act to extend time for building and putting in operation certain, incorporated under act for the incorporation of street railway companies, approved April 6th, 1886..... 380
Streets—act authorizing towns and townships to construct sewers over or across, in adjoining municipalities..... 186
act authorizir g towns and townships to extend roads or, over and into adjoining municipalities..... 457
act authorizing towns to change the width of, in certain cases..... 25
act relating to roads and, in townships, and authorizing the inhabitants of townships to place all roads and, within the township under the management of the township committee, and to raise money by bonds for grading, macadamizing and improving the same 240
act to authorize the paving of, in boroughs and incorporated towns, and to provide for the payment thereof... 340

Page.
Streets—act to provide for vacating dedicated roads, alleys and... 178
act to vacate highways, public places and, laid out on lands required for the uses of the United States..... 356
a general act in relation to assessments for roads, sewers or, where the same have been or shall be set aside or reversed by any court only as to the prosecutor or prosecutors of any writ of certiorari, and providing for a re-assessment, &c..... 370
Supreme court—act for the preservation of the early records of the..... 440
justices of the—supplement to act respecting the compensation of the chancellor and the..... 329
Surrogates—supplement to act respecting the orphans' court and relating to the powers and duties of the ordinary and the orphans' courts and.....104, 220, 375, 423
Survey, geological, of the state—supplement to act to complete the..... 153
Surveyors of highways—act authorizing the common council or other governing body of any city to abolish the office of..... 72
System of public instruction—act to amend act to establish a..... 177
supplement to act to establish a..... 91, 128, 255, 288, 472

T.

Taxation of personal tangible property used in connection with any business or employment—act respecting the... 119
railroad and canal property—act to revise and amend act for the.....269, 376
Taxes—act in relation to assessments and, in cities..... 267
act respecting the taxation of personal tangible property used in connection with any business or employment... 119
act to amend supplement to act concerning..... 21
supplement to act concerning..... 479
act to authorize cities to change the time fixed for the payment of..... 371
act to authorize the township committees of townships to borrow money in anticipation of the collection of..... 139
supplement to act concerning, making the same a first lien on real estate, and to authorize sales for the payment of the same.....372, 482
supplement to act for the imposition of state, upon certain corporations, and for the collection thereof..... 118
and assessments—act concerning, in villages and other municipal corporations governed by a board of trustees, and making same a first lien on real estate, and authorizing sale for the payment of the same... 97
act in relation to, in cities..... 267
act relating to the sale of lands for unpaid, and proceedings in reference thereto..... 179

Page.
Taxes, assessments and water rents in cities—supplement to act concerning the settlement and collection of arrearages of unpaid, and imposing and levying a tax assessment and lien in lieu of, &c..... 529
upon certain corporations, and for the collection thereof—supplement to act for the imposition of state..... 118
Telegraph companies—act to amend act to incorporate and regulate..... 546
Telephone companies—act to amend act to incorporate and regulate telegraph companies..... 546
Tenants in common—supplement to act for the more easy partition of lands held by coparceners, joint tenants and.....81, 298
supplement to act concerning landlords and..... 462
supplement to act regulating lettings, in case where no definite term is fixed..... 426
Thanksgiving—proclamation by the governor..... 566
Thompson, Lewis A.—senator from Somerset county..... 5
Time for the completion of railroads whose charters expire during 1888—act to extend..... 16
Titles of corporations—act relative to the..... 152
lands or real estate—act in relation to certain sales of lands, tenements, hereditaments or, made under the order of and confirmed by any court..... 538
supplement to act to provide for the filing of a lis pendens in actions at law or equity, &c..... 299
to lands upon which school houses are built, &c.—act for the condemnation of lands, &c..... 41
Town meetings—act concerning..... 290
of Freehold—supplement to act for the improvement of the..... 571
Towns—act authorizing certain townships and, to extend streets or roads over and into adjoining municipalities..... 457
act authorizing, to change the width of streets in certain cases..... 25
act authorizing townships and, in certain cases, to construct sewers in, over or across the streets of adjoining municipalities..... 186
act authorizing townships and, which have heretofore voted an appropriation for public buildings, to raise the amount of such appropriation by the issue and sale of the bonds of..... 460
act concerning cities, boroughs and..... 213
act concerning consolidated cities and annexed municipalities and townships and portions thereof..... 330
act concerning roads..... 364
act concerning town meetings..... 290

Page.
Towns—act providing for the formation and government of..... 483
act regulating appeals from special assessments in, governed by a board of commissioners, where an appeal has been heretofore given to three chosen freeholders, 181
act to amend act to encourage the establishment of public libraries in any municipality, and to provide for taking care of and perpetuating the same..... 82
act to authorize any of the municipal corporations of this state to contract for a supply of water therefor, &c..... 366
act to authorize incorporated, to construct sewers and drains, and to provide for the payment of the cost thereof..... 428
act to authorize the boards of councilmen of incorporated, to license, regulate and prohibit the sale of malt, spiritous, vinous or other liquor..... 225
act to enable boards of commissioners and improvement commissions in, villages or townships to employ police and to fix the compensation of the same..... 133
act to enable certain municipal corporations to raise increased sums of money for public purposes..... 95
act to encourage the formation of associations for the improvement of public grounds in cities, townships, boroughs and, in this state..... 468
act to increase the powers of boards of commissioners... 83
act to provide for the paving of streets in incorporated boroughs, and to provide for the payment thereof..... 340
act to provide for the purchase or erection of armories for the national guard in incorporated..... 44
act to provide for vacating dedicated streets, roads and alleys in..... 178
a general act for the assessment of costs and expenses of street improvements, &c..... 381
supplement to act for the construction, maintenance and operation of water works, for the purpose of supplying cities, villages and, with water..... 180
supplement to act providing for sewerage in and from certain..... 109
supplement to act respecting the cutting of ice, &c., extended to..... 160
Towns and townships—act authorizing certain, to extend streets or roads over and into adjoining municipalities..... 457
act authorizing, in certain cases to construct sewers in, over or across the streets of adjoining municipalities..... 186
act authorizing, which have heretofore voted an appropropriation for public buildings to raise the amount of such appropriation by the issue and sale of the bonds of such..... 460
act to enable certain municipal corporations to raise increased sums of money for public purposes..... 95
supplement to act providing for sewerage in and by adjoining cities..... 78

Page.

Township committees—act relating to roads and streets in townships, and authorizing the inhabitants of townships to place all roads and streets within the township under the management of, and raise money by bonds for grading, macadamizing and improving the same ... 240
act to authorize the, of townships to borrow money in anticipation of the collection of taxes ... 139
act to authorize the, of townships to raise money for certain purposes ... 435
supplement to act to prevent the burning of woods, marshes and meadows ... 245
supplement to act to provide for licensing of hacks and other vehicles by the, of the several townships and for the government of the same ... 131
officers—act providing for the digesting, tabulating and arranging under proper heads all the fees and salaries allowed by law to state, county and other public officers, &c ... 446
supplement to act concerning ... 176
of Deerfield—act to set off a portion of the city of Bridgeton into ... 575
Englewood—act to change the number and boundaries of the road districts in the ... 573
Fairfield—act to set off a portion of the city of Bridgeton into ... 575
Hackensack—supplement to act concerning roads in the ... 579
Millham—act to consolidate, with the city of Trenton, &c ... 585
Palisade—supplement to act concerning roads in, repealed ... 148
Ridgefield—supplement to act concerning roads in township of Hackensack ... 579
Townships—act authorizing certain towns and, to extend streets or roads over and into adjoining municipalities ... 457
act authorizing cities to purchase land and erect buildings for fire department purposes within the limits of, heretofore annexed to cities, &c ... 26
act authorizing the inhabitants of, to purchase lands and erect buildings thereon, or to purchase land with a building erected thereon, for the use of the fire department of such township and such other purposes as the township committee may designate, 456
act authorizing towns and, in certain cases to construct sewers in, over or across streets of adjoining municipalities ... 186
act authorizing towns and, which have heretofore voted an appropriation for public buildings to raise the amount of such appropriation by the issue and sale of the bonds of such ... 460

Page.
Townships—act concerning consolidated cities and annexed municipalities and, and portions thereof 330
act concerning roads..... 364
supplement to act concerning roads..... 384
act concerning roads in, having a public road board.. 147
act concerning town meetings..... 290
act providing for the formation and government of towns..... 483
act relating to roads and streets in, and authorizing the inhabitants of, to place all roads and streets within, under the management of the township committee, and to raise money by bonds for grading, macadamizing and improving the same..... 240
act to amend act for building school-houses in..... 93
act to amend act to provide for the election of road overseers in their respective districts..... 110
act to authorize any of the municipal corporations of this state to contract for a supply of water, &c..... 366
act to authorize incorporated, to establish and maintain fire departments for protection of life and limb against fire..... 293
act to authorize the division of, into street lamp districts and the erection and maintaining of street lamps in said districts..... 355
act to authorize the township committees of, to borrow money in anticipation of the collection of taxes..... 139
act to authorize the township committees of, to raise money for certain purposes..... 435
act to enable boards of commissioners and improvement commissions in towns, villages and, to employ police and to fix the compensation for the same..... 133
act to encourage the formation of associations for the improvement of public grounds in cities, towns, boroughs and, in this state..... 468
act to provide for the annexation of additional township territory to boroughs incorporated under act for the formation of borough governments..... 261
act to provide for vacating dedicated streets, roads and alleys..... 178
a general act for the assessment of costs and expenses of street improvements, &c..... 381
supplement to act concerning roads.....384, 419, 421, 475
supplement to act concerning township officers..... 176
supplement to act for the formation of borough governments..... 50
supplement to act providing for sewerage in and by adjoining cities, towns and..... 78
supplement to act respecting the cutting of ice, &c., extended to..... 160
supplement to act to prevent the burning of woods, marshes and meadows..... 245

Page.
Townships—supplement to act to provide for drainage and sewage in densely-populated, in which there is a public water supply.. .....23, 184
supplement to act to provide for drainage where the same is necessary to the public health..... 465
supplement to act to provide for licensing of hacks and other vehicles by the township committees of the several, and for the better government of the same.. 131
supplement to act to provide for the assessment and payment of the costs and expenses incurred in constructing sewers and making other improvements in villages and..... 209
Tract of land on the Atlantic coast, &c.—act to take for public use a..... 66
supplement to act to provide for the purchase of a..... 16
Training, manual—act for the promotion of..... 51
Tramways—supplement to act to authorize the formation of railroad corporations, &c..... 345
Trapping of English hare—act to prevent the hunting, shooting or, for three years..... 213
Trees, planting of—proclamation by the governor..... 568
Trenton, city of—act to consolidate with the borough of Chambersburg and township of Millham..... 585
Tricycles and bicycles—act in relation to the use of..... 201
Trimmer, Lawrence H.—member from Hunterdon county..... 7
Trust companies—supplement to act for the incorporation of safe deposit and.....19, 164
Trustees for the support of public schools—supplement to act to establish a system of public instruction..... 288
of religious societies—act to repeal supplement to act to incorporate..... 154
Rutgers college of New Jersey—supplement to act appropriating scrip for public lands granted to the state of New Jersey by act of congress, &c., 129

U.

Ulrich, John—member from Union county..... 7
Unclaimed deposits in savings banks—act concerning..... 417
Union county—act to enable the board of chosen freeholders in, to build a bridge over Elizabeth river, in the city of Elizabeth..... 573
United States—act granting consent of the state of New Jersey to the purchase by, of certain lands for the purpose of erecting public buildings in the city of Newark, county of Essex, and in the city of Camden, county of Camden..... 244

Page.
United States—act to vacate streets, highways and public places laid out on lands required for the uses of the.... 356
joint resolution in reference to the closing of the first one hundred years of constitutional government of the..... 554
joint resolution to congress urging the enactment of a law providing for the relief of persons who lose their lives or become disabled in the life saving service of the..... 558
joint resolution to equalize the right of fishing in the navigable waters of, which border on any state or territory..... 557
Unpaid taxes and assessments—act relating to the sale of lands for, and proceedings in reference thereto..... 179
Unpaid taxes, assessments and water rents in cities—supplement to act concerning the settlement and collection of arrearages of, and imposing and levying a tax, assessment and lien in lieu of, &c..... 529

V.

Vacating dedicated streets, roads and alleys—act to provide for... 178
streets, highways and public places laid out on lands required for the use of the United States—act to, 356
Validating certain instruments and authorizing scroll or other device by way of seals on sealed instruments—an act..... 256
Vehicles—supplement to act to provide for licensing hacks and other, by township committees, &c..... 131
supplement to act to provide for licensing hacks and other, by camp meeting associations, seaside resorts, &c..... 215
Vice-ordinary or vice-surrogate general—act to facilitate proceedings in the prerogative court..... 22
Villages—act concerning taxes and assessments in, and other municipal corporations governed by a board of trustees, and making same a first lien on real estate, and authorizing sale for the payment of the same..... 97

Page.
Villages—act to enable boards of commissioners and improvement commissions in towns, townships and, to employ police and to fix the compensation for the same 133
supplement to act for the construction, maintenance and operation of water works, for the purpose of supplying cities, towns and, with water..... 180
supplement to act to provide for the assessment of and payment of the costs and expenses incurred in constructing sewers and making other improvements in townships and..... 209
Vinegar—act in relation to the manufacture and sale of..... 349
Vital statistics—act to secure the certification of marriages, births and deaths, &c..... 52
supplement to act to establish boards of health and a bureau of.....89, 103
supplement to act to regulate fees, &c..... 385
Voorhees, Foster M.—member from Union county..... 7

W.

Wages to workmen—act to amend section four of act to secure the payment of, in lawful money..... 174
Wards in cities—act to amend act concerning division of, in cities 116
Water—act to authorize any of the municipal corporations of this state to contract for a supply or a further or other supply of..... 366
supplement to act for the construction, maintenance and operation of water works for the purpose of supplying cities, towns and villages with..... 180
rates or rents in cities—supplement to act concerning the settlement of arrearages of unpaid taxes, assessments and, and imposing and levying a tax assessment and lien in lieu of, &c., 529
supply in cities—act in relation to the powers of aqueduct boards having the control of the, to issue bonds or borrow money on the credit of the cities, &c..... 257
supplement to act..... 367
works—supplement to act for the construction, maintenance and operation of, for the purpose of supplying cities, towns and villages with water..... 180
Waters of the Arthur Kill, Kill Von Kull and Staten Island sound, &c.—supplement to act to protect..... 40
United States—joint resolution to equalize the right of fishing in the, which border on any state or territory..... 557

Page.

Waters of the bay of New York and elsewhere—supplement to act to ascertain the rights of the state and the riparian owners to lands lying under the.... 140, 292, 437
Wayward girls—act to provide for the reformation of..... 345
Werts, George T.—senator from Morris county..... 5
West, James—member from Gloucester county..... 6
Wharves and piers—act to authorize cities to purchase lands for the erection of, and to construct public docks, and to purchase and improve rights of way leading thereto, &c..... 447
Width of streets—act authorizing towns to change the, in certain cases..... 25
Windmill island—joint resolution requesting congress to make an appropriation for the removal of Smith's or, from the Delaware river..... 553
Women, home for feeble-minded—act to provide for the establishment of a..... 267
married—supplement to act for the better securing of the property of, living in a state of separation from their husbands..... 266
Woods, marshes and meadows—supplement to act to prevent the burning of..... 245
Work-houses—act respecting the confinement of persons under the age of sixteen years detained in the jails, penitentiaries and other places of confinement in the several counties..... 188
Workmen—act to amend section four of act to secure to, the payment of wages in lawful money..... 174
Writs of error—supplement to act to provide for the filing of a lis pendens in actions relating to or affecting the possession or title of lands or real estate..... 299
Wyckoff, Martin—senator from Warren county..... 7