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LAWS—NEW JERSEY

1897.

ACTS

OF THE

One Hundred and Twenty-first Legislature

OF THE

STATE OF NEW JERSEY,

AND

Fifty-third Under the New Constitution.



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1897.

New Jersey State Library

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

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

HENRY C. KELSEY,
Secretary of State.

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OF THE
One Hundred and Twenty-first Legislature
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LAWS

ACTS

PASSED BY THE

One Hundred and Twenty-first Legislature

CHAPTER 1.

An Act to amend "An act concerning corporations"
(Revision of one thousand eight hundred and
ninety-six), approved April twenty-first, one thou-
sand eight hundred and ninety-six.

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

1. That there be added to the act to which this is
amendatory a new section to be known as section one
hundred and nineteen, as follows :

119. Any corporation, created by special charter, or
under a general law, for any objects which are allowed
by this act, may extend its corporate existence in the
manner prescribed in the twenty seventh section of this
act; *provided*, that if such corporation possesses fran-
chises, powers, privileges, immunities or advantages
which could not be obtained under this act, such exten-
sion shall not continue, renew or extend such franchises,
powers, privileges, immunities or advantages, but the
filing of the certificate of extension shall operate as a

Corporations
may extend cor-
porate existence.

Proviso.

waiver and abandonment of such franchises, powers, privileges and advantages.

2. This act shall take effect immediately.

Approved February 2, 1897.

JOHN W. GRIGGS,
Governor.

ROBERT WILLIAMS,
President of the Senate.

GEORGE W. MACPHERSON,
Speaker of the House of Assembly.

CHAPTER 2.

A Further Supplement to an act entitled "An act to prescribe the notice to be given of applications to the legislature for the laws, when notice is required by the constitution," approved January twenty-sixth, one thousand eight hundred and seventy-six.

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

Notice of application to be published.

1. Whenever by the constitution notice of the intention to apply for the passage of any bill is required, such notice shall be published at least one week before the introduction of said bill, and after the first day of January next preceding such introduction, in at least one of the papers published in every county wherever said bill is, or is likely to take effect; such notice shall contain a correct statement of the general object of said bill, and shall be signed by at least one of the parties who intend to apply for the passage thereof.

Notices heretofore published deemed sufficient.

2. That for the passage of any bills for which application may be made to the legislature now sitting, notices published before this act takes effect, in accordance with existing statutes, or notices published in accordance with the provisions of this act, shall be deemed sufficient notices of such application.

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

Approved February 2, 1897.

CHAPTER 3.

A Further Supplement to an act entitled "A further supplement to an act entitled 'An act concerning taxes,'" approved April fourteenth, one thousand eight hundred and forty-six, which said further supplement was approved April eleventh, one thousand eight hundred and sixty-six.

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

1. Whenever any borough or other taxing district in this state, whether legally incorporated or not, has refused or neglected, or shall hereafter refuse or neglect, to pay to the county collector of the county within which such borough or taxing district is situate, the state school tax or other tax due to the state, or the taxes due to the county, and such borough or other taxing district, or its officers, has become incapable of acting in the premises, or of being sued, by reason of such borough or taxing district having been ousted of its franchises or adjudged to have been illegally incorporated, it shall be the duty of the assessor and collector of the township from which the said borough or taxing district was originally carved or set off to assess, levy and collect all such taxes due from such borough or taxing district, together with lawful interest thereon, to be computed from the time when the same were due and payable, in the manner provided in the act to which this is a supplement, to wit, said supplement of April eleventh, one thousand eight hundred and sixty-six, and to pay over the same as by law they would be required to do if they had assessed, levied and collected such taxes under the said act of April eleventh, one thousand eight hundred and sixty-six.

Taxes; how
assessed and
collected.

County collector
to give notice to
assessor.

2. It shall be the duty of such township assessor, within thirty days after written notice from the county collector of the amount of taxes and interest due and unpaid from such borough or taxing district, to assess and levy upon the taxable property of such former borough or taxing district the taxes due and unpaid, with interest as aforesaid; and in giving such notice the county collector shall state the amount of taxes due and in arrears and interest, and such statement and notice shall be a sufficient warrant to the assessor in assessing the same.

Duties of
assessor.

3. The said assessor, upon receiving such notice, shall proceed immediately to make such assessment, and as soon as the same is completed shall turn over his duplicate to the collector of said township; and such assessor shall be entitled to the same rate of compensation for assessing such taxes as he is now entitled to receive under the said act of April eleventh, one thousand eight hundred and sixty-six, or any act which amends or changes the provisions thereof.

Duties of
collector.

4. The collector of said township shall, within two days after receiving the said duplicate, notify the commissioners of appeal of such township that the duplicate has been delivered to him, whereupon it shall be the duty of said commissioners of appeal, within ten days and upon giving not less than five days' notice of a time and place to be by them appointed, to hear all complaints relating to such assessment, and to correct and amend such assessment as fully and effectually as they are now empowered to correct assessments by said act of April eleventh, one thousand eight hundred and sixty-six, or any act which amends or changes the provisions thereof; and such commissioners of appeal shall be entitled to the same compensation for such service as they are now entitled to receive under said act of April eleventh, one thousand eight hundred and sixty-six, or any act which amends or changes said act.

Collector to
collect taxes.

5. It shall be the duty of the collector of such township to proceed, within two days after the meeting of said commissioners of appeal, to collect the taxes assessed and levied by the assessor under this act; and in making such collections the said collector is

hereby vested with all the powers conferred upon him for that purpose by any act of the legislature ; and such collector shall be entitled to the same rate of compensation for collecting such taxes as he is now entitled to receive under any act of the legislature.

6. It shall be the duty of the county collector of any county in which is located a borough or taxing district, such as is described in the first section of this act, to pay over to the state treasurer out of any money that may be in his hands belonging to the county and unappropriated, the amount of taxes due the state from said county, whether the full amount of the tax has been collected or not.

County collector
to pay over
moneys to
state treasurer.

7. The board of chosen freeholders of any such county shall have power to borrow the amount of any such taxes due the state, in anticipation of the collection of said taxes, upon such terms as they deem proper, and issue proper obligations therefor, signed and executed as bonds of said county are signed and executed, and pay said taxes to the state immediately.

Board of free-
holders author-
ized to borrow
money and issue
obligations.

8. This act shall take effect immediately.

Approved February 16, 1897.

CHAPTER 4.

An Act to provide for the division of municipalities governed by boards of commissioners, or improvement commissions, into wards, and to regulate the election of commissioners therein.

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

1. It shall be lawful for the governing body of any municipality governed by a board of commissioners, or improvement commission, within any township in this state, containing more than seven thousand inhabitants, and not already divided into wards, by resolution, to

Certain "municipalities may be divided into wards.

divide said municipality into five wards, which resolution shall define the boundaries of each ward, and shall designate such wards by names or numbers, and a copy of which resolution, duly certified, shall be filed with the clerk of the county wherein such municipality is situated.

Each ward to elect a commissioner.

Proviso.

2. From and after such division into wards, the legal voters of each ward shall elect one commissioner, who shall serve for the term provided in the act incorporating such board of commissioners; *provided*, that any commissioner holding office at the time of such division shall hold office for the full term for which he was elected, unless there shall happen to be more than one commissioner residing in the same ward, whose terms shall not expire at the election following such division, in which case the office of all of the commissioners residing in said ward shall be vacated at the first election thereafter, and one commissioner elected.

Elections: by whom and how held.

3. All elections in any such municipality whose territorial limits are co-extensive with those of the township in which such municipality is situated, shall be held in the same manner and by the same officials and at the same time as township elections are or may be conducted, and the name of the person to be voted for as commissioner and the amount of appropriations to be voted at any commission election, shall be placed on the ticket used for the township election, and the result of such election shall be canvassed and declared in the same manner as the result of township elections is canvassed and declared.

Wards established not to be changed oftener than once in five years.

4. That until subdivided into election districts as authorized by law, each ward shall constitute one election district; the boundaries of the wards so established shall not be changed or readjusted oftener than once in five years without the unanimous vote of all the members of the board of commissioners.

5. This act shall take effect immediately.

Approved February 16, 1897.

CHAPTER 5.

A Further Supplement to an act entitled "An act for the formation and government of villages," approved February twenty-third, one thousand eight hundred and ninety-one.

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

1. The annual election in villages whose territorial limits are co-extensive with those of the township in which such village is situate shall be held on the same day, and by the same election officers, and in the same manner as elections for township officers are or may be directed by law to be held, and the names of the persons to be voted for as village trustees and the amount of any appropriation to be voted for, pursuant to the act incorporating such village, shall be placed on the ticket used for the township election; and the term of office of the trustees so elected shall begin on the first Tuesday next ensuing such election. The board of trustees shall hold an annual meeting on the next Tuesday after the annual election in each year and such other meetings as they shall by ordinance direct and appoint.

Elections; how and by whom held.

When term of office of trustees to begin.

Annual meeting

2. This act shall take effect immediately.

Approved February 16, 1897.

CHAPTER 6.

An Act concerning assessments for local improvements in cities of the first class, and providing for the appointment of a suitable person or persons in the place and stead of any commissioner or commissioners appointed to make such assessments who may own or be interested in real estate affected by such improvements or liable to be assessed therefor.

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

Circuit court to
appoint persons
in place of com-
missioners
interested in
improvements.

Commissioners
appointed to be
freeholders.

To take oath.

1. Whenever one or more of the commissioners who may now or who may hereafter be appointed to make all assessments of damages and benefits caused by any local improvement made or to be made in any city of the first class in this state shall be the legal or equitable owner of, or of any estate or interest in, any land which shall be liable to assessment for peculiar benefits conferred thereon by any such local improvement, or which may be damaged thereby, the circuit court of the county in which such improvement shall be made shall, on application in behalf of such city, appoint some suitable person or persons in the place and stead of the commissioner or commissioners having any such estate or interest in land which may be affected as aforesaid by the said improvement, and by the assessment of damages or benefits to be made therefor, to make such assessment; the commissioners to be appointed under this act shall be freeholders and residents of the city in and for which they shall be appointed; before entering upon the duties of the office they shall take and subscribe an oath faithfully and impartially to discharge the duties imposed upon them according to the best of their skill and ability, which shall be filed in the office of the clerk of the said city; in making such assessments they shall be governed in all respects by the laws now or hereafter

in force relating to and regulating the making of assessments for local improvements in such city; and they shall receive such compensation for their services as may be allowed by the said court, to be paid by such city out of its collections from assessments for local improvements made therein. Compensation.

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

Approved February 16, 1897.

CHAPTER 7.

An Act to enable religious societies owning or controlling church-yards or burying-grounds to receive and hold property upon trust, for the improvement and preservation of such grounds and erections thereon.

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

1. Any religious society incorporated or organized under any law of this state, owning or controlling burying-grounds, may take and hold any property, real or personal, bequeathed or given upon trust, to apply the income thereof for the improvement or embellishment of such burying-grounds or the erection or preservation of any vault, building, structure, fences or walks erected or to be erected upon such burying-grounds or upon the lot or plat of any of the proprietors therein or adjoining thereto, or for the repair, preservation, erection or renewal of any vault, tomb, monument, gravestone, fence, railing or other erection in or around any lot or plat in such burying-grounds or adjoining thereto, or for planting and cultivating trees, shrubs, flowers or plants in or around any such lot or plat, or for improving or embellishing such burying-grounds or any of the

May hold property and apply income for improvements.

lots or plats therein or adjoining thereto, in any other manner or form, according to the terms of such grant, devise or bequest, and may also covenant with the devisee, legatee or legal representative of any testator to receive and hold any gift or bequest heretofore made or hereafter to be made to any such society in trust for any of the purposes aforesaid, as directed in the will of such testator.

2. This act shall take effect immediately.

Approved February 23, 1897.

CHAPTER 8.

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

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

Managers may
sign petition or
application for
improvement
of road

1. Whenever any public road is sought to be improved under the provisions of the act to which this is a supplement, upon which road any lands or real estate belonging to the state of New Jersey may front or border, the board of managers, or other body having the control and management of said lands and real estate belonging to the state, shall have full power and authority to sign, or cause to be signed, the petition or application mentioned in the eighth section of the act to which this is a supplement, and, for the purpose of signing said petition or application and authorizing the improvement of such road, said board of managers, or other body, shall be deemed and taken to be the owner of said lands and real estate, and shall be liable and required to pay out of any moneys that may come into their hands, not otherwise appropriated by law, any assessment for benefits that may be imposed under th

terms of the act to which this is a supplement, upon the lands under the control or management of said board of managers or other body.

2. This act shall take effect immediately.

Approved February 23, 1897.

CHAPTER 9.

A Further Supplement to an act entitled "An act to incorporate societies or clubs for social, intellectual and recreative purposes," approved March twenty-seventh, one thousand eight hundred and seventy-eight.

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

1. Any association of persons formed under the act to which this is a supplement, or which 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.

Associations
may issue stock.

2. 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 made and filed, in accordance with the provisions of the act to which this is a supplement, or in case the certificate is already filed, then an additional certificate shall be made and filed 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.

Certificate to
state issue of
stock.

Additional
certificate to be
filed.

3. This act shall take effect immediately.

Approved February 23, 1897.

CHAPTER 10.

An Act to authorize the boards of chosen freeholders of the several counties of this state to enter upon private lands for the purpose of removing obstructions from any stream or water-course or to change the course or channel of such stream or water-course, and to authorize the payment of the cost thereof.

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

Board authorized
to enter upon
lands and change
channel and
remove
obstructions.

1. It shall and may be lawful for the board of chosen freeholders in any of the counties of this state to enter upon private lands either above or below any bridge already built or to be built by any such board of chosen freeholders, which may cross any stream or water-course, for the purpose either of changing the channel of such stream or water-course, or to remove from such stream or water-course any obstructions which prevent the free flow of the water, or which have a tendency to change the course of the channel of such stream; *provided, always,* that they first obtain the written consent of the owner or owners of such private lands; *and provided further,* that the removing of such obstructions (or the changing of the channel of such stream), may be necessary either to prevent a change of the existing channel or to restore as near as may be such stream or water-course to the channel in which it was flowing at the time of the building of the bridge over such stream or water-course.

Proviso.

Proviso.

Board authorized
to pay expenses
of changing
channel or
removing
obstructions.

2. The said boards of chosen freeholders are hereby authorized and empowered to pay the expense of removing such obstructions, or changing the channel of said stream or streams, out of any moneys in their hands applicable to the erection, construction or repairing of any of the public bridges of said county.

3. This act shall take effect immediately.

Approved February 23, 1897.

CHAPTER 11.

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

Whereas, the class of corporations existing in this state relating to the business of stockyards or cattle markets, or both, have certain peculiar privileges and franchises incident to business of that kind, and which could not be obtained under the act to which this is a supplement; therefore,

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

1. If any such corporations shall, by virtue of the twenty-seventh section of said act to which this is a supplement, extend its corporate existence in the manner therein prescribed, such action shall not be a waiver or abandonment of the peculiar privileges and franchises above mentioned.

Privileges and franchises not waived by extension of corporate existence.

2. This act shall take effect immediately.

Approved February 23, 1897.

CHAPTER 12.

A Supplement to an act entitled "An act relative to the government and management of the insane asylums or hospitals owned by the state of New Jersey," approved March eleventh, one thousand eight hundred and ninety-three.

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

Board of managers may set apart portion of lands for school purposes.

1. That whenever the legal voters of any school district of this state, which said school district shall embrace the lands of the state of New Jersey upon which are located the state hospitals at Trenton and Morris Plains, shall, by vote according to law, determine that it is for the interests of the public that a public school be established on a part of the lands of the state at either of said hospitals, and upon the approval of such location by the board of managers of said hospitals, the said board of managers may set apart a portion of said state lands not required for hospital purposes, and not exceeding one acre in area at each of said hospitals, for public school purposes, and said board of managers are hereby authorized and empowered, on behalf of the state of New Jersey, to execute and deliver to the board of education, or body politic vested by law with the control and management of the public schools in the district in which said hospitals are respectively located, a deed or deeds of conveyance of said lands set apart as aforesaid, provided that said conveyances shall be made for public school purposes only and upon condition that, whenever a school shall cease to be maintained on said lands, the same shall revert to the state of New Jersey or its assigns.

2. This act shall take effect immediately.

Approved March 1, 1897.

CHAPTER 13.

A Further Supplement to an act entitled "An act to authorize cities to construct sewers and drains, and to provide for the payment of the cost thereof," approved March eighth, one thousand eight hundred and eighty-two.

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

1. Where any city has issued bonds under the act to which this is a further supplement, and it is found upon the maturity of such bonds that the receipts from assessments collected under the said act are insufficient for the payment of the whole amount of such bonds, it shall and may be lawful for such city to issue new bonds for the amount remaining unpaid; *provided*, such amount does not exceed the total amount of unpaid assessments due such city under the act to which this is a further supplement.

Cities authorized to issue new bonds

Proviso.

2. All the provisions of the act to which this is a further supplement, regulating the issue of bonds and the receipts from assessments, shall be applicable to such issue of new bonds, except that all receipts from such assessments shall be received for a sinking fund for the principal of such bonds until the sinking fund shall equal the amount of the principal of said bonds, and that there shall be raised annually in the tax levy of the city issuing such new bonds a sum sufficient to pay the annual interest upon the same.

Certain act applicable to issue of new bonds.

Sinking fund.

Interest to be raised annually.

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

Approved March 1, 1897.

CHAPTER 14.

An Act to incorporate the borough of Chatham, in the county of Morris.

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

Body corporate.

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

Limits.

2. The territorial limits of the said borough shall be as follows, to wit: Beginning at a point in the middle of the road leading from Union Hill to Afton, sometimes known as Brooklake road, distant thereon easterly twelve hundred feet from the intersection thereof with the centre of the main street on the line of the division between the borough of Madison and the village of Chatham; thence southeasterly in a straight line six thousand six hundred and fifty feet, more or less, to a point in the centre of Passaic river opposite the outlet of the tail-race from Parrot's grist-mill; thence up the centre of said river, following its meanderings, nine thousand two hundred feet, more or less, to the centre of the stone arch viaduct of the Morris and Essex railroad across said river near the Stanley mills; thence, still up the centre of said river, nine hundred and fifty feet, more or less, to a point two hundred and fifty feet above the tumbling-dam of said Stanley mills; thence northwestwardly in a straight line two thousand three hundred feet more or less to the centre of Fairmount avenue, at the intersection of the centre of Longwood avenue, as projected and opened through lands of the estate of William A. Martin, deceased; thence northwestwardly with the centre of said Longwood avenue one thousand feet; thence northeast-

wardly in a straight line three thousand six hundred and fifty feet more or less to the point of intersection of the centre lines of Watchung avenue and Lafayette avenue; thence northwardly in a straight line two thousand nine hundred feet more or less to the boundary of the borough of Madison, at the intersection of the centres of High street and the said Afton road, near the residence of William Carter, and thence northeastwardly with the boundaries of said borough and said Afton road two thousand three hundred and seventy-five feet more or less to the place of beginning.

3. This act shall take effect immediately.

Approved March 1, 1897.

CHAPTER 15.

An Act to enable the state of New Jersey to take part in the inaugural parade, at Washington, District of Columbia, on March fourth, one thousand eight hundred and ninety-seven.

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

1. The governor is hereby authorized and requested to send a suitable representation of the national guard of this state to participate in the military display on the occasion of the inauguration of the president of the United States; and the sum of seven thousand five hundred dollars is hereby appropriated for that purpose. Appropriation

2. This act shall take effect immediately.

Approved March 1, 1897.

CHAPTER 16.

An Act concerning term of officers of townships and villages in counties of second class.

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

Terms of office;
when to begin.

1. The term of office of all township and village officers who shall hereafter be elected in the several townships and villages in counties of the second class in this state shall begin on the Friday next after the annual town meeting or election at which such officers shall be chosen; and such officers shall continue in office until their successors shall be duly elected and qualified.

Term of office.

Repealer.

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

Approved March 1, 1897.

CHAPTER 17.

An act to repeal an act entitled "An act to amend an act entitled 'An act to provide for the division of incorporated towns, townships and boroughs into wards and to regulate representation therein,' " passed February fifteenth, one thousand eight hundred and eighty-six, approved March twenty-fifth, one thousand eight hundred and ninety-six.

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

Repealer.

1. The act mentioned in the title of this act, being chapter XCVIII of the session laws of one thousand eight hundred and ninety-six, page one hundred and forty-three, be and the same is hereby repealed.

2. This act shall take effect immediately.

Approved March 1, 1897.

CHAPTER 18.

A Further Supplement to an act entitled "A further supplement to an act entitled 'An act to regulate elections,' " approved April eighteenth, one thousand eight hundred and seventy-six, which supplement was approved May twenty-eighth, one thousand eight hundred and ninety.

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

1. Hereafter all official envelopes required by the act to which this is a further supplement, or by any other act, to be used in any election, shall be of plain blue paper, so as to be readily distinguishable from official ballots, and all such envelopes used in any one election district shall be of the same quality and kind of paper.

Color of official envelopes.

Approved March 9, 1897.

CHAPTER 19.

An Act to amend an act entitled "A further supplement to an act entitled 'An act to authorize cities in this state located on or near the ocean, and embracing within their limits or jurisdiction any beach or ocean front, to lay out and open streets and drives and construct public walk along and upon the beach or ocean front, to grade and otherwise improve the same, to provide the money necessary therefor, and to regulate the use thereof,' approved April sixth, one thousand eight hundred and eighty-nine," which act was approved February twenty-fifth, one thousand eight hundred and ninety-six.

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

Section to be amended.

1. Section one of the act entitled "A further supplement to an act entitled 'An act to authorize cities in this state located on or near the ocean, and embracing within their limits or jurisdiction any beach or ocean front, to lay out and open streets and drives and construct public walks along and upon the beach or ocean front, to grade and otherwise improve the same, to provide the money necessary therefor, and to regulate the use thereof,' approved April sixth, one thousand eight hundred and eighty-nine," which act was approved February twenty-fifth, one thousand eight hundred and ninety-six, be and the same is hereby amended to read as follows:

Bonds may be issued for construction of public walks.

1. Where any public walk or walks, street or streets have been or may be constructed or built under the authority of the act to which this is a further supplement, it shall be lawful for the common council or other governing body of said city to issue in the name of the said city, in the manner and way provided in section seven

of the act to which this is a further supplement, its bonds in amount not exceeding the sum of two hundred thousand dollars, to be designated "city improvement bonds," the proceeds of the sale of said bonds at not less than par to be used, under the direction of the common council or other governing body of said city, for the purpose of renewing, rebuilding, repairing, maintaining and providing conduits and wires for lighting said walk or walks, street or streets.

2. This act shall take effect immediately.

Approved March 9, 1897.

CHAPTER 20.

An Act to amend an act entitled "A supplement to an act entitled 'An act concerning roads (Revision),' " approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved March twenty-sixth, one thousand eight hundred and ninety-six.

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

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

1. In every county of the second class in this state wherein any stone-quarry or quarries and any stone-crusher or crushers operated in connection therewith are owned and worked by such county, it shall be lawful for and the duty of the board of chosen freeholders of every such county to furnish and supply therefrom, free of any cost and charge, towards the making, working, amending and repairing of the public roads and highways in the cities, towns and townships in said county, and roads and walks in public parks of such municipalities, whether the same be within or without the municipal limits of such municipality, excepting

Board of free-holders to furnish crushed or broken stone free of cost.

improved county roads, such quantity of crushed or broken stone, and of such size or sizes, as shall be requested by said city, town or township, and as hereinafter provided; *provided, nevertheless*, that the quantity to which all such cities, towns or townships shall be entitled, and which said board of chosen freeholders shall be required to furnish and deliver as aforesaid, shall not exceed a total of ten thousand tons annually, to be apportioned among the several cities, towns and townships in such counties, pro rata, based on the amount of county tax raised and actually paid to the collector of such county in any year.

2. Section two of the act to which this act is amendatory be amended to read as follows:

Board to furnish and deliver stone at request of municipal officers.

2. It shall be the duty of every such board of chosen freeholders to cause to be furnished and delivered free on board at said quarry or quarries to any such city, town or township, upon the written request of the mayor, chairman or other principal officer thereof, and to such person or persons as he may designate to receive the same, so much of said crushed or broken stone, and in such quantities and of such size or sizes, as shall, from time to time, be requested, not exceeding five hundred tons nor less than one hundred tons in any single requisition, and the same shall be distributed and assigned by the municipal authority of such city, town or township, and thereafter used under the direction of the person designated by such municipal authority or persons or officers having charge and supervision of the public roads and highways in said city, town and township for the purposes in the first section in this act provided.

3. The third section of the act to which this act is amendatory be amended to read as follows:

Failure of authorities to demand before a certain date, share or portion to be re-apportioned and distributed.

3. In the event of the proper authorities of any such city, town or township failing to demand in writing to the board of chosen freeholders or the chairman of the committee on workhouse of said board of such county, and providing for the shipment of the same before the first days of April, July, September and November in any year for the share or portion of crushed stone to which it shall be entitled at each quarterly distribution under the provisions of this act, then and in that case such

portion or share shall immediately be re-apportioned in the next succeeding quarterly distribution among the several cities, towns and townships of such counties as provided for in the first section of this act; which said board of chosen freeholders shall be required to furnish and deliver under the provisions of this act, and shall not exceed ten thousand tons in any year.

4. All acts or part of acts inconsistent with this act be and the same are hereby repealed, and that this act shall be a public act and shall take effect immediately.

Approved March 9, 1897.

CHAPTER 21.

Supplement to an act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," approved April fourteenth, one thousand eight hundred and forty-six.

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

1. If the legislature shall by any special act of incorporation name, lay out and designate the boundaries of any new township, such township so designated shall be held and taken to be a township governed by the provisions of the act to which this is a supplement and of the various acts supplementary thereto.

Act to govern townships incorporated by special act of incorporation.

2. It shall be the duty of the judge of the court of common pleas of the county wherein such new township is created, to designate a time and place for the first town meeting or township election, which shall be held within two months after the passage of such act of incorporation; such designation shall be made by said judge on the application of any person or persons interested; said judge shall designate some person to act as a clerk of the township until a township clerk shall be elected; such clerk shall give the notices of said election required by law.

Judge to designate time and place of first town meeting or election.

Election; by
whom and how
conducted.

3. The said election and all matters relating thereto shall be conducted and regulated by a board of registry and election, to be appointed by the county board of elections of the county and to be constituted and qualified as boards of registry and election are appointed, constituted and qualified in the several townships of such county; which township board of registry and election shall perform the same duties in preparing the registry and poll list as are required of registry and election boards, in case of the creation or establishment of new or additional election districts in any township.

Term of office.

Proviso.

4. The officers elected at said township election shall be elected to the respective offices and hold the same for the terms provided for by law; *provided*, that the terms of the first members of the township committee and of the commissioners of appeals shall be designated on the ballots so that one of each of them respectively shall expire in one year, one in two years and one in three years.

Property, etc.;
how allotted and
divided between
townships.

5. All the property, real and personal, moneys on hand and moneys and taxes due or to become due, belonging to the township or townships out of which such new township is formed, shall be allotted and divided between them, in proportion to the taxable property and rates, as assessed by the assessor of said former township, within the limits respectively of the residue of the former township and of the new township at the last assessment, and the inhabitants of the respective townships shall be liable to pay their just proportion of the debts so ascertained as aforesaid, if any there shall be.

Failure to agree
upon division,
may apply to
court for
appointment of
commissioners.

6. In case the township committees of said townships shall be unable to agree upon a division of the assets or debts of said townships, or in case either of said townships desires to have such allotment and division made by commissioners, then it shall be lawful for the township committee of either of said townships to apply to the court of common pleas of said county for the appointment of three disinterested persons as commissioners, who shall divide and apportion such assets and debts, and their determination in writing, signed by any two of them, shall be binding and conclusive upon each of said townships; for which service said commissioners

Commissioners
to apportion
assets, etc.

shall receive such compensation as said court may think proper, to be paid by said townships equally.

7. All taxes due and in arrears at the time of the incorporation of such new township shall be collected by the collector of the township in which said taxes were originally assessed, and all proceedings for the enforcement thereof, by a sale of land or otherwise, shall be taken by the collector of said township in the same manner and with the same effect as if such division of such township had not been made.

Taxes due and in arrears; by whom collected.

8. In case such new township at the time of its incorporation has, within its territorial limits, any school-house or other property belonging to the board of education or any board of school trustees of such former township, and for the erection, purchase or repair of which there is an indebtedness for which the board of education or such board of school trustees of such former township is liable, the said indebtedness shall be assumed and become the obligation of the board of education of such new township.

Indebtedness for school purposes to be assumed by the board of education of new townships.

9. Said new township and former township shall support the paupers whose settlement is or may be within the bounds of such townships respectively.

Support of paupers.

10. Nothing in the incorporation of any new township shall interfere with or impair the commissions of justices of the peace or of commissioners of deeds, until they shall expire by limitation.

Commissioners not interfered with.

11. This act shall take effect immediately.

Approved March 9, 1897.

CHAPTER 22.

An Act in relation to the manner of paying monthly pay-rolls, police department, fire department, city home and city hospitals in certain cities in this state, giving the common council or other governing body power in relation thereto.

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

Monthly pay-rolls to be provided for by ordinance.

1. It shall be lawful for the common council or other governing body in any city of the first class of this state to provide by ordinance for the manner which monthly pay-rolls shall be made by police department, fire department, city home and city hospitals in such cities, and for the form and manner in which warrants upon the public treasurer of any such city shall be drawn and signed for this purpose ; and all payments and disbursements made, and all warrants drawn in accordance with the terms of an ordinance duly passed for that purpose in any such city shall be deemed and taken to be in all respects regular and lawful.

2. 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 15, 1897.

CHAPTER 23.

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

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

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

Cities may sell
and convey
lands.

Proviso.

2. This act shall take effect immediately.

Approved March 15, 1897.

CHAPTER 24.

An Act to grant and release the title and interest of the people of the state of New Jersey in and to certain real estate of which William H. Townsend died seized, in the city of Orange and in the township of East Orange, in the county of Essex.

Preamble.

Whereas, One William H. Townsend, late of the city of Orange, in the county of Essex, New Jersey, departed this life on the twenty-fifth day of August, in the year one thousand eight hundred and ninety-five, seized of a certain lot of land, situate in the city of Orange, Essex county, and state of New Jersey, which was conveyed to him by Josephus Hughes and wife, by deed dated February twenty-ninth, one thousand eight hundred and ninety-two, and recorded in the office of the register of Essex county, in book P 26 of deeds, pages four hundred and forty-three and four hundred and forty-four; and also seized of another certain lot or tract of land, situate in the township of East Orange, in the county of Essex, and state of New Jersey, which was conveyed to him by George Gallagher and wife, by deed dated November twenty-fourth, one thousand eight hundred and ninety-one, and recorded in the office of the register of Essex county, in book N 26 of deeds, pages three hundred and seventy-nine and three hundred and eighty; *and whereas*, the said William H. Townsend died without having made any will, and leaving no children, or issue or heirs-at-law; *and whereas*, said lands were purchased in part with the money of Eliza Townsend, the wife of said William H. Townsend, and the said Eliza Townsend has been in the possession and enjoyment of the said lands and premises since the decease of said William H. Townsend, and has paid taxes and assessments thereon;

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

1. All the estate right, title and interest of the state or of the people of the state of New Jersey in, to and upon all the above-recited lots or tracts of land and premises, whereof the said William H. Townsend died seized, with the appurtenances thereunto belonging or in anywise appertaining, be and the same is hereby granted and released unto the said Eliza Townsend, her heirs and assigns forever.

Interest of state released.

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

Approved March 16, 1897.

CHAPTER 25.

An Act to amend an act entitled "A further supplement to an act entitled 'An act to enable cities in this state to furnish suitable accommodations for the transaction of public business,' " title as amended, approved April fifteenth, one thousand eight hundred and eighty-seven, which supplement was approved April fifth, eighteen hundred and ninety-five.

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

1. Section two of the act above mentioned, being chapter number three hundred and ninety-one of the laws of the year one thousand eight hundred and ninety-five, be and the same is hereby amended to read as follows:

Section to be amended.

2. The completion and custody of any city hall erected in any city of the first class under the provisions of said act and supplements and amendments thereto shall be

Custody of city hall committed to board of commissioners.

committed to a board of city hall commissioners, to be composed of the treasurer and comptroller of such city and one citizen of said city, to be appointed by the mayor thereof; the person so appointed shall be designated as the president of the board of city hall commissioners, and shall hold office for the term of three years from the date of his appointment; he shall receive an annual salary of at least two thousand dollars per annum, to be fixed at the time of his appointment by the board which has control of the finances of such city; the city treasurer and city comptroller shall receive no salary as members of the board of city hall commissioners.

2. This act shall take effect immediately.

Approved March 16, 1897.

CHAPTER 26.

An Act for extending the time for completing certain railroads.

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

Time extended
for completion
of certain
railroads.

1. Whenever the time limited for the completion of any railroad authorized to be constructed within this state under any special or general act has expired or shall expire before the thirty-first day of December, one thousand eight hundred and ninety-eight, such time shall be and the same is hereby extended for the further period of two years from the passage of this act; *provided, however,* that this act shall not apply unless money has actually been expended in surveys or location of route,

Proviso.

or in acquisition of right of way or in construction since January first, one thousand eight hundred and eighty-six; *provided further*, that this act shall not apply to any corporation unless such corporation shall first, and as the condition precedent to the exercise of any power granted by this act, file in the office of the secretary of state an agreement, to be approved by the governor and attorney-general, waiving all right of exemption from taxation and from privileges and advantages arising from any law or contract, if any there be, establishing any special mode of taxation of any such corporation, and the further agreement to be bound by any general law of this state now in existence or that may be hereafter passed, taxing such corporations as are now authorized to be taxed by the legislature of the state under any general law, and further agreeing that the exercise of any power granted by this act shall not in any way affect the rights of this state, if any there exist, to take the property of such corporations under any existing law of this state, and agreeing further that all laws affecting such corporations shall be subject to alteration or repeal by the legislature.

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

Approved March 17, 1897.

CHAPTER 27.

An Act to enable seminaries or schools of theology to grant and confer the degree of bachelor of divinity or theology.

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

Authorized to
grant and confer
degrees.

1. Any and every seminary or school of theology in this state, whether heretofore or hereafter to be incorporated by special charter or under general laws, shall, in addition to all existing or other rights, powers and privileges, have power, by virtue of this act, upon the precedent recommendation or with the concurrent approval of the faculty of instruction after satisfactory examination had on a course of special study prescribed to all candidates, to grant to and confer upon any graduate of such seminary or school of theology, or any person who has done approved work in such seminary or school, the degree of bachelor of divinity or theology, with all such honors, rights and privileges as are usually incident to such degree when granted in and by the universities in the United States of America.

2. This act shall take effect immediately.

Approved March 17, 1897.

CHAPTER 28.

An Act relating to cities of the first class in this state, and providing for the holding of municipal or charter elections therein, and regulating the terms of elective and appointive officers therein.

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

1. Hereafter in all cities of the first class in this state all municipal officers required to be elected therein shall be voted for and elected on the first Tuesday after the first Monday of November in each year, and upon the same official ballots required by law for the election of state and county officers, and not otherwise; and the said ballots voted as aforesaid for such municipal officers shall be canvassed, and the result of any such election as to such officers shall be determined as now provided by law in the case of county officers, and certified to the city clerk of such city.

Time of holding
municipal
elections.

Result, how
canvassed.
2. Hereafter the terms of office of all municipal officers elected or to be elected in cities of the first class shall commence and date from twelve o'clock noon on the first day of January next following the election of such officers.

Term of office,
when to
commence.
3. Every municipal officer theretofore elected holding office in such city on the first Monday in May, eighteen hundred and ninety-seven, shall continue in office, and his term of office shall be and the same is hereby extended from the time when his term of office would otherwise expire until twelve o'clock noon of the first day of January next succeeding the date at which his term of office would otherwise expire.

Terms of officers
theretofore
elected
extended.
4. Every municipal officer theretofore appointed in and for any such city for any term, and holding office therein on said first Monday in May, one thousand eight hundred and ninety-seven, shall continue in office,

Terms of
appointive
officers
extended.

and his term of office shall be and is hereby extended from the time when his term would otherwise expire until twelve o'clock noon of the first day of January next succeeding the date at which his term of office would otherwise expire.

No appointments
to be made
during terms
extended except
to fill vacancies.

5. No person vested with sole authority to appoint to office in any such city, whose term of office is extended by this act, shall, during the period for which his term is so extended by virtue of this act, make any appointment to any office now provided by law, except for the purpose of filling a vacancy which may be occasioned by death or resignation, and the appointee to fill such vacancy shall hold office only until twelve o'clock noon of the first day of January then next succeeding the date of such appointment.

Day of annual
or first stated
meeting of
elective boards
whose terms
have been
extended.

6. Hereafter in any such city the annual organization or first stated meeting of every elective board, where the term of office of any member thereof has been extended as heretofore provided, shall be held on the first Monday in January of each year, except when said first Monday in January shall be the first day of January, in which case such meeting shall be held on the next day succeeding.

Repealer.

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

8. This act shall take effect immediately.

Approved March 18, 1897.

CHAPTER 29.

An Act to create a new township in the county of Bergen, to be called the township of Overpeck.

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

1. All that portion of the township of Ridgefield, in the county of Bergen, which is included within the limits of the village of Ridgefield Park, the boundaries of which are as follows: Beginning at low-water mark of Hackensack river, at a point in a straight line with the north line of the property of the late J. R. Paulison, thence running (1) eastwardly to and along said north line of the Paulison property to the Queen Anne road; thence (2) along the south line of property of Jasper Westervelt, to the point where it intersects the south line of the late Cornelius Van Valen; thence (3) along said south line of the late Cornelius Van Valen, and in a direct course to low-water mark of Overpeck creek; thence (4) southerly and northwesterly along low-water mark of said creek to the Hackensack river at low-water mark; thence (5) northerly along low-water mark of Hackensack river to the place of beginning, shall be and is hereby set off from the said township of Ridgefield, and shall be and is hereby created a separate township, to be called and known as the township of Overpeck.

Description of
portion of
township set off.

Township
created.

2. The inhabitants of the said township of Overpeck shall be and they are hereby constituted a body politic and corporate in law, and they shall be styled and known by the name of "the inhabitants of the township of Overpeck, in the county of Bergen," and they shall be entitled to all the rights, power, authority, privileges and advantages, and be subject to the same regulations, government and liabilities as the other townships in said county of Bergen are or may be entitled or subject

Corporate name.

Proviso.

to by the laws of this state; *provided*, that nothing herein contained shall be construed so as to affect the village government of the village of Ridgefield Park.

3. This act shall take effect immediately.

Approved March 23, 1897.

CHAPTER 30.

An Act relating to and providing for the government of cities of this state containing a population of less than twelve thousand inhabitants.

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

Population.

1. All cities of this state having within their territorial limits a population of less than twelve thousand inhabitants, shall be governed by the provisions of this act and shall have the officers and be vested with the powers and charged with the duties herein set forth.

Term of mayor.

2. The term of office of any mayor hereafter elected in any such city shall be two years, and that his term of office shall commence on the third Tuesday in April next ensuing his election.

Duties, powers and compensation of mayor.

3. The mayor shall be the chief executive officer of such city and shall possess the powers and privileges and shall perform the duties which are hereinafter specified, and shall be elected for the term of two years at the annual election to be held on the second Tuesday in April, and shall receive such annual compensation for his services, not exceeding one thousand dollars per annum, as the common council shall, by ordinance, fix and determine, and he shall receive no fee or other compensation whatever.

Head of police department.

4. The mayor shall be the head of the police department and shall have exclusive power to appoint, suspend and remove all policemen and all subordinates in such department; he shall also appoint a chief of police and such captains or sergeants of police as may be re-

quired by ordinance; these appointments, however, of chief of police, captains and sergeants of police shall not take effect until confirmed by the common council; he shall see that all such officers are prompt and faithful in the discharge of their duties, and shall from time to time take such measures as he may deem necessary for the preservation of peace and good order and the enforcement of the laws and ordinances of the city.

5. Every such city shall constitute a separate school district, and there shall be elected therein, at the first annual election, five persons who shall constitute the board of education in such city; two of such persons shall be elected for a term of two years each, and three for a term of one year each, and thereafter annually, at the annual election, there shall be elected two persons as members of such board of education to serve for a term of two years each, and one person for a term of one year, so that a majority of said board shall be elected each year.

Shall constitute separate school district.

Board of education.

6. The governing body of any such city, in office, shall have power and authority to divide such city (not already divided into wards) into two wards, and, in making such division, such body shall have regard to equality in population; such division shall be made by ordinance or resolution as soon after the passage of this act as is practicable.

Governing body to divide city into wards.

7. The common council of any such city shall be composed of three members from each ward, who shall be elected for and hold office as follows: One in each ward, at the first election, for a term of one year, one for a term of two years, and one for a term of three years; and thereafter one shall be elected annually in each ward for a term of three years; there shall also be elected at such annual election, to be held on the second Tuesday in April, in every such city, one councilman-at-large, who shall hold office for the term of two years, a city clerk, a treasurer, a person to be collector of taxes, and one overseer of the poor, who shall hold their respective offices for the term of three years; one assessor and one chosen freeholder from each of the respective wards, who shall hold their respective offices for the term of three years; three commissioners of appeal in cases of

Common council; how composed.

Annual election.
Elective officers.

taxation, who shall hold their office for one year, and such justices of the peace, constables and other city and ward officers as are now or hereafter may be provided by law.

Term of office
to be indicated.

8. If at any annual city election in any such city there shall be one or more vacancies to be supplied in any office at the same time any person is to be elected for the full term of said office, or if two or more are elected at the same time to serve for different terms, the term for which each person voted for, for said office, is intended, shall be designated on the ballot; and if any person who shall be elected to any office at the annual city election shall not qualify according to law for the space of twenty days after such election, or if any person who shall be elected or appointed to fill any vacancy in any of said offices shall not qualify according to law for the space of twenty days after such election or appointment, his office shall be deemed vacant.

Failure to
qualify to render
office vacant.

In certain vacan-
cies common
council may
appoint.

9. In case of death, resignation, disability, disqualification, removal from office, neglect or refusal to act, or removal out of the city or ward of any of the officers, or any vacancy in any office except mayor, councilmen, or justice of the peace, it shall be lawful for the common council to appoint others in their stead until the next city election, or in case of appointed officers until the regular period for appointment, who shall, during the said term, perform like services, be entitled to the same fees and be subject to the same responsibilities as though elected at the annual election or appointed at the regular time; *provided*, that all resignations shall be sent to the mayor, and he shall report the same to the common council at its next meeting thereafter.

Proviso.

All officers shall
qualify.

10. Every person elected or appointed to any office in pursuance of this act, or of any law or ordinance of the common council, including the city solicitor, who shall be appointed for a term not exceeding three years, shall, before they enter upon the duties of such office, take and subscribe, before the mayor or city clerk, an oath or affirmation, faithfully and impartially to execute the duties of his office to the best of his knowledge, skill and ability, and such other oaths as may be required by the laws of this state; all such oaths or affirmation shall

be filed by the city clerk in his office; the city treasurer, superintendent of schools, collector of taxes, constables, overseer of the poor, and such other officers as the common council may require, shall also, before entering upon their duties, each give bond to the city, in its corporate name, in such sum, and with such sureties as the common council may approve, or as may be required by any act of the legislature of this state, conditioned for the faithful performance of the duties of their respective offices; and if at any time the common council shall deem the sureties of any such officer insufficient they shall require him to give additional security.

All oaths shall be filed.

Certain officers shall give bonds.

11. Any city or ward officer, except members of the board of city assessors, may be removed from office by resolution, for disability, or other good cause shown, upon complaint in writing to the common council, setting forth such cause, supported by one or more affidavits of the truth of the facts therein alleged; *provided, however,* that no such removal shall take place until the person sought to be removed has had an opportunity to be heard in his defense, nor unless two-thirds of all the members of the common council shall vote for such removal; vacancies occurring in such office shall be filled for the unexpired term by the common council.

Removal from office.

Proviso.

POWERS AND DUTIES OF THE COMMON COUNCIL.

12. The common council shall annually elect a president from its own body, and, in his absence, a president pro tempore, choose officers, appoint its time and place of meeting, determine the rules of its own proceedings, keep a journal of its proceedings, and may punish or expel a member for disorderly conduct or a violation of its rules; but no expulsion shall take place except by a vote of two-thirds of all the members elected, nor until the delinquent member shall have had five days' notice of the proceedings and an opportunity to be heard in his defense; and the first meeting of the common council after the annual election shall be held on the third Tuesday in April of every year.

Powers and duties of common council.

Duties of city clerk.

13. The city clerk shall be the clerk of the common council; he shall keep accurate minutes of the proceedings of common council and shall perform such other duties as may be required of him.

Quorum of common council,

14. A majority of the whole number of members of common council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time; the president of the council shall be authorized to call special meetings of the common council when the public good shall, in his opinion, render it necessary, and on the request of a majority of the common council, in writing, addressed to the president, it shall be his duty, or in his absence, it shall be the duty of the city clerk, to call special meetings.

Special meetings.

Clerk to call.
Ordinances;
how passed or
repealed.

15. No ordinance shall be passed or repealed by the common council except with the concurrence of a majority of all the members of the common council, and no ordinance shall be altered or repealed save by ordinance to that effect; every ordinance shall be read three times before its final passage; no ordinance shall be finally passed until a subsequent meeting to that at which it may be introduced, but each and every ordinance so passed as aforesaid shall be published in one or more of the newspapers printed and published in such city, one week before the same shall take effect; *provided*, that whenever the common council shall cause a revision of the ordinances of such city to be made and shall direct the same to be published in a printed volume, it shall not be necessary to publish such revised ordinance in a newspaper; every ordinance or resolution passed by the common council shall, before it takes effect, be presented duly certified, by the city clerk to the mayor, who, if he approves the same, shall sign it, and if he does not approve it, he shall return it, with his objections, to the clerk, within five days after the presenting thereof, and if he do not return it with such objections within the time specified above, it shall take effect as if approved by him; whenever any ordinance or resolution shall have been returned with objections aforesaid to the common council, the said common council shall, at its first meeting thereafter, order the objections to be entered at

Shall be published.

Proviso

Mayor shall sign or return

length on its journal, and shall proceed to reconsider the same, and if, on reconsideration, it shall pass the common council by a vote of two-thirds of all the members, it shall take effect notwithstanding such objections; in all such cases the votes shall be taken by ayes and nays and entered in full on the journal of said common council; the publication of all ordinances as herein required shall in all cases be presumed to have been made until the contrary shall be proved; the publication of private ordinances shall in all cases be procured to be done and the expenses thereof borne by the person benefited thereby or applying therefor.

Ordinances reconsidered.

Publication of ordinances.

16. The enacting clause of all ordinances shall be "be it ordained by the common council of _____."

Enacting clause.

17. The councilmen of any such city duly elected in the several wards thereof, shall constitute and be called "the common council of _____."

Councilmen; how designated.

18. The common council of all such cities shall have power within the city to make, establish, publish, modify, amend or repeal ordinances, rules, regulations and by-laws for the following purposes:

Powers of common council.

I. To manage, regulate and control the finances and property, real and personal, of the city; to borrow money and negotiate temporary loans in anticipation of taxes or other revenues for any current year, and for payment for any public improvement, not exceeding the amount of the specific assessment for such improvements;

Finances.

II. To prevent vice, drunkenness and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages;

Preserve order.

III. To restrain and suppress disorderly and gaming-houses and houses of ill-fame, all instruments and devices for gaming, and to prohibit all gaming and fraudulent devices;

Prevent gaming.

IV. To license and regulate restaurants, victualing-houses or cellars, ale and lager-beer saloons and gardens, billiard-tables and bowling-alleys, and to prohibit the same except by persons duly licensed;

License public places.

V. To prohibit, restrain, regulate and license all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other

Entertainments.

public performances, assessments and exhibitions for money, and to fix the sum to be paid for such licenses to the city;

Boundaries.

VI. To ascertain and establish the boundaries of all streets, avenues, highways, lanes, and alleys and public places in said city, and prevent and remove all encroachments upon said streets, avenues, highways, lanes, alleys and public places;

Highways

VII. To regulate, clean and keep in repair the streets, highways, avenues, lanes, alleys, public places, bridges, wharves and docks in such city, and to prevent and remove obstructions and encumbrances in and upon all streets, highways, sidewalks, crosswalks, bridges, sewers, drains, aqueducts, water-courses, wharves, docks and other public places in any manner whatever; to prescribe the manner in which corporations or persons shall exercise any privileges granted to them in the use of any street, avenue, highway or alley in such city, or in digging up any street, avenue, highway or alley for the purpose of laying down pipes, or any other purpose whatever, and to prohibit and prevent any such use of work at such times and seasons of the year as they may designate; to direct and regulate the planting, rearing, trimming and preserving of ornamental shade-trees in the streets, avenues, parks and grounds of the city, and to authorize or prohibit the removal or destruction of such shade-trees, and to enforce the removal of snow, ice or dirt from the sidewalks or gutters by the owners or occupants of the premises fronting thereon;

Streets and
sewers.

VIII. To open streets and to grade, pave or otherwise improve the same; to widen, level, grade, flag or re-flag, curb or re-curb, gutter or re-gutter, pave, re-pave or gravel the sidewalks or gutters; to lay drains or construct sewers in any street, avenue, highway or section thereof; to prescribe the manner in which any work shall be performed and the mode in which the cost, damages and expense thereof shall be ascertained; and to cause such costs, damages and expense, or any portion thereof, to be assessed in just and equitable proportions on the owners of the property, whether improved or unimproved, receiving benefit from such improvement, and

to determine the time and manner in which such assessments shall be collected;

IX. To direct the digging down, draining, filling up or fencing of lots, pieces or parcels of ground in said city which shall be deemed dangerous or unwholesome or necessary to carry out any improvement authorized by this act, to prescribe the manner in which said work shall be performed, and to cause the expense thereof to be assessed in just and equitable proportions on the lots or pieces or parcels of ground, whether improved or unimproved, benefited thereby to the extent of the peculiar benefits conferred, and to determine the time and manner in which such assessments shall be collected;

Grading.

X. To prevent or regulate the erection or construction of any stoop, step, platform, bay-window, cellar door, area, descent into a cellar or basement, sign or any post or erection or any projection or otherwise, in, over or upon any street or avenue, and to remove the same, where already erected, at the expense of the owner or occupant of the premises;

Encroachments
on highways.

XI. To prevent and punish horse-racing and immoderate riding or driving in any street, highway or public place, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street, highway or public place, and to regulate the speed and running of locomotive engines and railroad cars, motor, electric or other cars through said city, and to designate the crossings at which any railroad company shall be required by the common council to station flagmen or signals to warn travelers of the approach of locomotive engines or railroad cars;

Fast driving,

XII. To prohibit the driving any drove or droves of cattle through any of the streets of the city on the first day of the week, commonly called Sunday, and to regulate the same at other times;

Cattle.

XIII. To regulate, protect and improve the parks, public burial-ground and other public ground in said city;

Public grounds.

XIV. To provide lamps, gas fixtures and other means of illumination, and to light the streets, parks and public places of every description in said city;

Light.

- Water supply. XV. To make and regulate wells, pumps, aqueducts and cisterns in the public streets;
- Pounds. XVI. To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine and other animals, geese and other poultry, and to authorize the impounding and sale of the same for the penalty incurred and the costs of keeping and impounding and sale;
- Dogs. XVII. To regulate and prevent the running at large of dogs; to authorize the destruction of dogs running at large and to impose taxes on the owners of dogs;
- Slaughter-houses and markets. XVIII. To locate, regulate and remove slaughter-houses, establish and regulate public markets, license and regulate butchers, designate the places and manner of selling meats, fish, fruits and vegetables, and to prohibit persons from selling such articles without license; to provide for the removal and disposition of offal, garbage and all refuse matter which may become dangerous to the public health, and to authorize and empower the local board of health, established or to be established in such city, to make removal and disposition thereof, or to provide therefor; and in case such boards are given such power and authority, they are hereby authorized to accept the same, and given power to remove and dispose of all such refuse matter;
- Vending. XIX. To prescribe and regulate the places of vending or exposing for sale wood, hay, straw and other articles from wagons or other vehicles;
- Annoyance. XX. To regulate or prohibit any practice having a tendency to frighten animals or to annoy persons passing in the streets or on the sidewalks in such city;
- Beggars, etc. XXI. To restrain and punish drunkards, vagrants, mendicants and street beggars;
- Board of health. XXII. To establish a board of health, define its powers and duties, and provide for the protection and maintenance of the health of the city;
- Contracts. XXIII. To prescribe the manner in which all contracts for performing work or furnishing materials for the city shall be made and executed;
- Nuisances. XXIV. To abate and remove nuisance of every kind, and to require the owner or occupant of any grocery, cellar, tallow Chandler's shop, butcher's stall, soap fac-

tory, tannery, stable, privy, hog-pen, sewer or other offensive or unwholesome house or place, lot or enclosure, to cleanse and remove or abate the same, or in a summary manner, to cause the same to be done at the expense of the owner or occupant thereof;

XXV. To regulate the burial of the dead, prohibit interment within such limits as may be prescribed; purchase land for public burial places, direct the keeping and return of bills of mortality, and to establish such regulations for conveying the dead through the streets of such city as the health, quiet and good order of the city may, in their opinion, require;

Burials.

XXVI. To license and regulate cartmen, porters, hacks, cars, omnibusses, stages and all other carriages and vehicles used for the transportation of passengers, baggage, merchandise and goods and chattels of any kind, and the owners and drivers of vehicles and means of transportation; also auctioneers, common criers, hawkers, peddlers, pawnbrokers, junkshop keepers, keepers of bath-houses, boarding-houses and news-stands, sweeps, scavengers, traveling and other shows, circuses, theatrical performances, plays, billiard-tables, pool-tables, organ-grinders, exhibitions, concerts, public places of amusement for gain, skating-rinks, itinerant venders of merchandise, medicines and remedies, lumber and coal yards, stores for the sale of groceries, dry goods and merchandise and goods and chattels of every kind, and the place or places or premises in which or at which the different kinds of business or occupation mentioned herein are to be carried on or conducted; and to fix the amount of license to be paid therefor, and to prohibit all persons and places and all vehicles unlicensed from acting, using or being used in said capacities and for such uses and purposes, and to fix and prescribe penalties for the violation of such ordinance or ordinances, and that fees for such licenses may be imposed for revenue; *provided*, that no person or persons shall be required to take out a license in order to sell the produce of his farm;

License and regulate public business.

XXVII. To regulate the ringing of bells and the crying of goods and other commodities for sale at auction

Noise.

or otherwise, and to prevent disturbing noises in the street;

Bathing.

XXVIII. To regulate or prohibit swimming or bathing in the waters of or bounding the city, and to regulate and prohibit persons from traveling in the public streets and alleys in bathing robes or other costumes of a similar nature;

Weights and measures.

XXIX. To regulate weights and measures in conformity with the standard of weights and measures established by law, and to require every merchant retailer, trader and dealer in merchandise or property of any description which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer, and to be subject to his inspection;

Police.

XXX. To establish, regulate and control a day and night police, and to fix and determine their compensation;

Fire department.

XXXI. To establish, regulate and control a fire department; to regulate and define the manner of the appointment and removal of the officers and members of the fire department, their duties and their compensation; to provide fire engines and other apparatus and engine-houses and other places for keeping and preserving the same, and to provide water for extinguishing fires;

Buildings.

XXXII. To regulate and control the manner of building dwelling-houses and other buildings, and to prohibit, within certain limits, to be from time to time prescribed by ordinance, the building or erection of any dwelling-house, store, stable or other building of wood or other combustible material; to regulate the construction of chimneys and to compel the sweeping thereof; to prevent the setting up or construction of furnaces, stoves, boilers, ovens, or other things in such a manner as to be dangerous; to prohibit the deposit of ashes in unsafe places, or in any of the streets or alleys of the city; to authorize any city officer, or person or persons whom they may designate for that purpose, to enter upon and inspect any place or places for the purpose of ascertaining whether the same is or are in a safe condition, and if not, to direct the same to be made so; to regulate or prohibit the carrying on of manufactories dangerous in

causing or promoting fires; to regulate or prohibit the manufacture, sale or use of fireworks and the use of firearms in said city; to regulate or prohibit the keeping or conveying gunpowder, camphene, benzine, naphtha, gasoline, coal oil, spirit gas, petroleum and other dangerous materials and the use of candles in barns, stables and other buildings; to raze or demolish any building or erection which by reason of fire, contagion, or any other cause may become dangerous to human life or health, or tend to extend a conflagration; to require all such further or other acts to be done, and to regulate and to prohibit the doing all such further acts, as they may deem proper to prevent their occurrence and provide for the extinguishment of fires in such city;

XXXIII. To adopt all legal and requisite measures for levying and collecting all taxes, fines, penalties and all assessments for public improvements; Taxes

XXXIV. To prescribe and define the duty of city and ward officers, when not otherwise prescribed by law, and fix and determine their compensation, and the penalty and penalties for failure to perform their duties, and to prescribe the bonds and securities to be given by the officers of the city for the discharge of their duties, and the time for executing the same in cases not otherwise provided for by law; to appoint from time to time such subordinate officers as may be deemed necessary to carry into effect the powers and duties hereby created, or otherwise conferred or imposed; Fix duties of officers.

XXXV. To fix and determine a reasonable compensation to be paid to any officer of such city or other person employed by them, for any service required of him by this act, or by any ordinance or resolution passed by them, for which no specific fee or compensation is provided to be paid by the person or persons for whom such service shall be performed; Compensation.

XXXVI. To supply the city and its inhabitants with water, to regulate the laying of water-mains through the streets of the city, and to direct their extension throughout the entire city, and to tax all lots on the streets where such pipes are laid in an equitable, lawful and just ratio, for the expense of laying such main in front of such lots, whenever a majority of the owners Water supply.

of lots fronting on any street petition for the laying of such pipe in such street, but in no case shall the tax herein authorized to be laid exceed the cost of providing and laying a four-inch main; and to prescribe by ordinance the manner in which water-bills shall be credited to the person paying such tax until the whole amount of tax so paid shall be refunded by such credit.

Further power
of common
council.

19. The common council shall have power to make and establish such other ordinances, rules, regulations and by-laws, not contrary to the laws of this state or of the United States, as they may deem necessary to carry into effect the powers and duties conferred and imposed on them by this act or by any other law of this state, and such also as they may deem necessary and proper for the good government, order, protection of persons and property, and for the preservation of the public health and prosperity of said city and its inhabitants, and the same to alter, amend and repeal.

Prescribe
penalties.

20. In all causes where, by the provisions of this act, the common council shall have authority to pass ordinances on any subject, they may prescribe a penalty or penalties for the violation thereof, either by imprisonment in the city or county jail not exceeding thirty days, or by a fine not exceeding two hundred dollars, and imprisonment in the city or county jail not exceeding thirty days in default of the payment of such fine, and it shall be lawful for the common council to authorize and empower the officer before whom any person or persons offending may be tried, on conviction, to impose any fine, in the discretion of such officer, to the maximum fixed in such ordinance, or to imprison for any term less than the term fixed therein; the book of record of the ordinances and by-laws of the common council shall be taken and received as evidence of the due passage by said common council of all ordinances and by-laws recorded therein; *and further*, the volume of ordinances and by-laws printed and published by authority of the common council shall, in like manner, be taken and received as evidence of the ordinances and by-laws of the said common council, and the publication of the said ordinances and by-laws in the public newspaper or newspapers according to law shall, in all

Proviso.

cases, be presumed to have been made until the contrary be proved.

21. The common council shall have power to build and maintain a city hall, hospital, armory for national guards, and such other public buildings as they may deem necessary and such as may be required for the accommodation of the city officers and the day and night police of such city.

Build and maintain public buildings.

22. The common council shall have power to build, establish, keep and maintain one or more workhouse or workhouses, one or more almshouse or almshouses, and to direct or order what persons shall be placed therein, and for what length of time, and the manner of ordering, placing and keeping persons therein; and the application and expenditure of all moneys raised for the maintenance and relief of the poor of such city shall be under the government, management and direction of the said common council and of the overseer of the poor, and such other officer as they shall for that purpose constitute and appoint; and the overseer of the poor shall possess the powers and perform the duties of the like officers of the township[s] of this state so far as such powers and duties shall be consistent with the provisions of this act.

Workhouses and almshouses.

Relief of poor.

Powers and duties of overseer of poor.

23. The sole and exclusive power to grant licenses to persons to keep inns and taverns within such city shall be vested in the common council, on such terms, and under such limitations, regulations and restrictions as the said common council shall, by their ordinance, impose; *provided, however*, that no license shall be granted contrary to the provisions of an act of the legislature of this state entitled "An act respecting the granting of licenses to sell spirituous, vinous or malt or brewed liquors in certain places of this state," approved March ninth, one thousand eight hundred and ninety-six.

Common council sole power to grant licenses.

Proviso.

POWERS AND DUTIES OF CITY OFFICERS AND THE ENFORCEMENT OF ORDINANCES.

24. The mayor shall have the power, and it shall be his duty, to recommend to the common council all such measures connected with the security, health, cleanli-

Power and duty of mayor.

ness and ornament of the city, and the protection and improvement of its government and finances, as he shall deem expedient; to keep the corporate seal of the city; to cause the laws and ordinances to be duly executed and enforced, and to exercise a supervision over the official acts of the subordinate officers of the city, and to report any dereliction of duty to the common council, and generally to perform all such duties as may be required of him by law or the ordinances of such city; he may, under the direction of common council, offer reward for the detection or apprehension of the perpetrator of any offense against the city ordinances, or any high crime or misdemeanor committed within the city, to be paid on the conviction of the criminal.

Mayor invested
with power of
police justice

25. The mayor is hereby invested with all the powers and duties which any police justice of the city is now or may hereafter be invested with, and for the purpose of quelling any insurrection, riot, disturbance or disorderly assemblage, shall have control of the constable, watchman or other police force of such city, and the power to call upon the citizens for aid in all such cases, and, when he shall deem it proper, to call out the militia of such city, and employ the same in quelling any insurrection, riot or disturbance of the peace; and on parades or other public gatherings, when he shall deem it necessary to preserve the public peace and good order, he may appoint, for the occasion, such special policemen as he may deem necessary, and the common council shall provide for their compensation.

Office of mayor
vacant.

26. Whenever there shall be a vacancy in the office of mayor, or whenever the mayor shall be prevented by absence from the city, sickness or other cause from attending to the duties of his office, the president of the common council, or if he is absent or disabled, the president to be elected pro tempore shall act as mayor and possess all the rights and powers of mayor during the vacancy in office caused by the absence or disability of the mayor.

Powers of
certain officers.

27. The chosen freeholders, commissioners of appeal in cases of taxation, school superintendent, overseer of the poor, constable and city clerk elected or appointed as aforesaid, shall respectively possess the powers and

perform the duties of the like officers of any township of this state, so far as such powers and duties shall be consistent with the provisions of this act; and that the collector of taxes shall possess the power and perform the duties of the collectors of the several townships so far as such powers and duties shall be consistent with the provisions of this act.

28. The collector of taxes shall have power to appoint, with the consent of the common council, one or more deputies, who shall have power to do all and every act or acts which it may be lawful for the said collector to do, and every warrant directed to him may be executed by his deputy or deputies, or either of them, in as full and complete a manner as if executed by the said collector of taxes; and the said deputy or deputies shall give such security for the faithful performance of their respective offices as the common council shall direct.

Collector may
appoint deputies.

Deputy to give
security.

29. The office of the collector of taxes shall be kept in the city hall of such city, or such other place as council shall designate, and he, or such deputy as he shall appoint, shall sit at such times and places in such city for the receipt of taxes as the common council shall direct; and it shall be the special duty of the said collector of taxes to receive all taxes which may be paid and preserve in his office the duplicate assessment books which shall, from time to time, be delivered to him by the board of city assessors as prescribed by this act.

Office; where
kept.

30. The said collector of taxes shall enter in suitable books, to be kept for that purpose, the sums received by him for taxes respectively, and the ward for which received, with the names of the persons on whose account the same shall be paid, on each day, and shall, at least once in each week, furnish to the treasurer a detailed statement of such sums, designating the amount received, and from which ward, and shall also, at the same time, pay over to the said treasurer the amount so received, and shall also pay over to the treasurer once in each week the sums collected on any warrant to him directed; he shall thereupon receive from the said treasurer a voucher for the payment of such sum or sums, which he shall file in the office of the city clerk, to be presented to common council.

Collector's
books.

Make statement
to treasurer, and
pay over all
moneys.

Duties of city
treasurer.

31. The city treasurer shall receive all moneys belonging to the city, and shall disburse the same as directed by law, and shall keep an account of all receipts and expenditures in such manner as the common council shall direct, and shall perform such other duties appertaining to his office as may be required of him by law, or by any ordinance or resolution of the common council; the said treasurer shall, for the space of two weeks next preceding and one week after the nomination of members of common council, assessor and collector, publish or cause to be published in one or more newspapers published and circulating in such city, a full and true account of the receipts and expenditures during the portion of the fiscal year then elapsed, and shall, at the close of the fiscal year, make out a true and full account of the receipts and expenditures during the year, and also the state of the treasury, and within twenty days thereafter deliver said account to the city clerk, who shall lay the same before the common council at their next meeting; and if upon examination it shall be found correct, it shall be filed in the office of the city clerk; the fiscal year shall commence on the third Tuesday in April in each and every year.

Publish
statement.

Fiscal year.

Duties of city
clerk.

32. The city clerk shall keep all the records, books, papers and documents of the city, countersign all licenses, signed by the mayor, and keep the record of all proceedings of common council; he shall engross all the ordinances of the common council in a book to be provided for that purpose, with a proper index, which book shall be deemed a public record of such ordinances, and such ordinances shall be signed in said book by the president, or president pro tempore, of the common council, and said clerk; and copies of all papers duly filed in the office of the city clerk and transcripts thereof, and of the records and proceedings of the common council, and copies of the laws or ordinances of the city, certified by him under the corporate seal, shall be evidenced in all courts and places; he shall also receive and pay over to the treasurer all moneys which, by any law, ordinance or usage, are paid to the city clerk.

Powers of
certain officers.

33. The city engineer, surveyor, city solicitor, city sealer of weights and measures, and all other officers

appointed by the common council, shall possess the powers and be subject to the obligations conferred and imposed on them by law, or by the ordinances, by-laws, rules and regulations of the common council, and on application for that purpose the secretary of state shall allow and assist the said sealer of weights and measures to compare and adjust the standard of weights and measures for such city, and shall certify and seal the same in the manner required by law.

Secretary of
state to assist
sealer of weights,
etc.

ASSESSMENT AND COLLECTION OF TAXES.

34. The common council shall have power to raise, by tax in each year, such sum or sums of money as they shall deem expedient for the following purposes :

Common council
to assess and
collect taxes.

I. For lighting the streets, buildings and public places of the city ;

II. For the maintenance and support of the poor ;

III. For regulating, cleansing and keeping in repair the streets and highways, and the construction of cross-walks ;

IV. For regulating, improving and protecting the public grounds and park ;

V. For the support of public schools, and for erecting and maintaining public school-houses ;

VI. For the support of the police department, armory purposes, and to support the national guard ;

VII. For the support of the fire department ;

VIII. For supplying the city with water for the extinguishment of fires, and for domestic and other lawful purposes ;

IX. For the payment of interest upon the city debt, and upon temporary loans, and such part of the principal thereof as may be due and payable, and to provide a sinking fund therefor ;

X. For providing music for public entertainment ;

XI. For purchasing necessary real estate and providing for a sewerage plant ;

XII. For the contingent expenses of the city and for all other objects and purposes authorized by law to be assessed and collected in such manner as the common

Proviso.

council shall, by ordinance, direct; *provided*, always, that it shall not be lawful for the common council to raise by taxation, in any one year, in the general assessments for city purposes, an amount of money that shall cause a greater rate than two hundred cents on one hundred dollars of the valuation of the real and personal property, rated and returned for taxation therein, as shown by the duplicate of assessments for the current year.

Board of assessors.

35. The board of assessors shall meet on the second Monday in May in each and every year, and at such meeting they shall select one of their number as chairman, who shall hold his office for one year or during the pleasure of said board of assessors; a majority of said assessors shall constitute a quorum for the transaction of business, and they shall have power to adjourn from time to time and make such rules and regulations for their own proceedings as are not inconsistent with this act and the laws of this state relating thereto.

Powers and duties of board of assessors.

36. The said board of city assessors shall possess the power of the like officers of any township of this state, and having duly organized shall proceed to make a full and fair valuation, enumeration and assessment of all the real and personal property in such city according to law, and all statements, returns and assessments shall be as of the twentieth day of May of each year the day on which the assessment is to commence; the assessors shall tabulate and arrange such valuation, enumeration and assessments in lists which shall also exhibit in alphabetical order the names of all persons, firms, corporations or companies liable to be assessed to pay any tax, designating the lands, tenements and real estate as laid down on the maps prepared, or to be prepared for that purpose, or on the city atlas and to affix to each lot and each subdivision thereof, as the same stand recorded on said atlas distinguishing the same by their marks or numbers, the true value of each lot or subdivision together with their value, enumeration and assessments of the objects liable to taxation for which such persons, firm, corporation or company is liable at the time of making these valuations, enumerations and assessments; the assessors shall

also make out lists showing the name and residence of each male inhabitant of such city of the age of twenty-one years and upwards, upon whom they shall assess such poll-tax as required by law, or by any ordinance of the common council passed in conformity with any statute in force at the date of the passage of this act; that when the board of assessors of such city shall have made the valuation of personal property and real estate and the improvements thereon, they shall give one week's notice, published in one or more newspapers published and circulating in such city, setting forth the time or times and place when and where they will attend to hear and consider all complaints touching such valuation, under such rules and regulations as they may prescribe, and to increase, reduce, alter or modify such valuation as to them may appear just and equitable, after hearing such complaints, and making such changes as they may deem proper.

37. The said board of assessors, or such of their number as they may designate for that purpose, shall attend all meetings of the county board of assessors, which shall be convened according to law, and in the proceedings of said county board of assessors shall be entitled to as many votes as there are wards in the city they represent, which votes shall be cast as said city assessors, or a majority of them, shall direct.

Shall attend meeting of county board of assessors.

38. The common council by ordinance or resolution may cause to be made and revised, from time to time, a city map or atlas, therein delineating and describing the lots, plots and tracts of land and real estate situate within such city and the subdivisions thereof; the said city map or atlas and all revisions thereof shall be deemed public records of the city.

Common council may make map.

39. The city engineer or surveyor shall prepare, keep, renew and have the custody of the city map or atlas; and when so directed by ordinance or resolution, he shall keep an index or register of the lot shown thereon, and the several owners thereof; and when so directed, in the manner aforesaid, it shall be his duty to make and keep in his office an abstract of each and every deed, or transfer affecting lands, situate in such city; each abstract shall be properly indexed and entered

Duties of city engineer.

upon the city atlas; it shall be the duty of the common council to fix by ordinance the compensation of the city engineer or surveyor, for the above and all other duties appertaining to his office.

Duties of board
of assessors.

40. It shall be the duty of the board of assessors to prepare full lists of taxes, and have them ready for examination, revision and correction before the common council on or before the third Monday in August in each year; and the common council, after such examination, revision and correction, when satisfied that the taxes have been justly and legally assessed, shall direct duplicates to be made in the shortest possible time, and placed in the hands of the collector of taxes, whose duty it shall be to make out bills and serve said bills as required by law; said bills shall contain a printed notice when and where the commissioners of appeal will meet for the purpose of hearing any appeal from parties considering themselves aggrieved.

Duplicates;
how prepared.

41. The assessors of such city shall so arrange their duplicates as to specify as nearly as may be therein, by letters and numbers as shown on the city atlas, the several lots or subdivisions of lots assessed, with the valuation thereof, as shown by the register kept by the city engineer or surveyor, to the end that each lot and subdivision, as they appear at the time upon the city atlas, shall be liable for the whole tax assessed thereon; but if any lot shall have been sold and such transfer not entered on such atlas and registered as aforesaid, the person who shall have paid the tax assessed thereon shall have the right to recover from the other parties interested their proportions of said tax, in proportion to the value of the several parts thereof.

All assessments
to be in same
duplicate.

42. The assessors of every such city shall assess in the respective divisions and wards of such city, in one and the same duplicates, all the state, county and city taxes to be levied in such city in each year, and the assessors shall assess the said taxes, and the collector of taxes shall demand payment at such times as the taxes are now payable in the townships of this state, or in case the common council shall fix a different time at the time so fixed, of the tax or sums assessed on each individual named in the assessment books, in person or

by notice left at his or her place of residence, or if not a resident in such city, by notice mailed to his or her last known post-office address, and also give notice of the time and place of meeting of the commissioners of appeal; and the said assessors and collector of taxes shall, for performing the duties required of them by law and the city ordinances, be entitled to receive such compensation as the common council may, by ordinance, direct, in lieu of such fees as are now provided by law.

Notification;
how given.

Compensation of
assessors and
collectors.

PUBLIC SCHOOLS.

43. The board of education shall be a body politic in fact and in law; they and their successors forever shall and may have perpetual succession and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in any court of law or equity; and that they and their successors may have a common seal and alter the same at their pleasure; that the said board of education shall annually elect a president from its own body, and in his absence, a president pro tempore, appoint its time and place of meeting and determine the rules of its own proceedings; and such board of education shall have power to choose a city superintendent, define his duties and fix his compensation, not to exceed one thousand dollars per annum, and his term of office not exceeding two years; it shall also appoint a secretary, who shall keep a journal of its proceedings and perform such other duties as the board may prescribe; a majority of the whole number of members shall constitute a quorum for the transaction of business, and no resolution or order shall be adopted without the concurrence of a majority of the whole number of said members; the president of the board shall have the power to call special meetings whenever he shall deem it expedient.

Board of
education.

Power to choose,
etc., city
superintendent.

Appoint
secretary

Quorum.

Special
meetings.

44. The board of education shall prepare and transmit to the common council, on or before the first day of July in each year, an estimate of the amount of the money necessary for the support of the public schools in such

Shall submit
estimate.

city during the year, which estimate shall specify particularly under the several heads of erection and repairs of school houses, salaries of teachers and officers of the board, school books, school furniture and school libraries, heating and fuel, and incidental expenses, as nearly as may be, the several sums required for each branch of expenditure; and the said common council of any such city shall determine by ordinance or resolution the amount of money to be appropriated to the public schools during the year, including therein the quota of any such city of the annual appropriation made by the state for the support of public schools; and the said common council are hereby empowered to raise by tax such sum or sums of money for the support of public schools as required by the law of the state, or such sum in addition thereto as said council may deem expedient or necessary; that all moneys so raised and appropriated shall be expended by said board of education for the support of public schools in such city or school districts according to the provisions of the state law in relation to public schools.

Duties of board
of education.

45. The board of education shall take charge of the public school-houses in any such city or school district, and shall cause all necessary repairs to be made to the same, and are also empowered to establish public schools of different grades, adapted to the age and progress of the pupil, including evening school for apprentices, minors and adult persons, to select and employ teachers; to provide school books, school furniture and school libraries for the school; to purchase heating apparatus and fuel, or otherwise provide for the heating and lighting of such school-houses, and incur such incidental expenses for the maintenance of the school as may be necessary, and to adopt rules and regulations for the admission of pupils, the investigation and inspection of the school, and the government and the studies to be pursued therein.

Yearly report.

46. The said superintendent and board of education, on the first day of July of each year, shall submit a report, embracing the number of schools under their charge, specify their grades, and the number and the names of the teachers, the number of pupils on the roll,

and the average attendance in each school, and a full and true account of the expenditures of the board during the year, under the respective heads of repairs of school-houses, salaries of teachers, and officers of the board, school books, school furniture, school libraries, heating and fuel, and incidental expenses, and shall transmit the said annual report to the common council, and a copy thereof to the state superintendent of public schools.

47. The city treasurer shall, in each year, from time to time, pay over to the said school superintendent such sum of money as shall have been ordered to be raised by tax for the support of public schools in such city, not required by the law of this state to be paid to the county collector on warrants to be signed by the said superintendent and countersigned by the comptroller, when such office exists; otherwise by the chairman of the finance committee of common council.

Treasurer to pay over money for school purposes.

STREETS, HIGHWAYS, DRAINS, SEWERS AND ASSESSMENTS THEREFOR.

48. It shall be lawful for the common council of any such city whenever, in their opinion, the public good requires it, by ordinance,

I. To lay out, accept and open any street, road, highway or alley, public park or square within such city, and to order and cause any street, road, highway or alley already laid out to be vacated, straightened or widened, and to take and appropriate for any such purpose, when necessary, any lands and real estate, upon making compensation to the owner or owners thereof as is hereinafter mentioned and provided, and such power shall belong exclusively to the said common council; and they may, at their discretion, by ordinance, accept such lands as may be dedicated by the owners thereof as public streets or alleys, and thereupon shall be bound to keep up, repair and maintain the same to the same extent that they may be bound to keep up, repair and maintain streets or alleys laid out by other legal proceedings;

May lay out, extend and improve streets.

May accept lands dedicated for highways.

Construct sewers
and drains.

II. To order and cause sewers or drains to be constructed, and, if necessary, to take and appropriate, for the purpose of constructing such drains or sewers, any lands and real estate upon making compensation to the owner or owners thereof, and to make a just and equitable assessment upon all the owners of land and real estate peculiarly benefited thereby, in proportion to the benefit each shall be deemed to acquire of the costs, damages and expenses so incurred;

Improve streets
and provide for
the cost thereof.

III. To order and cause any street or section of a street to be graded, graveled, paved, flagged or otherwise improved and regulated in such manner as they may deem advisable, and to assess the costs and expenses of such improvement upon the owner or owners of property benefited thereby; in no case, however, shall any assessments for benefits made under the authority of this act exceed the special and peculiar benefit which the owner or owners of said property shall receive by reason of the improvement.

Notice of
intention to be
given.

49. No ordinance shall be adopted by the common council for making any improvements or performing any work under and by virtue of the provisions of the last preceding section of this act or either of the subdivisions thereof, or under and by virtue of this act, until public notice shall be given of the intention of the common council to cause such improvement to be made or such work to be done and performed, and, to that end, it shall be the duty of the city clerk, by direction of the common council, to give notice in one or more newspapers printed and circulating in any such city, for at least ten days, of the intention of the common council to cause such improvement to be made or such work to be done and performed, briefly describing such work or improvement and requesting such persons that may object thereto to present their objections in writing at the office of the city clerk on or before a day to be specified in said notice, not less than ten days from the time of such direction, and at any time thereafter the common council may proceed to consider such ordinance as aforesaid.

50. Whenever any ordinance shall be passed by the common council for making any improvement or per-

forming any work under and by virtue of the provisions of this act, all further acts and proceedings which it may be necessary for the said common council to take to carry out said improvement or work to completion, and all orders relating thereto may be by resolution and not by ordinance.

Further proceedings for improvements may be by resolution.

51. Whenever the common council shall determine by ordinance to lay out and open any street, road, highway or alley, public park or square within such city, or to alter, widen or straighten any street, road, highway or alley or any part of a street, road, highway or alley, or to make any sewer or drain in any part of such city, and to take and appropriate for such purpose any lands or real estate, they are hereby authorized to treat with the owner or owners thereof, and make such compensation therefor as they shall judge reasonable, and thereupon shall receive from such owner or owners a conveyance of such land and real estate to the city, and such compensation shall constitute a part of the whole amount of costs, damages and expenses to be assessed under and in pursuance of the provisions contained in this act.

Lands for public purposes; how acquired.

52. When the said common council cannot agree with the owner or owners of such required land or other real estate for the same, or when by reason of the legal incapacity or absence of any such owner or owners no such agreement can be made, it shall be lawful for the board of city assessors, and they are hereby required upon application in writing of the said common council, signed by their presiding officer, which application shall specify the improvement and the land or other real estate, with the appurtenances, intended to be taken for such purpose, to make an estimate and assessment of the damages that any such owner or owners will sustain thereby, and in estimating and assessing such damages, the said board of assessors shall have due regard as well to the value of the land or other real estate, with the appurtenances, as to the injury or benefit of the owners or owner by the making thereof, and it shall be the duty of the said board of assessors, after estimating said damages, to assess the amount thereof, including the sums which may have been agreed upon as the price of any of the lands or other real estate to be taken for such

Proceedings in case of disagreements.

purpose (where agreement has been made with the owner or owners), and also the costs and expenses incurred upon all the owners of land and real estate in such city peculiarly benefited thereby, in proportion as nearly as may be to the advantage each shall be deemed to acquire, specifying in such assessment such lots or subdivisions of lots, designating the lots and subdivisions of land so benefited by the letters and numbers by which they are distinguished on the city atlas, together with the name of the respective owner or owners thereof, and the amount assessed on each lot, which said assessment shall be embraced in the report of the said board of assessors hereinafter directed to be made, and in case where the common council shall agree with the owner or the owners of such lands, as to the compensation therefor, the board of city assessors shall make their estimate for damages in accordance therewith.

Damages; how
ascertained.

53. That in making every assessment required to be made by the provisions of this act when any land or real estate is taken or condemned, the said board of assessors shall first estimate and assess, in the manner herein required, the damages sustained by the owner or owners of lands and real estate taken therefor; and after having ascertained the amount of such damage, they shall declare in their report thereof the cost and expense incurred, which shall include the damages awarded, and they shall thereupon at once proceed to make an estimate and assessment of the benefits conferred by said improvement, as required therein, and they are hereby authorized to declare the damages awarded and benefits assessed in one report, or they may make their report of the damages (and benefits) separately, as they may deem best; which said report shall be filed with the city clerk, who shall at once notify the parties interested, personally, by mail or by advertisement, of the filing thereof, and of the time and place when common council will meet to consider the same; *provided*, that notice sent by letter, with full postage prepaid, to the parties' last-known address, or published in one or more newspapers circulating in the city where such lands and real estate lie, for one week, shall be deemed a sufficient notification.

Report filed.

Proviso.

54. After the filing of any such report the same, at the next meeting of common council, shall be presented by the city clerk; *provided*, said report shall have remained on file in the clerk's office for at least ten days prior to said meeting, and if said report shall not have remained on file ten days next preceding said meeting, then and in that case the said report shall be presented at the first meeting of council after said report shall have been on file ten days, and the same being ratified by the common council, shall be binding and conclusive upon the owner or owners of any such land and real estate, and the lands condemned for any such improvement shall thereupon be and become the property of the city for the purposes for which the same are condemned; *provided, however*, that any person or persons conceiving himself, herself or themselves aggrieved by the proceedings of the said common council or of the said board of assessors in making an estimate and assessment of the damages, may appeal therefrom to the supreme court of this state within thirty days after the time of the making of the final order of the common council confirming said report; and the supreme court or a justice thereof shall order a trial by jury to assess the damages sustained by the party aggrieved, the trial whereof shall be conducted as in other cases of trial by jury; and the said court of justice thereof shall have power to order an issue framed and proper proceedings to be had for this purpose.

Report
presented.

Proviso.

Proviso.

55. In case of non-payment on demand of any damages estimated and assessed as aforesaid, with interest from the date of the confirmation of such assessment, in case of no appeal to the supreme court as aforesaid, the person or persons entitled thereto may sue for and recover the same from the city in an action of debt, with costs, in any court having cognizance thereof; and the said proceedings of the said board of assessors and common council or the award of the said jury, as the case may be, shall be conclusive evidence against the defendant; *provided, however*, that whenever benefits for any such improvement have been assessed against any person or persons entitled to any award of damages, no recovery shall be had of the damages awarded until

Non-payment
of damages.

Proviso.

such benefits have been paid; and it shall be lawful for the said city to offset the benefits so ascertained against the damages so awarded; and if in any case the damages awarded exceed the benefit assessed, the balance only shall be recovered; if the benefits assessed exceed the damages awarded, then the excess benefits may be collected in the manner hereinafter provided.

Treasurer shall pay damages as directed.

56. The city treasurer shall, under the direction of the common council, tender and pay to the owner or owners of such land and real estate, if resident in the city, the amount of such estimate and assessment of damages due to him or them, and if such owner is not resident in the city, or upon due inquiry cannot be found therein, or is a lunatic or under age, or if for any other lawful cause is incapacitated to receive the same, or if such owner will not receive the same, and sign a proper voucher therefor when tendered, then the said treasurer shall make affidavit of such facts and file the same with the city clerk; and the common council shall thereupon direct the amount of such assessments so due as aforesaid to be placed in the city treasury for the use of the person or persons to whom it may be due; and the said moneys so placed in the city treasury shall be paid by such city to the person or persons entitled thereto on demand, but without interest, except from the time demand is made and payment after demand refused.

Assessments for benefits; notice to be given.

57. Before making any assessments for benefits against any owner or owners of lands and real estate benefited, the said board of assessors shall give notice, in the manner hereinbefore directed, of the time and place when and where they will meet for the purpose of considering the same, at which time and place all persons interested therein may be heard, and the said board may adjourn such hearing from time to time until they have completed the consideration of and made report thereon as herein directed, and any person who may deem themselves aggrieved thereby may present his objection to any such report to the common council of such city at its next stated meeting after the filing of such report, and if the said common council shall refuse to ratify the same, it shall be returned by the said common council to the said board of assessors for further

Report may be returned for consideration.

consideration, and so, from time to time, until such report shall be duly ratified and confirmed.

58. Upon the ratification of any such assessment of benefits, the report thereof shall be transmitted immediately to the officer charged by law with the collection of taxes, and it shall be the duty of such officer thereupon to give notice in one or more of the newspapers published and circulating in such city, that such assessment has been duly returned to him for collection; all such assessments shall draw interest from the date of confirmation at the rate of seven per centum per annum, and, with the cost of collection, shall be and become, from the date of confirmation, a first and paramount lien upon the land and real estate so assessed, which lien shall remain until such assessment is paid.

Ratified report shall be transmitted to collector.

Notice of assessment published.

Assessment to draw interest.

Lien until paid.

59. It shall be the duty of the collector of taxes to whom any such assessments shall have been returned, in addition to the publication of the return thereof to him for collection, as herein provided, as far as practicable, to cause a notice to be given to each person assessed of the amount of the assessment so made against him or her, with the costs which have been incurred in the collection of the same, and the interest which has accrued therein; but if, for any reason, such notice is not given to or received by the person or persons assessed, it shall in no way impair the right of the city to collect the assessment so made; in all cases in which assessments so made and returned shall remain unpaid for the space of six months from the date of confirmation, it shall be lawful to collect the same by a sale of the property assessed, and it shall be the duty of the said collector, within one year of any such assessment shall have been returned to him, to make sale thereof as herein directed; he shall, before making such sale, make advertisement thereof in one of the newspapers published in such city, for the space of four weeks, at least once each week, giving notice of the time and place of sale, together with a description of the lot or tract of land assessed by the letter or number by which it is designated on the city atlas, and specifying the amount of money so assessed, laid out and expended on the same; and he shall, at the time and place so

Collector of taxes to notify persons of assessments.

Property may be sold for unpaid assessments.

designated, sell the said land and real estate at public sale for the shortest term of years at which any person will agree to take the same, not exceeding fifty years, and pay the assessment, with interest thereon, and all other expenses incurred subsequent to the confirmation thereof; and thereupon the mayor and city clerk of such city, at the request of the common council and under its corporate seal, shall make, execute and deliver a declaration of sale to the purchaser thereof, and such purchaser, his executors, administrators or assigns, by virtue thereof, and under the authority of this act, shall lawfully hold and enjoy the said lands and real estate, for his and their own proper use, until said term shall be fully completed; and they shall be at liberty to remove therefrom all buildings and improvements they shall erect or place thereon during the said term, and every such purchaser, his heirs and assigns, shall pay all taxes which shall be lawfully assessed against the said land and real estate during the said term; *provided however*, that if the owner of any such land and real estate, or any person having an estate therein, or any mortgagee thereof, shall, within three months after written notice of such sale shall have been served upon him or them by the purchaser, personally or by registered letter, pay to the purchaser, his executors, administrators or assigns, the amount of money so paid by him to such city and all taxes paid by such purchaser, with interest at the rate of twelve percentum per annum, such owner or persons having an estate therein or mortgagee, as the case may be, shall be entitled to re-enter and re-possess the said lands and real estate and hold the same, and have such rights therein as if the said sale had not been made; *provided, however*, if such owner or mortgagee shall not redeem said lands and real estate within three months from the date of such service of notice as aforesaid, the estate of the purchaser shall become absolute for the term for which the said lands or real estate were purchased.

Proviso.

Proviso.

Assessments to be made on property benefited.

60. It shall be lawful for the common council in every such case to cause so much of the cost, damage and expense of any public improvement authorized by and made under the authority of this act, as represents

the special and peculiar benefit conferred upon the owners of land and real estates benefited thereby, to be assessed thereon, in the manner herein provided, in proportion to the benefit each shall be deemed to acquire, the balance of such cost, damage and expense to be imposed upon and borne by the city and provided for by general taxation; or the said common council may, at its option, provide that the entire expense of any such improvement shall be borne by the city at large, and shall have power, within the limitations herein imposed, to provide therefor by taxation.

Or may be borne
by the city at
large

61. It shall be the duty of the common council to establish by ordinance the grades of the several streets and alleys which now are or may hereafter be opened in such city, and it shall not be lawful, after the same shall have been established, to alter the grade of any street or alley except by ordinance, nor shall any such ordinance be passed until the common council shall have caused a notice of such contemplated alteration to be served upon the owners of lots fronting or bordering upon that part of said street or alley the grade of which is proposed to be altered, or to be published for two weeks in one or more newspapers published and circulating in such city, which notice shall state the time when the common council will proceed to consider said matter, which time shall not be less than two weeks from the time of serving or first publication of said notice; at the time said matter shall come up for consideration of the common council, all persons interested may appear and be heard by themselves or their counsel for or against the alteration proposed; all changes which said alteration of grade may render necessary in gutters, sidewalks, front fences or other property of any land-owner, shall be made by the common council at the time of altering such grade, and such common council shall have a right to recover of any land-owner who was an applicant for such alteration the expense of making such change in his or her gutter, sidewalk, front fences or other property, together with the costs of suit, by an action of debt, in any court of competent jurisdiction, in the name of any such city against such land-owner, for so much

To establish
grades.

Notice of
intention to
alter grades
established must
be given.

Persons
interested may
appear.

Changes made
necessary by
alteration of
grade to be
borne by
property
affected.

money laid out and expended by them for the use of such owner, and declared generally and give special matter in evidence.

Provide for the use of sewers and connections therewith.

62. The common council are hereby authorized and empowered to pass and adopt such ordinances, rules and regulations as to said common council may seem proper, for regulating, controlling and prescribing the manner in which any sewer or drain constructed by order of said common council shall be used, and the manner in which connections therewith from any house, building, yard or other place shall be made, and for the keeping of the same in proper repair, and providing for the cost thereof; and sewers and drains constructed under the provisions of this act shall be constructed in accordance with the map and surveys made or hereafter to be made for that purpose.

Assessments upon lot-owners; how made.

63. All assessments upon lot-owners in said city which may be made for any purpose authorized by this act or to be authorized by law, shall be made upon the lots or subdivisions of lots as they shall stand recorded on the city atlas; and in advertising the same for such assessments or for taxes, or in entering liens thereon, it shall be sufficient to describe said lots or subdivisions of lots by the letters and numbers of streets by which they are distinguished on the city atlas, together with the name or names of the owner or owners thereof, as the same appears in the register by the city surveyor; if in any case the name of the owner or owners is unknown and cannot be ascertained, such assessment may be made against the lots as so designated, or if no register be kept, then as designated in the tax duplicate, with the declaration that the owner's name is unknown.

Re-assessments; how made.

64. Whenever by the judgment of any court wherein any certiorari has been, is, or may be brought, or any assessment made under the provisions of this act has been or is set aside or reversed for irregularity or informality in such assessment, it shall be lawful for the common council to cause a new assessment to be made of so much of the amount of the original assessment as may be so set aside or of the amount thereof still remaining unpaid, to become a lien as of the date of the confirmation of the original assessment, and to be pro-

ceeded with in all respects in conformity with the provisions of this act and the laws relating thereto.

65. Whenever, by reason of any informality or illegality in any proceedings of the said common council or of the board of city assessors, the surveyor or other agent of the common council or official of the city in laying out, opening, altering, widening or closing streets, avenues or public places, or in grading, altering the grade, paving, curbing, guttering and flagging the sidewalks of any street or avenue, or of constructing any sewer or drain, any assessment shall be set aside by judicial authority, it shall be lawful for the common council to re-institute the proceeding set aside upon the same basis upon which the original proceedings were based or otherwise, if they see fit so to do, and lawfully proceed therein the same as though the former proceedings had not been had, or the said common council may re-institute said proceedings from the point where such informality or illegality may have been so decreed, and whenever the common council shall discover that any such proceedings shall be liable to be set aside by judicial authority, they may re-institute said proceedings from the point where such informality or illegality commences, and no assessment shall be deemed invalid in consequence thereof, but no writ of certiorari shall be allowed or issued to remove any assessments made upon the owner or owners of lands and real estate for any work or improvement made or to be made, unless the same be applied for, within sixty days after the confirmation of such assessment by the common council of such city.

Assessments set aside; how renewed.

66. Whenever any public improvements shall be made or ordered to be made and the expenses thereof ordered to be assessed by the board of city assessors, and any member of the board of city assessors shall be interested in said improvements, either as an owner of property to be taken or to be assessed, or in any other way, except merely as a tax-payer in such city, such assessor shall not be deemed competent to assist in making the assessment connected with such improvement, but the common council shall, by a majority vote of all its members, elect some disinterested resident in

Member of board of assessors not to act when interested in the property concerned.

Substitute
provided.

such city to act with the remaining member or members of the board of assessors in making said assessment; such person, before entering upon his said duties, shall take and subscribe an oath or affirmation before the city clerk, to be filed by him, faithfully and honestly to perform said duties; no report of assessment shall be considered illegal in consequence of the incompetency of any of the persons making such report, if a majority of the persons making such assessment were competent and disinterested; and it shall be lawful for the common council to make such reasonable compensation for the services of any person so appointed to fill such vacancy as it may determine.

To purchase or
condemn
property for
public use.

67. It shall be lawful, whenever the common council shall deem it necessary and for the public good, to purchase or condemn the plant, property or franchise of any person or corporation for the purpose of supplying such city or the inhabitants thereof with gas, electric or other light, or for the removal and disposition of the sewerage thereof, and if, under the authority conferred in this section, any plant, property or franchise used for any or either of the purposes herein specified shall be condemned, the method of procedure for this purpose shall conform to and be regulated by the provisions of an act entitled "An act to enable cities to supply the inhabitants thereof with pure and wholesome water," approved April twenty-first, one thousand eight hundred and seventy-six, and the supplements thereto; *provided, however*, that the power conferred in this section shall not be exercised by the common council until the same shall first be authorized by a majority vote of the legal electors of any such city, which election shall conform to and be regulated by the method of procedure, as near as may be, to the act of April twenty-first, one thousand eight hundred and seventy-six, above referred to, and the supplements thereto.

Method of
procedure; how
regulated.

Proviso.

PUBLIC BUILDINGS.

Provide suitable
buildings for
public and
municipal use.

68. If, in such city, there are not public buildings, the property of the city, suitable and proper to accommodate the different officers and departments of the

municipal government, and for public and municipal uses, it shall and may be lawful for the common council of such city, by ordinance, to provide for the erection and construction of any and all such buildings, and to purchase, appropriate and condemn suitable lands and real estate therefor, and to suitably furnish and equip the same.

69. If it shall be found proper and necessary to condemn any lands for any of the purposes mentioned in the foregoing section, authority is hereby given to the common council of such city so to do; and the method of procedure in every such case shall conform to and be the same provided for in the act entitled "An act to empower cities to acquire land for public use by condemnation," approved March seventeenth, one thousand eight hundred and ninety-one, constituting chapter one hundred and four of the session laws of one thousand eight hundred and ninety-one.

Method of
procedure to
condemn lands.

BONDS.

70. It shall be lawful for the common council, in the name of the city, under the authority of this act, to issue its corporate bonds for any sum not exceeding eight per centum of the taxable value of the property rated for assessment; and such obligations shall be issued in the name of the city and under its corporate seal, and shall be signed by the mayor and attested by the city clerk and countersigned by the city treasurer; they shall be of such denomination and bear interest at such rate, not exceeding five per centum per annum, and be payable at such times and place, not exceeding thirty five years from the date of issue, as the common council may determine; they shall be disposed of at not less than their par value, the proceeds of such securities may be used for the purpose of making any of the improvements authorized by this act and for other lawful purposes; *provided*, that no bond or bonds shall be issued for any purpose whatever unless approved by a majority vote of the city council, and then submitted to the voters of the city at an annual or special election,

Issue bonds.

Proviso.

and a majority of the votes cast at such election shall have been cast in favor thereof; in every instance the issue of bonds shall be authorized by ordinance, and the purpose for which the bonds are to be used shall be expressed therein, and the proceeds thereof shall be used for no other purpose; whenever bonds are issued to provide funds for any of the purposes authorized by this act, any part of the cost and expenses of which is authorized to be assessed upon the property benefited, the assessment for benefits in every such case shall be exclusively appropriated for the redemption of the bonds so issued, and shall be kept separate from the other funds of such city and devoted exclusively to this use; and it shall be the duty of the common council to provide by taxation in the annual tax levy of such city such sum, in addition to the benefits so assessed, as will be sufficient in every case to provide for the annual interest of the bonds so issued, and a sinking fund for the redemption thereof, which shall not be less than two per centum of the amount so issued.

Provision for
meeting bonds.

Board of
commissioners;
how constituted,
and duties.

71. The mayor, comptroller, when such office exists the city treasurer and some person selected and appointed by the common council, shall constitute a board of commissioners, whose duty it shall be to take charge of the sinking fund of such city, and shall have power to make investments thereof from time to time, and to pay therefrom the obligations of the city for which such fund is provided as they may mature, and the interest thereon as it shall fall due; they shall annually report to the common council the condition of the funds under their charge and the investments thereof; and the common council shall have the power to direct the manner in which such investments shall be made.

Make temporary
loans.

72. It shall be lawful for the common council of such city to make temporary loans for a period not exceeding, with any renewals thereof, two years; which loan shall only be in anticipation of city taxes and of assessments for laying out and opening, straightening, altering or widening any street, road, highway or alley, and for the construction of sewers and drains, and the regulating, grading and paving of streets and sidewalks and for fees imposed for licenses, and shall not exceed ninety

per centum of the amount of such anticipated assessments, taxes and license fees; and all such temporary loans shall be retired and paid when the revenues anticipated are received; and it shall be lawful to appropriate and use the moneys so obtained on temporary loans in anticipation of revenue for city purposes, and all moneys so appropriated and used shall be provided for in the annual tax levy. Limitation.

73. Whenever any bonds shall issue under the authority of this act, it shall be the duty of the city clerk and the city treasurer, under the direction of the common council and subject to such regulations as may be made by the common council in relation thereto, to keep an account of all such bonds in proper books with the numbers, dates and amounts thereof, when redeemable, the place of redemption, the place where interest shall be paid, and when payable, with the title of the ordinance authorizing the same, and the names of the person or persons to whom the same shall be issued; and they shall supervise the negotiations thereof and shall make reports thereof to the common council from time to time and whenever required so to do; and it shall be the duty of the city clerk to furnish to the commissioners of the sinking fund a statement showing the amount of every such issue, and all the particulars herein required to be recorded, as soon as the bonds authorized in any case shall have been disposed of. Record of bonds.

COMPTROLLER.

74. It shall be lawful in any such city to create and establish the office of comptroller whenever the common council thereof shall by the passage of an ordinance determine so to do, which ordinance shall define the duties of such officer in conformity with the provisions of this act. Comptroller

75. When such office shall be established therein by an ordinance therefor, the legal electors shall at the next city election elect some suitable person, a resident of such city, to serve therein; and the person so elected shall hold his office for the term of three years, and Election and term of office.

until his successor is in like manner elected and has qualified.

Oath of office,
bond and
compensation.

76. The said officer, before entering upon the duties of his office, shall take and subscribe before any officer authorized to administer oaths and affirmations in this state, an oath or affirmation faithfully to execute the duties of his office to the best of his knowledge, skill and ability, which oath or affirmation shall be filed in the office of the city clerk of such city; and he shall give a good and sufficient bond for the faithful performance of the duties of his office in such sum as the common council shall direct, which shall be approved by the common council; and he shall receive as compensation for his services such salary as the common council of such city shall prescribe, not exceeding one thousand dollars per annum.

Duties of
comptroller.

77. It shall be the duty of such officer to sign all warrants on the city treasury, to superintend all fiscal concerns of the city in such manner, and to report thereon at such times, as the common council shall by ordinance direct, to keep separate accounts of all appropriations made by the common council to each and every department of the city government, and to require all warrants on the treasury to state particularly against which appropriation the said warrant is drawn; the said officer, on receiving a bill or warrant, shall examine the same, and if it be for any purpose for which there is no appropriation, or the appropriation for which is exhausted, or to which for any other cause he cannot give his approval, he shall report the fact to the city council and the warrant in such case shall not be signed except by special authority from or directed by the common council; he shall, upon the death, resignation, removal or expiration of the term of office of any officer or person who, by law, may be authorized to receive or disburse the moneys of such city, for which said comptroller is acting as aforesaid, audit and examine the accounts of such officer or person and report the condition of his business to the common council; he shall first audit the bill containing or making up such claim, with a view to ascertain whether the supplies charged to such city, or the services alleged to

have been rendered, have been furnished and rendered as stated, and whether the sum or sums demanded therefor are proper, and, after so auditing, shall return said bills to the officer or department having control of the appropriations against which said claim is made and against which the warrant is to be drawn; he shall, as often as he may deem necessary, or, as the common council may require, suggest plans to the said common council for the improvement, advantage and better management of the finances of such city; he shall have the control of the fiscal concern of all departments and officers of the city, and may require at any time, from any and all of its departments and officers, a full exhibit of their business and a statement and account in writing, of any or all moneys and property of said city within the control or in the hands of said department and officers, and the said comptroller shall immediately, in case of any default, delinquency or official misconduct, report the same to the common council; and in order that he may fulfill his duties and make complete audits of the accounts, he shall have power, whenever he shall see fit, to examine all books, papers and vouchers pertaining to any and all departments of the city's business, and shall have free and unrestricted access to them for the purposes aforesaid; and the said officer shall be authorized, whenever in his judgment the interests of the city shall require, to examine, under oath, any person presenting a bill or claim against such city for the payment of moneys; and also to examine witnesses and to investigate, by other evidence and inquiry, all facts relating to such claim which, in his opinion, are necessary to establish the accuracy and good faith of such claim, and to ascertain the city's liability therefor; that it shall be deemed a misdemeanor for such officer to sign any warrant or order, or otherwise procure the payment of any money from the city treasury not authorized by law.

POLICE COURTS.

78. It shall be lawful for the common council of any such city, at its discretion, by ordinance, to establish

Establish police court.

Power, authority and jurisdiction.	in and for such city a city police court, which, when so established and constituted, shall be called the "_____ police court" (inserting the name of the city), which shall have power, authority and jurisdiction as follows: the said court shall have, possess and exercise all the jurisdiction when so established and constituted, power and authority in civil and criminal matters which are or may be conferred upon justices of the peace in and for the several counties of this state, excepting such as are conferred on such justices of the peace by the following act: an act entitled "An act constituting courts for the trial of small causes," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; an act entitled "An act concerning landlords and tenants," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; an act entitled "An act for the relief of creditors against absconding and absent debtors," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; an act entitled "An act concerning forcible entries and detainers," approved April sixteenth, one thousand eight hundred and forty-six, and the various supplements thereto; and an act entitled "An act to increase the jurisdiction of justices of the peace," approved March twelfth, one thousand eight hundred and seventy-nine, which jurisdiction shall, within the corporate limits of such city, be exclusive of all other courts, judges and magistrates, excepting the courts of oyer and terminer and general jail delivery, quarter sessions and special sessions of the county of this state, and the judges thereof; and the said court shall have exclusive jurisdiction for the purpose of enforcing and recovering any penalty for the violation of any ordinance, by-law or regulation of such city, or any board thereof, and is hereby empowered, on oath or affirmation, made according to law, that any person or persons has or may be guilty of any violation of any ordinance or regulation of such city, or any board thereof, to issue process at the suit of said city, either in the nature of a summons or warrant, as to
Exceptions.	
To issue process.	

the police justice thereof shall seem most advisable, against the person or persons, corporation or corporations so violating such ordinance or regulation, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in not less than two or more than fifteen days; such process shall state what ordinance or regulation has been violated by the defendant or defendants named therein, and on the return of such process, or at the time to which the matter shall have been adjourned, the said police justice shall proceed to hear testimony and to determine and give judgment in the matter without the filing of any pleading, and such police justice shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels or body of the defendant or defendants, which execution shall be executed and returned as near as may be in the manner in which executions are now by law issued and returned in courts for the trial of small causes; such police justice is further empowered to inflict and impose fines (in his discretion), not exceeding the sum of two hundred dollars, on such person as shall be brought before him, charged with disorderly conduct or breach of the peace, if found guilty, or, in his discretion, to order such person committed to the city prison or county jail for any period not exceeding thirty days; *provided*, that in all cases where the penalty shall exceed twenty dollars, an appeal may be taken in the same manner as an appeal might be had from judgments in courts for the trial of small causes; and such judge is hereby empowered to cause any person or persons who shall be found guilty of the violation of any ordinance or regulation of such city or any board thereof, and any person or persons found guilty of disorderly conduct, breach of the peace, or any other offense within his jurisdiction, and who may refuse to pay any fine or penalty imposed by him by reason of the same, to be sent to the city prison or county jail for a term not exceeding thirty days, as hereinbefore provided; the said court shall also have jurisdiction to try and determine all cases of simple assault and battery and petty larceny where the offense is committed in the corporate limits of the city

Give hearing.

Issue execution.

Fines.

Proviso.

May imprison.

Proviso.

in which the court is established; *provided*, that the person or persons charged with any such offense shall, in writing, waive indictment and trial by jury.

Shall keep docket.

79. The said police justice shall keep a docket of the proceedings of such court, which docket shall contain the names of the parties and a record of all the proceedings in every case excepting the evidence given; this docket shall be the property of the city, and it shall be kept in the court-room, subject to the inspection of all persons lawfully entitled thereto; and all papers in every case (excepting complaints and recognizances required by law to be delivered to the prosecutor of the pleas of the county or grand jury) shall be filed and remain in said court; and no conviction other than the record in said docket shall be necessary in any case.

Common council to appoint police justice.

80. The common council shall have power, by a majority of votes of all its members, to appoint a police justice of said court, who shall hold his office for the term of two years, and until his successor has been in like manner appointed; every such officer shall, before he enters upon the discharge of his duties, take and subscribe before some person authorized to administer oaths, an oath faithfully and impartially to execute the duties imposed upon him by law, according to the best of his skill and ability; and shall enter into bond to the city, in its corporate name, in such sum and with such surety as the common council may approve, conditioned for duly accounting to the proper authorities for all moneys that may come into his hands as such officer, and for the payment of the same on demand to the person or persons entitled to receive the same.

Oath.

Bond.

Who may serve processes.

81. The officers empowered to serve any process issued by any such police justice shall be, besides the constables elected or appointed in such city, the officers or members of the police force of such city, and such process shall be returned in the same manner, as far as circumstances shall permit, as similar processes shall be out of the courts for the trial of small causes or before a justice of the peace; and that such defendant or defendants shall, if such police justice see fit to adjourn the hearing of the cause, and so order, enter into recognizance as near as may be in the same manner as

Processes; how returned.

directed in courts for the trial of small causes or before a justice of the peace, in such sum and with such surety as may be approved by such justice, such recognizance to be given to such city for the appearance of the said defendant or defendants on the day to which the said hearing may be adjourned; and in default of appearance the said recognizance may then be collected in the same manner as it might have been had the said recognizance been taken in a proceeding in a court for the trial of small causes, or before a justice of the peace; if a commitment shall be issued in any case when the defendant is not in custody, it shall be lawful for such defendant to be taken into custody under such commitment in the same manner as under a warrant, and to be delivered to the keeper of the city or county jail as directed by such commitment.

Recognizances
may be given.

Default of
appearance.

82. In any proceedings had before such police justice for recovering the penalty for the violation of any ordinance or regulation of such city or any board thereof, such ordinance may be proved by a copy thereof, certified under the seal of the city clerk, or by the introduction in office of any compilation of the ordinances of such city or any public board of such city duly authorized and recognized as the ordinances of the same; and due publication of all ordinances or regulations of any public board of such city shall be presumed to have been made until the contrary is proven.

Proof of
ordinance.

83. The common council of such city where a police justice is established shall provide a suitable room or rooms for the transaction of the business of such court and procure suitable furniture therefor, and such books and stationery as may be necessary; and such common council shall designate the place in said city where such police justice shall sit for the transaction of business, and the time during which said court shall be opened on each day, to the end that the administration of justice by such police justice throughout such city may be facilitated and made convenient; and it is hereby made the official duty of such justice to be in attendance at the time and place so designated; and the said common council shall designate and provide the police officer or

Police court:
when and where
held.

officers to attend the sittings of such court and preserve order therein.

Court of
record.

84. Such police court shall be a court of record and have an official seal, and all persons shall be amenable to punishment for contempt of the said court in the same manner as other courts of record in this state having power to punish for contempt of court, and such justice shall make such rules as may be necessary for the orderly conduct of business and proceedings in such court; such rules shall be approved by and subject to revision by the president judge of the court of common pleas of the county in which such city is situate.

All moneys
received to be
paid to treasurer.

85. Such police justice shall pay over weekly to the treasurer of such city, for the use of such city, all fees, fines, penalties and costs which he may receive for the violation of ordinances and other offenses whereof complaint is made before him, and the receipt of such treasurer therefor shall, on the payment thereof, be a sufficient discharge for the same.

When required,
make report to
common council.

86. Such police justice shall, whenever required by the common council, make a report in writing of the moneys received by him as such police justice not before reported for fines, penalties and costs of suit, when and from whom and for the violation of what ordinance or ordinances received and what judgments remain unpaid, and when such written report shall have been duly audited by the comptroller of such city, or if the office of comptroller does not exist, by the chairman of the finance committee, said police justice shall, without delay, pay over to the treasurer of such city all moneys thereby appearing to be due from such police justice, taking the receipt of such treasurer for the amount paid.

What laws to
remain in force.

87. All laws in force in such city, not inconsistent with or repugnant to the provisions of this act, shall remain and continue in force, and all powers conferred and duties imposed thereby upon the governing body of any municipal officer thereof shall apply to and be conferred upon all boards and bodies created and officers to be elected or appointed under the authority of this act, having like or corresponding powers or duties.

Provisions to
apply.

88. The provisions of this act shall apply to and be operative in all the cities of this state heretofore or here-

after incorporated, having a population of less than twelve thousand inhabitants; *provided, however*, that its provisions shall not apply to nor be operative in any such city existing under a special charter heretofore or hereafter granted by this state, or in any such city which has heretofore adopted or hereafter may adopt the provisions of any general law, by a vote of its inhabitants, which law, by its provisions, is to remain inoperative until so adopted, unless and until the provisions of this act shall have been accepted by the inhabitants of such city or cities by the majority of the legal voters thereof, at any special or general election to be held therein, at any time to be fixed by the common council or other legislative body of such city, of which the city clerk of such city shall cause public notice of the time and place of holding the same to be given by advertisement, signed by himself and set up in at least ten public places in such city, and published in one or more newspapers printed or circulating therein at least six days prior to the day of such election, and said clerk shall provide, for each elector voting at such election, ballots to be printed or written or partly printed or partly written, on which shall be either the words "for the adoption for this city of the provisions of an act entitled 'An act relating to and providing for the government of cities of this state containing a population of less than twelve thousand inhabitants'" or "against the adoption for this city of the provisions of an act entitled 'An act relating to and providing for the government of cities of this state containing a population of less than twelve thousand inhabitants,'" that such election shall be held at the time, place and in the manner, and be conducted by the officers of such city as provided by law for the time being concerning and regulating elections therein, and the officers holding such election shall make return to the common council or legislative body of such city of the result of such election, by a statement in writing under their hands, and the same shall be entered at length upon the minutes of common council or other governing body, and thereupon and upon such adoption, and not otherwise, this act shall in all respects be and become operative in such city and

Proviso.

Election held.

Notice given.

Ballots; how prepared.

Election; how conducted.

Result made known.

Repealer.

binding upon the inhabitants thereof and upon all persons and property to be affected thereby, and shall abrogate, repeal and annul all acts and parts of acts existing, whether general or special, in anywise affecting the government of such city, which are contrary to or inconsistent with the provisions of this act.

89. This act shall take effect immediately.

Approved March 24, 1897.

CHAPTER 31.

A Further Supplement to an act entitled "An act to incorporate societies for the promotion of learning" (Revision), approved April ninth, one thousand eight hundred and seventy-five.

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

Number of
trustees may be
increased or
reduced and
number fixed.

1. The number of trustees of any conference seminary, institute or school, now or hereafter organized under the act to which this is a supplement, or under and by virtue of any act supplementary thereto, or any other act now in force in this state, may be increased or reduced by the conference or other body owning or controlling such institution by the vote of a majority of the members thereof present at the annual conference or meeting thereof, who at the same time shall fix the number of said trustees required to constitute a quorum for business thereof; *provided*, that no such board of trustees shall consist of less than five members; *and further provided*, that such board of trustees shall file or cause to be filed in the office of the county clerk of the county where such institution is located, a certificate, under the corporate seal of said corporation and signed by the president and secretary thereof, setting forth said changes in the number of said trustees, from time to time when made.

Proviso.

Proviso.

2. Any increase or decrease of such trustees heretofore made, in accordance with the foregoing provisions, is hereby ratified and confirmed, and also all action of such boards of trustees affected by such increase or decrease.

Action of board of trustees confirmed.

3. A majority of the members so constituting such boards of trustees shall be citizens or residents of the state of New Jersey.

Majority of trustees to be residents of state.

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

Repealer.

Approved March 24, 1897.

CHAPTER 32.

A Further Supplement to an act entitled "An act to authorize and regulate the business of banking," approved April ninth, one thousand eight hundred and seventy-five.

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

1. Any banking association or company heretofore created by special charter, or heretofore established or hereafter to be established under general law, may, at any time within two years next preceding the expiration of its present or future corporate existence, and with the consent of the commissioner of banking and insurance, extend its corporate existence in the manner hereinafter provided, and thereupon shall have succession by its corporate name for a term not longer than twenty years from the termination of its corporate existence as fixed by its charter or certificate of association or certificate of extension; *provided*, such association or company be not sooner dissolved by vote of its board of directors with the consent of three-fourths of its stockholders in interest, or its franchise be not sooner

May extend corporate existence.

Proviso.

declared forfeited by the judgment of a court of competent jurisdiction, or its existence be not sooner terminated at the pleasure of the legislature.

Proceedings for
extension of
corporate
existence.

2. Any banking association or company wishing to extend its corporate existence shall proceed in manner following:

(1) The board of directors shall pass a resolution declaring that such extension is advisable and calling a meeting of the stockholders to take action thereon;

(2) The meeting shall be held upon such notice as the by-laws provide, or, in the absence of a by-law, by ten days' notice, given personally or by mail, directed to each last known post-office address; if three-fourths of the stockholders in interest shall vote, in person or by proxy, in favor of such extension, then

(3) A certificate shall be made in writing, which shall recite the resolution of the board of directors, the holding of the stockholders' meeting, and the action of the stockholders, and shall specify

a The name which has distinguished and is to distinguish the association or company, and has been used and is to be used in its dealings;

b The place where the banking business of such association or company has been and is to be carried on;

c The day on which the extended existence of the association or company shall begin and the period of time limited for its continuance.

Certificate of
extension and
assent to be filed.

3. The certificate of extension shall be signed by the president and cashier of such banking association or company, shall be sealed with its corporate seal, and shall be proved as deeds of real estate are or shall be proved, and shall be filed in the office of the secretary of state, together with the written assent to such extension of at least three-fourths of the stockholders in interest, given either in person or by proxy.

Consent of
commissioner of
banking and
insurance to be
filed.

4. The consent of the commissioner of banking and insurance, in the first section of this act mentioned, shall be shown by a certificate in writing under his hand and seal of office, which shall be filed in the office of the secretary of state, either before or at the time of the filing of the certificate of extension and stockholders' assent in the third section of this act mentioned.

5. The certificates and the written assent in this act hereinbefore mentioned, or copies thereof duly certified by the secretary of state, shall be evidence in all courts and places.

Copies evidence
in all courts.

6. Upon the filing of the two certificates and the written assent, in this act hereinbefore mentioned, the corporate existence of the banking association or company so filing the same shall be extended for and during the term specified and declared in and by such certificate of extension as fully as if the said term had been named and fixed in and by its original charter or certificate of association, or its preceding certificate of extension; and any and every banking association or company so extending its corporate existence, shall continue to be the same association or company that it was before such extension, and shall have, possess and exercise all the rights, powers and privileges which it originally or formerly had and enjoyed, or which shall or may be granted by the legislature under general laws, and shall remain and be under and subject to all the duties, liabilities and restrictions which were originally or formerly imposed upon it, or which shall or may be imposed upon it at the pleasure of the legislature under general laws.

Upon filing
certificates,
corporate
existence
extended.

7. When any banking association or company shall in the manner aforesaid have extended its corporate existence, any stockholder who, through choice or legal disability, may not assent to such extension, shall be entitled to have and receive from such association or company the full value of his or her shares at the period at which such association or company would terminate by its original charter or certificate of association, or its preceding certificate of extension; and, in case the board of directors of such banking association or company, after attempt made by its officers, agent or attorney, cannot agree with such stockholder for the price to be paid to him or her for such shares, it shall be lawful for such association or company, upon ten days' notice in writing to such stockholder, to make application to any justice of the supreme court for the appointment of three disinterested and impartial commissioners to make an estimate and appraisement of the value of such shares;

Stockholders not
assenting to have
full value of
stock.

Proceedings in
case board of
directors and
stockholders
cannot agree.

and such commissioners, having taken an oath or affirmation fairly and honestly to make such appraisement according to the best of their skill and understanding, and having caused notice in writing to be given to such stockholder, for at least five days, of their time and place of meeting to make said appraisement, shall proceed to make the same; and, when so made in writing and signed by the said commissioners, or a majority of them, the said estimate and appraisement shall be final and conclusive, and the amount of the estimate and appraisement shall be deemed a debt due from such banking association or company to such stockholder, and shall be recoverable by action at law, and shall draw lawful interest until paid or tendered to such stockholder, or to his or her lawful representative; and the shares so appraised shall, upon such appraisement made and signed as aforesaid, become and be, without further transfer, the property of such banking association or company, to be sold or disposed of, or held, as its board of directors may elect.

8. This act shall take effect immediately.

Approved March 24, 1897.

CHAPTER 33.

An Amendment to an act entitled "A supplement to an act entitled 'An act to enable boards of chosen freeholders to acquire, improve and maintain public roads,'" approved March nineteenth, one thousand eight hundred and eighty-nine, which supplement was approved April ninth, one thousand eight hundred and ninety-two.

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

1. The first section of an act entitled "A supplement to an act entitled 'An act to enable boards of chosen

Section to be amended.

freeholders to acquire, improve and maintain public roads,''' approved March nineteenth, one thousand eight hundred and eighty-nine, which supplement was approved April ninth, one thousand eight hundred and ninety-two, be amended so as to read as follows:

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

1. In counties of the second class it shall be lawful to raise a sum not to exceed four hundred thousand dollars, for which bonds may be issued by the board of chosen freeholders of any such county, under the act to which this is a supplement or any supplement or amendment thereof; *provided, however*, that if work under said act and supplements or amendments has already been done to an amount exceeding said sum, bonds under said act and supplements may be issued to an amount sufficient to raise and pay for such work; *and provided also*, that no county road bonds shall be issued to such an amount as, in addition to existing debt, shall raise the debt of the county for all purposes above three per centum of the assessed value of the real estate therein; and in case any such bonds shall be issued in excess of the limit aforesaid, all such bonds so issued in excess shall be void in the hands of any person or party notwithstanding any recitals therein or any representations that may be made concerning the same; in case application has already been made to the circuit court and a certificate shall have been recorded and filed, as required by said act, such application need not be repeated in case of any subsequent issue of such bonds where the original certificate on file shows that the new issue of bonds will not exceed three per centum of the assessed value of the real estate in said county as limited by this act.

Amount authorized to raise and bonds issued.

Proviso.

Proviso.

2. The second section of said act be amended so as to read as follows:

2. In any county of the second class wherein the board of chosen freeholders thereof shall heretofore or may hereafter issue bonds under said act and supplements, that such board of such county shall not use any of the money so raised for any other purpose except to grade, macadamize or improve any road in any such

Board not to use money raised except to grade, etc.

Proviso.

county, under the provisions of the act to which this is a supplement and the several supplements and amendments thereof; *provided*, nothing herein shall prohibit the doing of the necessary repair of any road heretofore graded, macadamized or improved by any such board or that may be hereafter graded, macadamized or improved under said act and supplements.

3. All acts and parts of acts inconsistent herewith be and the same are, so far only as they conflict herewith, repealed, and that this act shall take effect immediately.

Approved March 24, 1897.

CHAPTER 34.

An Act relating to municipalities in this state, providing for the continuance in office of certain officers until the election and appointment of officers, where new corporate powers have been or may be conferred.

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

New corporate powers conferred by change of government.

Officers invested with like duties and to continue in office till their successors are qualified.

1. Whenever under any law of this state now in force or hereafter passed, the form of government of any town, borough, city or other municipality therein shall change or be changed, and other corporate powers have been or may be conferred upon the inhabitants thereof, in every such case the mayor, common council and other municipal officers of any such municipality by whatever name they may be known, shall be, and they are hereby made, constituted and appointed the officers of the new municipality, with all the powers and subject to all the duties and responsibilities conferred and imposed upon like officers in such new municipalities by the laws of this state; and all such officers shall continue in office therein until the first annual election to be held in such municipality as provided by law, and until new

officers have therein been elected and shall qualify as provided by law.

2. This act shall take effect immediately.

Approved March 24, 1897.

CHAPTER 35.

An Act to prevent the willful pollution of the waters of the Passaic river, and of the tributaries thereof, above the great falls of the Passaic river at Paterson.

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

1. No person or persons, natural or artificial, shall throw, cause or permit to be thrown into the waters of the Passaic river, or of any of the tributaries thereof, above the great falls of the Passaic river at Paterson, any carcass of any dead animal or any offal or offensive matter, or any matter or thing detrimental to health; no person or persons, natural or artificial, shall discharge or cause to be discharged into the waters aforesaid any sewage from any privy, water-closet, house, shop, drain or place whatsoever; no person or persons, natural or artificial, shall deposit or cause or permit to be deposited any carcass of any dead animal, offal or offensive matter so that the washing or waste therefrom shall or may be conveyed to and into the waters aforesaid.

Must not pollute
Passaic river.

2. No person or persons, natural or artificial, shall maintain or erect or cause or permit to be maintained or erected, any privy, water-closet, slaughter-house or other structure, the drainage from which might or would tend to pollute the waters or any part of the waters aforesaid, within such a distance from the banks of the said Passaic river, or of any of the tributaries thereof, above the great falls of the Passaic river at Paterson, as would make the drainage from any such

Must not permit
or maintain
buildings whose
drainage might
pollute the river.

privy, water-closet, slaughter-house or other structure be liable to drain into the waters aforesaid, or any part thereof, by surface drainage, percolation or otherwise.

Penalty for violation.

3. Any person or persons, natural or artificial, violating any of the provisions of this act, shall forfeit and pay a penalty of twenty dollars for each violation, to be recovered in the manner hereinafter provided; the maintenance of anything hereinbefore prohibited to be maintained shall be and is hereby constituted a separate violation for each day of maintenance.

Justice of peace to issue process for violation

4. Every justice of the peace in any county in which the provisions of this act may be violated is hereby empowered, on oath or affirmation being made according to law that any person or persons, natural or artificial, has or have violated any of the provisions of this act, to issue process at the suit of any local board of health which has jurisdiction within any county, city, township, town or borough on the banks of or bordering on the Passaic river or any of its tributaries, and irrespective of the locality of such violation, as plaintiff, either in the nature of a summons or warrant, against the person or persons so charged, 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 one nor more than ten entire days; such process shall state what provision of the law is alleged to have been violated by the defendant or defendants; and on the return of such process, or at any time to which the trial shall have been adjourned, the said justice of the peace shall proceed to hear testimony and to determine and give judgment in the matter, without the filing of any pleadings, for the plaintiff, for the recovery of the penalty hereinbefore provided, with costs, or for the defendant; and the said justice of the peace shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods, chattels and person of the defendant or the defendants; and the said justice of the peace is further empowered to cause any such defendant or defendants who may refuse or neglect to pay the amount of the judgment rendered, and all the costs and charges incident thereto, to be committed to the county jail for a period not exceeding thirty days.

Shall give hearing and judgment

May imprison.

5. The justice of the peace may adjourn the hearing or trial in any case from time to time, and may bail the defendant or defendants in such sum as he shall deem proper for appearance at such time and place as said trial or hearing shall be adjourned. May accept bail.

6. The officers to serve and execute any process issued by any justice of the peace under this act shall be the officers authorized by law to serve and execute the process of a justice of the peace. Officers authorized to serve processes.

7. Any of the local boards of health hereinbefore referred to may file a bill in the court of chancery, in the name of the state, on the relation of such local board of health, for an injunction to prohibit the maintenance of anything, the maintenance of which is hereinbefore prohibited, and such action shall proceed in the court of chancery according to the rules and practice of the court. Boards of health may file a bill for an injunction.

8. In all cases in which it shall be ascertained by the court of chancery in such suit that anything is maintained contrary to the provisions of this act, that court shall have power to abate the same and prevent its further maintenance by injunction or otherwise, according to the practice of the court, and may charge the costs of such suit upon the defendant or defendants and enforce the collection thereof according to its rules and practice. Court of chancery to have power to abate.

9. All acts and parts of acts which in anywise conflict with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately. Repealer

Approved March 24, 1897.

CHAPTER 36.

An Act to amend an act entitled "An act concerning the collection of arrears of taxes and assessments upon lands by towns, boroughs or townships, and to enforce the payment thereof by sale in fee-simple of the lands subject to the lien thereof," approved March thirtieth, one thousand eight hundred and ninety-six.

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

Section to be amended.

1. Section three (3) of the act entitled "An act concerning the collection of arrears of taxes and assessments upon lands by towns, boroughs or townships, and to enforce the payment thereof by sale in fee-simple of the lands subject to the lien thereof," approved March thirtieth, one thousand eight hundred and ninety-six, be amended so as to read as follows :

Collector of taxes to sell lands after due notice.

3. The collector of taxes shall make sale of said lands at some public place within the town, borough or township, having first given notice of the time and place of such sale, by advertisement in two newspapers circulating in said town, borough or township, for at least four weeks consecutively, once a week, and by posting the same in five public places of the town, borough or township at least four weeks before such sale ; he shall have power to adjourn the sale from time to time, but not for less than one week at each adjournment, and shall publish notice of such adjournment at least once in one newspaper circulating in the town, borough or township ; he shall sell each tract of land at such sale for the best price that can be obtained therefor, and notwithstanding said price may be less than the total sum of taxes, assessments, interest, costs and disbursements due at the date of the sale ; such sale shall always be subject to the lien of all taxes and assessments subsequent to those for which such sale is made.

May adjourn sale.

Price.

Subject to lien.

2. This act shall take effect immediately.

Approved March 24, 1897.

CHAPTER 37.

An Act authorizing the appointment in counties of the first class in this state of an interpreter in the Italian language to the court of oyer and terminer, circuit court, orphans' court, court of general quarter sessions of the peace, court of special sessions, and the public offices connected therewith, and fixing the salary of such interpreter.

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

1. When the proper transaction of the public business of the courts of oyer and terminer, the circuit court, the court of general quarter sessions of the peace, the orphans' court, the court of special sessions and the business connected with said courts in the office of the prosecutor of the pleas, the sheriff, the county clerk, the surrogate and the sessions of the grand jury, in any county of the first class in this state, requires the daily attendance of, or when the business of such courts and offices demands, for the proper expedition of the public business, the constant attendance of a person skilled in the Italian language and the dialects of such language, the presiding judge of the court of oyer and terminer and the law judge of the court of general quarter sessions of the peace, in any county of the first class in this state, shall have the power and authority to appoint an interpreter in the language above mentioned and the dialects akin thereto, or considered as included in the Italian language; and it shall be the duty of such interpreter to attend in person such courts and offices and the sessions of the grand jury to interpret the Italian language and the dialects of the same, in the transaction of the public business in the said courts, offices and sessions of the grand jury in any such county; that said interpreter shall be in constant attendance upon said

When proper transaction of public business of certain courts and officers requires a person skilled in the Italian language.

Law judge to appoint.

Duty of interpreter.

courts, offices and sessions of the grand jury, and he shall attend said courts of general and special sessions and he may be called upon at all times at chambers, and by any of the public officers connected with the transaction of the business of said courts, and he shall respond to all calls from the judges of said courts, and the public officers of any of said public offices, or of the grand jury, within the county wherein he may be appointed in assisting said courts and officers in the interpretation of the Italian language and dialects in the transaction of the business in said courts and offices and the sessions of the grand jury, and said interpreter shall receive as compensation for his services an annual salary not exceeding seven hundred and twenty dollars, such compensation to be fixed by the court of general quarter sessions of the peace and to be paid monthly by the county collector.

Compensation.

Repealer.

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

Approved March 24, 1897.

CHAPTER 38.

An Act concerning the part of the territory of any municipality annexed to any city, and providing for the government of such annexed territory as a part of the city to which it may be annexed, and the adjustment and apportionment of assets and liabilities between such city and the municipality from which such annexed territory is taken.

To provide
polling places
and election
officers in
annexed districts
of cities.

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

1. Whenever a part or portion of the territory of any municipality shall be annexed to or consolidated with

any city, pursuant to any general or special law, it shall be the duty of the common council, board of aldermen, or other legislative body of such city, forthwith, after such annexation or consolidation shall take effect, to provide, by ordinance or resolution, either for the annexation to or inclusion in the existing wards of the city, of all the territory so annexed and consolidated, or the creation therefrom of a new ward of such city, and in like manner to establish in such annexed territory one or more election districts, and it shall be the duty of the proper municipal and election officers of such city, or of the county wherein such city is situate, to designate therein polling places, and appoint therefor proper election officers, so that the legal voters residing in the annexed district may participate in the next and all subsequent elections to be held in the said city for the election of municipal officers, and whenever the time intervening between the passage of any such law and the next succeeding municipal election in any such city shall not permit the registration of the voters, the giving of the notice now required by law of any such election, or the performance of any act required by law governing such election, such registration or other such act shall not be required for such election, and notice thereof given ten days prior to such election to be held therein shall be deemed and taken to be sufficient.

2. It shall be lawful for the common council or governing body of any such city or of the governing body of any municipality from which such annexed district shall be taken, after such annexation shall be effected, to apply by petition to the justice of the supreme court holding the circuit in and for the county in which such city is situate, for the appointment of commissioners, whose duty it shall be to ascertain and determine what part of the indebtedness of the municipality together with the indebtedness of any school district from which such territory was taken, the city to which the same shall be annexed shall bear, and what part of the unpaid taxes and assessments levied therein, if any, shall be paid to such municipality, and it shall be the duty of the said justice, at a time and place to be appointed by him, and upon such notice as he may direct to be given, to ap-

May apply for appointment of commissioners to ascertain and determine indebtedness.

Appointment of
three commis-
sioners, who
shall ascertain
indebtedness.

Report to be
binding.

Taxes and
assessments
imposed
subrogated to
rights of
municipalities.

point three disinterested persons residents of this state, commissioners, whose duty it shall be, as soon after their appointment as practicable and within sixty days therefrom, to proceed to ascertain with what part or portion of the indebtedness of the municipality, together with the indebtedness of any school district from which the annexed district is taken, such city to which the same is annexed, should in justice and equity be charged, and with what part of the taxes and assessments theretofore made and levied upon the inhabitants of, or property within, the said annexed district remaining unpaid, such city should in like manner be charged; and the report of the said commissioners or any two of them made in writing shall be delivered to the clerk of the said city and the clerk of the municipality from which such annexed district was taken, and shall be conclusive and binding upon both the city and the municipality, and the amount charged upon such city shall be paid by such city to such municipality, and in default of payment may be sued for and collected by said municipality from such city in any court of competent jurisdiction.

3. Every city upon which taxes and assessments may be imposed under the provisions of this act shall be subrogated to the rights of the municipality in the collection thereof from the persons and property within such annexed district, and on the payment thereof by any such city to any municipality, a transcript of the duplicate of assessment thereof shall be transmitted by the taxing officers of the said municipality to the proper collecting officers of the said city, and it shall be lawful for the said city to proceed with the collection thereof as if the same had been levied and assessed upon the inhabitants or property within said city.

4. This act shall take effect immediately.

Approved March 24, 1897.

CHAPTER 39.

An Act to incorporate Ocean City, as a city, and fix the boundaries thereof.

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

1. All that portion of Cape May county, in the state of New Jersey, formerly known as Peck's Beach, and bounded as follows: Beginning at a point in the line of low-water mark on the northerly side of Corson's inlet at the intersection of low-water mark to said Corson's inlet with low-water mark of the Atlantic ocean; thence northwesterly along and in the line of low-water mark of said Corson's inlet to the intersection thereof with Beach Thoroughfare; thence northeasterly along said Beach Thoroughfare to the most easterly channel of Peck's bay; thence still northeasterly in and along the most easterly channel of Peck's bay and Great Egg Harbor bay to the dividing line between Cape May county and Atlantic county; thence following said dividing line in a southeasterly direction down Great Egg Harbor bay and Great Egg Harbor inlet to the Atlantic ocean; thence extending into the Atlantic ocean as far as the jurisdiction of the state of New Jersey extends; thence southwesterly along and in the said jurisdictional line of the state to a point in said line at right angles to low-water mark on the north side of Corson's inlet aforesaid; thence northwesterly to the place of beginning, be and the same is hereby constituted a city of this state; and all the inhabitants of the state residing within the limits aforesaid, be and they are hereby ordained, constituted and declared to be, from time to time and forever hereafter, one body politic and corporate in fact and in name, by the name of Ocean City.

Boundaries described.

Corporate name.

2. This act shall take effect immediately.

Approved March 25, 1897.

CHAPTER 40.

An Act to incorporate "Asbury Park," in the county of Monmouth, as a city, and fix the boundaries thereof.

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

Boundaries
described.

1. All that part or portion of the county of Monmouth formerly known as "the borough of Asbury Park," beginning at a point in the middle of Great pond (now known as Deal lake), where it empties into the Atlantic ocean; running thence westerly through and up the centre of said pond or lake to the west line of the New Egypt and Farmingdale railroad (now known as the New York and Long Branch railroad); thence southerly along the west line of the same until it reaches Wesley lake; thence down the centre of Wesley lake to the Atlantic ocean; thence north along the shore of the said ocean to the place of beginning, be and is hereby constituted a city of this state, and all the inhabitants of the state residing within the limits aforesaid be and they are hereby ordained, constituted and declared to be, from time to time and forever hereafter, one body politic and corporate, in fact and in name, by the name of "Asbury Park."

Corporate name.

2. This act shall take effect immediately.
Approved March 25, 1897.

CHAPTER 41.

An Act to provide a uniform procedure for the enforcement of all laws relating to fish, game and birds, and for the recovery of penalties for violations thereof.

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

1. All laws, general and special, for the protection of fish, game and birds, or in any manner prohibiting or regulating the taking or possession of the same, shall hereafter be enforced and all penalties for violations thereof shall hereafter be recovered in accordance with the provisions of this act.

All laws and penalties to be enforced.

2. Justices of the peace, district courts, and police magistrates shall have jurisdiction to try and punish any person or persons, corporation or corporations, accused of violating any of the laws specified in the first section of this act, or any of the provisions thereof, and every penalty prescribed for such violation may be enforced and recovered before any justice of the peace, district court or police magistrate, either in the county where the offence is committed or where the offender is first apprehended or where he may reside.

Who have jurisdiction.

Where.

3. Such justice of the peace, district court or police magistrate, upon receiving complaint in writing, duly verified, of the violation of any law specified in the first section of this act, or of any of the provisions thereof, is hereby authorized and required to issue a warrant, directed to any constable, police officer, fish and game warden, fish and game protector, or deputy fish and game warden of this state, commanding him to cause the person or persons so complained of to be arrested and brought before such justice, district court or police magistrate, and shall thereupon, in a summary way, hear and determine the guilt or innocence of such person or persons, and, upon conviction, shall impose upon

How complaint may be made.

To issue warrant.

Hearing.

Penalty
imposed.

the person or persons so convicted the penalty or penalties prescribed, together with the costs of prosecution, for such offense, and if any person or persons shall fail to pay the penalty or penalties so imposed, together with the costs of prosecution, the said justice, district court or police magistrate shall commit him or them to the common jail of the county where such conviction is had, for a period not exceeding ninety days, or until said penalty and costs are paid.

In case of
corporations.

4. Such justice of the peace, district court or police magistrate, upon receiving complaint in writing, duly verified, of the violation of any law specified in the first section of this act, or of any of the provisions thereof, by any corporation or corporations, is hereby authorized and required to issue a summons directed to any constable, police officer, fish and game warden, fish and game protector, or deputy fish and game warden of this state, requiring such corporation or corporations to be and appear before such justice of the peace, district court or police magistrate on a day therein named, to answer the said complaint, which said summons shall be served on the president, vice-president, secretary, superintendent or manager of such corporation at least five days before the time of appearance mentioned therein, and thereafter all proceedings shall be the same as in cases against individuals, except where a different procedure is provided by this act.

Summons,
to whom issued.

Violation
in presence of
certain officers.

5. For the violation of any law specified in the first section of this act, or of any of the provisions thereof, done within the view of any constable, police officer, fish and game warden, fish and game protector, deputy fish and game warden, or an officer or member of any incorporated game protective society, such officer is hereby authorized, without warrant, to arrest the offender or offenders and to carry him or them before a justice of the peace, district court or police magistrate of the county wherein such arrest is made, and the justice, district court or police magistrate before whom such offender or offenders shall be taken is hereby authorized and required to hear and determine in a summary way the guilt or innocence of such person or persons, after receiving from the said officer a complaint

Offender may
be arrested
without warrant.

Hearing.

in writing, duly verified, setting forth the nature of the offence for which the said person or persons was or were arrested.

Complaint to be in writing.

6. In any action commenced under the provisions of this act the prevailing party shall recover costs against the other; and the same fees and costs shall be allowed therein as in trials before justices of the peace holding court for the trial of small causes.

Costs and fees.

7. Any hearing to be held pursuant to this act may, for good cause shown, be adjourned for a period not exceeding thirty days from the return of any warrant of the time of appearance mentioned in any summons, or from the date of any arrest without warrant, as the case may be, but in such case it shall be the duty of the justice, district court or police magistrate to detain the defendant or defendants in safe custody unless he or they shall enter into bond to the person making the complaint, with at least one surety, in double the amount of the penalty to be recovered, conditioned for his or their appearance on the day to which the hearing shall be adjourned, and thence from day to day until the case is disposed of, and then to abide by the judgment of the justice, district court or police magistrate, provided no appeal therefrom be taken, and such bond, if forfeited, may be prosecuted by the person to whom it is given in any court of competent jurisdiction.

Providing for adjournment of hearing.

8. All moneys recovered pursuant to the provisions of this act shall be paid in each case to the person making the complaint, who shall pay one-third thereof to the fish and game protector for the use of the board of fish and game commissioners, and one-third thereof in equal proportions to the persons furnishing the evidence necessary to secure a conviction.

Moneys recovered to be apportioned.

9. Any party to any proceeding instituted under this act may appeal from the judgment or sentence of the justice, district court or police magistrate, to the court of common pleas of the county in which the said proceedings shall take place; *provided*, that the party appealing shall within ten days after the date of the said judgment serve a written notice of appeal upon the opposite party, pay the costs of such proceedings, and deliver to the justice, district court or police magistrate

Appeal may be taken.

Proviso.

a bond to the opposite party in double the amount of the judgment appealed from, with at least one sufficient surety, conditioned to prosecute the said appeal and to stand to and abide by such further order or judgment as may hereafter be made against said party.

Action in case of appeal.

10. Whenever an appeal shall be taken as aforesaid, it shall be the duty of the justice, district court or police magistrate to send all papers, together with a transcript of the proceedings in the case, to the next court of common pleas of the said county, which court shall try and determine all such appeals in the same way and manner that appeals from the courts for the trial of small causes are now tried and determined, except that upon the trial of any such appeal no notice of the production of new evidence on behalf of either party shall be required.

Powers and fees of certain officers.

11. The duly appointed fish and game protector, fish and game wardens, and deputy fish and game wardens of this state shall have the same power and be entitled to the same fees for the services of process in cases instituted under this act, as constables have and are entitled to receive in the courts for the trial of small causes.

No person excused from testifying.

12. No person shall be excused from giving evidence in any action or proceedings taken or had under this act, on the ground that such evidence might tend to convict such witness, or render him liable to prosecution under this act, but such evidence shall not be received against such witness in any such prosecution.

Forfeiture of apparatus.

13. If any person or persons, corporation or corporations, shall be found making use of any boat or boats, vessel or vessels, or of any seine, gill, drift, anchor or sink-nets, fixed-nets, trap, pot, pound, set-line, fyke, weir, or other apparatus for the unlawful taking of fish in any waters within the jurisdiction of this state, in violation of any of the laws specified in the first section of this act, he, she or they shall, in addition to the penalties prescribed, forfeit the boat or boats, vessel or vessels, seine or seines, net or nets, gill or gills, drift or drifts, draw-net or nets, fyke or fykes, trap or traps, pot or pots, pound or pounds, weir or weirs, set line or lines, or other apparatus so unlawfully used; and it shall be the duty of all constables, sheriffs, fish and game war-

dens, and the fish and game protector, and it shall be lawful for any other person or persons, to seize and secure any of the aforesaid apparatus and immediately thereafter give notice to some justice of the peace, district court or police magistrate of the county wherein said seizure shall be made; and said justice of the peace, district court or police magistrate is hereby authorized and required, at such time and place as shall be appointed, to hear and determine in a summary way whether the same was unlawfully used, and if it shall appear that the same was unlawfully used, to make an order directing the confiscation and forfeiture of the same to the use of the game and fish commissioners of this state who may dispose thereof at their discretion.

How disposed of
in case of
conviction.

14. Any judgment obtained under the provisions of this act against a corporation may be docketed in the office of the clerk of the circuit court in and for the county in which such judgment shall be obtained, and like proceedings shall be had for the collection of the same as if the said judgment had been rendered in the said court.

Judgment to be
docketed.

15. Proceedings under this act may be instituted on any day of the week, and the institution of such proceedings on Sunday shall be no bar to the successful prosecution of the same, and any process served on Sunday shall be as valid and effectual as if served on any other day of the week.

Processes and
proceedings
legal on Sunday.

16. All proceedings for the recovery of penalties pursuant to the provisions of this act shall be entitled and shall run in the name of the state of New Jersey, with one of the fish and game wardens of the state, or a deputy fish and game warden, or a police officer, or a constable, or a member of any regularly incorporated fish and game protective association, or the fish and game protector as prosecutor, and no proceedings shall be instituted by any person not a duly commissioned fish and game warden, or a deputy fish and game warden, or a police officer, or a constable, or a member of any incorporated fish and game protective association, or the fish and game protector of this state.

Who may
institute
proceedings.

17. In all cases where a person shall be convicted a second time, double the penalty prescribed shall be im-

In case of second
conviction.

posed upon such second conviction, and it is hereby made the duty of every person making the complaint pursuant to the provisions of this act, who has reason to believe that the accused has been previously convicted, to lay such information before the justice of the peace, district court or police magistrate, and produce such proof of the same as shall be admissible.

Repealer.

18. Sections thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six and forty-seven of an act entitled "An act for the protection of certain kinds of birds, game and fish, and to provide a procedure to recover penalties for the violation hereof," approved March twenty-second, one thousand eight hundred and ninety-five, as such act was amended by supplement approved April fourteenth, one thousand eight hundred and ninety-six, and all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed; *provided*, that such repealer shall not be taken or construed to interfere with any prosecutions now pending or which may hereafter be begun for the violation heretofore of any such laws.

Proviso.

19. This act shall take effect immediately.
Approved March 29, 1897.

CHAPTER 42.

A Further Supplement to an act entitled "An act to authorize the board of chosen freeholders of any of the several counties of this state to lay out, open, construct, improve and maintain a public road therein," approved April seventh, one thousand eight hundred and eighty-eight.

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

Authorizing
branch roads in
certain
instances.

1. The board of chosen freeholders of any county of this state, in which a road shall have been laid out,

opened and improved, or shall hereafter be laid out, opened and improved, under the provisions of the act to which this is a supplement or the acts supplementary thereto or amendatory thereof, are hereby (without any other or further election, as provided for in the act to which this is a supplement) authorized and empowered to lay out, open, construct, improve and maintain branch or connecting roads, to run through any city, town, borough, township or other municipality in said county, which shall not be intersected, bounded by or otherwise touched by any main public road or branch road now or hereafter laid out, opened or improved under the authority of the acts aforesaid.

2. Such branch or connecting road or roads shall deflect from the main road at such convenient point as the board of chosen freeholders shall determine; and shall be laid out, opened and improved on such courses and lines to, through or into the territory of such city, town, borough, township or other municipality, as the said board shall determine by resolution, and such courses and lines may include any street, road or avenue already laid out or dedicated to public use, or may be over any lands which may be acquired either by gift, purchase or condemnation, or any or either of said means; *provided*, that no portion of any street or avenue occupied or used for the purposes of a street railroad shall be appropriated for said road or roads, except so far as it may, in the judgment of such board, be necessary and advisable, in order to secure the joint use of any county bridge or bridges over navigable waters already constructed, thus avoiding the necessity of erecting a new bridge or bridges.

Course of such
branch roads.

Proviso.

3. Such branch or connecting road or roads shall be laid out, opened, constructed, paved and otherwise improved and maintained in the same manner and method as set forth for the laying out, opening, constructing, paving and otherwise improving and maintaining the main public road in the act to which this is a supplement and the several supplements thereto, save only as in this act it is otherwise specifically provided; and the supervision of the laying out and building of such road or roads shall be by the chief engineer appointed, or to

How
maintained.

Supervision.

be appointed, under the provisions of section eighteen of the act to which this is a supplement.

Expenses
provided for.

Proviso.

4. The moneys necessary for defraying the costs, charges and expenses of the work herein authorized shall be raised, obtained and defrayed and the bonds issued therefor in the manner and by the methods provided in said act to which this is a supplement; *provided*, that the whole cost, charge and expense of laying out, opening, constructing and improving the road or roads herein authorized, including also the main public road and any and all branch or connecting roads authorized by the act to which this is a supplement or any supplements thereto, shall not, nor shall the bonds issued or to be issued, for the purposes aforesaid, exceed a sum equal to two per centum of the total assessed value of the ratables of said county assessed for county purposes.

Commissioners
to be appointed
to condemn
lands, etc.

Vacancy; how
filled.

Repealer.

5. In order to acquire by condemnation such lands, real estate and other property as may be necessary to meet and carry out the purposes of this act, three commissioners, of the character and qualifications and with the powers provided for in and by the sixth section of the act to which this is a supplement, shall be appointed in the manner provided for the selection and appointment of such like commissioners in the act to which this is a supplement and acts supplementary thereto; and any vacancy therein occurring by declination, death, resignation or otherwise, shall be filled in the manner provided for filling vacancies in the office of commissioners in and by said supplemental acts.

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

Approved March 29, 1897.

CHAPTER 43.

An Act respecting the opening, improving and constructing of permanent inlets or water-ways for the water from the ocean to run into the creeks and rivers of this state, and providing that the cost thereof shall be borne by the counties bordering on the ocean, in or through which such creeks or rivers may run, and the municipalities in, through or between which such inlets or water-ways are to be opened, improved or constructed.

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

1. The board of chosen freeholders of any county in this state bordering on the ocean may, in its discretion, appropriate a sum of money, not exceeding seventy-five hundred dollars in any one year, for the purpose of digging out or constructing a permanent inlet or water-way through which any river or creek running in or through such county may be connected with the ocean; and in establishing a permanent and lasting improvement by deepening such inlet and by constructing bulkheads and jetties and by fixing a certain and definite channel for the ebb and flow of the tide; *provided*, that before any such work is done the plans for the same and the lines of said bulkheads and jetties, and of said channel, shall be submitted to the board of riparian commissioners and approved by them.

Chosen freeholders may appropriate money for digging waterways and building bulkheads.

Proviso.

2. The township committees or other governing bodies of townships or other municipalities in or through which such inlet is to be opened, constructed or improved or bordering upon said inlet, may contribute to the expense of such work a sum in the aggregate equal to one-half of the sum appropriated or to be appropriated by such county, provided that no township or other municipality, through its township committee or other govern-

Governing body of township, etc., may contribute to expense.

Proviso.

ing body, shall contribute to such work a sum in excess of twenty-five hundred dollars in any one year.

Money voted
contingently.

3. The moneys appropriated for said purpose by the township committee or other governing body of any township or other municipality may be voted contingently upon the voting of a certain definite sum for said purpose by the board of chosen freeholders of the county in which said township or other municipality may be situated; and in like manner moneys appropriated for said purpose by the board of chosen freeholders of any county may be voted for contingently upon certain sums of money being voted for said purpose by the township or townships, municipality or municipalities, under this act authorized to vote money for such purpose.

Money
appropriated
may be
borrowed.

4. When said appropriations shall be made and the money voted, it shall be lawful for the boards of chosen freeholders and for the township committees and other governing bodies appropriating the same to borrow the money so appropriated upon the obligations of their respective counties, townships or municipalities and to pay the same to the county collector, to be expended under the direction of the board of chosen freeholders of said county for the purposes for which it was voted, authorized by this act.

To whom paid.
How expended

Appropriation
and interest to
be in next tax
levy.

5. The moneys so appropriated with a sum sufficient to meet the interest thereon shall be included in next annual tax levy of the county, township and other municipality which shall have appropriated such moneys and shall be raised in the same manner and at the same time as other taxes are raised in such county and in such township or other municipality.

6. This act shall take effect immediately.

Approved March 29, 1897.

CHAPTER 44.

An Act to consolidate with and annex to the city of Newark, in the county of Essex, a part of the territory embraced within the bounds of the township of Clinton, in the county of Essex.

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

1. There shall be and hereby is annexed to and made part of the city of Newark, in the county of Essex, all that part of the territory embraced within the bounds of the township of Clinton, in the county of Essex, described as follows: All that portion of Clinton township lying west of the present city line from the angle of the city line near Avon avenue, in Chadwick avenue, to Hawthorne avenue; north of the center line of Hawthorne avenue, from the present city line to Clinton place; west and south of the center line of Clinton place, from Hawthorne avenue to Lyons avenue; north of the center line of Lyons avenue, from the center line of Clinton place to the easterly line of the village of Irvington; east of the said easterly line of Irvington, from the center line of Lyons avenue to the southwest corner of the Newark city line, in or near Montgomery avenue; south of the Newark city line, from the easterly line of the village of Irvington to the angle of the city line near Avon avenue, in Chadwick avenue.

Portion of township set off.

Boundaries.

2. This act shall take effect immediately.

Approved March 29, 1897.

CHAPTER 45.

A Supplement to an act entitled "An act to provide for the establishment of a commission of public instruction in cities of the second class in this state whose population now exceeds or may hereafter exceed fifty thousand," passed March tenth, eighteen hundred and ninety-two.

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

To appoint a
secretary.

1. The commissioners of public instruction of any city of the second class in this state, whose population now exceeds or may hereafter exceed fifty thousand, shall have power to appoint a person of suitable attainments to be secretary of the said board, define his said duties and fix his term of office, not to exceed three years, and his compensation, which shall not be changed during his term of office.

To define duties,
term of office
and
compensation.

2. The said secretary shall hold office for the said term, and until his successor is appointed, subject to removal by the commissioners of public instruction on complaint for cause stated.

To continue in
office.

3. All acts or parts of acts, general or special, inconsistent herewith, be and the same are hereby repealed.

Repealer.

4. This act shall take effect immediately.

Approved March 29, 1897.

CHAPTER 46.

An Act to amend an act entitled "A supplement to an act entitled 'A general act concerning taxes,' " approved March nineteenth, one thousand eight hundred and ninety-one, which supplement was approved May seventeenth, one thousand eight hundred and ninety-four.

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

1. Each of the members of the state board of taxation shall receive an annual salary of two thousand five hundred dollars, which shall include the amount of money expended by each of said members for their expenses when engaged in official business as members of the state board of taxation. Salary.

2. This act shall take effect immediately.

Approved March 29, 1897.

CHAPTER 47.

An Act to secure police protection to universities, colleges, academies, schools and other institutions of learning.

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

1. Any board of trustees or other governing board of any university, college, academy, school or other institution of learning in this state, may apply to the authority regularly vested with the power of appointment of police in the locality in which such university, col- Institutions of learning may apply for police protection.

lege, academy, school or other institution of learning is situated, to commission such person or persons as the board of trustees or other governing board of such university, college, academy, school or other institution of learning may designate to act as policemen for such university, college, academy, school or other institution of learning.

Who may
appoint.

2. Such authority regularly vested with the power of appointment of police in such locality upon such application shall appoint the person or persons, designated as aforesaid, to be such policemen, and shall issue to such person or persons so designated a commission to act as such policemen; and a copy of such commission shall be filed in the office of the clerk of the county in which such university, college, academy, school or other institution of learning is situated.

Powers of such
officers.

3. Every person so commissioned shall, in the county in which such university, college, academy, school or other institution of learning is situated, possess all the powers of policemen, and of constables in criminal cases, in the cities, wards of cities and townships in such county.

How
distinguished.

4. Such policemen, when on duty, shall severally wear a metallic shield or device with the name of the institution of learning for which commissioned inscribed thereon, and such shield or device shall be worn in plain view, except when such policemen shall be employed as detectives.

Compensation.

5. The compensation of such policemen shall be paid by the university, college, academy, school or other institution of learning for which the policemen are respectively employed and commissioned, and shall be such as agreed upon by any such university, college, academy, school or other institution of learning and such policemen.

Services of
officers: how
terminated.

6. Whenever such university, college, academy, school or other institution of learning shall no longer require the services of such policemen, so appointed as aforesaid, the board of trustees or other governing board of such university, college, academy, school or other institution of learning shall file a notice to that effect in the office of the clerk of the county in which such university, col-

lege, academy, school or other institution of learning is situated, and thereupon the power of such policemen shall cease and be determined.

7. This act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 29, 1897.

CHAPTER 48.

An Act to repeal an act entitled "An act relating to elections and appointments to office hereafter to be made by any board of aldermen, common council, township committee, or other municipal board or body," approved March twenty-fourth, one thousand eight hundred and ninety-six.

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

1. The act entitled "An act relating to elections and appointments to office hereafter to be made by any board of aldermen, common council, township committee, or other municipal board or body," approved March twenty-fourth, anno domini one thousand eight hundred and ninety-six, be and the same is hereby repealed. Repealer.

Passed March 30, 1897.

CHAPTER 49.

An Act authorizing cities of the second class to increase their power to borrow money for all purposes for which they are authorized to raise money by taxes and to secure the payment thereof by a bond or other instrument.

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

Cities of the second class authorized to increase the amount borrowed.

1. In all cities of the second class in this state whose board of aldermen, common council or other governing body are by their charter limited to borrow money from time to time for all purposes for which they are authorized to raise money by taxes to a sum not exceeding one hundred thousand dollars, such board of aldermen, common council or other governing body may and the same are hereby authorized to borrow money from time to time for such purposes as aforesaid not exceeding in the whole the sum of one hundred and fifty thousand dollars, and to secure the payment thereof by bond or other instrument, under their common seal and the signature of the mayor of said city, and to provide by taxes for the payment thereof.

Payment; how secured.

2. This act shall take effect immediately.
Passed March 30, 1897.

CHAPTER 50.

A Supplement to an act entitled "An act concerning corporations" (Revision, 1896), approved April twenty-first, one thousand eight hundred and ninety-six.

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

1. No action or proceeding shall be maintained in any court of this state against any stockholder, officer or

director of any domestic corporation for the purpose of enforcing any statutory personal liability of such stockholder, officer or director for or upon any debt, default or obligation of such corporation, whether such statutory personal liability be deemed penal or contractual, if such statutory personal liability be created by or arise from the statutes or laws of any other state or foreign country.

Personal liability of members or officers of domestic corporation; when proceedings against not maintainable.

2. No action or proceeding shall be maintained in any court of law of this state against any stockholder, officer or director of any domestic or foreign corporation by or on behalf of any creditor of such corporation to enforce any statutory personal liability of such stockholder, officer or director for or upon any debt, default or obligation of such corporation, whether such statutory personal liability be deemed penal or contractual, if such statutory personal liability be created by or arise from the statutes or laws of any other state or foreign country, and no pending or future action or proceeding to enforce any such statutory personal liability shall be maintained in any court of this state other than in a nature of an equitable accounting for the proportionate benefit of all parties interested, to which such corporation and its legal representatives, if any, and all of its creditors and all of its stockholders shall be necessary parties.

Domestic or foreign corporation.

3. This act shall take effect immediately.

Approved March 30, 1897.

CHAPTER 51.

An Act to amend an act entitled "An act to fix the minimum salary of the prosecutor of the pleas in counties of the fourth class in this state," approved March sixteenth, one thousand eight hundred and ninety-three.

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

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

Salary.

2. Each of the prosecutors of the pleas of such counties shall receive an annual salary of eight hundred dollars, to be paid to him in quarterly annual payments by the county collector of such county.

2. Section three of the act to which this is amendatory is hereby amended so as to read as follows:

Act; whom to apply.

3. This act shall only apply to those prosecutors of the pleas whose term of office shall hereafter commence.

3. This act shall take effect immediately.

Approved March 30, 1897.

JOINT RESOLUTION NO. 1.

Joint Resolution relating to the granting of a right of way over the lands owned by the state at or near Rahway, and upon which the state reformatory is now being built.

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

Right of way may be given.

1. The commissioners heretofore appointed to build the New Jersey state reformatory, may, with the consent of the governor, grant to any railroad company or companies a right of way upon or over any part of the lands belonging to the state on which said reformatory is being built, upon such terms and conditions and for such compensation as to them may seem for the best interest of the state.

Conditions.

Approved March 31, 1897.

CHAPTER 52.

An Act relating to certain township officers in certain townships.

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

§ 1. In every township having a public building for township purposes the township committee shall, from time to time, by resolution, designate a room in such building for use of the collector of taxes of such township, which room such collector shall keep open for the transaction of the business of his office on such days in each week during the month of December in each year as the township committee of such township may from time to time, by resolution, designate for that purpose

Designate room for collector.

Approved March 31, 1897.

CHAPTER 53.

An Act to amend an act entitled "An act to more fully carry out and put in force the true intent and purposes of the supplement to an act of congress of August thirtieth, one thousand eight hundred and ninety, and the acts of the legislature of New Jersey of March twenty-fourth, one thousand eight hundred and eighty-one, and the manual training act of one thousand eight hundred and eighty-eight, passed May twenty-fifth, one thousand eight hundred and ninety-four."

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

1. Section six of the act to which this is an amend-

ment be and the same is hereby amended so as to read as follows :

Annual
appropriation.

6. In lieu of all claims, rights and titles the branch institution designated by this act have or may hereafter have upon the annual appropriation coming to this state from congress under the provision of the supplement to the act of congress of August thirtieth, one thousand eight hundred and ninety, a sum not to exceed five thousand dollars may annually be appropriated for the maintenance of said school out of any money in the state treasury not otherwise appropriated.

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

Approved March 31, 1897.

CHAPTER 54.

A Further Supplement to an act entitled "An act respecting police departments of cities and regulating the tenure and terms of officers and men employed in said departments," approved March twenty-fifth, one thousand eight hundred and eighty-five.

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

No policeman
to be removed
except for cause.

1. In all towns, boroughs and townships, in counties of the first class in this state, which are authorized by law to establish and maintain a regular day and night uniformed police force and to appoint policemen or marshals, no person shall be removed from office or employment in the police department of said towns, boroughs or townships except for just cause, and then only in the manner prescribed in section five of the act to which this is a supplement for the removal of officers in such departments.

Repealer.

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

Passed March 31, 1897.

CHAPTER 55.

An Act concerning the payment of judgments against
any county.

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

1. It shall be lawful for any county in this state, by its board of chosen freeholders, from time to time, to borrow money for the use of said county, in such sums as may be necessary to pay any judgment heretofore or hereafter recovered against such county, either by temporary loans or by the issue of bonds to run not exceeding five years and to issue proper evidences of indebtedness or bonds therefor, to be signed by the director of such board and the county collector, under the seal of the county, attested by the clerk of said board; and the said evidences of indebtedness and the said bonds shall be in such form and may be either registered or coupon bonds, or both, as said board may determine; such indebtedness and bonds to bear interest at not exceeding five per centum per annum, payable as said board may direct; said bonds may be sold at public or private sale, but for not less than par and accrued interest.

Borrow money
to pay judgment.

May issue
bonds.

Rate of interest.

2. The board of chosen freeholders of such county shall each year place in the tax levy of such county a sum sufficient to pay the interest on such certificates or bonds, and shall also place in the tax levy a sum sufficient to pay the principal of any of said bonds or certificates falling due in any year, and the money so ordered to be levied and provided shall be levied and raised in the same manner as other county taxes are levied and raised.

Provision made
for payment of
bonds and
interest.

3. This act shall take effect immediately.
Passed March 31, 1897.

CHAPTER 56.

A Supplement to an act entitled "An act to provide for drainage and sewerage in densely populated villages in which there is a public water supply," approved March tenth, one thousand eight hundred and ninety-one.

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

1. Section four of the act entitled "An act to provide for drainage and sewerage in densely populated villages in which there is a public water supply," approved March tenth, one thousand eight hundred and ninety-one, shall be amended to read as follows :

Section as
amended.

4. In case the governing body of such village shall deem it advisable in order to secure the efficient drainage or sewerage of such village to build and construct an outlet sewer to tide-water, it shall be lawful for the governing body of such village 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 village, an extension or outlet sewer in, through, under and across the roads, streets and highways of such municipalities as lie between such village and tide-water upon such terms and conditions as shall or may be mutually agreed upon by the governing body of such village and the proper municipal board of such other municipalites, and to lay down, examine, repair and replace such sewer or sewers in such manner and to such point or place of discharge at tide-water as said governing body shall deem practicable and advisable ; if no agreement as to terms and conditions can be made with the governing body of such other municipalities for such purposes, then such proceedings shall be had as are hereinafter mentioned and provided.

2. Section nine of the said act shall be amended to read as follows :

9. When the governing body of such village and the governing body of any other municipality cannot agree upon the terms and conditions of any contract or agreement provided for in this act, it shall be lawful for the circuit court of the county in which both such municipalities are situated, or, if they are situated in different counties, then in the county wherein such municipality is located with which said village desires to make such agreement, on application in writing, made on behalf of the governing body of said village, and, after notice of the time and place of making such application, published at least ten days previously thereto in some newspaper circulating in the said county or counties, to appoint three disinterested commissioners, who shall be sworn fairly and impartially to examine and determine between such village and such municipality concerning the matters provided for in this act, upon which an agreement has not been had as hereinbefore provided; if any of said commissioners die or refuse to act, the said court shall immediately make appointment of a proper person to fill any vacancy so created; the said commissioners shall examine into the subject-matter of the said petition and shall determine upon what terms and conditions such village shall have the privileges and rights conferred in and by the provisions of the fourth section of the act of which this act is a supplement as herein amended, and shall present, without delay, to the said court a report in writing of the matters and things examined into by them and their conclusions and determinations thereon, which report shall be sufficient if signed by a majority of said commissioners; the circuit court shall direct notice to be given by advertisement in some newspaper circulating in said county or counties, for at least ten days, of the time and place at which said court will proceed to consider said report and any objections that may be made thereto, and shall have power to consider said report and the objections thereto in a summary way and to revise and confirm said report with or without alteration, or to refer said matter back to said commissioners for further consideration; said report, when confirmed by the court, shall be and become the judgment of said court, and a copy thereof,

Section as
amended.

duly certified by the county clerk, shall at all times be plenary evidence of the right of such village in regard to the matters and things contained therein, the governing body of such village first complying with all terms and conditions imposed upon such village, and tendering to such municipality any amount awarded thereto; the court shall settle and determine the compensation to be paid to the commissioners and the costs and expenses of the application and report, which shall be paid by the village in behalf of which the application has been made.

Money may be raised for constructing sewers.

3. It shall be lawful for the governing body of such village to raise money to pay the expenses of constructing drains or sewers by issuing promissory notes or improvement certificates under the corporate seal of the said village, such notes or certificates bearing interest at a rate not exceeding six per centum per annum, and payable not more than two years from the date of issue, and not to be disposed of for less than their par or face value; such notes or certificates may be renewed from time to time upon falling due by the issue of like notes or certificates, and the governing body of such village may take up such notes or certificates, when due and payable, by issuing the corporate bonds of such village, as in the act to which this act is a supplement provided.

Power given to dispose of lands.

4. If any village shall desire to sell and dispose of any lands acquired for any purpose under and by virtue of the provisions of the act to which this act is a supplement, power and authority to make such sale and to give proper deed or deeds of conveyance therefor are hereby conferred.

Consent must be secured from township authorities.

5. Nothing in this act shall be held to authorize the construction or erection by any village of any sewage receptacle or works for the disposing of the sewage or house waste from such village; or of disposal works of any character excepting only outlets of tide-water upon any lands which may have been heretofore acquired or which may be hereafter acquired by such village in any other township or municipality until such village shall have secured the consent by resolution of the township committee or other governing body of the township or other municipality within whose boundary such lands are

located; *provided, however*, that the resolution granted or consent herein provided for, before being operative shall have received the votes of a majority of all the members of the township committee or other governing body of the township or other municipal corporation within which such disposal works or other sewage receptacle are proposed to be located. Proviso.

6. This act shall take effect immediately.

Passed March 31, 1897.

CHAPTER 57.

An Act dividing certain townships in this state into wards and providing the manner of the election of members of township committees therein.

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

1. All townships in counties of the first class in this state not already divided into wards, and having, according to the state census of one thousand eight hundred and ninety-five, or any future state or national census, a population of not less than five thousand inhabitants, may, by resolution passed by the governing body thereof, be divided into as many wards as there are polling or voting districts in said townships, and the boundary lines of the wards in said townships shall be identical with the boundary lines of the polling or voting districts in said townships.

Certain townships may be divided into wards.

2. There shall be elected by the legal voters of each of the wards of said townships, at the election for township officers next after any division of the same into wards in pursuance of this act, one member of the township committee in said townships, who shall be a resident of the ward from which he shall be elected, and there shall also be elected at the same time by the legal voters of said townships, one committeeman-at-large, who shall be the chairman or presiding officer of the

Members of township committee to be elected.

Term of office.	township committee in said townships, and who shall, with the members elected from the several wards, constitute the township committee of the said townships; the members elected from the several wards and the committeeman-at-large shall each hold office for the term of one year and until their successors are elected and qualified.
Repealer.	3. All acts and parts of acts, whether general, special, local or private, inconsistent with the provisions of this act, are hereby repealed. 4. This act shall take effect immediately. Passed March 31, 1897.

CHAPTER 58.

An Act to amend an act entitled "An act to provide for the recovery of damages in cases where the death of a person is caused by wrongful act, neglect or default," approved March third, one thousand eight hundred and forty-eight.

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

Section amended.	1. Section two of the act entitled "An act to provide for the recovery of damages in cases where the death of a person is caused by wrongful act, neglect or default," approved March third, one thousand eight hundred and forty-eight, is hereby amended so as to read as follows:
Action; by whom brought.	2. Every such action shall be brought by and in the names of the personal representatives of such deceased person; and the amount recovered in every such action shall be for the exclusive benefit of the widow and next of kin of such deceased person, and shall be distributed to such widow and next of kin in the proportions provided by law in relation to the distribution of personal property left by persons dying intestate; and in every such action the jury may give such damages as they shall deem fair and just with reference to the pecuniary
Amount recovered and how distributed.	

injury resulting from such death to the wife and next of kin of such deceased person; *provided*, that where such deceased person has left or shall leave him surviving a widow, but no children or descendants of any children and no parents, the widow shall be entitled to the whole of the damages, which she shall sustain and which shall be hereafter recovered in any such action and the same shall be paid to her; *and provided further*, that every such action shall be commenced within twelve calendar months after the death of such deceased person. Proviso.

2. This act shall take effect immediately. Proviso.

Approved March 31, 1897.

CHAPTER 59.

An Act to authorize cities of the first class in this state to issue bonds for the construction of public schools.

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

1. The board or body having charge and control of the finances of any city of the first class in this state, upon the request of the board of education of such city, shall have power to borrow as much money as may be necessary to provide school accommodations by the acquisition of lands, erection of buildings and furnishing of the same, and issue the obligations of the city therefor, bearing interest at a rate not exceeding five per centum per annum, in an amount not to exceed three hundred thousand dollars beyond any amount heretofore appropriated or now available for such purposes, and make the same payable at such time and times as said board shall determine, and said board shall establish a sinking fund for the payment of said bonds. Money may be borrowed.

2. The money arising from the sale of said bonds shall be placed to the credit of the board or body charged with the power and duty of acquiring lands, erecting Limitation.

Money placed;
to whose credit.

school buildings thereon and furnishing the same, and shall be expended by said board or body for the purposes as aforesaid.

3. This act shall take effect immediately.

Approved March 31, 1897.

CHAPTER 60.

An Amendment to 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, which supplement was approved May first, one thousand eight hundred and ninety-four.

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

Section
amended.

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

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

Shall be lawful
to deposit in
trust companies.

1. It shall be lawful for any receiver, assignee, guardian, trustee, committee, executor, administrator, curator or other fiduciary or party, of whom a bond, undertaking or other obligation is required, to agree and arrange with his surety or sureties for the deposit for safe keeping of any or all money, assets and other property for which he is or may be responsible, with a bank, savings bank, safe deposit or trust company authorized by law to do business as such in this state, and in such manner as to prevent the withdrawal or alienation of such money, assets or other property, or any part thereof, without the written consent of such surety or sureties, or an order of the court or a judge thereof made on such notice to such surety or sureties as the court or judge may direct.

Deposit; how
withdrawn.

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

Approved March 31, 1897.

CHAPTER 61.

A Supplement to an act entitled "An act to provide means for protection against fires in townships," approved March tenth, one thousand eight hundred and seventy-nine.

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

1. In any township of this state it shall be lawful for any of the residents of said township to associate themselves together for the purpose of protecting life and property from fire, and by and with the consent of the township committee or governing body of such township, and in the manner hereinafter provided, to organize themselves into an independent engine, hook and ladder or hose company; *provided, however,* that any such engine or hook and ladder company shall consist of not less than twenty-five nor more than forty members, and any such hose company shall consist of not less than fifteen nor more than twenty-five members; and that all said members shall not be less than twenty-one and not over fifty-five years of age. Fire company may be formed.

2. Any residents of any township in this state, desiring to associate themselves together for the purposes aforesaid and as provided in this act, shall present to the township committee of said township a written application for the organization of such company; and said application shall be in the form of a duly verified petition signed by them and stating therein the kind of company which they desire to organize and the name or title thereof; the number and names of the proposed members thereof and their places of residence; and the Proviso.

Application.

May procure apparatus and buildings.

said township committee, after considering the same, and approving the members of said proposed company, if deemed necessary and for the best interests of such township, may, by resolution, grant said petition and designate and constitute such applicants an independent fire company of said township, and thereupon the said company shall have the lawful power and authority, in its name, but at its own expense and that of the members thereof, to purchase the necessary apparatus and lease the necessary lands or buildings, or to purchase real estate and erect thereupon buildings for the accommodation or housing and care of such fire apparatus, and may sell or exchange the same.

Shall not receive public appropriation.

3. No company formed in pursuance of this act shall receive or be entitled to receive for the purposes of such company, any portion of any public fire appropriation, and no township committee shall be authorized or empowered to expend any public fire appropriation for the use or benefit of any such company; and no member thereof shall be entitled to or receive any exemption from any general and special poll-tax, or from any state, county and municipal taxation whatever upon their real and personal property, any provision of law to the contrary notwithstanding.

No exemptions to members.

Township committee may constitute into a reserve.

4. The township committee of any township in this state may constitute the company or companies organized under this act into a reserve or auxiliary branch of the fire department of said township, the said company and the members thereof to be subject to all the provisions contained in section three of this act.

Rules and regulations.

5. The township committee of any township in this state may adopt such rules and regulations, altering and amending the same from time to time as may be deemed necessary, respecting any such company, and the organization and continuance of the same, and respecting the members thereof, the designation of such members and their conduct and discipline when on duty at any fire.

6. This act shall be a public act, to take effect immediately.

Approved March 31, 1897.

CHAPTER 62.

A Supplement to an act entitled "An act to provide for the purchase of sites for the erection and equipment of armories in cities of the first and second class and making appropriations therefor, and to provide for the taking of real estate for such sites by commission in case the same cannot be purchased by agreement," approved March twenty-third, one thousand eight hundred and eighty-eight.

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

1. The commission constituted by the act to which this is a supplement is hereby authorized to enter into contracts and cause to be erected an armory in the city of Newark, in the manner prescribed by the said act, in excess of the limitation in said act prescribed; *provided*, that the excess over and above such limitation shall be secured to be paid in such manner as said commission shall prescribe and in such manner that the state of New Jersey shall not be obligated to pay more than two hundred thousand dollars for the entire cost of erecting and equipping such armory.

Contract may be made for armory in Newark.

Proviso.

2. For the payment of the expenditures herein authorized the comptroller of the treasury shall draw his warrant 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 fifty thousand dollars shall be drawn from the state treasury in any one year for the erection of such armory as aforesaid.

Payment; how made.

Yearly expenditure.

3. No money shall be paid from the state treasury for the erection of such armory until the amounts shall be placed in the yearly appropriation bills, but nothing in this act contained shall prevent said commission from

Yearly payments must be placed in appropriation bill.

Proviso.

accepting plans and estimates and doing thereunder such preliminary work as shall pertain to the erection of said armory; *provided*, the cost of said plans and preliminary work shall be furnished temporarily from sources other than the state treasury.

Repealer.

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

Approved March 31, 1897.

CHAPTER 63.

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

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

Guardian of lunatics, &c., may apply to court of chancery for authority to convey real estate.

1. Whenever any idiot, lunatic or person of unsound mind shall be seized or possessed of any real estate by way of mortgage, or as a trustee for others, in any manner, his guardian may apply to the court of chancery for authority to convey and assure such real estate to any other person or persons entitled to such conveyance or assurance, in such manner as the said court shall direct, and the court, upon hearing all the parties interested, may order such conveyance or assurance to be made.

Guardian may be compelled to execute conveyance.

2. On the application by bill or petition of any person entitled to such conveyance or assurance, the guardian may be compelled by the court of chancery, on a hearing of all parties interested, to execute such conveyance or assurance.

Such conveyance shall be valid.

3. Every conveyance, mortgage, lease and assurance made under the order of the court of chancery, pursuant to the provisions of this act, shall be as valid and effectual as if the same had been executed by such idiot,

lunatic or person of unsound mind when of sound memory and understanding.

4. The court of chancery shall have authority to decree and compel the specific performance of any bargain, contract or agreement which may have been made by any lunatic or person of unsound mind, while such person aforesaid was of sound memory and understanding, and to direct the guardian of such person to do and execute all necessary conveyances and acts for that purpose.

Court may compel fulfillment of contract.

5. Any such guardian may, by order of the court of chancery, mortgage any property of any lunatic or person of unsound mind, for the purpose of paying the debt of such person or discharging any encumbrance on his property, or for his maintenance, or the preservation of his estate; and shall have power to exchange or partition the estate of said lunatic or person of unsound mind, to carry on trade or business, grant leases and accept surrender of leases of property, and perform any contract relating to his estate.

Guardian may, by order of court, mortgage property.

6. Where a power is vested in a lunatic in the character of trustee or guardian, or the consent of a lunatic to the exercise of a power is necessary in the like character, or as a check upon the undue exercise of the power, and it appears to the court to be expedient that the power should be exercised or the consent given, the guardian of the estate, in the name and on behalf of the lunatic, under an order of the court made upon the application of any person interested, may exercise the power or give the consent in such manner as the order directs.

And carry on business.

When necessary, guardian may exercise power under authority of court of chancery.

7. Nothing herein contained shall be held to affect the provisions of any last will and testament duly made and which shall be duly admitted to probate.

Shall not affect wills admitted to probate.

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

Repealer.

Approved March 31, 1897.

CHAPTER 64.

An Act relating to the office of receiver of taxes and treasurers in cities of this state.

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

Term of office of receiver of taxes and treasurer may be fixed by ordinance.

1. In any city of this state where the office of receiver of taxes and treasurer are by law or charter held for an indefinite term, it shall be lawful for the board of aldermen or common council to fix by ordinance a definite term not exceeding five years for such offices, and, when so fixed, the appointees shall hold offices until the expiration of the term so fixed, except for cause and after a hearing given upon charges preferred.

2. This act shall take effect immediately.

Approved March 31, 1897.

CHAPTER 65.

An Act respecting the employment of honorably discharged union soldiers, sailors and marines in the public service of the state of New Jersey, relative to removals.

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

Honorably discharged soldiers, sailors and marines shall have preference.

1. In every public department and upon all public works of the state of New Jersey, and of the cities, counties, towns and villages thereof, and also in non-competitive examinations under the civil service rules, laws or regulations of the same wherever they apply, honorably discharged union soldiers, sailors and marines shall be preferred for appointment, employment and

promotion; age, loss of limb or other physical impairment which does not, in fact, incapacitate, shall not be deemed to disqualify them, provided they possess the business capacity necessary to discharge the duties of the position involved; and no person holding a position by appointment or employment in the state of New Jersey, or of the several cities, counties, towns or villages thereof, and receiving a salary or per diem pay from the state or from any of the several cities, counties, towns or villages thereof, who is an honorably discharged soldier, sailor or marine, having served as such in the union army during the war of the rebellion and who shall not have served in the confederate army or navy, shall be removed from such position or employment except for incompetency or misconduct shown, after a hearing, upon due notice, upon the charge made, and with the right to such employe or appointee to a review by writ of certiorari; a refusal to allow the preference provided for in this act to any honorably discharged union soldier, sailor or marine, or a reduction of his compensation intended to bring about a resignation, or his removal by abolishing the office which he holds for the purpose of effecting his dismissal, shall be deemed a misdemeanor, and such honorably discharged union soldier, sailor or marine shall have a right of action therefor in any court of competent jurisdiction for damages, and also a remedy by mandamus for righting the wrong; the burden of proving incompetency or misconduct shall be upon the party alleging the same; but the provisions of this act shall not be construed to apply to the position of private secretary or deputy of an official or department or to any other person holding a strictly confidential position.

Shall not be removed except for incompetency or misconduct.

Provisions not to apply to certain positions.

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

Repealer.

3. This act shall take effect immediately.

Approved March 31, 1897.

CHAPTER 66.

A Supplement to an act entitled "An act providing for the formation, establishment and government of towns," approved March seventh, one thousand eight hundred and ninety-five.

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

Council may
initiate proceed-
ings for con-
struction of
sidewalk.

Petition not
necessary.

Deposit not
necessary.

Proviso.

Costs provided
for.

1. In towns formed or established under the provisions of the act to which this act is a supplement, whenever the council shall, by resolution adopted by the unanimous vote of all the members of the council, determine that it is to the interest of the town that a sidewalk of any material shall be constructed upon any street or section of a street in such town, the council may, of its own motion, initiate a proceeding for the construction of such sidewalk in the manner provided for in section sixty-four of the act to which this act is a supplement, except that it shall not be necessary to have presented to the council any petition, either from the owners of one-sixth of the land fronting on the street or section of street proposed to be improved or of ten freeholders, but such resolution, so adopted by the unanimous vote of all the members of the council, shall take the place of said petition, and it shall not be necessary, in case of such proceedings, to require the deposit of any money to defray costs and expenses incurred in such proceedings, and at any time after the time named in the notice for objections therein provided for, the council may proceed to pass an ordinance for such improvement, notwithstanding the objection of the owners of the land fronting on such proposed improvement; *provided, however*, that such ordinance shall also be passed by a unanimous vote of all the members of said council.

2. The costs and expenses incurred in the construction of any sidewalk pursuant to the provisions of this

act shall, when ascertained, be assessed upon the lands and real estate specially benefited by the improvement in accordance with the provisions of the act to which this act is a supplement.

3. This act shall be construed to be an addition to the powers already vested in the council by the act to which this act is a supplement, and shall not limit or interfere with the power of the council to make such improvement in the manner already prescribed in the act to which this act is a supplement.

Addition to powers of council.

4. This act shall take effect immediately.

Approved March 31, 1897.

CHAPTER 67.

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

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

1. If any person shall sell from any wagon, sleigh or vehicle within two miles of any incorporated camp meeting association any spirituous, vinous, malt or intoxicating liquors, such person shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail for any term not exceeding five months, or both, at the discretion of the court; *provided, however*, that it shall be lawful for any person having a license to sell said liquors to deliver the same from a wagon, sleigh or vehicle on orders signed by the person desiring said liquors, specifying the quantity desired and the place where the same shall be delivered.

Not lawful to sell from wagons, &c., liquors within two miles of incorporated camp meeting associations.

Proviso.

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

Repealer.

3. This act shall take effect immediately.

Approved March 31, 1897.

CHAPTER 68.

An Act to authorize the board of chosen freeholders or other governing bodies of the several counties in this state having control over the public boulevards and roads within their respective counties to make contracts for lighting same.

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

May provide for
lighting boulevards, &c.

Make contract.

Expense provided for.

Proviso.

1. It shall hereafter be lawful for the board of chosen freeholders or other governing bodies of the several counties in this state having control over the public boulevards and roads within their respective counties, and they are hereby, in their discretion, authorized to act in such matters from time to time, and by ordinance or resolution to order and cause any public boulevard and road, place or places owned or controlled by said board of chosen freeholders or other governing body, or any part thereof respectively, to be lighted by gas light, electric lights or other light, and for that purpose to erect and maintain or cause to be erected and maintained all necessary and proper posts, poles, lanterns and fixtures on any or all of such public boulevards or roads as aforesaid, and to make and enter into any contract or contracts with any party or parties for the lighting of the same for such period of time as they may deem advisable, not exceeding ten years, and to cause the expense thereof, after being ascertained and determined, by resolution of the said board of chosen freeholders or other governing bodies having control over said public boulevards or roads, to be raised and provided for in the same manner as other county expenses are raised and provided for by a county tax in the same manner as the other expenses of the several counties are now provided for ; *provided, however,* that no contract or contracts for the lighting of the said public boulevards and roads shall be awarded by the said board of chosen freeholders or other govern-

ing bodies having control over the said public boulevards or roads as mentioned in this act, unless such board of chosen freeholders or governing bodies having such control shall duly advertise for bids for the lighting of the same in compliance with the law, and they shall also receive from the contractor or contractors, or party or parties bidding for the same, a sufficient bond or bonds in such sum or sums as the said board of chosen freeholders or other governing bodies of such counties having power therein to award such contract or contracts shall deem sufficient to guarantee the faithful performance by the party or parties thus bidding for such contract or contracts.

2. Any act or acts, or part or parts thereof, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act is hereby declared to be a public act and shall take effect immediately. Repealer.

Approved March 31, 1897.

CHAPTER 69.

A Supplement to 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, approved March twenty-seventh, one thousand eight hundred and eighty-eight.

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

1. The taxes which shall be hereafter assessed upon the real estate used for railroad or canal purposes in each taxing district in this state separately valued and assessed under the provisions of subdivision two (2) of section three (3) of said act, when collected, shall be allotted to and paid over to the various taxing districts through which said railroads or canals run, giving to each such district the total amount of tax that may be

Taxes, in certain cases, to be paid to the taxing district.

so derived from the property of each railroad or canal company therein.

2. This act shall take effect on the first day of November, eighteen hundred and ninety-seven.

Approved March 31, 1897.

CHAPTER 70.

An Act to amend an act entitled "An act concerning the government of cities of this state," approved April sixth, one thousand eight hundred and eighty-nine.

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

Section
amended.

1. Section thirty of the act entitled "An act concerning the government of cities of this state," approved April sixth, one thousand eight hundred and eighty-nine, be amended to read as follows :

Salaries not to
exceed amount
in tax levy.

30. The salary account for any department of the government of any city shall not exceed the amount fixed in the tax levy for that department for any year; *provided, however*, that it shall be lawful for the board having charge and control of the finances of any such city to appropriate to the credit of the board of education during any year or part thereof such additional amount or amounts as may be deemed by the said board of education to be necessary to pay the salaries of such principals, teachers, janitors and employees as may be required during said year by the establishment of additional schools or by the enlargement of schools already established; and the board having charge and control of the finances in any such city shall have power and authority to provide such additional amount or amounts by the issuing of temporary loan bonds or obligations of such city and provide for their payment in the next annual tax levy.

Proviso.

Temporary
bonds may be
issued.

2. This act shall take effect immediately.

Approved April 1, 1897.

CHAPTER 71.

An Act respecting the term of office of treasurer in towns.

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

1. The term of office of the town treasurer hereafter elected in the towns of this state shall be for the period of three years from the time when said term shall commence, as now provided by law. Term of office of town treasurer.

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

Approved April 1, 1897.

CHAPTER 72.

An Act to incorporate patriotic societies.

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

1. Any patriotic society of not less than fifteen persons may elect one or more officers, who may make and sign a certificate of its name and purposes, and file it in the office of the secretary of state; the only fee to be thereupon paid shall be one dollar, and the charge for a copy of such certificate, if requested, one dollar. Officers of patriotic society may make and file certificate. Fee.

2. Upon filing such certificate, such society shall become a body corporate, and may use a common seal, sue and be sued, and adopt by-laws, and may receive, and hold by purchase or donation, lands, not exceeding five acres in extent, and also books, relics and other articles of value connected with the men and events of our Rights and privileges.

	revolutionary struggle, and may also mortgage any lands purchased, for a sufficient sum to provide for the payment thereof, and if necessary, may sell and convey the same, and may issue stock and bonds (such stock to be fully paid and not assessable) for an amount sufficient to provide for the purchase of any of the property aforesaid, not to exceed in amount twenty thousand dollars;
Proviso.	<i>provided, always</i> , that this act shall not be construed as conferring upon any corporation formed under it, the right to hold real or personal property for other than memorial or commemorative purposes, and that not to exceed in value twenty thousand dollars, nor to authorize the carrying on of any trade, business or occupation.
Property, how taxed.	3. The property of any such patriotic society shall be taxed as if the property of an individual, and no franchise or other tax than as above shall be assessed upon any such society or its property, stock or bonds.
Repealer.	4. This act shall be deemed a public act, and shall take effect immediately, and all acts and parts of acts inconsistent herewith are hereby repealed.
	Approved April 3, 1897.

CHAPTER 73.

A Supplement to an act entitled "An act to provide for the erection of monuments commemorative of the services of the soldiers and sailors of the late war and authorizing appropriations for such purposes," approved May ninth, one thousand eight hundred and eighty-nine.

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

Veteran associations to file statement of proposed monument and location.

1. Whenever the organizations of veterans in any county of this state shall hereafter file with the board having control of the finances of any city in which said veterans propose to erect a monument, according to the

provisions of the act of which this is a supplement, a statement setting forth a general description of such proposed monument and the location thereof, duly verified by the oath of at least three members of said association, and such description and location is approved of by the said board having control of such finances in said city, such board may appropriate a sum sufficient to pay the cost of a pedestal and foundation for such monument.

Appropriation
may be made for
pedestal and
foundation.

2. The board having control of the finances of such city may pay the amount of such appropriation out of any moneys not otherwise appropriated, or may borrow a sufficient sum to cover the same, and put such sum in the next tax levy raised in such city.

Provision for
payment.

3. This act shall take effect immediately.

Approved April 3, 1897.

CHAPTER 74.

A Supplement to an act entitled "An act to enable boards of chosen freeholders to acquire, improve and maintain public roads," approved March nineteenth, one thousand eight hundred and eighty-nine.

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

1. The person to be employed to inspect the condition of the roads improved under the provisions of the act to which this is a supplement, shall be employed for a term of two years.

Term of office
of inspector.

2. This act shall take effect immediately.

Approved April 3, 1897.

CHAPTER 75.

An Act to permit boards of aldermen to appoint a superintendent of indoor relief for a period.

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

Term of office of
superintendent
of indoor relief.

Proviso.

Repealer.

1. The board of aldermen of any city in this state where, by the charter of such city, such board has power to appoint a superintendent of indoor relief, may appoint such officer for the period of three years; *provided*, that the provisions of this act shall not apply to cities of the first class.

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

Approved April 3, 1897.

CHAPTER 76.

Supplement to an act entitled "An act to permit and allow firms and individuals, not less than twenty under each organization known as fire Lloyds, to insure others against loss or damage by fire and lightning, and to underwrite policies of insurance issued therefor under the Lloyds form," approved March twenty-fifth, one thousand eight hundred and ninety-five.

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

1. That any association organized and doing business under the provisions of the act to which this is a

supplement or any supplement thereto, may change its name in manner following: at any regular or special meeting of the members of such association a resolution may be passed by two-thirds of the members present ordering such change, and setting out the name to be assumed; *provided*, that at least ten days' notice in writing, by mail or personal service, shall be given each member of the purpose to consider such resolution, which notice shall specify the name to be assumed; on the adoption of such resolution in the manner specified all the members voting therefor shall sign a certificate which shall embody such resolution and set out the name of the association and name as changed, which certificate shall be acknowledged and proved as in the case of deeds of real estate, and shall be filed in the office of the commissioner of banking and insurance, and thereupon the name of such association shall be changed accordingly.

May change name.

Proviso.

Resolution and change of name certified and filed in the office of commissioner of banking and insurance.

2. No change in the name of any such association shall in any manner lessen or impair any liability of such association or the individual members thereof, incurred or existing at the time such change of name shall be made, which liability shall continue and be capable of being enforced against such association or the individual members thereof, the same as though such name had not been changed, and no suit pending at the time of such change of name shall abate by reason thereof.

Change of names not to lessen or impair liability.

3. For the filing of such certificate there shall be paid to the commissioner of banking and insurance, for the use of the state, the sum of five dollars.

Charge for filing certificate.

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

Repealer.

Approved April 3, 1897.

CHAPTER 77.

An Act to prohibit trespassing with horses and hounds.

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

Unlawful to run
hounds and
horses across
lands without
consent.

Penalty for
violation.

1. It shall be unlawful for any person or persons to run hounds and horses upon or across the lands of any other person or persons without the consent of the owner or person or persons in possession of such lands being first had and obtained, and every person violating this act shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail for a term not exceeding ten days, or both such fine and imprisonment, at the discretion of the court before which such conviction is had.

Approved April 3, 1897.

CHAPTER 78.

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.

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

Property and
indebtedness of
separate school
districts set off
from a township
or annexed to a
city shall be
assumed by such
boards of
education.

1. In any case where a borough or other municipality has been or hereafter may be formed and set off from a township or other municipality, and is or becomes a separate and distinct school district, or in case any borough or township or part thereof, shall be annexed to any city, and there shall be within the territorial limits

of such borough or municipality so set off, or within such borough or township, or such part thereof, as shall be annexed to any city as aforesaid, any school-house or property formerly belonging to the board of education of such township, borough or other municipality, and for the erection, purchase, furnishing or repair of which there is an indebtedness for which the board of education of such township, borough or other municipality is liable, the said indebtedness shall be assumed and become the obligation of the board of education of the borough or other municipality so set off, or of such city to which any borough or township, or part thereof, may be annexed as aforesaid.

2. Whenever the board of education of any such former township or other municipality shall have been or may be compelled to pay by suit and judgment at law any portion of such indebtedness existing at the time of the formation of any such new township, borough or other municipality, or at the time of the annexation of such township, borough or part thereof, the board of education of any such new township, borough or other municipality shall repay to the board of education of such former township or other municipality, the amount of the said judgment with interest.

Board of education shall repay amount of judgment obtained against township or municipality.

3. This act shall take effect immediately.

Approved April 6, 1897.

CHAPTER 79.

An Act to amend an act entitled "An act authorizing any town, township or borough or part thereof, containing a population exceeding five thousand inhabitants, to be incorporated as a city after a vote of the people, and providing for the government and powers of such cities."

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

1. Section eight of the said act to which this act is amendatory be amended so as to read as follows:

Section to be amended.

Rights of city
or part of
township
incorporated
by this act.

8. Any city 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, township or part thereof of which it is the successor, or if part of a township is incorporated the rights and property embraced within the district incorporated, and shall be responsible for and liable to all contracts, debts and obligations of such town, borough or township, or in case a part of the township, then its equitable share thereof.

Liabilities.

Section to be
amended.

2. Section fifteen of the said act is amended so as to read as follows :

City council
may fill vacancy
made by failure
to elect.

15. If at any such election there shall be a failure to fill any office by reason of two or more persons having received an equal number of votes therefor, the city 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 city election, when the unexpired portion of the term (if any) shall be filled by the electors of the city.

Section to be
amended.

3. Section thirty-two of the said act is amended so as to read as follows :

Recorder ;
duties, etc.

32. The recorder shall hold office for three 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 city, 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 in the nature of a warrant, be returnable forthwith, and when in the nature of a summons be returnable in not less than three or 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 city, 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; that the recorder shall have power to appoint a clerk, to and with the consent and approval of the council, whose duty it shall be to attend the sessions of the court held by such recorder, and keep a docket, in which shall be entered a brief record of all matters which shall come before said recorder; all fines and penalties imposed by such recorder shall be paid to such clerk, who shall account for and pay the same over to the proper officer of such city within three days after the receipt thereof; said clerk shall receive a salary, to be fixed by the council by ordinance, as now provided with reference to the salaries of other officers; and before entering upon the duties of his office such clerk shall give bond to the city in the penal sum of five hundred dollars, with at least one sufficient surety, to be approved by said council, conditioned for the faithful performance of his duties; every clerk so appointed shall hold office during the pleasure of said recorder; that the said recorder shall have, possess and exercise all the powers, authority and jurisdiction of the court of two justices of the peace and of the justices of the peace in and for the several counties of this state, except such as are conferred on the said justices of the peace by the following acts: an act entitled "An act constituting courts for the trial of small causes," approved March

Proviso.

Recorder may appoint a clerk; his duties, etc.

Shall give bond.

Term of office.

Powers, etc., of recorder.

twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; an act entitled "An act concerning landlords and tenants," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; an act entitled "An act for the relief of creditors against absconding and absent debtors," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; an act entitled "An act concerning forcible entries and detainers," approved April sixteenth, one thousand eight hundred and forty-six; the recorder shall also have the same power in criminal matters within the territorial limits of the city as are possessed and exercised by justices of the peace of this state;

Processes ;
how legalized.

Authority of
clerk.

Docket kept.

General power
of clerk.

Proviso.

It shall be lawful for all commitments, writs and other process of said court, either to be signed by the recorder or to be tested in the name of the said recorder and signed by the clerk of the said court, and the said clerk shall have authority to take any complaint or complaints, or affidavit or affidavits to be used in said court, and to administer any oath or affirmation proper to be administered in said court, and by the instruction of the said recorder to receive in his absence the verdict of any jury, and in the absence of the recorder to adjourn the court to the following day; and that the docket of said court shall be kept by the clerk thereof, and the papers and records of said court shall be filed by him, and be and remain in his custody, to be delivered to his successor; and that the said clerk shall have all the power and authority appertaining by law to clerks of courts of record; and the recorder of said court, or the clerk thereof in his absence, may take bail in all cases except treason, murder or manslaughter; *provided*, that the amount of such bail when taken by the clerk shall have been first fixed by the recorder; and in all cases of summary convictions had in such court the complaint, warrant, record of the proceedings and the conviction of the offenders shall be and remain in the custody of such clerk as a part of the records of said court, and it shall not be necessary to take or keep any record of the evi-

dence or testimony taken on the trial of any case in such court;

If any person shall be convicted in said court it shall be sufficient for the conviction to set out the name of the defendant and the number of the section and the title of the statute or ordinance under which the conviction is had, the names of the witnesses sworn and a list of the exhibits produced at the trial, and a statement that the defendant was convicted, with the date of such conviction, which conviction may be signed by the recorder of said court, or tested in his name and signed by the clerk thereof under seal of such court, with the date of such conviction; it shall not be necessary to set forth in said conviction the whole or any part of the testimony upon which such conviction is had;

Proof of conviction.

It shall be lawful for any duly qualified justice of the peace, at the request of said recorder, to sit in the place and stead of said recorder, and the justice so sitting shall have the same power and authority as the recorder of said court;

Justice of peace may act in place of recorder.

In all cases where any persons shall be convicted in said court of having violated any of the provisions of the act entitled "An act concerning disorderly persons" (Revision), approved April ninth, one thousand eight hundred and seventy-five, or of the various supplements thereto, it shall and may be lawful for the recorder before whom such person was convicted to commit such person to the workhouse or common jail of the county in which such person may be convicted, for a period not to exceed thirty days, or to impose a fine of not more than thirty dollars on the person so convicted; *provided*, that this section shall not apply to persons convicted under the fifth section of said act;

Penalty for conviction.

In case any person convicted in said court shall have been committed to the workhouse or common jail in default of paying the fine or penalty imposed upon such conviction, it shall be lawful for the recorder imposing such fine or penalty, with the approval of the mayor of said city, to remit the whole or any portion thereof, and to discharge the person so committed from further custody; and in case any person convicted in said court shall have been committed to the workhouse or common jail

Proviso.

Recorder may, with approval of mayor, remit fine.

Recorder may discharge from custody upon rehearing.

without a fine, it shall be lawful for the recorder before whom such conviction was had, upon application made to him for that purpose, to order the person so committed to be brought before him for a re-hearing, and if on such re-hearing it shall appear to the satisfaction of said recorder that the person so convicted should be discharged from custody, it shall be lawful for said recorder to discharge said person ;

Lawful for recorder to impose penalty or commit to workhouse or jail.

In case any person shall be convicted in said court of keeping or maintaining a disorderly house or house of ill-fame, in violation of the provisions of the ordinances of the city in and for which such court exists, it shall be lawful for the recorder to impose upon the person so convicted the penalty prescribed in the ordinances, or to commit the person so convicted to the workhouse or common jail of the county in which such person may be convicted, for a period not to exceed ninety days ;

Conviction : how set aside.

It shall be lawful for the justice of the supreme court holding the circuit court in each of the counties wherein such court exists, or for the president judge of the court of common pleas for said county, upon application made for that purpose by any person summarily convicted in said court, to order the complaint and warrant (if there be a complaint or warrant), the commitment and the record of conviction to be forthwith brought before him, and if such complaint, warrant, record of conviction or commitment shall be found illegal, such conviction shall be forthwith set aside, and the person so convicted discharged from further custody ;

Examination need not be in writing.

It shall not be necessary for the recorder of said court to take in writing the examination of any person brought before him charged with any crime, misdemeanor or offence not triable in said court, unless the person so charged shall ask for such examination ;

When recorder shall be at court.

The recorder shall be present at the court-room or other place provided for him by the city council at such hours every day as he or the council shall designate.

Further powers of council.

4. The said council shall, in addition to the powers given by section sixty-one of the said act, have the power to vacate any street, avenue or highway, or any part or section thereof.

5. Section forty-three of said act is hereby amended so as to read as follows:

43. The board of excise commissioners shall consist of the mayor and one member from each ward in such city, to be elected annually; the mayor shall be the presiding officer of said board; they shall have full power to regulate, license or prohibit the sale or transfer of spirituous, vinous, malt or other strong or intoxicating liquors; *provided, however*, that no such license shall be granted to any person who is not a citizen of the United States; they shall have power to 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 violation of such conditions; *provided, however*, that all such conditions shall be printed on the licenses; *and provided, further*, that no such license shall be granted unless the applicant shall first pay to the city 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 the board, and if the application is rejected the deposit shall be returned; the mayor shall sign all licenses directed to be issued by the board; the board shall, upon request of the council, render a statement of all licenses and unlicensed saloons, inns, taverns or restaurants existing within the city, together with a record of all the proceedings of the board.

6. The present members of the board of excise commissioners shall hold their offices until the next election and until their successors shall be elected and qualified.

7. Section fifty of said act is hereby amended so as to read as follows:

50. The city council may by ordinance submit to the voters of the city, at an annual or special election, a proposal or proposals to purchase land and to erect thereon a city hall, jail, hospital, public lighting, or other municipal building or buildings; or to purchase land for public park purposes; or for the purchase of any sewer, water or gas, or other lighting system existing, or that may hereafter exist, within the city limits; or to purchase necessary lands and to build and construct a system of public water-supply for such city; and if at such election

Section to be amended.

Board of excise commissioners.

Powers.

Proviso.

Proviso.

Proviso.

Statement made to council upon request.

Term of office.

Section to be amended.

Certain propositions may be submitted to the voters.

a majority of the voters shall vote in favor thereof, the city council shall be empowered to make such purchase, and if need be issue bonds of the city in payment thereof, as may be provided by ordinance.

Section to be amended.

8. Section fifty-seven of said act is hereby amended so as to read as follows:

Power to provide water.

57. 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; or by building and constructing a system of public water-supply when authorized so to do by a vote of the people; 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 city.

Section to be amended

9. Section sixty-three of the said act is amended so as to read as follows:

Streets may be laid out, etc.

63. Streets or sections of streets shall be laid out, opened, straightened, extended, widened, or otherwise changed as to their boundaries, vacated, graded, flagged, macadamized, paved, curbed, guttered or otherwise improved, except as hereinafter otherwise provided, in the following manner and not otherwise:

Method of procedure.

A petition, in writing, signed by the owners of one-sixth of the property fronting on the improvement desired, shall be presented to the council, setting forth accurately the improvement desired; if the council shall decide in favor of the petition the same shall be referred to the commissioners of assessment and a city 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 such commissioners will be specially benefited thereby, designating each lot and parcel on said map by a letter or number; such commissioners shall also ascertain, so far as practicable, the names of the owners of such real estate to be taken and property to be benefited and the interest of each of the owners of the 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

Petition referred to commissioners.

owner of real estate to be taken, and the damage to be done 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 the 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 lands 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 city; thereupon the said clerk shall cause a notice of the filing of said map and report to be printed in one or more newspapers of the city, or, if there be none, in a newspaper published in the county and circulating in the city, 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 shall 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

Estimate
expenses.

Cost of
improvement.
Cost to be
assessed.

Report printed.

Objections to be
heard.

Owners to be
notified.

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; *provided, however*, that the foregoing proviso shall not apply where the petition is for the improvement of a section of a street where one-half or more of the same has already been improved in the particular or particulars specified in said petition; 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 city; *provided*, that where the commissioners shall have reported the names 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 in whole or in part paid over to him, as law and justice may require; *provided*, that where the expense of said improvement so determined upon shall not exceed the sum of five hundred dollars, as ascertained in the manner hereinbefore provided, the council shall cause a written or printed notice to be given to the owners of real estate to be affected by said improvement, stating in general terms the character of the improvement to be made and the time when the council will meet to hear objections

Council to confirm awards.

Proviso.

Proviso.

Proviso.

Proviso.

to the same and the preliminary assessments therefor, which shall not be less than ten days from the time of filing the report of the commissioners of assessments, by mailing a copy of said notice to said owners respectively, at their last known post-office address, and by posting the same in five conspicuous places along the line of said improvements (said posting to be legal notice to all unknown owners and to those whose post-office addresses are not known) at least ten days before the said time so fixed for said hearing; that at the time so fixed the said council shall proceed to hear all objections that may be presented to the making of said improvement or the preliminary assessments therefor, and if the council shall then determine to make such improvements, notwithstanding any objections to the same, and to confirm or change said preliminary assessments, they shall so signify by a proper resolution to be adopted for that purpose; and shall thereupon proceed to obtain proposals in such manner as the said council shall then determine upon for the doing of the work and furnishing materials therefor; 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; *provided*, that as to such improvement not costing more than five hundred dollars, the notice of said final assessment and the hearing of objections thereon shall be given in the manner herein already provided with reference to the hearing of objections to the said improvement and the preliminary assessment therefor.

Objections to be heard.

Proviso.

10. Section eighty-three of the said act is amended so as to read as follows :

Section to be amended.

83. The assessor shall complete his assessment and present his books to the council for examination by the first Monday of September, annually, and the council shall complete their examination of the same by the first Monday of October; and immediately thereafter the collector shall proceed in the manner directed by the general tax law.

Time for completion of assessments and examinations.

Term of office of
board of
education and
constables.
Section repealed.

Council may lay
out, etc.,
streets, etc.

May vacate,
etc., streets, etc.

May accept
lands dedicated
for public
streets, etc.

11. The term of office of the members of the board of education and of constables shall be three years.

12. Section sixty-six of the said act be and the same is hereby repealed.

13. It shall be lawful for the common council or other governing body of any city of this state, whenever in their opinion the public good may require it, by ordinance, to lay out, accept and open any street, road, highway or alley within said city; to order and cause any street, road, highway or alley already laid out, or which shall hereafter be laid out, to be vacated, straightened, altered or widened, and to take and appropriate for such purposes any lands and real estate, upon making compensation to the owner or owners thereof, in the manner now or hereafter provided by law, in any such city, and they may in their discretion, by ordinance, accept such lands as may be dedicated by the owner or owners thereof as public streets or alleys, and thereupon shall be bound to keep up, repair and maintain the same, to the same extent that they may be bound to keep up, repair and maintain streets or alleys laid out by other legal proceedings.

14. This act shall take effect immediately.

Approved April 6, 1897.

CHAPTER 80.

A Further Supplement to an act entitled "A bill providing for the founding of a state institution for the instruction and maintenance of indigent deaf-mutes, to be known as the state institution for the deaf and dumb," approved March thirty-first, one thousand eight hundred and eighty-two.

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

Shall appoint a
treasurer.

1. The state board of education shall appoint some suitable person as treasurer of the New Jersey school for deaf-mutes.

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

Approved April 6, 1897.

CHAPTER 81.

An Act to defray the incidental expenses of the legislature of New Jersey for the session of one thousand eight hundred and ninety-seven.

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

1. It shall be lawful for the treasurer of the state of New Jersey to pay upon the warrant of the comptroller, to the several persons hereinafter named, the following amounts, namely:

State treasurer
authorized to
pay certain
amounts.

Item No. 1. To each clergyman for opening the sessions of the senate and house of assembly with prayer during the session of one thousand eight hundred and ninety-seven, ten dollars, \$10 00

Item No. 2. To each officer of the senate and house of assembly of the session of one thousand eight hundred and ninety-six, who was present for services in opening the session of one thousand eight hundred and ninety-seven, ten dollars, \$10 00

Item No. 3. To Mrs. Elizabeth Kucker, for washing towels for senate and house of assembly, sixty-five dollars, \$65 00

Item No. 4. To William H. Rea, for furnishing parchments and engrossing oaths of senators, members of assembly and officers of the legislature, session of one thousand eight hundred and ninety-seven, fifty dollars, \$50 00

Item No. 5. To Frank J. Higgins, for services to the assistant clerk of the house of assembly and clerk to the committee on inci-

dental expenses, session of one thousand eight hundred and ninety-seven, four hundred dollars,

\$400 00

Item No. 6. To the John L. Murphy Publishing Company, for stationery and supplies furnished the speaker of the house of assembly, session of one thousand eight hundred and ninety-seven, one hundred and eighty-two and fifteen one-hundredths dollars,

\$182 15

Item No. 7. To the John L. Murphy Publishing Company, for furnishing stationery and supplies to L. E. Watson, engrossing clerk of the assembly, session of one thousand eight hundred and ninety-seven, one hundred and thirty-seven and seventy one-hundredths dollars,

\$137 70

Item No. 8. To The John L. Murphy Publishing Company, for furnishing stationery and supplies to James Parker, clerk of the house of assembly, session of one thousand eight hundred and ninety-seven, twenty-seven and seventy one-hundredths dollars,

\$27 70

Item No. 9. To J. C. Rankin Co., for stationery, house of assembly, session of one thousand eight hundred and ninety-seven, six hundred and sixty-seven and thirteen one-hundredths dollars,

\$667 13

Item No. 10. To John C. Rankin Co., for bill files for house of assembly, session of one thousand eight hundred and ninety-seven, seven hundred and fifty-one and twenty one-hundredths dollars,

\$751 20

Item No. 11. To John J. Matthews, for furnishing one hundred and fifty copies of members' pocket calendars for the senate and house of assembly, one hundred and fifty dollars,

\$150 00

Item No. 12. To E. J. Reiss, for services as postmaster of the house of assembly, session of one thousand eight hundred and ninety-seven, one hundred dollars,

\$100 00

Item No. 13. To George Saupe, for services as assistant postmaster of the house of assembly, session of one thousand eight hundred and ninety-seven, one hundred dollars, \$100 00

Item No. 14. To L. N. Clayton, for furnishing toilet supplies to Andrew Breidenbach, sergeant-at-arms of the assembly, session of one thousand eight hundred and ninety-seven, two hundred and seventy-six and eighty-five one-hundredths dollars, \$276 85

Item No. 15. To MacCrellish & Quigley, for title rack and calendar furnished house of assembly, session of one thousand eight hundred and ninety-seven, sixteen dollars, \$16 00

Item No. 16. To Andrew J. Breidenbach, for supplies furnished to house of assembly, one thousand eight hundred and ninety-seven, sixty dollars, \$60 00

Item No. 17. To Frank Thompson, for services as keeper of the cloak-room of the senate, session of one thousand eight hundred and ninety-seven, three hundred and fifty dollars, \$350 00

Item No. 18. To William Rodman, for services as keeper of the cloak-room of the senate, session of one thousand eight hundred and ninety-seven, three hundred and fifty dollars, \$350 00

Item No. 19. To William D. Barradale, for extra services as doorkeeper, house of assembly, session of one thousand eight hundred and ninety-seven, one hundred dollars, \$100 00

Item No. 20. To H. E. Richards, for shorthand and typewriting to committee on revision of borough laws, session of one thousand eight hundred and ninety-six, one hundred and sixty-two dollars, \$162 00

Item No. 21. To J. C. Rankin Company, for stationery and supplies for the senate, session of one thousand eight hundred and ninety-seven, three hundred and seventy-four and fifty one-hundredths dollars, \$374 50

Item No. 22. To L. N. Clayton, for stationery and supplies furnished the sergeant-at-arms of the senate, session of one thousand eight hundred and ninety-seven, seventeen and seventy-five one-hundredths dollars, \$17 75

Item No. 23. To J. J. Hoppin, for stenographic services and typewriting to joint borough committee, for year one thousand eight hundred and ninety-seven, one hundred and fifty dollars, \$150 00

Item No. 24. To E. F. Benners, for services in the engrossing department of the house, session of one thousand eight hundred and ninety-seven, two hundred dollars, \$200 00

Item No. 25. To W. O'Brien, for additional services as doorkeeper, session of one thousand eight hundred and ninety-seven, twenty-five dollars, \$25 00

Item No. 26. To George Botbyl, clerk to committee on revision of laws, three hundred dollars, \$300 00

Item No. 27. To H. E. Truex, clerk to joint committee on appropriations, three hundred and fifty dollars, \$350 00

Item No. 28. To John Graham, for detective work for the senate investigating committee, one hundred and fifty dollars, \$150 00

Item No. 29. To A. F. Skinner, for services in drawing and searches in connection with the general borough bill (senate 184), one thousand dollars, \$1,000 00

Item No. 30. To commission to investigate the subject of taxation (for expenses), twenty-five hundred dollars, \$2,500 00

Item No. 31. To MacCrellish & Quigley, for stationery and supplies furnished the secretary, sergeant at-arms, engrossing clerk of the senate and president of the senate and president's private secretary, session of one thousand eight hundred and ninety-seven,

two hundred and thirty-four and ninety-three one-hundredths dollars, \$234 93

Item No. 32. To MacCrellich & Quigley, for calendars and books furnished senate, session one thousand eight hundred and ninety-seven, eighty-nine dollars, \$89 00

Item No. 33. To John L. Murphy Publishing Company, for stationery and supplies furnished the sergeant-at-arms of the senate, session of one thousand eight hundred and ninety-seven, seventeen and sixty one-hundredths dollars, \$17 60

Item No. 34. To Advocate Publishing Company, for stationery furnished the sergeant-at-arms of the senate, session of one thousand eight hundred and ninety-seven, sixty-eight and seventy-five one-hundredths dollars, \$68 75

Item No. 35. To John L. Murphy Publishing Co., for stationery furnished secretary of the senate, journal clerk and assistant journal clerk of the senate, session of one thousand eight hundred and ninety-seven, forty-eight and ten-hundredths dollars, \$48 10

Item No. 36. To The John L. Murphy Publishing Company, for dating-stamp furnished president of the senate, session one thousand eight hundred and ninety-seven, four dollars, \$4 00

Item No. 37. To Addie B. Garrison, for typewriting for senate, session one thousand eight hundred and ninety-seven, seven and fifty one-hundredths dollars, \$7 50

Item No. 38. To The John L. Murphy publishing company, for stationery furnished the engrossing clerk of senate, session of one thousand eight hundred and ninety-seven, thirty-eight and sixty one-hundredths dollars, \$38 60

Item No. 39. To Frank J. Matthews, for services in the engrossing department of the senate, session of one thousand eight hun-

dred and ninety-seven, one hundred and fifty dollars, \$150 00

Item No. 40. To William S. Sharp, for services rendered in connection with the ballot-box investigation and care of ballots, five hundred dollars, \$500 00

Item No. 41. To Austin A. Pierson, assistant to journal clerk of house, two hundred and fifty dollars, \$250 00

Item No. 42. To H. E. Richards, for services to joint committee on borough revision, appointed by resolution of eighteen hundred and ninety-six, two hundred and fifty dollars, \$250 00

2. This act shall take effect immediately.

Approved April 6, 1897.

CHAPTER 82.

An Act for the relief of Robert R. Croasdale.

Preamble.

WHEREAS, Robert R. Croasdale, at the time a resident of the township of East Amwell, in the county of Hunterdon, and state of New Jersey, did, on the fifteenth day of August, anno domini one thousand eight hundred and sixty-one, enlist in the military service of the United States, from the state of New Jersey, for the term of three years or during the war; and whereas, after being so enlisted the said Robert R. Croasdale was assigned to Company D, of the Forty-eighth regiment of New York Volunteers; and whereas, in consequence of his being thus placed in said regiment he was and has been refused payment of the sum of six dollars per month, state pay, for the relief of his family, to which sum his family would have been entitled under the laws of this state had he been placed in the New Jersey regiment, from the date of his enlistment to the sixteenth day of Septem-

ber, eighteen hundred and sixty-four, when he was discharged; and whereas, he was and has been refused payment of state pay by the state of New York, for the reason that he was a citizen of the state of New Jersey, his family continuing to reside in the state of New Jersey; and whereas, the said Robert R. Croasdale at the time of his enlistment was a married man, whose wife is living and has continued to live in the state of New Jersey to the present time; and whereas, the said Robert R. Croasdale received no state pay, either from the state of New York or from the state of New Jersey; therefore,

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

1. That the treasurer of this state be and he is authorized and directed to pay to the said Robert R. Croasdale, a resident of the township of East Amwell, in the county of Hunterdon, and state of New Jersey, the sum of two hundred and twenty-two dollars, being the amount due for the relief of his family for three years and one month in the military service of the United States.

Treasurer
authorized to
pay amount.

2. That the sum required to pay the said Robert R. Croasdale, as provided for in the first section of this act, be and the same is hereby appropriated for that purpose out of any money or moneys in the treasury of this state not otherwise appropriated.

Amount
appropriated.

3. This act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved April 8, 1897.

CHAPTER 83.

An act to annex portions of the township of Palisades, in the county of Bergen, to the borough of Tenafly.

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

1. All those portions of the township of Palisades, in the county of Bergen, described as follows: The first

Portion of town-
ship annexed
described.

bounded northerly by the borough of Cresskill, easterly by the Hudson river and the borough of Englewood Cliffs, southerly by the borough of Englewood Cliffs and the city of Englewood, and westerly by the easterly line of the borough of Tenaflly; the second, lying between the borough of Bergen Fields and the borough of Tenaflly, bounded northerly, westerly and southerly by the borough of Bergen Fields, and easterly by the borough of Tenaflly, be and the same are annexed to the borough of Tenaflly, and shall form a part thereof.

2. This act shall take effect February tenth, one thousand eight hundred and ninety-eight.

Approved April 8, 1897.

CHAPTER 84.

An Act validating defective conveyances and making the record thereof admissible in evidence.

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

Failure to seal
conveyances not
to invalidate
instrument.

1. Every deed of lands, tenements and hereditaments heretofore made shall be held to have vested in the grantee or grantees thereof, and his or their heirs and assigns, as full and ample an estate in said lands as was thereby intended to be conveyed, notwithstanding said deed shall not have been sealed by the grantor or grantors thereof; provided that the attestation clause and the acknowledgment of said deed shall recite that the same was sealed by such grantor or grantors.

Record admis-
sible as evidence.

2. The record of every such deed shall be admissible in evidence as fully and completely for all purposes as if such deed had been duly sealed.

3. This act shall take effect immediately.

Approved April 8, 1897.

CHAPTER 85.

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

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

1. The board of directors of any corporation, organized under the laws of this state, may change the location of the principal office of such corporation within this state to any other place within this state by resolution adopted at a regular or special meeting of such board, by the votes of at least two-thirds of the members of such board ; *provided*, that no certificate shall be required to be filed of the removal of any office from one point to another in the same town, township or city in this state.

Corporations
may change
location of office.

Proviso.

2. Upon the adoption of a resolution as aforesaid, a copy thereof shall be filed in the office of the secretary of state, signed by the president and secretary of such corporation, and sealed with its corporate seal; for filing the said certificate, the secretary of state shall charge a fee of five dollars.

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

Fee.

3. This act shall take effect immediately.

Approved April 8, 1897.

CHAPTER 86.

An Act to provide for the appointment of commissions to revise the general statutes of this state.

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

1. The governor is hereby authorized to appoint one or more commissions to revise and codify the general

Governor authorized to appoint commissions to revise and codify general statutes.

statutes of this state, or such part or parts thereof as the governor shall direct; that each commission shall consist of three persons, to serve without compensation; they shall organize by the election of a president and secretary, and may employ such clerical assistance as shall be necessary, at reasonable compensation, to be fixed by them and paid by the state when appropriated for that purpose.

Clerical help and compensation.

Duty of commission.

2. Every commission shall perform the work assigned to them as speedily as practicable, and submit the bill or bills prepared, together with such suggestions as may be deemed expedient, to the legislature on the first day of its next session.

3. This act shall take effect immediately.

Approved April 8, 1897.

CHAPTER 87.

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

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

Appeal not to suspend or modify injunction without order.

1. No appeal hereafter taken from an order or decree granting an injunction shall suspend or modify the operation of the injunction without an order of the chancellor or of the court of errors and appeals for that purpose, and such suspension or modification shall extend only so far as may be necessary to preserve the subject of the appeal, and shall not in any case be allowed to destroy the right established or protected by the order or decree appealed from; and no such order to suspend or modify shall be allowed unless the appeal and petition of appeal shall be filed and the application for the order be made within ten days from the date of filing the order or decree, or within such further time as the

Appeal &c. must be filed within ten days of date of filing order.

court making the order may grant for good cause shown.

2. No appeal hereafter taken from an order or decree dissolving an injunction shall have the effect to continue in force the injunction unless the chancellor or the court of errors and appeals for good cause appearing in the record shall direct such continuance in whole or part and prescribe the terms thereof, nor unless the appeal and petition of appeal shall be filed and the application to continue the injunction shall be made within ten days from the date of the order or decree, or within such further time as the court making the order may grant for good cause shown.

Appeal from order dissolving injunction not to continue injunction unless so ordered.

Said appeal must be filed within ten days.

3. The provision of this act shall not apply to any suit now pending.

Not to apply to pending suits.

4. This act shall take effect immediately.

Approved April 8, 1897.

CHAPTER 88.

A Supplement to an act entitled "An act concerning evidence," approved March twenty-seventh, eighteen hundred and seventy four.

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

1. In any suit to reform a deed of conveyance of land in this state, whether absolute or by way of mortgage, heretofore made or that may hereafter be made, if in such deed the estate be limited to the grantee, his successors and assigns forever, or to the grantee, his legal representatives and assigns forever, such limitation shall, in the absence of other words in the deed clearly indicating an intention to limit the estate to the life of the grantee, be considered as presumptive evidence that the grantor or grantors intended thereby to convey an estate in fee-simple in said lands, notwithstanding the omission of the word "heirs" from such deed.

Limitation in conveyance to be considered evidence of intent to convey estate in fee-simple.

2. This act shall take effect immediately.

Approved April 8, 1897.

CHAPTER 89.

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

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

Application may
be made for
re-adjustment of
tax.

Proviso.

State board of
assessors to
investigate.

Hearing.

If excessive or
unjust a cor-
rected return to
be filed.

Right of appeal
waived after
three months.

1. The officers of any corporation who shall consider the tax levied under the provisions of an act to which this act is a further supplement, excessive or otherwise unjust, may make application to the state board of assessors for a review of the assessment and a re-adjustment of the tax; *provided*, there be filed with the said board within three months from the date of assessment a petition of appeal, duly verified according to law, stating specifically the grounds upon which the appeal is taken and the reasons why the tax is considered excessive or unjust; the state board of assessors shall thereupon proceed to investigate the contentions raised by the said petition of appeal; and for the purpose of such hearing, the officers of said corporation may be summoned to appear before said board, either in person or by attorney, and questioned as to the statements set forth in the said petition of appeal; if, in the opinion of a majority of the board, it shall appear that the tax so levied as aforesaid is excessive or unjust, they shall thereupon require the officers of the corporation to file with the board a corrected return, and upon said corrected return the assessment shall be adjusted and the tax reduced or amended as in the opinion of the board shall seem proper.

2. If the petition of appeal shall not be filed within three months from the date of assessment as aforesaid, the right to appeal to the state board shall be considered and treated as having been waived and the amount of

tax levied shall be payable and collected as other taxes levied by said board.

3. This act shall take effect immediately.

Approved April 8, 1897.

CHAPTER 90.

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

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

1. In every county of this state which has or may hereafter have within its territorial limits a population exceeding two hundred and fifty thousand inhabitants it shall be the duty of the sheriff of such county, or in case of his death or disability, of the coroners of such county, or elisors appointed by the court, on the second Monday of each regular term of any circuit court, court of oyer and terminer and general jail delivery, common pleas, and quarter sessions of the peace, to be holden in such county, and on every alternate Monday thereafter during such term, to select in the manner provided by law a new general panel of jurors to serve as jurors in the trial of all causes before said courts from the Monday following such selection for a period of two weeks, and when the jurors so summoned shall appear for service, the court shall have the power to discharge the panel before summoned and then serving.

Panels, how and by whom selected.

2. In case any juror summoned on any panel shall be actually serving in the trial of a cause at the time when the panel of jurors in which he was summoned would otherwise be discharged, the term of service of such juror shall be and is extended until the completion of that service, and the inferior court of common pleas of any such county may, by order, discharge the panels so summoned, or any part thereof, when, in its opinion, the

Juror serving may be continued until completion of service.

service of the said jurors so summoned, or any part thereof, may not be further needed.

Court may order sheriff to refrain, and continue or discharge part or all of panel.

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

Fees.

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

Court may direct part of panel to be drawn.

5. The inferior court of common pleas may direct by rule that a part only of the general panel of jurors drawn to attend upon the several courts of any such county shall be summoned by the sheriff, coroners or elisors to serve at any one time, and may from time to time direct what number of jurors, or additional jurors so drawn on such general panel, shall be summoned for service in the courts of said county, as the necessities and convenience of the several courts may require; if a less number than the whole of the general panel of jurors shall be directed by the court to be summoned at any time after any general panel shall be drawn, at the time and in the manner required by law, such less number as may by rule of court be directed to be summoned shall be drawn from the box containing the whole general panel, by the sheriff, before the court of common pleas, in open court, to the number so directed, and any future increase of jurors, less than the whole general panel, shall be drawn in like manner, and summoned from time to time as so drawn.

Less number how drawn.

Court may direct that certain number of jurors may be discharged.

6. It shall be lawful for the court of common pleas at any time during any term of court, when it shall seem that the necessities or convenience of the court requires fewer jurors for service in the several courts of the

county than are then in attendance upon said courts, to direct by rule that a certain number of jurors less than the whole general panel shall be discharged for a time to be designated in such rule, or for the term as may be determined, and in that event such number of jurors as shall be so directed by said rule to be discharged shall be drawn from the box containing the names of all the jurors then in attendance upon the courts of said county, and the jurors so drawn shall be discharged as said rule directs.

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

Approved April 8, 1897.

CHAPTER 91.

An Act to amend an act entitled "An act respecting the clerk in chancery and the clerk of the supreme court," approved April seventeenth, one thousand eight hundred and forty-six.

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

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

Section amended.

3. The clerk in chancery and the clerk of the supreme court shall keep their offices within the city of Trenton.

Clerks of chancery and supreme court to keep offices in Trenton.

2. This act shall take effect immediately.

Approved April 8, 1897.

CHAPTER 92.

An Act to amend section five of the act entitled "An act relative to the office of secretary of state and register of the prerogative court" (Revision), approved April seventeenth, one thousand eight hundred and forty-six.

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

Section
amended.

1. That section five of the act entitled "An act relative to the office of secretary of state and register of the prerogative court," approved April seventeenth, one thousand eight hundred and forty-six, be and is hereby amended so as to be and read as follows:

Secretary of
state to keep
office in Trenton.

5. That the said secretary of state and register of the prerogative court shall keep his office within the city of Trenton.

2. This act shall take effect immediately.

Approved April 8, 1897.

CHAPTER 93.

A Supplement to the act entitled "An act to prevent the adulteration of food or drugs," approved March twenty-fifth, one thousand eight hundred and eighty-one.

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

Section
amended.

1. The sixth section of the act to which this is a supplement is amended so that the same shall read as follows:

6. Every person selling, or offering or exposing any article of food or drugs for sale, or delivering any article to purchasers, shall be bound to serve or supply any inspector appointed under this act, who shall apply to him for that purpose, and on his tendering the value of the same, a sample sufficient for the purpose of analysis of any article of food or drugs, and which is in the possession of the person selling, under a penalty not exceeding fifty dollars for a first offense and one hundred dollars for a second and subsequent offense; said inspector shall at the time of the sale, in the presence of the person selling, divide said sample into two parts, and shall duly seal each part in a suitable can, vessel or package, and shall tender, and, if accepted, shall deliver, at the time of taking said sample, one part to the person selling, with a statement in writing of the cause of the sample having been taken, and in any prosecution of the seller of any food or drugs for violation of any statute of this state relative thereto, no proof of the results of any analysis thereof shall be given in evidence by the prosecutor unless a part of the sample of the article complained of shall have been sealed up and tendered to the seller as aforesaid.

Dealers in food and drugs shall supply inspector with sample upon application and payment.

Penalty.

Inspector to divide sample, &c.

2. This act shall take effect immediately.

Approved April 8, 1897.

CHAPTER 94.

A Further Supplement to an act entitled "An act fixing the compensation of certain public officers of the state," approved March sixteenth, one thousand eight hundred and seventy-six.

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

1. The state comptroller shall be allowed the further sum of five hundred dollars per year for clerical service

Additional allowance to comptroller.

Proviso.

in the discharge of the duties of his office ; *provided*, said sum shall not be paid until regularly appropriated.

2. This act shall take effect immediately.

Approved April 8, 1897.

CHAPTER 95.

An Act concerning and for the relief of cities.

WHEREAS, Pursuant to chapter CCCCVIII of the laws of one thousand eight hundred and ninety-five, any city on becoming, by reason of population, a member of another class, in accordance with the classification in said act referred to, was authorized to hold its annual charter election pursuant to the laws theretofore in force applicable to such city, and, by reason of said act having been adjudged unconstitutional, doubts may arise as to the legality of elections heretofore so held, or to be hereafter so held, and the public interest requires that the validity of such elections by the people should be upheld and confirmed ;

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

Elections held
in cities becom-
ing members of
another class
validated.

1. All municipal or charter elections heretofore held or hereafter to be held in any city in this state on the date fixed by the charter of such city, which elections have been or shall be held within one year from the date on which such city became or shall become, by reason of population and the official promulgation of a census taken by national or state authority, a member of another class, be and are hereby validated, ratified and confirmed, and the titles to their respective offices of the persons elected to office at such election are hereby validated, ratified and confirmed, and in all respects made legal for the terms for which they were, or were intended to be, or shall be hereafter, so severally elected at such election ; and all the official acts and proceedings of persons so elected, and of the boards or bodies

to which they severally were or shall be elected as aforesaid, and of officers elected, appointed or confirmed by them, shall in like manner be deemed and taken to be in all respects legal, and to be hereby ratified and confirmed.

Official act
legalized.

2. The municipal or charter election in any such city next succeeding the election referred to in section one of this act shall not take place earlier than the corresponding month of the year following, and all city officials holding office in said city, either by virtue of the election referred to in section one or by appointment and confirmation, or holding offices their successors to which were not voted for at such election, shall continue to hold their respective offices for the terms for which they were respectively elected or appointed, and further until their successors respectively shall be elected or appointed and qualified, and this act shall be construed to operate both prospectively and retrospectively, and be liberally construed.

Next election,
when held.

City officials to
continue in
office for time
selected and
until successors
are qualified.

3. This act shall take effect immediately.

Approved April 8, 1897.

CHAPTER 96.

An Act to amend an act entitled "A further supplement to an act to regulate fees" (Revision), approved April fifteenth, one thousand eight hundred and forty-six, which supplement was passed June thirteenth, one thousand eight hundred and ninety-five.

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

1. The act above mentioned be and the same is hereby amended so as to read as follows:

Act amended.

1. Hereafter the clerk of the supreme court shall be entitled to receive for searching the records the following fees and no more: For a search for judgments, attachments, recognizances, docketed judgments, and

Fees of clerk of
supreme court.

Proviso.

docketed decrees from chancery and from the circuit courts and all other records which may become a lien upon real estate, six cents for each year or fraction thereof for each name, and five cents for stating a judgment; *provided*, that the fee for a search and certificate shall in no case be less than twenty-five cents.

Approved April 8, 1897.

CHAPTER 97.

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

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

Oaths, &c., may be taken by deputy surrogate.

1. All oaths, affirmations, affidavits, proofs and qualifications that may be or that are required to be made or taken before any surrogate of any county in this state, or necessary or proper to be made, taken or used before such surrogate, may also be made and taken by and before the deputy surrogate in such county, as well as by such surrogate.

No distribution of intestate person's effects within one year, unless decree barring creditors has been entered.

2. To the end that a due regard be had to creditors, no distribution of the goods, chattels, credits and personal estate of any person dying intestate shall be made until one year after granting administration thereof, unless a decree barring creditors has been entered, in which case such distribution may be made whenever twenty days shall have elapsed since the entry of such decree barring.

Lands contiguous and lying in more than one county may be sold in one or several parcels.

3. When any executor or administrator has been ordered to make sale of lands for payment of debts, and the lands to be sold are contiguous and situate in more than one county, and are so situated that, in the judg-

ment of such executor or administrator, the same should be sold together and in one parcel or in several parcels, some or all of which may comprise as one parcel contiguous lands situate in more than one county, such executor or administrator may, in the exercise of his discretion, make sale of such lands as one parcel or in several parcels, some or all of which may comprise as one parcel contiguous lands situate in more than one county; and after such sale or sales report the same to the orphans' courts of the respective counties in which said lands lie for approval and confirmation, and, if the sales be approved, the same shall be confirmed, and the said administrator or administrators, executor or executors, and the survivor or survivors of them, execute and deliver conveyances to the purchaser or purchasers for the lands so sold upon compliance with the conditions of sale.

Sale reported to
orphans' courts.

4. This act shall take effect immediately.

Approved April 9, 1897.

CHAPTER 98.

An Act to repeal an act entitled "An act to set off a portion of Landis township, in the county of Cumberland, into Franklin township, in the county of Gloucester, and to change the boundaries between said counties," approved March twenty-eighth, one thousand eight hundred and ninety-two.

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

1. An act entitled "An act to set off a portion of Landis township, in the county of Cumberland, into Franklin township, in the county of Gloucester, and to change the boundaries between said counties," approved March twenty-eighth, one thousand eight hundred and ninety-two, be and the same is hereby repealed.

Act repealed.

Division lines.

2. The division lines between said counties of Gloucester and Cumberland be and they are hereby made to conform to the several courses as they existed before the passage of the act aforesaid.

3. This act shall take effect immediately.

Approved April 9, 1897.

CHAPTER 99.

An Act to provide for the election of members of the board of education or of commissioners of the public schools in case of the division of a ward or a municipal subdivision into two wards in incorporated towns.

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

Wards created by division of a ward shall have same representation in board of education as said ward was entitled previous to division.

1. From and after the annual municipal election next succeeding the division of a ward or municipal subdivision into two wards in incorporated towns, each ward thereby created shall have the same representation in the board of education to which the subdivision or ward so divided was, at the time of said division, entitled, under the terms of the act or acts regulating representation therein, and that at the next annual municipal election next succeeding such division the legal voters of each ward thereby created shall elect, by ballot, the members of the board of education or the commissioners of the public schools to which said ward shall be entitled, as aforesaid, for the same term or terms prescribed for members of the board of education or for commissioners of the public schools chosen at the first election held in the municipal subdivision or ward so divided, in and by the act or acts regulating representation therein, and shall annually thereafter elect, by ballot, the member or members of the board of education or the commissioner or commissioners of the public schools to which said ward shall be entitled, as aforesaid; *provided*, that if at the date of the first election under this act the term of

office of a member or members of the board of education or of a commissioner or commissioners of the public schools theretofore elected to represent the municipal subdivision or ward so divided shall not have expired, then and in that case such member or members of the board of education, or such commissioner or commissioners of the public schools, shall serve out his term of office as a member of the board of education or as a commissioner of the public schools of the ward in which his residence may be.

2. All acts and parts of acts, whether general or special, inconsistent with the provisions of this act, be and the same are hereby repealed. Repealer.

3. This act shall take effect immediately.

Approved April 9, 1897.

CHAPTER 100.

A Supplement to an act entitled "An act concerning associations or incorporations for the establishment of lyceums, libraries, literary and scientific societies," approved April thirteenth, one thousand eight hundred and seventy-six.

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

1. Every stockholder in any lyceum, library, literary or scientific association or incorporation, whether incorporated by a general law or special act of the legislature, shall, at each meeting of stockholders, have at least one vote for every share of stock held by such stockholder. Stockholders in literary associations, &c., shall have one vote for each share of stock held.

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

Approved April 9, 1897.

CHAPTER 101.

An Act empowering executors and trustees holding land and real estate in trust to improve the same and erect buildings thereon.

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

Chancellor may order property held in trust, &c., to be improved, upon petition.

1. Whenever by any last will or testament, lands and real estate are devised to, or whenever by any deed lands are conveyed to or held by any executor or executors, trustee or trustees in trust for any person or persons for life, or until the happening of some event in such will or deed named, and it shall be made to appear to the chancellor by petition of such executor or executors, trustee or trustees named in said will, or the survivor or survivors of them, or any duly appointed person or persons standing and acting in their place, that the land devised as aforesaid is occupied in whole or in part by buildings that are insecure, dilapidated or in need of repair, or that said land is occupied by a building or buildings that is or are incapable of producing an income proportionate to the value of the land, and that it would be to the advantage of the person or persons for whose benefit said lands are held in trust that additions, repairs and improvements be made to said buildings, or that a new building or buildings should be erected in place thereof, or both, it shall be lawful for the chancellor to order and direct that the petitioner or petitioners as aforesaid, be authorized to enter into a contract or contracts for the improvement of the buildings already on said land, or for the erection or erections of such new building or buildings as may be deemed advisable by the chancellor, or both; that it shall be lawful for the chancellor to order and direct that the petitioner or petitioners as aforesaid, borrow, on bond, secured by mortgage on said land so held in trust as aforesaid, such sum or sums of money as shall

Money may be borrowed for such improvements or taken from corpus of estate

be sufficient in amount to pay for the improvements and additions made to the buildings on said land, or for the erection of said new buildings, or both, or the chancellor may order and direct that such sum or sums of money for said improvements and additions or new buildings, or both, be taken out of the corpus of the estate in the hands of the said executors or trustees as aforesaid.

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

Approved April 9, 1897.

CHAPTER 102.

An Act to provide, in incorporated towns, townships and boroughs, for representation and offices in newly-created wards by division of an old ward.

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

1. In incorporated towns, townships or boroughs, already divided into wards, where new wards have been created by the division of an old ward into two wards, each ward thereby created shall be entitled to same offices and representation to which the ward so divided was entitled at the time of said division. Wards created by division of a ward shall be entitled to same offices as the ward before division.

2. All acts, general or special, inconsistent herewith, Repealer. be and the same are hereby repealed.

3. This act shall take effect immediately.

Approved April 9, 1897.

CHAPTER 103.

An Act to authorize banks, trust companies, savings banks or savings institutions, insurance companies, and surety, trust and safe deposit companies of this state to invest moneys belonging to them or deposited with them, in bonds issued under authority of the laws of this state by commissions appointed by the supreme court of this state.

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

Lawful to invest
in bonds issued
by commission
appointed by
supreme court.

1. It shall be lawful for any bank, trust company, savings bank or savings institution, insurance company, surety, trust and safe deposit company, incorporated under any law of this state, to invest moneys belonging to or deposited with any of such companies, in any bonds authorized by the laws of this state to be issued by any commission appointed by the supreme court of this state by virtue of any law of this state.

2. This act shall take effect immediately.

Approved April 9, 1897.

CHAPTER 104.

An Act to amend an act entitled "An act concerning executors and the administration of intestates' estates," approved March twenty-seventh, one thousand eight hundred and seventy-four.

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

Section
amended.

1. Section two of an act entitled "An act concerning executors and the administration of intestates' estates,"

approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same hereby is amended so as to read as follows :

2. No executor of an executor shall, as such, be authorized to administer on the estate of the first testator, but on the death of the sole or surviving executor of any last will and testament, letters of administration with the will annexed of the assets of the first testator, left unadministered, shall be issued by the surrogate of the proper county to some proper person, who shall, before the issuing thereof, give bond to the ordinary of the state, with sufficient sureties, as in other cases of administration with the will annexed, and every administrator who has been or shall be so appointed shall be entitled to demand and receive of the executor of such deceased sole or surviving executor all the unadministered assets of the first testator, subject to all proper allowances to the estate of such deceased executor for commissions and expenses, and shall administer the same according to the will and testament of the first testator.

Executor of an executor not authorized to administer the estate of first testator.

Surrogate shall issue letters of administration.

2. This act shall take effect immediately.

Approved April 9, 1897.

CHAPTER 105.

An Act in relation to public records in this state.

WHEREAS, in most of the townships and in many of the counties and municipalities of this state there is no adequate provision made for the secure and permanent preservation of the public records, in consequence whereof many records of great value have been lost and many more are in danger of loss or destruction, and it is important that some measures should be devised to prevent further loss or destruction of such records ;

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

1. The governor shall appoint three persons as a commission on the public records of this state, who shall

Governor shall appoint a commission to inquire into nature and condition of public records ; their duties.

Shall make
report to
governor.

Facilities for
acquiring knowl-
edge shall be
afforded by
public officers.

inquire into the nature and condition of the public records of this state, and of the several counties, townships, cities and other municipalities in the state; how, where and in whose custody or possession such records are kept; what provision, if any, is made for the safe and permanent preservation thereof; and what measures, in the judgment of such commission, should be taken to secure the safe and permanent preservation of such public records, where they can be convenient of access to the public, if there is no such provision at present; and such commission shall report to the governor from time to time the result of their inquiries, with such recommendations as to them shall seem advisable.

2. It shall be the duty of all public officers in this state to afford all reasonable facilities to said commission for acquiring a full knowledge as to the nature and condition of the public records, how, where and in whose custody the same are kept, and what provision, if any, is made for the safe and permanent preservation thereof, and the facilities afforded for their convenient inspection by the public.

3. This act shall take effect immediately.

Approved April 9, 1897.

CHAPTER 106.

A Further Supplement to the act entitled "An act to provide for the purchase of sites for and the erection and equipment for armories in cities of the first and second class and making appropriations therefor, and to provide for the taking of real estate for such sites by commission in case the same cannot be purchased by agreement," approved March twenty-third, one thousand eight hundred and eighty-eight.

WHEREAS, No appropriation has been made for the equipment and furnishing of the armory in the city of Camden, and by reason thereof they cannot be

devoted to the uses and purposes for which it is intended; and, *whereas*, it is impossible to raise by voluntary subscription the entire amounts necessary to properly equip and furnish said armory;

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

1. The sum of six thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the equipment and furnishing of the armory at the city of Camden, the said sum, or so much thereof as may be necessary for the said purpose, to be disbursed by and under the direction of the state military board, and the said sum of money, or so much thereof as may be necessary for the purposes aforesaid, to be paid by the state treasurer out of any funds in his hands not otherwise appropriated, on the warrant of the comptroller, upon requisition of the state military board, approved by the governor; *provided*, the above amount be included in the annual appropriation law.

Appropriation
for equipment
and furnishing of
armory at
Camden.

Proviso.

2. This act shall take effect immediately.

Approved April 9, 1897.

CHAPTER 107.

An Act to prevent the introduction of dangerous infectious, epidemic, and pestilential diseases into the state of New Jersey, and to improve the present system of maritime quarantine.

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

1. No vessel having on board any person or persons affected by yellow fever, cholera, typhus or ship fever, bubonic plague, small-pox, scarlet fever, diphtheria, measles, relapsing fever, or any other dangerous disease of a contagious, infectious or pestilential nature, and no vessel infected by any of these diseases, and no infected baggage, dunnage, rags or hides, shall be brought to

No person, vessel or cargo infected by any contagious disease shall be landed without permit of proper authorities.

any wharf in the state of New Jersey, and no person, persons or property shall be landed in this state from any such vessel without a permit shall have first been issued by the health officer of the port, if there be such officer, and if there be no such officer, then by the local board of health having jurisdiction in the locality.

Permit issued by proper quarantine officer to be exhibited and deposited with local board of health.

2. The master of every vessel from a foreign or domestic port which shall pass the quarantine station located at City Island or elsewhere in Long Island sound or the quarantine station at Fort Wadsworth or elsewhere in New York bay, and which vessel is allowed by written permit, issued by the proper officer at either of the said quarantine stations, to proceed to any port or place in the state of New Jersey, shall, within twenty-four hours after the said permit is received by him, exhibit said permit and deposit the same at the office of the local board of health of the said port or place of destination, and he shall be entitled, subject to the rules and regulations hereinafter provided for, to receive from the said local board of health, or health officer of the port, if there be such officer, a permit to land passengers, baggage and cargo.

Proper authorities may order vessel, &c., to quarantine, if deemed necessary.

3. The health officer of the port, if there be such officer, and if there is no such officer then the local board of health of every sanitary district in this state, is hereby authorized and empowered to order, whenever in the judgment of said officer or board the public health requires such action, that any vessel which is within the jurisdiction of said officer or board may be removed to the quarantine grounds or to some other place of safety, and may require all of the persons, baggage, merchandise and articles which have been landed from such vessel to be seized, returned on board thereof or removed to quarantine grounds or to other place of safety; if the master, owner or consignee of such vessel cannot be found, or shall neglect or refuse to obey any such order of removal, such health officer or board of health may employ such assistance as may be necessary to effect such removal, and all expenses incurred in such removal shall be paid for by the master, owner or consignee of such vessel; such vessel shall not return within the limits of the jurisdiction of said board or officer, nor

In case of neglect or refusal, may employ assistance.

come to anchor, nor land at any wharf within said limits, without the written permission of the said board of health or officer of the port; any person employed to remove any such vessel, persons, merchandise or articles pursuant to this section shall have a lien on such vessel, its tackle, apparel and furniture for his services and expenses in effecting such removal.

Written permis-
sion necessary
for return of
vessel.

Persons
employed to
effect removal
to have lien on
vessel, &c.

4. The masters of vessels arriving at any port or harbor in the state of New Jersey shall pay to the health officer of the port, if there be such officer, and if there be no such officer, then to the local board of health, the following fees: For inspection of any vessel from a foreign port, five dollars; for inspection of every vessel from a domestic port south of Cape Henlopen, between May first and November first in each year, steamers, three dollars, other vessels one dollar; for medical inspection of every one hundred, or fraction of one hundred, steerage passengers upon transatlantic steamers, two dollars; for each permit issued for the discharge of cargo or baggage brought as freight, twenty-five cents; for sanitary inspection of every vessel after the discharge of cargo or ballast, ten dollars; for disinfection of every vessel from an infected port, or of such vessels as shall require disinfection by reason of exposure to infection or contagion, fifty dollars; for vaccination of persons on vessels on board of which small-pox has developed during the voyage, each twenty-five cents; the health officer of the port, if there be such officer, and if there be no such officer, then the local board of health having jurisdiction in each port and harbor, shall report in writing to the board of health of the state of New Jersey on the first day of October of each year; said report shall state the number of vessels inspected during the preceding year; the number of passengers examined; the number of permits issued; the amount of fees received from each vessel and the total amount of fees received, and said report shall also include answers to all inquiries which may have been addressed by said state board to the said health officer or local board of health.

Fees.

Report yearly to
state board of
health.

5. The board of health of the state of New Jersey is hereby empowered to make and alter rules and regula-

State board of
health authorized
to make and
alter rules and
regulations

Expenses shall
be paid by
master or owner
of vessel.

Failure to pay
within three
days, lien may be
enforced.

Penalty for vio-
lation.

Penalty for
obstructing
officer.

tions to prevent the introduction into this state of infected persons and property, and to prevent the spread of any dangerous infectious disease which may have been so introduced; the expenses incurred and the services rendered by any local or state health officer, or by any of their employees, in the discharge of any duty imposed by said rules and regulations in relation to vessels, merchandise, baggage or persons, shall be paid by the master or owner of the vessel in which such persons, baggage or merchandise shall have arrived, and all such expenses, services and charges shall be a lien on the vessels, merchandise or other property in relation to which they shall have been made, incurred or rendered, and if such master, owner or consignee shall omit to pay the same within three days after the presentation of such account, the local or state board of health may proceed to enforce such lien in the manner provided by law; any person or persons who shall violate any of the provisions contained in any rule or regulation made by the said state board of health under the authority contained in this section, shall be punished by a fine of two hundred and fifty dollars, or by imprisonment for a period not exceeding six months, or by both fine and imprisonment.

6. Any person or persons who shall obstruct any duly authorized health officer in the enforcement of any of the provisions of this act, or who shall violate any of the provisions of sections one, two, three and four of this act, shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding three thousand dollars, or by imprisonment in the state prison for a period not exceeding one year, or by both fine and imprisonment.

Approved April 9, 1897.

CHAPTER 108.

An Act to amend an act entitled "A further supplement to an act entitled 'An act to incorporate societies for the promotion of learning'" (Revision), approved April ninth, one thousand eight hundred and seventy-five, which supplement was approved March second, one thousand eight hundred and eighty-one.

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

1. That section three of the act entitled "A further supplement to the act entitled 'An act to incorporate societies for the promotion of learning'" (Revision), approved April ninth, one thousand eight hundred and seventy-five, which supplement was approved March second, one thousand eight hundred and eighty-one, be and the same is hereby amended by adding thereto the following: "*provided, however, that if said corporation shall at any annual meeting thereof by resolution so determine, the members of the board of managers elected at such meeting shall be divided into three classes, one class to hold office for one year, one class to hold office for two years, and one class to hold office for three years, and thereafter there shall be elected at the annual meeting one-third in number of such board, and the persons so elected as members of such board shall hold their office for three years, and until their successors are elected, and any vacancy occasioned in any class by death, resignation or removal from the state, may be filled for the unexpired term by a majority of the remaining members of the board,*" so the whole section as amended will read as follows:

Section
amended.

Amendment
added.

3. The executive and routine business of said corporation shall be managed by a board of managers consisting of not less than ten nor more than thirty-five

Board of
managers

persons, of which the president, vice-president or vice-presidents, secretary and treasurer shall be ex officio members; the persons signing the above-named certificate shall be the officers and managers for the first year, and shall hold office until their successors are chosen; at each annual meeting thereafter of said society there shall be chosen, in such manner as the society may determine, a president, one or more vice-presidents, a secretary and treasurer, and members of the board of managers, who shall hold their office for one year and until their successors are elected; any vacancy in the board of managers occasioned by death, resignation or removal from the state, may be filled by a majority of the remaining members of the board; *provided, however*, that if said corporation shall at any annual meeting thereof by resolution so determine, the members of the board of managers elected at such meeting shall be divided into three classes, one class to hold office for one year, one class to hold office for two years, and one class to hold office for three years, and thereafter there shall be elected at the annual meeting one-third in number of such board, and the persons so elected as members of such board shall hold their office for three years, and until their successors are elected, and any vacancy occasioned in any class by death, resignation or removal from the state, may be filled for the unexpired term by a majority of the remaining members of the board.

Officers to be
chosen annually.

Proviso.

Attested copy of
resolution to be
filed.

Fee.

2. That a copy of said resolution, attested by the president and secretary, shall be filed with the secretary of state, who shall receive therefor the sum of one dollar, and no more, for the use of the state.

3. This act shall be deemed and taken as a public act and shall take effect immediately.

Approved April 9, 1897.

CHAPTER 109.

An Act to enable any board of education of any city of this state, or other governing body having control of the public schools in any city of this state, to issue bonds for the purpose of liquidating existing indebtedness.

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

1. It shall be lawful in all cases where the board of education of any city in this state, or other governing body having control of the public schools in any city of this state, shall have heretofore borrowed money for the purpose of providing additional school accommodations in such city for the benefit of those entitled to attend the public schools in such city, for the mayor and common council or other governing body in such city to issue bonds in the corporate name and under the corporate seal of said city, signed by the mayor of said city and the city clerk, and denominated school bonds, to an amount not exceeding the existing indebtedness for moneys so borrowed; such bonds may be registered or coupon bonds, and shall bear a rate of interest not exceeding five per centum per annum, payable half yearly, and shall be redeemable in not exceeding thirty years from their date, in the discretion of the common council or other governing body of such city; 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 par value, and all real estate and property within any such city 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; and in case the title to lands on which public school buildings are now erected or are in process of erection is vested by law in a board of education or other governing body having control of the public schools in such city, then such

Bonds may be issued for money borrowed, by mayor and common council.

Amount not to exceed present indebtedness

Rate of interest.

Time.

Not to be sold for less than par. All property in city to be liable for payment.

In certain cases board of education may issue bonds.

board of education or other governing body having control of the public schools in such city, and not the mayor and common council or other governing body of such city, shall have the power to issue bonds in the same manner, for the same purpose, for the same amount and the same time as the mayor and common council or other governing body of such city would have by virtue of the provisions of this act; and when said bonds shall be issued by any such board of education having control of the public schools of such city, said bonds shall be issued in the corporate name and under the corporate seal of the said board of education, and shall be signed by the president and secretary of said board of education, and shall be denominated school bonds.

Provision for
payment of
bonds.

2. All money necessary to be raised to pay any such bond or bonds issued under the provisions of this act shall be raised in the same manner as funds may now be raised for a sinking fund to pay any mortgage indebtedness for the purpose of liquidating which said bonds are issued, and money to pay the annual interest accruing on any such bonds shall be raised in the same manner as the money to pay the current expenses of the public schools is raised in any city in which said bonds are issued.

3. This act shall take effect immediately.

Approved April 9, 1897.

CHAPTER 110.

An Act to amend an act entitled "Supplement to an act entitled 'An act to authorize the formation of gas light corporations and regulate the same,'" approved April twenty-first, one thousand eight hundred and seventy-six, which supplemental act was approved March twenty-eighth, one thousand eight hundred and ninety-one.

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

Act amended.

1. The supplement to an act entitled "An act entitled 'An act to authorize the formation of gas light corpora-

tions and regulate the same, approved April twenty-first, one thousand eight hundred and seventy-six," which supplement was approved March twenty-eighth, one thousand eight hundred and ninety-one, be and the same is hereby amended to read as follows :

1. Gas companies organized under the act to which this is a supplement and operating in cities, villages, townships and boroughs shall have power to mortgage any of their property, real or personal, including their franchises, when necessary to enable said companies to carry on the operations for which said companies are organized.

Property and franchises may be mortgaged.

2. This act shall take effect immediately.

Approved April 9, 1897.

CHAPTER 111.

An Act to authorize the payment of architects appointed by the circuit court of any county in this state to supervise the erection of county lunatic asylums out of the proceeds of the sale of bonds issued to defray the cost of the erection, completing or finishing of such asylums.

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

1. Where the board of chosen freeholders in any county of this state have issued and sold bonds in pursuance of legislative authority, to defray the cost of erection, completing or finishing of a county lunatic asylum, and there is a balance remaining in the hands of said freeholders from the sale of said bonds, unexpended, it shall be lawful for said board of chosen freeholders, and they are hereby authorized to pay out of such unexpended balance, so far as the same may go, any sum due to the architect appointed by the circuit court of such county to supervise the erection, completing or finishing of such asylum for or on account of his work in such erection, completing or finishing of such asylum, at the rate or on the basis of compensation as

Unexpended balance from sale of bonds used to pay architect.

fixed by said court; and such unexpended balance is made specifically liable, so far as the same may go, to and for the payment of said compensation.

Repealer.

2. 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, 1897.

CHAPTER 112.

An Act to amend an act entitled "An act concerning naturalization and regulating the procedure in cases of naturalization in courts of this state, and establishing uniform fees of clerks and judges in naturalization cases," passed March twenty-sixth, one thousand eight hundred and ninety-five.

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

Section amended.

1. Section nine of the act entitled "An act concerning naturalization and regulating the procedure in cases of naturalization in courts of this state, and establishing uniform fees of clerks and judges in naturalization cases," passed March twenty-sixth, one thousand eight hundred and ninety-five, be and the same is hereby amended to read as follows :

Naturalization not to be granted within thirty days of an election.

Proviso.

9. No person shall hereafter be naturalized or admitted to be a citizen of the United States by any court of this state within the thirty days next preceding any national, state, municipal, general, special, local or charter election; *provided*, that the provisions of this section shall not prevent any applicant who may become eligible to citizenship during said period of thirty days from receiving, in the manner provided for in this act, a certificate of naturalization and citizenship on the proper day during said period, if application therefor shall have been made and allowed prior to the commencement of said period of thirty days.

2. This act shall take effect immediately.

Approved April 9, 1897.

CHAPTER 113.

A Supplement to an act entitled "A supplement to an act entitled 'An act to authorize the establishment of free public libraries in the cities of this state,'" approved April first, one thousand eight hundred and eighty-four, which supplement was approved March twenty-first, one thousand eight hundred and ninety-five.

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

1. When the board of trustees of the free public library in any city of this state may desire to take, use or occupy any lands, improved or unimproved, either in whole or in part, for the purposes of their building and library, pursuant to the power and authority vested in said board by section one of the act to which this act is a supplement, and the said trustees cannot agree with the owner or owners of such lands, or with other persons interested therein, as to the amount of compensation to be paid for such taking, use, diversion or occupation or interest, it shall be lawful for any justice of the supreme court of this state, upon application by said trustees, upon two weeks' previous notice served in person or by leaving at the dwelling-house or usual place of abode of such owner or owners, or, in case of absence from the state or legal disability, published in a newspaper published nearest to the lands in question, to appoint three disinterested commissioners, residents of the county in which said lands are situated, to assess and ascertain the value of the lands so proposed to be taken, used or occupied, which commissioners shall appoint a time and place at which they shall meet to execute the duties of their appointment, and shall cause two weeks' notice thereof to be given to the parties interested therein, either by personal service or

When board of trustees of free public library cannot agree with owners of property desired, justice of supreme court shall appoint a commission.

Notice given.

Commission to ascertain and assess value of lands.

publication in a newspaper published in the county where such lands may be, at which time and place the said commissioners shall meet and view the premises, and hear the parties interested and take evidence, if any be offered, and for that purpose shall have power to administer oaths or affirmations and to adjourn from day to day; and in case of the refusal or failure of either or any of said commissioners to attend and perform their said duties, the said judge shall have power to appoint another or other disinterested person or persons as commissioners to act in the place of such absent commissioner or commissioners; and the said trustees shall make and exhibit to the said commissioners at their meeting aforesaid, for the use of the parties interested, a statement and description in writing, or by drawings or maps, or both, of the lands by them sought to be taken or diverted as aforesaid, and of the use, occupation of and excavations upon any lands by them sought to be made; and the said commissioners shall thereupon ascertain and assess the value and damages aforesaid, and shall execute under their hands and seals, or the hands and seals of a majority of them, an award to said trustees of the lands by them sought in the statements and description aforesaid, stating therein the amount of damages and compensation therefor by them assessed in favor of such owner or owners, which award shall be by them acknowledged and filed in the county clerk's office, and by him recorded; before taking possession of such lands, or entering thereon for the purpose of making any excavation or occupation thereof, or taking any interest in land as aforesaid, the said trustees shall pay or tender to such owner or owners, or in absence from the state or legal disability shall deposit with the clerk of the circuit court of said county the value and damages so awarded; and the award of said commissioners and the payment or tender or deposit as aforesaid of the same, shall vest in said city for the use and control by said trustees, the lands by them sought, described and set forth in said statement and description, in all respects the same as if the same had been conveyed to said city by said owner or owners under their hands and seals; if either party feel

In case of refusal to serve, others may be appointed

Exhibit to be made by trustees.

Make award.

Award filed.
Before entering upon lands, payment to be made.

Lands to be vested in the city.

aggrieved by said assessment and award, such party may appeal to the next or second term of the circuit court of said county, by petition and notice thereof served upon the opposite party two weeks prior to such term, or published a like space in a newspaper published nearest the lands in question, which petition and notice so served or published shall vest in said courts full power to hear and determine said appeal, and, if required, they shall award a venire for a jury to come before them, who shall hear and finally determine the issue under the direction of the court, as in other trials by jury; and it shall be the duty of said jury to assess the damages to the said lands as above mentioned, and the value of such lands as shall be absolutely taken; and said court shall have power to order a struck jury, or a jury of view, or both, to try any such appeal, and also to order jury which may be impaneled and sworn to try any such appeal, to view the premises in question during said trial; and the right of the trustees to appeal from and dispute the correctness of any award shall not be waived or taken away by the paying or tendering the amount of the award and taking possession of the land, or exercising the rights covered by such award; and the right of any owner of any such lands or rights in like manner to appeal, shall not be waived or lost by the acceptance of the amount so awarded, when tendered; and upon the final determination of any such appeal, the said court shall render such judgment in favor of the one party and against the other as the right and justice of the case shall require, and shall award to the party substantially succeeding and prevailing in said appeal, his, her or their costs of said appeal against the opposite party, and shall have power to enforce the judgment so rendered by execution, as other judgments are enforced, and also by summary proceedings and attachments for non-payment thereof.

2. This act is a public act, and 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 13, 1897.

In case of dissatisfaction, appeal may be taken.

Court to hear appeal.

If required, jury to be called.

Jury to assess damages.

Right to appeal not waived.

Court to render judgment, and have power to enforce same.

Repealer.

CHAPTER 114.

A Supplement to an act entitled "An act for the incorporation of societies not for pecuniary profit, defining their powers, and providing for the election of officers, the dissolution of such corporations, distribution of their property and the changing of their articles of association," approved March twenty-fourth, one thousand eight hundred and ninety-two.

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

Any association
of women may
be incorporated

1. Any society of women, associated together as a woman's work exchange, whose object is to furnish a depository for the reception, exhibition and sale of articles made and contributed by women, may become incorporated under the act to which this is a supplement, and with the same powers as in said act set forth and provided.

2. This act shall take effect immediately.

Approved April 13, 1897.

CHAPTER 115.

An Act to authorize any town, village or municipality governed by a board of commissioners or improvement commission, to lay out, open, widen, alter and vacate streets, roads or avenues, and to locate and construct sewers and to acquire lands and buildings or parts thereof, by purchase or condemnation, for such purposes.

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

1. It shall and may be lawful for the board of com-

missioners or other governing body of any town, village or municipality in this state, which has been incorporated by any law of this state, where the power granted hath been vested in a board of commissioners, having among other powers the charge and control of public streets of such town, village or municipality, or where the governing power hath been committed to any other governing body, to lay out, open, widen, alter and vacate any road, street or avenue, and to locate and construct sewers, and also to secure by purchase or condemnation such land or real estate as may be necessary for such purposes.

Governing body may lay out, &c., roads, &c.; construct sewers, and secure necessary lands for same.

2. This act shall take effect immediately.

Approved April 13, 1897.

CHAPTER 116.

An Act to grant and release the title, estate and interest of the people of the state of New Jersey in and to certain real estate situate in the city of Elizabeth, in the county of Union, of which Catharine Wetherbee died seized.

WHEREAS, Catharine Wetherbee departed this life on the twenty-second day of January, in the year one thousand eight hundred and eighty-nine, seized of a small triangular lot of land, without street frontage, and conveyed by James Muddell to said Catharine Wetherbee, by deed dated December twentieth, one thousand eight hundred and sixty-five, recorded in book eighteen of deeds for Union county, on page four hundred and eighteen, et cetera, on the straightening of their division lines, and therein described as follows: All that tract of land situate in the city of Elizabeth, in the county of Union and state of New Jersey, beginning at a point in the line dividing the lands of said Muddell and said Wetherbee, which

point is ninety-six feet seven inches easterly from the New Jersey railroad, and one hundred and thirteen feet westerly from the northeast corner of said Muddell's land, as the same was formed by the extension of said Muddell's lines before this conveyance; thence in a course at right angles with Walnut street, southerly, fifty-four degrees eight minutes east, one hundred and thirty-two feet more or less, to the lands of said Wetherbee; thence along her line north, three degrees ten minutes east, sixty-eight feet to the aforesaid corner; thence along the dividing line between said Muddell and said Wetherbee, north, eighty-four degrees fifty-nine minutes west, one hundred and thirteen feet to the place of beginning; the record title of which lands was vested in said Catharine Wetherbee, who died intestate and without issue and leaving no heirs-at-law, and which lands she intended and ineffectually attempted to convey to Anthony S. Diller, to whom she sold the same, who has conveyed his title therein to William McCulley, who entered into possession thereof; *and whereas*, the requisite and proper notice of intention to apply for the passage of this act has been duly given and published;

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

Certain property
granted to
William
McCulley.

1. All the estate, right, title and interest of the state of New Jersey of, in, to, into and upon all the above-described lands and premises whereof the said Catharine Wetherbee died seized, with the appurtenances thereunto belonging, or in anywise appertaining, be and the same is hereby granted and released unto the said William McCulley, his heirs and assigns forever.

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

Approved April 16, 1897.

CHAPTER 117.

An Act to amend an act entitled "An act to compel the determination of claims to estates in remainder in certain cases and to quiet the title to the same," approved April fourteenth, one thousand eight hundred and ninety-six.

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

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

Section
amended.

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

Court of
chancery to
determine
claims, etc.

2. This act shall take effect immediately.

Approved April 16, 1897.

CHAPTER 118.

An Act to provide for the incorporation of associations for the improvement of public grounds in any city, town, township or borough in this state, and to encourage the development of the material interests of the same.

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

Associations
may be formed
for improving,
&c., parks, &c.

1. 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 square, parks or other grounds in any city, town, township or borough of this state, and for the further purpose of encouraging the material development of such city, town, township and borough, and the promotion of the general good order, government and prosperity thereof.

Act under which
they are
incorporated.

2. Such persons desirous of forming an association as aforesaid may be incorporated under and by virtue of the act entitled "An act to encourage the formation of associations for the improvement of public grounds in any city, town, township or borough in this state," approved April twenty-third, one thousand eight hundred and eighty-eight, and as such incorporation shall be entitled to all the privileges and to exercise the powers therein provided for.

3. This act shall take effect immediately.

Approved April 16, 1897.

CHAPTER 119.

A Supplement to an act entitled "An act to incorporate the chosen freeholders in the several counties of this state."

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

1. Whenever the board of chosen freeholders of any county in this state shall determine by a vote of not less than two-thirds of all the members of such board, to erect, enlarge or rebuild a county court-house and buildings for the accommodation of courts and county officers and the various departments of the county government, it shall be lawful for such board of chosen freeholders to issue and sell the bonds of such county corporation, and to use the proceeds for the purpose of paying the cost of such new or enlarged buildings, and of furnishing the same; such bonds shall bear interest at a rate not exceeding four per centum per annum, payable semi-annually, with such provisions as to registration and payment of interest or coupons as may be found expedient; shall be payable at a time not exceeding forty years from their date; shall be for an aggregate amount not exceeding two-tenths of one per centum of the total assessed value of real and personal property in such county, and shall not be sold at either public or private sale for less than par.

Freeholders may issue bonds for purpose of erecting or enlarging court-house.

Rate of interest.

Registration.

Time.

Limitation as to amount.
2. It shall be the duty of such board of chosen freeholders to establish a sinking fund, to be raised by taxation from year to year, sufficient to pay off and discharge such bonds at their maturity; and also to include in the annual county tax levy a sufficient sum to pay the interest on such bonds from year to year.

Sinking fund to be established.
3. This act shall take effect immediately.

Approved April 16, 1897.

CHAPTER 120.

An Act relating to outstanding bonds in cities of this state, where the board or body issuing the same has been abolished and no provision is made by law for the transfer and registry of bonds issued by such former board or body of such city.

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

Bonds issued by a governing body now abolished, to be transferred to proper financial authority of city.

1. Where separate municipal boards or bodies in any city of this state have been duly authorized by law to issue bonds in the name of such city, or of such municipal board of such city, in matters or affairs under the government and control of such municipal board or body, and to provide for the registry of the same, and such municipal board or body has been abolished and no provision of law now exists for the registry and transfer of any bonds so issued, then and in such case it shall be lawful for the board of such city having charge of the finances thereof, by resolution, to direct the proper financial officer or department of such city to cause the registration or transfer of such bonds as may carry out the provisions of the law under which said bonds were heretofore issued, and perform and carry out on the part of such city any duly authorized condition or provision of such existing bonds regarding the transfer or registration thereof made by such former municipal board on behalf of any such city or former municipal board or department thereof.

Repealer.

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

Approved April 16, 1897.

CHAPTER 121.

An Act to amend and correct the title of act entitled "A further supplement to an act entitled 'An act to protect trade-marks and labels,' " which said further supplement was approved March twenty-third, one thousand eight hundred and ninety-two (General Statutes, page three thousand six hundred and seventy-nine), and also the title of an act entitled "An act to amend an act entitled 'A further supplement to an act entitled "An act to protect trade-marks and labels," ' " approved March twenty-third, one thousand eight hundred and ninety-two, which said amendatory act was approved March fourteenth, one thousand eight hundred and ninety-five (General Statutes, page three thousand six hundred and seventy-nine), and to declare the true intent and purpose of the titles hereby amended and corrected.

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

1. The title of an act entitled "A further supplement to an act entitled 'An act to protect trade-marks and labels,' " which said further supplement was approved March twenty-third, one thousand eight hundred and ninety-two (General Statutes, page three thousand six hundred and seventy-nine), be and the same is hereby amended so that the title of the said act, when amended, shall read: "A supplement to an act entitled 'An act to provide for the adoption of labels, trade-marks and forms of advertising by associations or unions of workmen, and to regulate the same,' " approved March twenty-seventh, one thousand eight hundred and eighty-nine (General Statutes, page three thousand six hundred and seventy-eight).

Title of act amended.

Title as amended.

Title of act
amended.

Title as
amended.

Court to
construe and
enforce act as
though it had
been properly
entitled.

Intent declared.

2. The title of an act entitled "An act to amend an act entitled 'A further supplement to an act entitled 'An act to protect trade-marks and labels,''" approved March twenty-third, one thousand eight hundred and ninety-two, which said amendatory act was approved March fourteenth, one thousand eight hundred and ninety-five (General Statutes, page three thousand six hundred and seventy-nine), be and the same is hereby amended so that the title of the said act, when amended, shall read, "A further supplement to an act entitled 'A supplement to an act entitled "An act to provide for the adoption of labels, trade-marks and forms of advertising by associations or unions of workingmen, and to regulate the same,"'" approved March twenty-seventh, one thousand eight hundred and eighty-nine (General Statutes, page three thousand six hundred and seventy-eight), which said supplement was approved March twenty-third, one thousand eight hundred and ninety-two (General Statutes, page three thousand six hundred and seventy-nine).

3. Whenever any action or suit has been or may be hereafter brought, or is now pending, in any court of this state to enforce the provisions of the said act of March twenty-seventh, one thousand eight hundred and eighty-nine, and the said supplement and amendment thereto, or of any or either of them, or any part or section thereof, it shall be the duty of the court in which any such action has been or may be brought, or is now pending, to construe and enforce the said act and the said supplement and amendment, and every part thereof, as though the said supplement and amendment had been properly entitled as supplementary to and amendatory of the said act of March twenty-seventh, one thousand eight hundred and eighty-nine (General Statutes, page three thousand six hundred and seventy-eight).

4. It is hereby declared to have been the intent and purpose of the legislature that the said supplement of March twenty-third, one thousand eight hundred and ninety-two, and the said supplement of March fourteenth, one thousand eight hundred and ninety-five, should be supplementary to and amendatory of the said act of March twenty-seventh, one thousand eight hun-

dred and eighty-nine, and that they were and are to be taken as parts of the same and should be so construed by all courts at all times and in all places.

5. In any action pending in any court of this state, it shall be the duty of the court to make all proper and necessary amendments in the process and pleadings therein, by the addition, omission, substitution or changing of parties complainant or plaintiff, or otherwise, for the promotion of justice and the ease of the parties for giving effect to the said acts in conformity with the true intent and purpose of the same as hereby declared and set forth.

Court to make necessary amendments to comply with intent of law.

6. This act shall take effect immediately.

Approved April 16, 1897.

CHAPTER 122.

A Supplement to "An act making appropriations for the support of state government and for several public purposes for the fiscal year ending October thirty-first, one thousand eight hundred and ninety-seven," approved May twelfth, one thousand eight hundred and ninety-six.

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

1. The following sums, or so much thereof as may be necessary, be and they are hereby appropriated out of the state fund for the several purposes herein specified, and for supplying deficiencies in former appropriations, for the fiscal year ending October thirty-first, one thousand eight hundred and ninety-seven.

Appropriations for supplying deficiencies.

1

CONSTITUTIONAL AMENDMENTS.

For newspapers designated to publish the proposed constitutional amendments of one thousand eight hun-

Constitutional amendments.

dred and ninety-six, fourteen thousand three hundred and one dollars.

2

ESCHEATS.

Escheats.

For expenses incurred in the matter of the escheat of lands to the state of James Adams, deceased, late of the county of Burlington, one hundred and seventy-nine dollars and sixty-one cents.

3

SCHOOL FUND EXPENSES.

School fund expenses.

For deficiency in the appropriation for necessary legal and other expenses incurred by or under the direction of the trustees for the support of public schools in the investment and protection of the school fund, and in the collection of the income thereof, five hundred dollars.

4

PENSIONS.

Pensions.

For deficiency in the appropriation for traveling expenses incurred in examining pension claims of New Jersey volunteers, four hundred dollars.

5

SUPREME COURT.

Supreme court.

For deficiency in the appropriation for salary of the chief justice of the supreme court, three hundred and fifty-seven dollars and ten cents.

6

STATE HOSPITALS.

State hospitals.

For support and clothing of indigent patients in the state hospital at Morris Plains, four thousand dollars ;
For support and clothing of indigent patients in the state hospital at Trenton, five hundred dollars ;

For deficiency in the appropriation for medical examination of insane convicts, three hundred dollars;

For deficiency in the appropriation for expenses in transferring insane convicts, one hundred dollars.

7

UNIFORMITY OF LAWS.

To the commissioners for the promotion of uniformity of legislation in the United States, for disbursements, pursuant to chapter two hundred and twenty-five of the laws of one thousand eight hundred and ninety-five, two hundred and sixteen dollars and thirty-three cents.

Commissioners
to secure
uniformity of
laws.

8

COMMISSIONERS TO INVESTIGATE THE SUBJECT OF
TAXATION.

For expenses incurred by the commissioners for printing, one hundred and sixty-seven dollars and forty cents.

Commissioners
to investigate
taxation.

9

COLLATERAL INHERITANCE TAX.

To Allen H. Huyler, Orrin B. Stout and William Pierman, executors of the estate of Martha M. Huyler, deceased, late of the county of Essex, for collateral inheritance tax erroneously paid to the state on the twenty-third day of October, one thousand eight hundred and ninety-four, two thousand five hundred and twenty dollars.

Collateral
inheritance tax.

10

STATE PRISON.

For the purchase of furniture and appliances for new cell-house, hospital, cook-house and chapel, eight thousand nine hundred and nine dollars.

State prison.

11

COUNTY LUNATIC ASYLUMS.

For deficiency in appropriation for the support of county patients in the following county lunatic asylums :

County asylums.

In the Hudson county lunatic asylum, fourteen thousand dollars ;

In the Essex county lunatic asylum, five thousand dollars ;

In the Camden county lunatic asylum, two thousand five hundred dollars ;

In the Gloucester county lunatic asylum, four hundred dollars.

12

TEACHERS' LIBRARIES.

Teachers' libraries.

For deficiency in appropriation for establishment of libraries for use of teachers, one thousand dollars.

13

LAW AND EQUITY REPORTS.

Law and equity reports.

For deficiency in appropriation for the publication of the law reports, one thousand four hundred dollars ;

For deficiency in appropriation for the publication of the chancery reports, six hundred dollars.

14

OYSTER COMMISSION.

Oyster commission.

For deficiency in appropriation to promote the propagation and growth of seed oysters and to protect the natural oyster beds of this state, one thousand five hundred dollars ;

For expenses incurred by the commissioners from November, one thousand eight hundred and ninety-five, to March thirty-first, one thousand eight hundred and ninety-six, five hundred eighty-eight dollars and twenty-six cents.

15

COURT OF ERRORS AND APPEALS.

Court of errors and appeals.

For deficiency in appropriation for per diem allowance and mileage for judges of the court of errors and appeals, one thousand dollars.

16

OFFICE OF CLERK IN CHANCERY.

For deficiency in appropriation for postage, expressage and other incidental expenses, five hundred dollars.

Clerk in
chancery.

17

CAMDEN ARMORY.

For the purpose of completing an armory in the city of Camden, pursuant to chapter one hundred and sixty-six of the laws of one thousand eight hundred and ninety-six, thirteen thousand dollars;

Camden
armory.

For maintaining, heating and lighting the armory in Camden, the sum of two thousand dollars.

18

NATIONAL GUARD.

For pay and expenses of officer detailed from United States army for military instruction to officers and enlisted men of the National Guard, seven hundred dollars;

National guard.

For deficiency in appropriation for pay of officers and enlisted men and expenses incurred in connection with annual encampment, six thousand dollars;

For rebuilding the target pits and butts at state camp grounds, two thousand five hundred dollars.

19

DEPARTMENT OF BANKING AND INSURANCE.

To Clarence Schenck, for amount of taxed costs in the suit of the state, George S. Duryee, late commissioner of banking and insurance, vs. Clarence Schenck, in the Essex circuit court, the sum of one hundred dollars and ninety-four cents;

Banking and
insurance.

To Hayes and Lambert, for legal services and expenses in suits instituted by the late Commissioner George S. Duryee, to recover penalties for violations of the insurance laws, four hundred and ninety-nine dollars and two cents ;

To Hayes and Lambert, for legal services and expenses in suit instituted by the late Commissioner George S. Duryee against William Cline, for violating the insurance laws of New Jersey, two hundred sixty-one dollars and ten cents.

20

CLERK OF THE SUPREME COURT.

Clerk
supreme court.

For expenses incurred by the clerk of the supreme court for compiling and indexing the old records of the court, eight hundred and twenty dollars.

21

SECRETARY OF STATE.

Secretary
of state.

For compiling and indexing the election laws, two hundred and fifty dollars ;

For two thousand copies of the corporation laws, one thousand dollars.

22

STATE BOARD OF HEALTH.

Board of health.

For maintenance of the bacteriological laboratory, fifteen hundred dollars ;

For balance of appropriation of one thousand eight hundred and ninety-five, eight hundred seventy-nine dollars and six cents.

23

STATE BOARD OF EDUCATION.

Board of
education.

For the erection on the grounds of the New Jersey school for deaf-mutes, a suitable building to be used as a hospital for the pupils in said school, five thousand dollars.

24

To Allan L. McDermott, late clerk in chancery, for costs in suits for enforcement of taxes against miscellaneous corporations for May and October terms, one thousand eight hundred and ninety-five, three hundred and fifty-two dollars and ninety-two cents;

A. L. McDermott, for costs for enforcement of taxes.

To Allan L. McDermott, late clerk in chancery, for arranging, labeling and docketing the pleadings and other papers in his office, from April first, one thousand eight hundred and ninety-five, to April first, one thousand eight hundred and ninety-six, one thousand five hundred and one dollars.

A. L. McDermott, for arranging, &c., papers.

25

PALISADE COMMISSION.

For balance of appropriation of one thousand eight hundred and ninety-six, for expenses incurred by the commissioners while in the discharge of their duties, pursuant to chapter four hundred and fifteen of the laws of one thousand eight hundred and ninety-five, three hundred and fifty-four dollars and thirty-four cents.

Palisade Commission.

26

OFFICE OF THE COMPTROLLER.

For additional compensation for clerical service in the comptroller's office, two hundred and fifty dollars.

Office of the Comptroller.

27

HOME FOR DISABLED SOLDIERS.

For the erection on the grounds of the New Jersey Home for Disabled Soldiers, of a building to be used as a residence for physician and trained nurses, four thousand dollars.

Home for Disabled Soldiers.

28

STATE BOARD OF TAXATION.

State Board of
Taxation.

For the members of the State Board of Taxation, for additional sum for salaries, eleven hundred and eighty-two dollars and fifty-six cents.

29

STATE REFORMATORY.

State
Reformatory.

For appropriation pursuant to chapter three hundred and fifty-seven, of the laws of one thousand eight hundred and ninety-five, five thousand dollars.

30

SOLDIERS' STATE PAY.

Soldiers' State
pay.

For sum required to pay Robert R. Croasdale, pursuant to act passed at the session of one thousand eight hundred and ninety-seven, two hundred and twenty-two dollars.

31

CAMDEN ARMORY.

Camden armory.

For the equipment and furnishing of the armory at the city of Camden, six thousand dollars.

32

MANUAL TRAINING AND INDUSTRIAL SCHOOL AT BORDENTOWN.

Manual Training
and Industrial
School at Borden-
town.

For deficiency in appropriation for maintenance of the manual training and industrial school at Bordentown, pursuant to an act passed at the session of one thousand eight hundred and ninety-seven, one thousand dollars.

33

LEGISLATURE.

For deficiency in appropriation for indexing the journal of the senate and minutes of the executive sessions and the minutes of the house of assembly, and other incidental and contingent expenses of the legislature, seven thousand two hundred and fifty dollars. Legislature.

34

EXPENSES FOR SPECIAL ELECTION FOR CONSTITUTIONAL AMENDMENTS.

For expenses to be incurred for the special election to be held to vote upon the proposed constitutional amendments, four thousand dollars. Expenses for special election for constitutional amendments.

2. This act shall take effect immediately.

Approved April 16, 1897.

 CHAPTER 123.

An Amendment to an act entitled "An act concerning the collection of arrears of taxes in cities of this state," approved March ninth, one thousand eight hundred and ninety-three.

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

1. "An act concerning the collection of arrears of taxes in cities of this state," approved March ninth, one thousand eight hundred and ninety-three, be amended so as to read as follows: Act amended.

Receiver of taxes may appoint, with sanction of finance committee, additional collectors of personal taxes.

1. In any city in this state in which the collection of arrears of taxes is now performed by deputy collectors of arrears of taxes, or by the collector of arrears of personal taxes, it shall be lawful for the receiver of taxes or the collector of taxes, or other officer whose duty it is to collect taxes in said cities, to appoint, with the sanction and consent of the finance committee or board of finance of said cities, such or such additional deputy collectors of arrears of taxes as may from time to time be necessary for the prompt and efficient collection of the arrears of personal taxes in said cities, and the deputy collectors of arrears of taxes appointed under this act shall have the same powers, perform the same duties and be subject to the same requirements as the deputy collectors of arrears of taxes are now subject in cities where such deputy collectors now exist.

Powers and duties.

Fees allowed.

2. The said deputy collectors of arrears of taxes appointed under this act are legally authorized to charge, collect and receive upon every tax collected by them, three cents on each dollar thereof, in addition to the fee of fifty cents allowed them by law for executing a tax warrant against each person named therein, to be paid by the person named therein.

3. This act shall take effect immediately.

Approved April 16, 1897.

CHAPTER 124.

An Act in relation to the duties of clerks and assistants to the board for the assessment of taxes in cities of the first class.

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

Board controlling assessment of taxes may detail clerks to procure information.

1. In cities of the first class the department or board to whom is entrusted the control of the assessment of taxes may detail its clerks and assistants, or any of

them, to procure information, data and statistics relative to property subject to taxation in such city, and shall from time to time prescribe such duty and supervise the execution of the same.

2. This act shall take effect immediately.

Approved April 16, 1897.

CHAPTER 125.

An Act authorizing towns to renew matured and maturing bonds.

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

1. Whenever any bonds heretofore legally issued by any town in this state under authority of law are now due and unpaid or shall hereafter become due, the town council or other governing body of such town may renew ninety per centum of said indebtedness or any less part thereof by the issuing and sale of the bonds of such town for that purpose; which bonds shall be made payable at periods of time not exceeding twenty years from the date of issuing the same, and shall bear interest at a rate not exceeding six per centum per annum, and be issued in such sums as the town council or other governing body of any such town shall by ordinance or resolution determine, and shall be executed under the corporate seal of such town and the signature of the mayor, chairman of the town council or other governing body thereof, and shall have coupons attached for every half year's interest or may be registered at the option of the purchaser or holder.

Bonds due may be renewed.

Time and rate.

2. The interest on the bonds hereby ordered to be issued shall be raised by a special tax annually levied and collected as other town taxes are now or may hereafter be collected, and the whole of each year's interest shall be raised, levied and collected within each year

Provision for meeting interest.

Not to be sold
for less than par.

Repealer.

and the town council or other governing body of any such town may dispose of said bonds at either public or private sale for the best price that can be obtained for the same, but not at a less price than the par value thereof, and all moneys derived from the sale thereof shall be inviolably applied and used for the payment of the said maturing bonds.

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

Approved April 16, 1897.

CHAPTER 126.

A Further Supplement to an act entitled "An act to authorize cities to construct sewers and drains and to provide for the payment of the costs thereof," approved March eighth, one thousand eight hundred and eighty-two.

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

Interest on
sewer
assessments
paid in full
within thirty
days, may be
fixed at
six per cent.

1. In all cities of this state where sewers have been constructed, as provided for by the act to which this is a supplement, and upon which the assessments have been made, and the reports of the commissioners thereunder duly confirmed, the common council, board of aldermen or other municipal body charged by law with the construction of sewers in such cities, shall have power and authority, by resolution, to fix the rate of interest at the rate of six per centum per annum upon all assessments that shall be paid in full within thirty days after the passage of such resolution, the interest to be computed from and after sixty days from the confirmation of any such report.

2. This act shall take effect immediately.

Approved April 16, 1897.

CHAPTER 127.

An Act concerning the sale of the property and franchises of any corporation created by or under any law or laws of this state, except steam-railroad, canal, turnpike or plank-road companies.

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

1. Whenever the property and franchises of any corporation created by or under any law or laws of this state, except steam-railroad, canal, turnpike or plank-road companies, shall be sold and conveyed under or by virtue of any decree or decrees of the court of chancery of this state, or of the circuit court of the United States in and for the district of New Jersey, sitting in equity, and an execution or executions issued thereon, to satisfy any mortgage debt or debts, judgment or judgments, or other incumbrance or incumbrances thereon, such sale and conveyance, duly made and executed, shall vest in the purchaser or purchasers thereof all the right, title, interest, property, possession, claim and demand, in law and equity, of the parties to the suit or suits, action or actions, in which such decree or decrees was or were made, of, in and to the said property so sold with its appurtenances; and also of, in and to the corporate rights, liberties, privileges and franchises of the said corporation, but subject to all the conditions, limitations, restrictions and penalties of the said corporation of and concerning the same; and such purchaser or purchasers, and his or their associates, not less than three in number, shall thereupon become a new body politic and corporate in fact and in law, by such name as said persons shall select, and shall be deemed and considered the stockholders of the capital stock of such new body politic and corporate, in the ratio and according to the amount of the purchase-

Property and franchises of certain corporations sold by order of court, to be vested in purchasers with all rights.

Purchasers to become a new body politic.

Rights, &c.	money by them respectively contributed; and shall be entitled to all the rights, liberties, privileges and franchises, and be subject to all conditions, limitations, restrictions and penalties of and concerning the said corporation whose property and franchises shall have been so sold and conveyed, which were contained in the act or acts creating, or under which the aforesaid corporation was created, and the supplements thereto, so far as the same was or were in force and unrepealed at the time of such sale and conveyance.
Purchasers to meet and organize new corporation.	2. The persons for or on whose account any such property and franchises may have been purchased, shall meet within thirty days after the conveyance made by virtue of said process or decree shall have been delivered, at the county town or the county wherein said sale may have been made, written notice of the time and place of said meeting having been given to each of said several persons at least ten days before said meeting, and organize said new corporation by electing a president and board of directors to continue in office until the first Monday of May succeeding such meeting, when, and annually thereafter on the said day a like election for a president and directors shall be held to serve for one year.
Adopt name and seal and fix capital stock.	3. At such meeting so held, the said person shall adopt a corporate name and corporate seal, determine the amount of the capital stock of said corporation, and shall have power and authority to make and issue certificates of stock in shares of fifty dollars each.
May issue preferred stock.	4. The said corporation may then, or at any time thereafter, create and issue preferred stock to such an amount and at such times as they may deem necessary.
May borrow money and provide for repayment.	5. Any corporation created under this act may borrow from time to time such sum or sums of money as may be necessary for the accomplishment of the object of such corporation, not exceeding at any one time the total amount of the authorized capital stock of such corporation, or any increase thereof, and to secure the repayment thereof, or of any part or portion thereof, may issue bonds registered or with coupons or interest certificates thereto attached, or both, secured by a mortgage of any or all of its franchises, real estate or personal

property, including stocks and securities of such corporation or of any other corporation whose stocks or securities it owns, which mortgage may be recorded as mortgages of real estate are or hereafter may be by law required to be recorded in the office of the clerk or register of deeds of the county or counties in which the property of said corporation described in said mortgage may be located, and in the office of the clerk or register of deeds of the county in which the principal office of such corporation is situate, and such record or the lodgment of such mortgage in such clerk's or register's office for record shall have the same force, operation and effect as to all judgment creditors, purchasers or mortgagees in good faith, as the record or lodgment for that purpose of mortgages of real estate now have, although such mortgage may not have been executed, proved or recorded as a chattel mortgage.

6. No corporation or corporations issuing bonds under the provisions of this act shall plead any statute or statutes against usury in any court of law or equity in any suit instituted to enforce the payment of such bonds or mortgages.

Not to plead statute against usury

7. It shall be the duty of such new corporation, within one month after its organization, to make a certificate thereof, under its common seal, attested by the signature of its president, specifying the date of such organization, the name so adopted, the amount of capital stock, and the name of its president and directors, and transmit the said certificate to the secretary of state, at Trenton, to be filed in his office and there remain of record; and a certified copy of such certificate so filed shall be evidence of the corporate existence of said new corporation; *provided*, that nothing contained in this act shall divest or in any manner impair the lien of any prior mortgage or other incumbrance upon the property or franchises conveyed under the sale of said property or franchises, when by the terms of the process or decree under which the sale has been made, or by operation of law, the said sale is made subject to the lien of any such prior mortgage or other incumbrance; *and provided*, that no such sale and conveyance or organization of such new corporation shall

Certificate to be filed in office of secretary of state.

Proviso.

Proviso.

Proviso.

in any wise affect or impair any right or rights in law or equity of any person or persons, body politic or corporate, not a party or parties to the suit or suits, action or actions, in which the aforesaid decree or decrees was or were made, nor of the said party or parties, except so far forth as determined by said decree or decrees; *and provided also*, that when any trustee or trustees shall be made a party or parties to such suit or suits, action or actions, and their cestuis que trust, for any reason or reasons satisfactory to the court in which suit or suits, action or actions, may be, shall not be made a party or parties thereto, the rights and interests of such cestuis que trust shall be concluded by such decree or decrees.

8. This act shall take effect immediately.

Approved April 16, 1897.

CHAPTER 128.

An Act to authorize municipal corporations owning or controlling water-works to make contracts to furnish water for public or private uses with any adjoining municipality or with any private corporation therein.

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

Contract may
be made for a
supply of water.

1. It shall be lawful for the board of aldermen, common council, board of water commissioners or other governing body of any municipal corporation in this state owning or controlling water-works, to enter into and make a contract or contracts with any adjoining municipal corporation or with any private corporation therein, to furnish a supply of water for public or private uses for a year or a term of years.

Contract not to
exceed three
years, without
consent.

2. Where said water-works are under the control of a board of water commissioners, no contract shall be made for a term exceeding three years without the consent of the governing board of the city owning said water-works.

3. This act shall take effect immediately.

Approved April 16, 1897.

CHAPTER 129.

An Act to authorize the board of chosen freeholders in counties of the first class in this state to extend, maintain and improve any public road in such county.

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

1. Whenever the common council, board of aldermen or other governing body of any city, town, borough or other municipal division in counties of the first class of this state shall by resolution consent to the extension of any public road, boulevard or highway constructed by any board of freeholders or under the jurisdiction of any board of freeholders in counties of the first class in this state, and shall in such resolution request an extension of such county road, boulevard or other county highway into the limits of such city, town, borough or other municipal division as aforesaid, for the purpose of making and effectuating a complete and continuous system of public road in such county, then and in such case it shall be lawful for any board of chosen freeholders of any city or counties of the first class to lay out, open, construct, extend, improve and maintain an extension of any public road now existing in such county in and through any city, town, borough or other municipal division of such county, for the purpose of connecting such public road with the streets and highways of any city, town or borough or other municipal division of such county, so as to effectuate a continuous system of good roads through the said county, and for that purpose shall have the right to improve, reconstruct and maintain any street or streets already laid out in any city, town, township, borough or other municipal division in such county, in such manner as the said board of freeholders shall deem necessary in order to effectuate such continuous and uniform system of public roadway

Boards of freeholders may lay out, &c., roads through cities, &c., in order to make a continuous and uniform system of roadways.

May construct bridges or viaducts.	through the said county; and shall also have power to construct or cause to be constructed from any roadway or railroad crossing, any thoroughfare, highway or street intended to be used for that purpose, such bridges or viaducts as may be necessary for the safe and convenient crossing of such railroads or railways, provided that already such extension shall be made in any city in such county; such extension of said county road, boulevard or other county highway shall be constructed under the provisions of the acts providing for the construction of the county road, boulevard or highway with which it is connected.
Provision for payment by issuing bonds.	2. For the purpose of raising money to pay the costs, charges and expenses of making the said extension and improving the same, it shall be lawful for such board of chosen freeholders, either before or while the improving herein provided for 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, and the moneys realized from said bonds shall be paid to and received by the county collector and be by him applied to the payment of the costs, charges, and expenses of, in and to the extending, constructing and improving of such extension of such public road as may be directed by resolution of such board, which bonds may be either coupon or registered, the principal and interest of which shall be payable at the office of the county collector, and said bonds shall be sold by the board of chosen freeholders upon proper resolution, either upon bids for the same, duly advertised for, or otherwise; <i>provided</i>, that the said bonds shall in no case be sold for less than par, and that the director of the board and the county collector shall sign said bonds, and the same shall be sealed with the seal of the county, and shall be properly numbered and registered; the registered bonds may be exchanged for coupon bonds, and coupon bonds for registered bonds, at the request of the holder; said bonds to bear interest at a rate not to exceed five per centum per annum; the interest to be paid semi-annually and the principal to be paid at a period not less than thirty years from the time of issue; <i>provided</i>, that
Proviso.	
Rate and time.	
Proviso.	

the total amount of bonds to be issued in any such county, for such county road, boulevard or highway, including the extension hereby authorized, shall not exceed two per centum of the total assessed value of the ratables of said county, assessed for county purposes.

3. For the purpose of defraying the interest on the said bonds and meeting the principal thereof when said bonds mature, the said board of chosen freeholders shall cause to be placed in the tax levy of such county each year a sufficient per centum to be raised by taxes in such county as will at the maturity of said bonds be sufficient to retire the same, which sum so realized shall be deposited in the sinking fund of such county for the purposes aforesaid.

Principal and interest, how met.

4. Said extension of such public road shall conform, as nearly as possible, to the grades of streets established in any such city, town, borough or other municipality in which such extension may be constructed, and that for the construction of such extension the board of freeholders in the county shall have all necessary power to improve, maintain, and keep in repair such extension in and through such city, to the limit of such extension; that all work and material done or furnished upon such extension shall be done and furnished by contract after proper advertising for at least two weeks in two or more newspapers in such county, and shall be awarded by such board of freeholders to the lowest responsible bidder, who shall furnish good and sufficient sureties to be approved by said board, provided the said board shall be under no obligation to accept the lowest bidder if they deem it to the public interest so to do; or may reject any and all bids in whole or part, and in case of such rejection said board shall again advertise for proposals for such work.

Road to conform to established grade.

Work and material to be furnished by contract.

5. Except to cross such extension of such public road no horse or other railroad shall be allowed on said extension or any part thereof, and that except for the purpose of maintaining such road in good repair for the purposes aforesaid, such city, town, borough or other municipal division in which such extension shall be constructed shall have a right to light, police and superintend the same as part of the system of streets in such city, town, borough or other municipal division.

No railroad allowed thereon, except to cross.

City, &c., to light, &c.

Repealer.

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

Approved April 16, 1897.

CHAPTER 130.

A Further Supplement to an act entitled "An act to enable cities in this state to furnish suitable accommodations for the transaction of public business" (title as amended), approved April fifteenth, one thousand eight hundred and eighty-seven.

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

Bonds may be issued, instead of selling property.

1. Any city erecting a city hall under the provisions of this act and the supplements thereto may, instead of immediately selling buildings, lands or real estate to the extent of fifty thousand dollars, as provided in the supplement to said act, approved April ninth, one thousand eight hundred and ninety-two, issue bonds or obligations of said city, by the board or body having charge and control of the finances thereof, for said sum of fifty thousand dollars, or such part thereof as may be necessary, in addition to the bonds now provided by law or issued in accordance with the provisions of this act and the supplements thereto; the bonds so issued shall bear interest at a rate not exceeding five per centum per annum, and shall not be sold for less than par and accrued interest; said bonds shall run for a term not exceeding two years from the date thereof, and shall be redeemed out of the proceeds of the sale of the buildings, lands or real estate devoted to sale under the provisions of the act to which this is a supplement and the supplements thereto, when the same shall be sold; there shall be included in the annual tax levy and raised by taxation in

Rate.

Time.

Redemption.

Provision to meet interest.

such city each year during their term a sum equal to the interest upon such bonds, and for such part, if any, of the principal of said bonds, as shall not be met by the sale of such buildings, lands or real estate.

2. This act shall take effect immediately.

Approved April 16, 1897.

CHAPTER 131.

An Act to amend an act entitled "An act to authorize cities of the first class to provide for and pay amounts unpaid for lighting streets, public buildings and public places, arising from insufficient appropriations," approved March eleventh, one thousand eight hundred and ninety-three.

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

1. Section two of the act entitled "An act to authorize cities of the first class to provide for and pay amounts unpaid for lighting streets, public buildings and public places, arising from insufficient appropriations," approved March eleventh, one thousand eight hundred and ninety-three, be and the same is hereby amended so as to read as follows:

Section
amended.

2. In such case the board or authority of said city having charge of the lighting of said city shall make its requisition for the sum needed for the purpose aforesaid on the board or other authority having the management and control of the finances of said city, and that board or authority shall thereupon cause to be issued bonds of such city for the amount named in such requisition, bearing interest at a rate not exceeding four and one-half per centum per annum, and to be sold at not less than par, and the proceeds thereof shall be applied to the payment of such unpaid amount.

Upon requisition, bonds to be issued.

Rate.

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

Section
amended.

Term of bonds.

Sinking fund.

3. The terms of said bonds so issued shall not exceed twelve years, and it shall be the duty of the board or body having charge and control of the finances of such city to provide a sinking fund for said bonds by annually placing in the tax levies, tax budget or ordinance of such city an amount sufficient to redeem the same by accumulation at the end of their term or at any period thereof, and shall provide for the interest annually on said bonds in the same manner as the interest on any bonds issued by such city is now provided for.

3. This act shall take effect immediately.

Approved April 16, 1897.

CHAPTER 132.

An Act to repeal an act entitled "An act relative to the construction of school buildings in cities of the first class in this state," approved March fourteenth, one thousand eight hundred and ninety-five.

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

Act repealed.

1. The act entitled "An act relative to the construction of school buildings in cities of the first class in this state," approved March fourteenth, one thousand eight hundred and ninety-five, be and the same is hereby repealed.

2. This act shall take effect immediately.

Approved April 16, 1897.

CHAPTER 133.

An Act for the improvement of certain roads and highways in cities of the first class in this state.

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

1. It shall be lawful for the proper municipal authority of any city of the first class in this state to enter upon the roadway or sidewalks of any road or highway situate therein and under the control of the county authorities in order to construct or maintain any public sewer, to extend or repair any water-pipe, or to do any other matter or thing necessary for the carrying out of any proper municipal requirement; *provided*, that such municipal authority shall restore or cause to be restored the surface of any such road or highway or sidewalks to the condition which existed prior to the carrying out or performance of such proper municipal requirement as aforesaid.

Municipal authority may enter upon highways under county care to do necessary work.

Proviso.

2. This act shall take effect immediately.
Approved April 16, 1897.

CHAPTER 134.

An Act to provide for the re-paving, repairing and improving of paved streets and public places, and reconstruction of sewers in cities of the first class in this state.

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

1. It shall be lawful in any city of the first class in this state for the board having charge and control of the

One-half of liquor license fees may be set apart for improving streets, &c.

finances thereof to appropriate and set apart annually, with the consent of the mayor, for the period of five years from the date thereof, out of the license fees received in such city for licenses to sell spirituous or malt liquors, one-half thereof for the re-paving, repairing and improving of paved streets and public places and the reconstruction of sewers in such city, and said moneys so appropriated shall be disbursed, applied and expended for such purposes exclusively by the board or department of such city charged with the duty of paving and repairing streets and the reconstruction of sewers, and by no other board and authority, nor for any other purpose whatever.

Said funds may be used to improve an unpaved thoroughfare.

2. The said board or department of such city may, by unanimous vote, at any time, out of the funds, when so set aside, cause any part of a main thoroughfare in such city to be improved or paved, or both, although the same may not have theretofore been paved.

Repealer.

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

Approved April 16, 1897.

CHAPTER 135.

An Act providing for the organization of chemical companies in fire departments of the cities of the first class in this state.

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

Chemical companies may be added to fire department.

1. It may be lawful for the board or body having charge and control of the fire department in any city of the first class in this state, to organize fire companies to be known as chemical companies; said companies so established to consist of one foreman, three hosemen and one driver.

2. The compensation to be paid to such foreman, hoseman and driver to be the same as that paid members of the fire department holding similar positions in any such city. Compensation.

3. No such chemical company shall be organized as provided by any such board in any such city unless appropriation for its maintenance has been provided in the annual tax levy made in such city prior to the organization of such company. Provision for its maintenance must be in tax levy previous to formation.

4. This act shall take effect immediately.

Approved April 16, 1897.

CHAPTER 136.

An Act to amend an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary and the orphans' court and surrogates" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

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

1. Section one hundred and twenty-two of the said act to which this is an amendment be amended so that said section one hundred and twenty-two shall read as follows: Section amended.

122. In case of the marriage of any female executrix, administratrix, guardian or trustee under a will, her power as such over the estate or property shall immediately cease and be suspended, and the orphans' court, at its next term, shall revoke the letters testamentary of administration or of guardianship, or the power and authority of such trustee, and remove her from office, unless she and her husband shall give bond to the ordinary, with two or more sufficient sureties, and in such sum as the court may direct, conditioned for the faithful execution by him and his wife of the trust reposed, and the true payment of all moneys of the estate which shall In case of marriage, power of executrix shall cease, unless she and her husband give proper security.

have come into the hands of such female executrix, administratrix, guardian or trustee before her marriage, or shall be received by her or her husband after the marriage, in which case the said power shall be continued in the names of him and his wife; *provided*, that nothing herein contained shall be construed to release said husband and wife, or either of them, from any previous neglect, default, or breach of trust, or from any liability to account as heretofore, or to release or discharge the sureties of such female (if any there be) from their liability; *provided, however*, that this act shall only apply where such female is the sole acting executrix or executor, administratrix or administrator, guardian or trustee.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved April 22, 1897.

CHAPTER 137.

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.

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

Separate school district having less than four hundred children; may be created.

State superintendent must approve.

Proviso.

1. Whenever it shall appear to the county superintendent that by reason of the location of the school-house, or for other reasons, the best interests of any city, borough or incorporated town require that it be a separate school district, he shall make an order creating such city, borough or incorporated town a separate school district, although the said city, borough or incorporated town contain fewer than four hundred children between the ages of five and eighteen years; such order of the county superintendent shall take effect only upon the approval of the state superintendent; *provided, however*, that this act shall not apply to any district incorporated by or acting under a special charter, or to any district

the boundaries of which are fixed by special act incorporating said district.

2. In case any city, borough, incorporated town or township has become or hereafter becomes a separate and distinct school district under this act or otherwise, and becomes entitled to any school-house, school lot or other property, for the erection, repair or purchase of which there is an indebtedness for which the original school district, or the municipality of which it was a part, or the board of education, the board of trustees or other governing body thereof is liable, the said indebtedness shall be assumed by and become the obligation of the board of education or board of trustees of the city, borough or incorporated town, township or school district which has become entitled to the said property, and upon payment of the said indebtedness by the original school district or other municipality, or corporation liable therefor, an action may be maintained by the school district, municipality or corporation paying the said indebtedness against the school district or corporation which has become entitled to the property for which the said indebtedness was originally incurred.

Obligations to be assumed by authorities becoming possessed of property in new district.

Action may be maintained by authorities paying indebtedness against property that incurred it.

3. This act shall take effect immediately.

Approved April 22, 1897.

CHAPTER 138.

An Act to amend the act entitled "An act providing for the adoption of children," approved the ninth day of March, in the year one thousand eight hundred and seventy-seven.

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

1. The first section of the act entitled "An act providing for the adoption of children," approved the ninth day of March, in the year one thousand eight hundred and seventy-seven, which was amended by the act enti-

Section amended.

tled "A further supplement to the act entitled 'An act providing for the adoption of children,' approved March ninth, one thousand eight hundred and seventy-seven, which further supplement was approved on the twenty-third day of February, in the year one thousand eight hundred and eighty-five, be and the same is hereby again amended so as to read as follows:

Lawful to apply to court for permission to adopt children and change their name.

Proviso.

Consent of guardian or legal authorities must be obtained in certain instances.

1. From and after the passage of this act it shall and may be lawful for any person not married, or any husband, with his wife's consent, or any wife, with her husband's consent, or any husband and wife jointly, to petition the circuit court or the orphans' court of the county wherein any minor child or children may reside, or of the county wherein any such husband, wife or husband and wife may reside, for permission to adopt such minor child or children, and also petition for a change of name of such child or children; *provided*, that if such child or children be of the age of fourteen years or over, the written consent of such child or children to such adoption, duly acknowledged, must be obtained and presented with the petition, and also the written consent of the parent or parents, except in the cases hereinafter provided for where the consent of the parent or parents shall not be required; if both parents be dead, or unknown or hopelessly intemperate or insane, or shall have abandoned the child or children sought to be adopted, then and in any such case, unless the parent or parents shall have granted the custody and control of such child or children for the full term of his, her or their minority to any orphanage or children's home or society regularly incorporated under the laws of this state whose business it is to care for children, or unless such orphanage or children's home or society shall have otherwise legally acquired the custody and control of such child or children for the full term of his, her or their minority, the written consent to such adoption, acknowledged as aforesaid, must be obtained from the legal guardian of such child or children, if any there be, or if there be no legal guardian, from some discreet and suitable person appointed by the court to be next friend of such child or children sought to be adopted; and if the parent or parents shall have granted

the custody and control of such child or children for the full term of his, her or their minority to any such orphanage or children's home or society as aforesaid, or if any such orphanage or children's home or society shall have otherwise legally acquired the custody and control of such child or children, then and in such event the consent aforesaid to such adoption shall be obtained from such orphanage or children's home or society, which consent shall be in writing and under the common seal of the orphanage or children's home or society aforesaid and the hands of the president and secretary thereof, and be duly proven or acknowledged.

Orphanage having custody of children to give consent, duly acknowledged.

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

Repealer.

Approved April 22, 1897.

CHAPTER 139.

An Act to enable cities of this state under certain circumstances to vacate portions of streets and alleys which have not been opened to public use.

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

1. Whenever it shall appear to the common council, board of aldermen, or other governing body of any city in this state that any portion of a dedicated street or streets and alley or alleys has not been opened to public use for twenty years or more since the said street or alley was dedicated to public use; and that the opening of such portion of street or alley by such city will involve a large expenditure of public funds; and that the opening such street or alley to public use would be of no public benefit, and where all of the owners of the abutting lands on such portion of a public street, or of such alley, shall consent in writing to such vacation, by filing such consent duly acknowledged as in the case of

Portion of street or alley dedicated to public use, and not opened for twenty years, may be vacated.

an acknowledgment to a conveyance of lands in the office of the city clerk of such city, the common council, board of aldermen or other governing body of such city may by ordinance duly passed and approved by the mayor of such city in accordance with the provisions of the city charter, declare the said portion of a street or streets and such alley or alleys vacated and relieved of the public use and burden.

2. This act shall take effect immediately.

Approved April 22, 1897.

CHAPTER 140.

An Act concerning the qualification of commissioners authorized to assess benefits conferred by the construction of sewers and drains and to provide for majority reports of such commissioners in certain cases in the incorporated towns of this state.

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

Commissioners
owning property
benefited by a
sewer shall not
be disqualified
from acting.

Proviso.

1. In all cases in any of the incorporated towns of this state where the benefits conferred by the construction of any main, trunk or intercepting sewer or drain shall extend beyond the line of such main, trunk or intercepting sewer or drain, the commissioners whose duty it shall be to assess the benefits conferred by the construction of any such sewer or drain, shall not be disqualified because of their being interested as owners in any lands situate on the line of such sewer or drain or within the area or district benefited thereby, any law of this state to the contrary notwithstanding; *provided, however,* that each of said commissioners shall make and append to their report a certificate duly verified by affidavit showing that he did not participate in the determining or fixing of any amount to be assessed upon the lands owned by him and referred to in said report.

2. The report of commissioners, as to any assessment referred to as not having been participated in by any of said commissioners because of interest, pursuant to the provisions of this act, shall be deemed and held to be sufficient if concurred in by a majority of the commissioners whose duty it shall be to make the same.

Majority of commission may make report or assessment in case a commissioner is so disqualified.

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

Repealer.

Approved April 22, 1897.

CHAPTER 141.

An Act supplemental to an act entitled "An act relative to the supreme court and circuit courts," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the supplement to such act, approved March ninth, one thousand eight hundred and ninety-three, and also an act to regulate the practice of courts of law on trial of issues in the supreme courts referred and tried by a judge of the circuit court.

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

1. In all suits in the supreme court heretofore begun or hereafter instituted where issues in the supreme court have been or shall be referred by a justice of the supreme court for trial to the judge holding the county circuit court of any county, and such issues have been or shall be tried before such county circuit court, the judge of such circuit court shall settle and seal all and every bill of exceptions that were or shall be in fact taken at such trial in the same manner as a justice of the supreme court would have done if such issues had been tried before him, and all and every such bill of

Judge holding county circuit court shall settle and seal bills of exception in same manner as justice of supreme court.

exceptions when so sealed shall have the same force and effect as if sealed by a justice of the supreme court on the trial of issues in such supreme court before such justice of the supreme court.

Same practice to be observed in bill of exceptions as prevails in issues in supreme court.

2. All and every such bill of exceptions shall be returned and filed with the writ of error and the record in the case as in other cases, and errors may be assigned thereon, and the same practice shall be observed in the taking, settling and sealing every bill of exceptions on the trial of issues in the supreme court so referred to the judge of the county circuit court as now prevails on the trial of issues in the supreme court by a judge of the supreme court.

3. This act shall take effect immediately.

Approved April 22, 1897.

CHAPTER 142.

A Further Supplement to an act entitled "An act concerning cities of the first class in this state, and constituting the municipal boards of street and water commissioners therein, and defining the powers and duties of such municipal boards and relating to the municipal affairs and departments of such cities, placed under the control and management of such boards, and providing for the maintenance of the same," approved March twenty-eighth, one thousand eight hundred and ninety-one.

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

Section amended.

1. Section two of an act entitled "An act concerning cities of the first class in this state, and constituting municipal boards of street and water commissioners therein, and defining the powers and duties of such municipal boards, and relating to the municipal affairs and departments of such cities, placed under the control

and management of such boards, and providing for the maintenance of the same," approved March twenty-eighth, one thousand eight hundred and ninety-one, be and the said second section is hereby amended to read as follows:

2. The said board of street and water commissioners herein provided for, in any city aforesaid, shall be substituted for and become vested with and shall perform such of the powers, rights and duties as are herein specified, with such authority as may be by law vested in and imposed upon, or exercised by, the board of aldermen, common council, or other governing body or board of such city, or of any public aqueduct or water board or department, or of any department, civil engineer, city surveyor, commissioner, street commissioner, office or officer, clerk, servant or employe or authority of any such city; that the said board of street and water commissioners shall have the power to lay out, open, grade, alter, vacate or change the lines of streets, avenues, lanes, alleys or highways, and to pave, repave, repair, improve or clean streets, avenues, lanes, alleys or highways, and sewers and drains, and to make any street, highway or sewer constructions, connections, alterations, repairs or improvements, and to control and regulate the use and occupation of the streets, avenues and highways and sidewalks of such city, and to remove by contract or otherwise, ashes, offal, garbage and other refuse matter, and accumulations in dwellings and other buildings and premises in such city; and the control, operation, construction, repair, maintenance of public water-works and the public water-supply and distribution, sale and use of water, and the collection of water-rents and charges of such city, and to have the power and authority to construct, improve, repair, manage, maintain and control the public parks and the public docks, wharves, bulkheads, bridges, baths and fountains, and to have the government, control and management of any public buildings, lands and real estate and personal property belonging to or connected with the public works and municipal affairs in this section specified, and which by the provisions of this act are placed under the government, control and management of such boards of street

Board substituted and having authority of other boards, officers, etc.
Rights and duties.

Proviso.

Proviso.

and water commissioners; *provided, however*, that whenever any board created by this act, in any such city, succeeds a board of street and water commissioners already established in any such city, then and in that case the board of street and water commissioners created by this act in such city, in addition to the powers and authority hereby conferred on such board, shall also possess and become vested with the power and authority over real and personal property of such city as are or may be by law then vested in or conferred upon such prior board of street and water commissioners existing in such city; *provided, however*, in any such city the construction, furnishing, repairing and maintenance of public school, police and fire department buildings shall be placed under the control and management of the boards of education, police and fire commissioners respectively of such city now charged with the conduct and regulation of the affairs and business of said educational, police and fire departments of said city, and the board or body having charge and control of the finance, of such city shall have power and authority to select sites and to purchase in the corporate name of such city real estate for the use and purposes of said educational, police and fire departments of such city, and the power and authority vested in all other municipal boards established or existing in any such city at the time of the establishment of any board of street and water commissioners created by this act, in anywise relating to the real and personal property of such city, and not transferred by this act to such board of street and water commissioners, shall continue to remain vested in and conferred upon and exercised by such other existing municipal boards of such city, as provided by the laws then or thereafter governing such city; that the office of aqueduct or water commissioner of any such city and the office or position of counsel, superintendent, treasurer, secretary, supervisor, civil or mechanical engineer, inspector and other office or officer, clerk, servant or employe whatever of such aqueduct or water board or connected with any authority thereof, and any and every office or officer, clerk, agent or employe whatsoever connected with or under the

employ of any street department or street commissioner or superintendent's office, or city surveyor or engineer's office or department, or of any department office, officer or municipal authority whatever then existing in any such city, or in or under the corporate authorities thereof, having in whole or in part the government, control, management, regulation or supervision of streets and highways, sidewalks, crosswalks, sewers, docks, wharves, piers, bridges, public parks, baths, fountains, lamps or lights, are respectively hereby abolished, and the term or terms of office and employment of all such officials are hereby terminated, and all authority and power of each and every the same shall cease and determine immediately on the organization of such board of street and water commissioners, as hereinbefore provided, but the said board of street and water commissioners may continue in their employment temporarily all or any of the clerks, servants and subordinate employes of the various departments of the city governments by this act transferred to the control of said board, and all books, papers, maps, drawings, profiles, records, property, effects, matters and things whatsoever, used by or theretofore in the custody, charge or under the control of any such municipal board, body, department, office, officer, clerk or employe, and appertaining to any purpose whatever connected with the exercise of the authority, power and duties by this act conferred or contemplated to be conferred upon such board of street and water commissioners, herein provided for and authorized in such city, shall at once be delivered to such board of street and water commissioners, or to the person or persons designated by such board to receive the same.

Subordinate
employes may
be continued
temporarily.

Books, papers,
etc., shall be
delivered.

2. This act shall take effect immediately.

Approved April 22, 1897.

CHAPTER 143.

A Supplement to an act entitled "An act to provide for the establishment of a commission of public instruction in cities of the second class in this state whose population now exceeds or may hereafter exceed fifty thousand," passed March tenth, one thousand eight hundred and ninety-two.

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

Given exclusive
power over
school matters.

1. The commissioners of public instruction appointed under this act shall be and they are hereby invested with and shall have the exclusive power to hire, purchase and condemn lands for school purposes in the name of any such city, and to erect school-houses thereon; they shall also have the exclusive power to erect, reconstruct, improve, alter, enlarge, repair, furnish and refit school-houses upon lands hired, purchased, condemned, dedicated, donated or owned in the name of any such city; they shall have the exclusive possession, management and control of the same; and shall have the exclusive power to organize and establish public schools in any such city.

Upon certifica-
tion of necessity
of certain acts,
council may
approve cost of
same.

2. Whenever and as often as the said commissioners of public instruction shall certify to the common council, board of aldermen or other governing body of any such city, that any public school-house is in a dilapidated, unsanitary, unfit, unsafe or unsatisfactory condition for school purposes, and that it is expedient to reconstruct, improve, repair, enlarge or alter the same, or to purchase or condemn additional lands, improved or unimproved, and to reconstruct, improve, enlarge, repair or alter the same, or to erect another in place thereof and furnish the same; or whenever and as often as the said commissioners of public instruction shall certify to the common council, board of aldermen or other governing body of any such city, that it is expedient to purchase or condemn lands, improved or

unimproved, and to erect and furnish school buildings thereon, or that it is expedient to erect, reconstruct, alter, enlarge and repair necessary building or buildings and furnish the same for school purposes on lands hired, purchased, condemned, dedicated, donated or owned in the name of any such city; and with each and every such certificate shall submit the estimated cost thereof; the common council, board of aldermen or other governing body of any such city, may by resolution, with the concurrence of the mayor of such city, approve the cost as certified to be expended by the said commissioners of public instruction; whereupon it shall become the duty of the said commissioners of public instruction to proceed to the purchase or condemnation of any such lands in the name of any such city, and to contract for the said erecting, reconstructing, altering, enlarging, improving, repairing and furnishing of such building or buildings for school purposes according to location, plans and specifications adopted by said commissioners of public instruction, and the cost approved and concurred in as aforesaid.

Property may be secured by purchase or condemnation.

3. The common council, board of aldermen or other governing body of any such city shall have the power and authority to raise the whole or any part of the moneys required for any such purposes by taxation in the usual manner or by the sale of bonds of any such city, which bonds shall be made payable in not more than twenty years from the date of their issue at a rate of interest not exceeding five per centum per annum, and shall not be sold below par; and the amounts so raised when collected or borrowed shall be paid over to the treasurer of any such city to the credit of the said commissioners of public instruction, to be expended by them for the purposes aforesaid.

Provision for money needed.

4. As far as the same are or may be necessary to carry into effect the provisions of this act the said commissioners of public instruction shall have all the necessary powers and duties appertaining to corporate bodies.

Powers given to effect the provisions of this act.

5. This act shall take effect immediately.

Approved April 22, 1897.

CHAPTER 144.

A Further Supplement to an act entitled "An act concerning cities of the first class in this state, and constituting municipal boards of street and water commissioners therein, and defining the powers and duties of such municipal boards, and relating to the municipal affairs and departments of such cities, placed under the control and management of such boards, and providing for the maintenance of the same," approved March twenty-eighth, one thousand eight hundred and ninety-one.

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

Providing for
weekly payment
of certain
employees.

1. It shall be lawful for the board of street and water commissioners in any city of the first class in this state to provide by ordinance, approved by the mayor, for the manner in which payments shall be made of weekly wages due employees whose names are on the weekly pay-roll or pay-rolls of departments under such board of street and water commissioners, and to prescribe the form and manner in which warrants upon the public treasury of such city shall be drawn and signed for the purpose aforesaid; and all payments and disbursements made, and all warrants drawn in accordance with the terms of an ordinance duly passed for that purpose by such board, in any such city, shall be deemed and taken to be in all respects regular and lawful.

Repealer

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

Approved April 22, 1897.

CHAPTER 145.

An Act to enable counties of the second class in this state to purchase land for county purposes.

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

1. It shall be lawful for the board of chosen freeholders in any county of the second class in this state to purchase land for the purpose of enlarging or acquiring greater accommodations for county purposes for any such county.

Land may be purchased for county purposes.

2. Before any lands shall be purchased by the board of chosen freeholders of any county of the second class by virtue of the provisions of this act, said board of chosen freeholders shall decide at any regular meeting of said board, by a resolution of two-thirds of all its members, that said purchase shall be made and that the lands contemplated to be purchased are needful and necessary for county purposes.

Resolution that the land is needed must be decided by two-thirds vote.

3. It shall be lawful for any board of chosen freeholders purchasing lands under the provisions of this act to issue bonds in the corporate name and under the corporate seal of such county, signed by the director and the clerk of the board of chosen freeholders of any such county, countersigned by the county collector of any such county, to be denominated on their face "purchasing bonds," to an amount not exceeding thirty 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 payable at any time not exceeding twenty years from their date, at such periods as shall be determined by the board of chosen freeholders of any such county, which bonds may be sold at public or private sale for the best price they can obtain, but shall not be sold for less than par value; and all real estate and property within any of such counties shall be liable

Provision for payment.

for the principal and interest that may become due on the bonds to be issued by virtue of this act.

Provision for
interest and
redemption of
bonds.

4. The board of chosen freeholders of any such county 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 that other taxes in any of such counties are assessed and collected, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable.

5. This act shall take effect immediately.

Approved April 22, 1897.

CHAPTER 146.

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

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

Buildings for
surgeon and
trained nurses.

1. The board of managers of the said home are hereby authorized and empowered to erect upon a suitable site belonging to the home a proper building for the occupancy of the resident surgeon of the home and also a suitable building for the use of the trained nurses employed therein.

Appropriation.

2. The sum of eight thousand dollars is hereby appropriated to carry out the provisions of this act, but no moneys shall be paid out of the treasury until the

amount thereof shall be placed in the annual appropriation bill.

3. This act shall take effect immediately.

Approved April 22, 1897.

CHAPTER 147.

An Act to provide for the incorporation and regulation of life insurance companies on the assessment plan.

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

1. Nine or more persons may become a corporation for the purpose of transacting the business of life insurance upon the assessment plan, by filing in the department of banking and insurance a declaration in writing signed by each of them and duly acknowledged, setting forth their intention to form a corporation for the transaction of life insurance upon the assessment plan, the name of the proposed corporation, which shall not be one in use by another corporation of the state or so nearly similar thereto as to lead to uncertainty or confusion, the place where its principal office shall be located within the state, the mode in which its corporate powers are to be exercised and of electing directors or trustees who are to have and exercise the general control and management of its affairs and of its funds, but every such corporation shall have a board of not less than five directors or trustees, who shall be elected by and from the members at such time and place, and for such period, not exceeding three years, as may be provided for in the by-laws, and a majority of whom shall be residents of this state; such declaration shall have endorsed thereon or annexed thereto, and as a part thereof, the sworn statement of three of such persons that at least three hundred persons eligible under the proposed laws of the corporation to membership therein have in good faith

Corporation may be formed for insuring life on the assessment plan; declaration of intent to be filed.

Number of applicants necessary.

Certificate of attorney-general.	made application in writing for membership; the commissioner of banking and insurance shall thereupon file such declaration, with the certificate of the attorney-general that the same is in accordance with this act and not inconsistent with the constitution or laws of this state, and deliver to the corporation a certified copy of the papers so filed, which certified copy shall be filed in the office of the clerk of the county where the office of the corporation is to be located, and upon such filing being made it shall be deemed to be incorporated under this act; such corporations shall not commence the business of insurance until at least three hundred persons have subscribed in writing to be insured therein in the aggregate amount of at least three hundred thousand dollars, and have each paid in two per centum on the amount of the insurance severally subscribed for in cash, and the same is deposited in bank to the credit of the mortuary fund, to be held in trust for the benefit of the beneficiaries, and the commissioner of banking and insurance shall have certified that it has complied with the provisions of this act and is authorized to transact business.
Amount paid and in bank.	
Corporations included in this act.	§ 2. Any corporation organized to insure lives, which provides for the payment of policy claims, the accumulation of reserve or emergency funds, and the expense of the management and prosecution of the business by payments to be made either at periods named in the contract or upon assessment as required, by persons holding similar contracts, and wherein the insured's liability to contribute to the payment of policy claims accrued or to accrue is not limited to a fixed sum, shall be deemed to be engaged in the business of life insurance upon the assessment plan, and shall be subject only to the provisions of this act; <i>provided</i> , that this act shall not apply to secret or fraternal societies conducting their business on the lodge system, nor to associations organized solely for benevolent or charitable purposes, and which are now permitted by law to do business in this state.
Proviso.	
Limitation in issuing policies.	3. No corporation transacting the business of life insurance under this act shall issue a certificate or policy

upon the life of any person more than sixty years of age, excepting in case of transfer of policyholders as provided herein, nor upon any life in which the beneficiary named has no legal insurable interest; any assignment of the policy or certificate to a person having no insurable interest in the insured life shall render such a policy or certificate void.

4. Every such life insurance corporation shall accumulate and maintain a reserve or emergency fund of an amount not less than the proceeds of one death assessment or periodical call on all policy or certificate holders thereof, and at least equal to the amount of its maximum policy or certificate; such fund, if not already accumulated, shall be accumulated by every such existing corporation, within six months from the time this act takes effect, and by every corporation hereafter formed under this act, within six months from the date of its incorporation, and shall be held for the benefit or protection of the members, their legal representatives or beneficiaries; in case such fund or any portion thereof shall have been used by the corporation for the purpose or purposes for which the same was created or accumulated, and the amount thereof thereby reduced to less than the amount of one death assessment or periodical call, the amount of such reduction below the amount of one death assessment or periodical call shall be made up and restored to said fund within three months thereafter; such fund may be held in cash or invested in the same class of securities required by law for the investment of funds by life insurance corporations; and nothing herein contained shall prevent the creation and accumulation of other funds in excess of the amount herein required to provide for the purposes of such corporation; if such fund is in excess of the amount of one death assessment or periodical call upon all certificates or policyholders and not less than the sum of one hundred thousand dollars, the excess or any portion thereof may be used in the reduction of assessment or periodical payments by policy or certificate holders by ratable cash dividends or credits, or in such other equitable division or apportionment thereof as its rules

Certain reserve
to be maintained.

Excess may be
used to reduce
payments.

- or contracts may provide, or the pro rata excess on any policy or certificate terminated by death or surrender may be refunded to the holder or beneficiary, as may be provided for in said policy or contract; *provided*, that nothing contained in this act shall be construed to permit any contract promising any fixed cash payment to any living certificate or policyholder, excepting in the contingency of total physical disability.
5. Every policy or certificate hereafter issued by any corporation doing business under this act, and promising payment to be made upon a contingency of death or physical debility, shall specify the sum of money which it promises to pay upon such contingency, and the number of days after satisfactory proof of the happening thereof on which such payment shall be made; upon the occurrence of such contingency, unless the contract shall have been avoided by fraud, or by breach of its conditions, the corporation shall be obligated to the beneficiary for such payment at the time and to the maximum amount specified in the policy or certificate; if the commissioner of banking and insurance shall be satisfied upon investigation that any such corporation has refused or failed to make such payment for thirty days after it became due, and after proper demand, he shall notify the corporation not to issue any new policies or certificates until such indebtedness is fully paid; and no officer or agent of the corporation shall make, sign or issue any policy or certificate of insurance while such notice is in force.
6. The trustees or directors, or the persons designated in the by-laws of any corporation subject to the provisions of this act, shall fix the fee-rates and amounts of premiums, assessments or periodical calls, and the time and manner of the payment thereof, and the risks to be assumed by such corporation and the duration thereof, and may change the same from time to time as the experience of the corporation may require; an affidavit made by the person having charge of the mailing of notices of premiums, assessments or periodical calls, that any such notice was mailed, stating the date of mailing, shall be prima facie evidence thereof.
- Proviso.
- Policy to state amount and time within which it is to be paid.
- Corporation to be obligated for amount specified.
- Upon failure to pay, order to be given to cease issuing policies.
- Trustees to fix fees, etc.
- Evidence of notices given.

7. All corporations to which this act is applicable, with their books, papers and vouchers, shall be subject to visitation and inspection by the commissioner of banking and insurance, or such person or persons as he may designate; said commissioner may address any inquiries to any such corporation in relation to its doings or condition, or any other matter connected with its transactions relative to the business contemplated by this act; all officers of such corporation shall promptly reply in writing to all such inquiries, under the oaths of its president or secretary or other officers, if required; when the commissioner of banking and insurance upon investigation, shall be satisfied that any such corporation of this state is insolvent because of matured death claims, or other obligations due and unpaid, exceeding its assets and death assessments or periodical calls made or in process of collection, or has exceeded its powers, failed to comply with any provision of law, or is conducting business fraudulently, he shall apply by petition or bill of complaint or information to the chancellor for an injunction restraining such corporation from the transaction of any further business, and for such other relief and assistance as may be appropriate to the case; and the chancellor, being satisfied of the sufficiency of such application, or that the interests of the public so require, may order an injunction and make other appropriate orders in a summary way, and thereafter proceed in said cause according to law and the practice of the court of chancery; the necessary expenses of examinations made under this act shall be paid to the commissioner of banking and insurance by the corporation so examined.

Books, papers,
etc., to be
inspected.

Inquiries
answered.

Chancellor may
restrain
corporation upon
bill of complaint
of commissioner
of banking and
insurance.

8. Every life insurance corporation doing business under this act shall, during the month of January of each year, make and file with the commissioner of banking and insurance a report of its affairs and operations during the year ending on the thirty-first day of December immediately preceding, which reports shall be in lieu of any other report required by any other law of this state; such reports shall be in such form and verified by the oaths of such of the officers of the cor-

Shall file annual
statement

Fee for filing
report.

Shall cease to do
business upon
failure to make
report.

Not to transfer
risks unless duly
approved by the
insured.

Corporations not
transacting life
insurance under
this act to
comply with
general insur-
ance laws.

Domestic
companies may
re-incorporate.

poration as the commissioner of banking and insurance may require; the fee for filing such report shall be twenty dollars; any corporation refusing or neglecting to make such report, or to make payment of any fees required by law shall, upon the order of the commissioner of banking and insurance, cease to do business in this state until such report and payment shall be made.

9. No such corporation of this state shall transfer its risks to or insure them in any other corporation, unless the contract of transfer or re-insurance is first submitted to and approved by two-thirds vote of a meeting of the insured called to consider the same, of which meeting a written or printed notice shall be mailed to each member, certificate-holder or policyholder at least thirty days before the day fixed for such meeting; if such transfer or re-insurance shall be approved, every member, certificate-holder or policyholder of the corporation who shall file with the secretary thereof, within ten days after the meeting, a written notice of his preference to be transferred to some other corporation than that named in the contract, shall be accorded all the rights and privileges, if any, in aid of such transfer as would have been accorded under the terms of such contract, had he been transferred to the corporation named therein; no such corporation of this state shall transfer its risks or assets or any part thereof to, or re-insure its risks or any part thereof in, any insurance corporation or association of any other state or country which is not at the time of such transfer or re-insurance authorized to do business in this state under the laws thereof.

10. All corporations, associations, companies or organizations, desiring to transact the business of life insurance upon any other plan than that defined in this act shall comply with all the provisions of the general insurance laws; any existing domestic corporation transacting the business of life insurance may re-incorporate under the provisions of this act, under its existing corporate name, by filing with the commissioner of banking and insurance the declaration of their desire so to do, signed and duly acknowledged by a majority of its board of directors or trustees, with a statement in like

manner signed and acknowledged by them, that such corporation has accumulated the fund required by section four of this act of corporations formed hereunder and that the same is deposited in bank or trust company or safely invested and held for the payment of losses by death or other purposes for which such fund must be held, and the certificate of the attorney-general as provided in section one of this act, whereupon the commissioner of banking and insurance shall deliver to such corporation a certified copy of such declaration and of such certificate, together with his certificate to transact business, and upon filing the same in the office of the clerk of the county wherein the principal office is located, the same shall be deemed to be incorporated under the provisions of this act; it shall not be obligatory upon any such existing corporation to re-incorporate hereunder, and any such domestic corporation may continue to exercise all the rights, powers and privileges not inconsistent with this act, pursuant to its articles of association or incorporation, the same as if re-incorporated under this act.

Not obligatory
to re-incorporate.

11. Every such corporation shall pay for filing the declaration provided by this act the sum of twenty dollars.

Fee for filing
declaration.

12. This act shall take effect immediately.

Approved April 22, 1897.

CHAPTER 148.

An act providing for the pensioning of firemen in certain cities of this state.

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

1. In all cities of this state having a paid fire department it shall be lawful for the municipal board having

Firemen
incapacitated by
service may be
retired and
pensioned.

charge of said fire department to retire from service any officer or man permanently employed in such department whose duty requires active service in the extinguishment of fires, who shall have become or shall hereafter become incapacitated, either mentally or physically, for the performance of such duty, whenever such incapacity is or shall be the result of injury received or sickness contracted in the discharge or attempt to discharge such duty; the person retired shall receive an annual pension of an amount equal to one-half of the salary received by him at the time of such retirement.

In case of death.

2. If any officer or man permanently employed in any fire department in any such city shall be fatally injured while in the performance of or attempting to discharge his duties, such municipal board shall allow to the widow if any there be, or, if there be no widow, then to the dependent parent or parents of such officer or man permanently employed in such fire department, an annual pension equal to one-half of the salary received by such officer or man at the time of his death, to be paid to such widow during her widowhood, or, if there be no widow, to be paid to such dependent parent or parents as long as such parent or parents remain dependent, and where the officer or man is the only support of his parent; if such officer or man shall not leave a widow or parent, but shall leave a child or children, such pension shall be applied, under the direction of the mayor of such city, to the support of such child or children until they have attained the age of sixteen (16) years.

Incapacitated by age.

3. If any officer or man permanently employed in such fire department, who shall have served in such department twenty (20) years continuous or otherwise, shall become incapacitated either mentally or physically while in the discharge of his duties, or in attempting to discharge his duties, or by advanced age is found unfit for the performance of his duties, he shall be retired by such board; the person retired shall receive an annual pension of an amount equal to one-half of the salary received by him at time of such retirement.

Examining board to be appointed.

4. In any city or municipality of this state in which this act shall become operative the mayor of such city

shall, upon application being made by any officer or man permanently employed in such fire department to be retired, appoint three (3) physicians, such physicians to constitute an examining board, and who shall examine such officer or man; and upon such physicians granting a certificate to such officer or man as to his incapacity to discharge his duties in such fire department such officer or man shall be retired by such municipal board; the person retired shall receive an annual pension of an amount equal to one-half of the salary received by him at time of such retirement.

5. In any city or municipality of this state in which this act shall become operative, the board or authority having control of the finances of such city or municipality shall borrow a sum sufficient to cover such pensions required during the remainder of the current fiscal year of such city or municipality, or may permit the same to be paid out of any money of said city or municipality not otherwise appropriated, and shall thereafter put in the annual tax levy raised in said city or municipality a sum sufficient to cover such pensions.

Provision for
funds for
pensions.

6. The board of commissioners or other body having control of the fire department in any such city or municipality of this state shall and are hereby empowered under this act to make all requisite rules and regulations necessary therefor not inconsistent with this act.

Rules and
regulations.

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

Repealer.

8. This act shall take effect immediately.

Approved April 23, 1897.

CHAPTER 149.

An Act providing for the payment of claims incurred in repairing public streets in any city.

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

Repairs already made, without proper advertising, may be paid by board of finance.

1. Where any board having charge and control of repairing the public streets in any city, or any committee thereof, shall have made within four years prior to the passage of this act any necessary or required repairs or improvements to any street therein and purchased material or employed labor for that purpose without complying with the requirements of the laws governing such city in advertising therefor, the board having charge and control of the finances of such city, upon being satisfied that such repairs have been made, shall have power to appropriate the funds necessary for the payment of such materials and labor to the board having charge and control of repairing the public streets in such city, who shall thereupon pay said claims; said additional appropriation may be made by said financial board from any moneys heretofore or hereafter available in such city for the repair of paved streets, or by the issuance of temporary loan bonds, in which latter event the payment thereof shall be provided for in the tax levy next thereafter to be made; provided that such additional appropriation shall not exceed the sum of six thousand dollars.

Temporary loan bonds may be issued.
Proviso.

2. This act shall take effect immediately.

Approved April 23, 1897.

CHAPTER 150.

An Act to amend an act entitled "An act to prevent frauds upon travelers," approved ninth of March, one thousand eight hundred and eighty-five.

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

1. The second section of the act entitled "An act to prevent frauds upon travelers," approved ninth of March, one thousand eight hundred and eighty-five, which reads as follows:

Section amended.

"2. *And be it enacted*, That it shall not be lawful for any person not possessed of such authority so evidenced to sell, barter or transfer for any consideration whatever the whole or any part of any ticket or tickets, passes or other evidences of the holder's title to travel on any railroad, steamboat or other public conveyance, whether the same be situated, operated or owned within or without the limits of this state; *provided*, such tickets shall have printed thereon a notice of the penalties imposed by this act, and of the provisions made for their redemption,"

be and the same is hereby amended so as to read as follows:

2. It shall not be lawful for any person not possessed of such authority so evidenced to sell, barter or transfer for any consideration whatever the whole or any part of any ticket or tickets, passes or other evidences of the holder's title to travel on any railroad, steamboat or other public conveyance, whether the same be situated, operated or owned within or without the limits of this state.

Not lawful for unauthorized persons to sell tickets.

2. The fifth section of said act, which reads as follows:

Section amended.

"5. *And be it enacted*, That it shall be the duty of the owner or owners of railroad, steamboat and other

public conveyances to provide for the redemption, at the terminal station named thereon, of the whole or such parts or coupons of any ticket or tickets that they may have sold as the purchaser, for any reason, has not used and does not desire to use, at a rate which shall be equal to the difference between the price paid for the whole ticket and the cost of a ticket between the points for which the proportion of said ticket was actually used ; and the sale by any person of the unused portion of any ticket, otherwise than by the presentation of the same for redemption as provided for in this section, shall be deemed to be a violation of the provisions of this act, and shall be punished as hereinbefore provided ; *provided*, that this act shall not prohibit any person who has purchased a ticket from any agent authorized by this act, with the bona fide intention of traveling upon the same the whole distance between the points named in the said ticket, from selling the unused part of the same to the company that sold the same, and it shall be the duty of said company to pay for such unused portion of ticket the difference between the actual fare to point used and the amount paid for such ticket,"
 be and the same is hereby amended so as to read as follows :

Proviso.

Redemption of
unused tickets.

5. It shall be the duty of the owner or owners of railroad, steamboat and other public conveyances to provide for the redemption, at his, its or their general office, of the whole or such parts or coupons of any ticket or tickets that they may have sold, as the purchaser, for any reason, has not used and does not desire to use, at a rate which shall be equal to the difference between the price paid for the whole ticket and the cost of a ticket between the points for which the proportion of said ticket was actually used ; and the sale by any person of the unused portion of any ticket, otherwise than by the presentation of the same for redemption, as provided for in this section, shall be deemed to be a violation of the provisions of this act, and shall be punished as hereinbefore provided ; *provided*, that this act shall not prohibit any person who has purchased a ticket from any agent authorized by this act, with the

Proviso.

bona fide intention of traveling upon the same the whole distance between the points named in the said ticket, from selling the unused part of the same to the company that sold the same, and it shall be the duty of the said company to pay for such unused portion of the ticket the difference between the actual fare to point used and the amount paid for such ticket.

3. That this act shall be deemed a public act and shall take effect immediately.

Approved April 23, 1897.

CHAPTER 151.

An Act validating and confirming sales of lands for taxes and certificates issued in pursuance thereof, where such certificates have not been filed in the office of the county clerk within the time prescribed by section eight of 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, anno domini one thousand eight hundred and seventy-nine.

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

1. That all sales of lands for taxes heretofore made or had, and all certificates issued in pursuance thereof, and tax titles and rights which have been or may hereafter be acquired by any subsequent proceeding founded upon the said sale and certificate, by virtue of any statute of this state, in cases where the certificates of such sales have not been filed in the office of the county clerk within the time prescribed by section eight of an act entitled "A further act concerning taxes, making the

Sales of lands
for taxes
confirmed,
although
certificate was
not filed within
prescribed time.

Proviso.

same a first lien on real estate, and to authorize sales for the payment of the same," approved March fourteenth, anno domini one thousand eight hundred and seventy-nine, be and they are hereby confirmed and taken to be to all intents and purposes as good and effectual in law, and the record thereof admissible in evidence as fully and completely as if said certificate had been filed within the time prescribed in the said section of the act aforesaid; *provided*, that no such certificate of sale shall be admitted as evidence until it shall have been filed in the office of the county clerk in the county where the lands so sold are situated.

2. That this act shall be deemed a public act and shall take effect immediately.

Approved April 23, 1897.

CHAPTER 152.

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

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

Additional
powers given
boards of health
regarding sale of
milk not con-
sidered healthful.

1. Any local board of health organized or created under the provisions of the act to which this is a supplement, in addition to the powers already possessed, shall have power to adopt and alter ordinances prohibiting the sale of or having in possession for sale, any milk containing any unhealthy ingredient, constituent or substance, or which has been transported or stored in an unclean manner or place, or which is produced from

cows which are diseased or which are kept or stabled under unhealthful conditions.

2. Said local boards of health are further empowered to adopt and alter ordinances requiring any person or persons engaged in the sale of milk to furnish to the said boards of health, when so requested, a statement as to the locality from which said milk was procured, and also a full and complete list of the persons from whom said milk was purchased, and the names and addresses of all customers or persons to whom he or they may sell or deliver milk in any borough or municipality in which said board of health may be organized.

May require statement regarding locality of milk supply and to whom sold.

3. Said boards of health are further empowered to prescribe a penalty for the violation of the ordinances aforesaid of not less than ten dollars nor more than one hundred dollars, which shall be collected in the same manner provided for by the act to which this is a supplement.

Penalty for violation.

4. This act shall take effect immediately.

Approved April 23, 1897.

CHAPTER 153.

A Supplement to an act entitled "An act respecting the paving and re-paving of streets, avenues and public highways in cities of the first class in this state, and providing for the payment of assessments for especial benefits to property benefited thereby, and the payment of contractors supplying the work and material therefor," approved March twenty-first, one thousand eight hundred and ninety-five.

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

1. For the purpose of further paving and re-paving of streets in accordance with the provisions of the act

Provision for further paving.

to which this act is a supplement, and to provide for the payment of the same, it shall be lawful, after the expiration of the year one thousand eight hundred and ninety-seven, for the common council or other legislative body or governing board or body having the control of the finances of any city to which the provisions of the act to which this is a supplement are applicable, to annually cause to be assessed and raised by the tax ordinance or budget of each year for five consecutive years, the sum of one hundred thousand dollars, which moneys shall be added to the capital fund and account of said city for the paving and re-paving of streets, and said moneys so annually raised shall be expended exclusively for the paving and re-paving of streets in such city in accordance with the provisions of the act to which this is a supplement, relating to the expenditure of the moneys of said capital fund account.

Council to determine whether the amount shall be raised.

2. During the month of January in each year for five consecutive years after the expiration of the year one thousand eight hundred and ninety-seven, it shall be the duty of the common council or other legislative body or board having the control of the finances of such city, to determine whether said sum of one hundred thousand dollars shall be raised by taxation as aforesaid, and if said body or board of such city shall so determine by resolution to raise said sum of money in such year, and shall finally pass a resolution determining so to do in the manner prescribed by the laws governing such city, then it shall not be lawful for such board or body or common council to afterwards change, repeal or amend the resolution so passed, and it shall be incumbent upon and the duty of such common council, board or body of such city, to insert in the tax ordinance or budget of such year the said sum of one hundred thousand dollars, and cause the same to be assessed and raised by tax in said year in like manner as other taxes in such city are assessed and raised.

To be raised in addition to amount fixed for general expense.

3. Where in any such city the amount authorized to be raised for current general expense is fixed and limited, then so much of the sum annually required to be raised by the provisions of the first section of this act

as exceeds the amount then by law required to be raised by taxation therein for the purpose aforesaid shall not be included in such limitation but shall be raised in addition thereto.

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

Approved April 23, 1897.

CHAPTER 154.

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.

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

1. The bonds issued, or that may hereafter be issued, for money borrowed for the purpose of building a new school-house in any school district in this state acting under a special charter, where the legal voters of said district have authorized and determined the amount that may be borrowed for such purpose by a majority of the votes cast at an election called and held in said district by the name or designation by which such district is commonly known, shall be as valid and binding upon said district as though said election had been called and held by its legal name or designation. Bonds issued to be valid, although election was not called and held by its legal name.

2. This act shall take effect immediately.

Approved April 23, 1897.

CHAPTER 155.

A Supplement to "An act concerning corporations" (Revision of 1896), approved April twenty-first, one thousand eight hundred and ninety-six.

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

Words
"insurance,"
"safe deposit,"
"trust com-
pany," "bank,"
not to be used as
part of name.

1. No corporation shall hereafter be organized under the provisions of "An act concerning corporations" (Revision of 1896), approved April twenty-first, one thousand eight hundred and ninety-six, or any amendment thereof or supplement thereto, with the words "insurance" or "safe deposit" or "trust company" or "bank" as a part of its name, and no certificate of incorporation shall be hereafter received for filing or record or be filed or recorded in any office in this state for the purpose of effectuating its incorporation.

Corporations
already
organized not to
incorporate
certain words as
part of name.

2. No corporation heretofore organized or doing business under the aforesaid act shall, by change or amendment of its name, use the words "insurance" or "safe deposit" or "trust company" or "bank" or any of them as part of its name, and no certificate of change or amendment shall be hereafter received for filing or record or be filed or recorded in any office in this state for the purpose of effectuating such change.

Not to apply to
corporations
heretofore
formed.

3. Nothing herein contained shall, however, be construed to apply to or affect the name of any corporation whose certificate of incorporation has heretofore been filed with the secretary of this state.

4. This act shall take effect immediately.

Approved April 23, 1897.

CHAPTER 156.

An Act prescribing the manner in which a newly created municipality shall succeed to and shall take the assets and liabilities of the municipalities out of which it is created.

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

1. Whenever any township, village, borough, town, city or other municipality may be hereafter created or incorporated it shall have and own all the property, assets and liens which at the time of its incorporation belonged to or were vested in any municipality existing within its limits, and a proportionate amount of the property, assets and liens belonging to any municipality any portion of whose territory is embraced within its limits; it shall also be liable to pay the bonded and other indebtedness of any municipality which before its incorporation existed within its limits, and a proportionate amount of the bonded or other indebtedness of any municipality, a portion of the territory of which was included therein; which proportionate amount of property, assets or indebtedness shall be ascertained in the manner hereinafter provided.

Newly-created municipality to succeed to all property, etc., and be liable for indebtedness.

2. The officers of any township, village, town, borough, city or other municipality any portion of which shall be included within the newly created municipality, who shall hold office at the time of such incorporation, shall, until the Monday following the first election of officers in the newly created municipality, continue to perform the duties and possess the powers imposed upon or given to them by law within their respective municipalities, notwithstanding the creation or incorporation of such new municipality; on the first Monday following the first election for officers held within the newly created municipality, the terms of office of the officers of any municipality the whole of which shall be

Continuance in office of officers, and their termination.

All books, etc.,
to be delivered
to governing
body of new
municipality.
New body to be
substituted in
suits at law.

embraced within the limits of such newly created municipality, shall thereupon cease and be terminated, and said officers shall forthwith deliver over to the governing body of such newly created municipality, immediately after their qualification, all books, papers, assets and property of every kind and description belonging to the said old municipality; the new municipality may be substituted on its own application as party plaintiff or defendant in any suit pending in any court of law or equity against such old municipality, and all taxes and assessments theretofore levied by any municipality lying within such newly created municipality, or any taxes and assessments which may have been set over and apportioned to the newly created municipality as hereinafter provided, shall be valid and effectual as if originally levied and assessed by the officers of the said newly created municipality; the governing body thereof is authorized to do and perform all necessary acts to confirm or make effectual the levy and assessment of said tax, and may have the same rights for the enforcement and collection thereof as if the same had been levied and assessed by the officers of the said newly created municipality.

Holding of
election;
notices, etc.

3. On the filing with the county clerk of a copy of the act of incorporation of such newly created municipality, certified under the hand and seal of the secretary of state, it shall be the duty of the county clerk to appoint the time for and give notice of an election to be held within the newly created municipality for the election of officers; said county clerk shall give notice of such election by posting advertisements thereof in ten of the most public places within the said newly created municipality, and by publishing the same in a newspaper published in the county and circulating within said municipality at least ten days before the time appointed for said election; said election shall be held at the same polling-places; the polls shall be open between the same hours; the said election shall in all respects, as far as practicable, be conducted in the same manner as may be designated for the ensuing annual election of members of the general assembly; the registration lists used at the last previous election for mem-

bers of the general assembly shall be the registration lists used at the election provided for in this section, and the board of election in each district shall meet one week before the day fixed for the election, at the usual polling-place, between the hours of one and nine in the afternoon, to revise the said registration lists; at said election officers shall be elected as at the regular annual election, who shall serve, however, only until said annual election and until their successors shall have qualified.

4. On the first Monday after the said first election the governing body then elected shall assemble in some convenient place, and having first qualified and taken the oath of office required of all newly elected officers shall proceed to organize in the manner provided by law.

Governing body
to organize.

5. Whenever said newly created municipality includes a portion only of any other municipality or municipalities, a committee of three, to be appointed by said governing body from their own number, and a like committee appointed by the governing bodies of each of the municipalities out of which such newly created municipality shall have been formed, shall, on the Monday following such first meeting of the governing body of said newly created municipality, meet at a place and time to be designated by the governing body of said newly created municipality, and shall then and there, or as soon thereafter as may be, proceed to appraise, state an account of, allot and divide between such newly created municipality and such other municipality or municipalities all the moneys on hand, property, assets and liens of every kind and all the indebtedness of such municipalities, in proportion to the taxable property and ratables within the respective limits of such municipalities as the same shall remain, and within the parts thereof which shall be included within such newly created municipality; *provided*, that any real estate belonging to the old municipality acquired and held for public use shall be and remain the property of the municipality within whose limits it may lie after separation as aforesaid, and any indebtedness then existing, incurred for or on account of the said property shall be and remain the indebtedness of the municipality which retains said property,

Provision for
division of
money,
property, etc.,
among the
municipalities
affected.

Division to be
pro rata.

Proviso.

and neither said property nor said indebtedness shall be included or taken into account in making the apportionment and division herein provided for; such apportionment shall be based upon the last abstract of ratables made for the purpose of levying taxes in each of said municipalities; in affecting such division a decision of the majority of those present of the committee of said newly-created municipality, concurred in by a majority of those present and of the committee of the municipality the assets and debts of which are being divided, shall be final and conclusive, the members of the committees of other municipalities 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 for the majority of the whole number of such joint committee to adjourn such meeting from time to time, not exceeding one week; said joint committee shall appoint a clerk from their own number, who shall keep a record of their proceedings and shall certify to each municipality affected the apportionment of assets and debts so made; such joint committee shall have power to issue subpoenas and to compel the attendance of any of the officers of any of the municipalities affected, to compel the production of all books and papers relating to the subject-matter under consideration, and to administer oaths or affirmations to any person appearing before said committee to testify, and shall have the same power to enforce its process of subpoena and to compel any person to attend and testify as is given to committees appointed by the common council of any city under the provisions of an act entitled "An act concerning evidence" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four, and the several supplements thereto.

6. In case the joint committee herein provided for shall be unable to agree upon a division of the assets or debts of said municipalities, or in case either of said municipalities desires to have such allotment and division made by commissioners, then it shall be lawful for

Proviso.

Record to be kept.

Committee may issue subpoenas.

In case of disagreement, commissioners to be appointed by court.

the governing body of either of said municipalities to apply to the court of common pleas of said county for the appointment of three disinterested persons as commissioners, who shall make the above appraisal and apportionment in the manner hereinbefore provided, and their determination in writing, signed by any two of them, shall be binding and conclusive upon each of said municipalities; for which service said commissioners shall receive such compensation as said court may think proper, to be paid by said municipalities equally.

7. Whenever any municipality in this state shall be dissolved under any special or general law, and shall then become or be made a part of any other municipality, or shall have its territory divided among several municipalities, the municipality of which it becomes a part (if it becomes a part of any one municipality) shall have and possess all its property, assets and liens, and shall be bound by and charged with the payment of all its indebtedness or obligations for the payment of money or otherwise; where said municipality becomes a part of, or its territory is divided among, several municipalities, apportionment shall be made of said assets, property, liens, debts, obligations and other liabilities in the manner hereinbefore provided in the case of the creation of a new municipality.

8. In case any newly created municipality shall include a part of another municipality, any officer thereof residing within the limits of the newly created municipality shall hold his office and perform the duties thereof until the next general election is held for the election of officers within said old municipality, at which time some other person or persons residing in the remaining part of said municipality shall be elected in his place or stead, whether the term of office for which he was originally elected has expired or not.

9. Any charter or special act in force within any municipality, any portion of which shall be included within such newly created municipality, shall be of no further force or effect within such newly created municipality, and as to it, shall be deemed to be, from the time of its incorporation, repealed; *provided*, such repeal shall

If a municipality be dissolved, its successor to have all property, etc., and become liable for obligations.

Apportionment to be pro rata.

Officer residing in new municipality to continue in office until next general election in old municipality.

Special acts in force repealed as to new municipalities.

Proviso.

not operate to affect any right which shall have been acquired under or by said charter or special act.

Approved April 23, 1897.

CHAPTER 157.

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

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

Description of
boundaries.

1. All that part or portion of the county of Atlantic formerly known as "the borough of South Atlantic City," beginning at a point in Atlantic county, New Jersey, on Absecon Beach, in the division line between William G. Bartlett and J. D. Sanders' land, known as tract No. 28 and tract No. 27, in the high-water line of the Atlantic ocean; along said high-water line in a northeasterly direction to where a line extends southeasterly through the center of Frederickburg avenue would meet the high-water line of the said Atlantic ocean, being located according to the maps made by J. Lewis Rowand; thence along said line extending in a northwesterly direction through the center of Frederickburg avenue to the beach thoroughfare; thence along the various courses of the beach thoroughfare to the division line between William G. Bartlett and J. D. Sanders' land and tract No. 27; thence along said division line in a southeasterly direction to the place of beginning, be and is hereby constituted a city of this state, and all the inhabitants of the state residing within the limits aforesaid be and they are hereby ordained, constituted and declared to be, from time to time forever hereafter, one body politic and corporate, in fact and in name, by the name of "South Atlantic City."

Corporate name.

2. This act shall take effect immediately.

Approved April 23, 1897.

CHAPTER 158.

An Act to incorporate "Brigantine Beach," in the county of Atlantic, as a city, and fix the boundaries thereof.

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

1. All that part or portion of the county of Atlantic, formerly known as the "Borough of Brigantine Beach," beginning at the point of beach on Brigantine island, Atlantic county, New Jersey, on the northeasterly side of Absecon inlet, thence along the high-water line of the Sand thoroughfare and Beach thoroughfare and Weakfish thoroughfare to Brigantine inlet, on the northeasterly end of Brigantine island; thence southwesterly along the high-water line of the Atlantic ocean to the point or place of beginning on Absecon inlet, the same being more fully bounded and described on a map of Brigantine Beach, Atlantic county, New Jersey, as surveyed by Fowler and Lumis, civil engineers, August, one thousand eight hundred and ninety-two, filed October seventeenth, one thousand eight hundred and ninety-two, in the clerk's office of Atlantic county, at Mays Landing, New Jersey, be and is hereby constituted a city of this state, and all the inhabitants of the state residing within the limits aforesaid, be and they are hereby ordained, constituted and declared to be, from time to time forever hereafter, one body politic and corporate, by the name of "Brigantine City."

Description of
boundaries.

Corporate name.

2. This act shall take effect immediately.

Approved April 23, 1897.

CHAPTER 159.

A Further Supplement to an act entitled "An act to provide for the reconstruction of main outlet sewers heretofore constructed at the joint expense of two cities," approved March eighteenth, one thousand eight hundred and ninety.

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

Sewer outlet
may be
constructed to
provide addi-
tional drainage.

Proviso.

If plan is
approved, outlet
to be constructed
as per this act.

To be shown on
assessment map.

Cost to be
apportioned.

1. The commissioners appointed under virtue of the act to which this is a supplement shall, if it be consistent with sound principles of sewerage engineering and construction, so plan the sewer outlet to be constructed by them, by enlarging it, or any portion of it, and by making any and all proper changes or alterations or additions so that it may be used jointly as an outlet or outfall for any other adjacent drainage area of said city requiring such an outlet to tide-water; *provided*, that said plans for a joint outlet shall not be approved or adopted until the same shall have been approved by the mayor of the said city.

2. If said plan shall be thus approved, the said commissioners shall proceed to cause the said outlet sewer to be constructed under said plans in the same manner as provided for in the act to which this is a supplement, and the supplements thereto, and on the completion of said sewer outlet shall show on the assessment map required to be made and filed by them, as provided in section eight of the act to which this is a supplement, the area of said additional and adjacent lands as are provided with a proper sewer outlet by said enlarged sewer, and shall, in their report, certify the proper proportion of the cost of said enlarged sewer which should be borne by or chargeable to the said added drainage area, and what proportion should be borne by or charge-

able to the drainage area drained by the sewer provided to be reconstructed under the act to which this is a supplement; and the board of officers of such city drained by said sewer who are charged by law with making assessments for street and sewer improvement, in addition to the duties imposed upon them by section nine of the act to which this is a supplement, shall assess so much of the cost and expense of enlarging and changing the said outlet sewer upon the lands specially benefited thereby in proportion to the benefits received and no more, and any excess not so assessed shall be borne by the city at large.

3. Any assessments made or levied under this act shall be and remain a lien upon the lands assessed until paid, and that said assessments may be collected and the payment thereof enforced in the same manner prescribed by law with respect to assessments for other improvements in said city so drained by said sewer.

Assessments to be a lien.

4. All payments of moneys required to be made to carry out the provisions of this act and the methods and means for raising said moneys, shall be as set forth and directed by the act to which this is a further supplement; *provided*, that to meet any portion of the cost of constructing said sewer and enlarged sewer, the board having control of the finances of said city are hereby authorized and empowered to issue bonds of said city to the amount necessary to meet such cost, said bonds to be of a similar character to the bonds issued by the city for like purposes in the case of other sewer or street improvement when the cost exceeds the benefits assessed upon the property benefited.

Payments to be made according to act.

Proviso.

5. In case it shall be necessary, in order to construct the sewer outfall or outlet on the plans adopted and approved, to acquire any lands or easements by condemnation, and the city through the territory of which the said outlet or outfall sewer is to be constructed is vested by law with the power to condemn lands and easements for such purposes, the said commission shall make a requisition upon the proper official or board of said city for such lands or easements, setting forth in said requisition a full and exact description of said lands and ease-

Land needed may be acquired by condemnation.

ments required; whereupon said official or board shall proceed to acquire said lands and easements for the purpose of said sewer outfall or outlet.

6. This act shall take effect immediately.

Approved April 23, 1897.

CHAPTER 160.

A Supplement to an act entitled "An act to authorize the levying and collection of a tax for certain municipal purposes, when authorized by the governing authorities of any village by a vote of the inhabitants at a meeting," approved April fifteenth, one thousand eight hundred and ninety, being chapter one hundred and sixty-three of the laws of one thousand eight hundred and ninety.

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

Construction of
the act providing
for method of
payment for
public
improvements.

1. Nothing in the act entitled "An act to authorize the levying and collection of a tax for certain municipal purposes, when authorized by the governing authorities of any village by a vote of the inhabitants at a meeting," approved April fifteenth, one thousand eight hundred and ninety, shall repeal any provision of any prior law authorizing an assessment of the cost of any improvement upon the property benefited thereby; but said act shall be taken as providing a method of payment for public improvements, in addition to and concurrent with any method already provided by law in any village.

Repealer.

2. Section seven of the act to which this is a supplement is hereby repealed.

3. This act shall take effect immediately.

Approved April 23, 1897.

CHAPTER 161.

A General Act relating to boroughs (Revision 1897).

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

1. Hereafter no borough shall be incorporated or dissolved, nor shall its territory be increased or diminished, or its lines altered, except by special act of the legislature; the inhabitants of every borough shall be a body corporate in fact and in law, and unless some other name shall have been given or taken by authority of law it shall be called "the borough of —" (as the case may be); by its corporate name it shall have perpetual succession, may sue and be sued, have a common seal, and purchase, acquire, lease, hold, let and convey real and personal property for the use and benefit of the borough; any borough now in existence may by resolution of council adopt a name in the above form, and the borough clerk shall then file with the county clerk a copy of the resolution adopting said name, certified under his hand; after the filing of such certificate said borough shall be known and designated by the name so adopted, but no suit, proceeding or instrument shall be invalid because said borough shall be therein designated by its former name.

Special legislation necessary to incorporate, etc.

Shall be a body corporate.

Shall have succession, may sue, etc.

Boroughs now existing may adopt name and file same with county clerk.

OFFICERS—THEIR TERM OF OFFICE, POWERS AND DUTIES.

2. The elective officers of every borough shall be a mayor, six councilmen, an assessor, a collector, one or more justices of the peace, three commissioners of appeals in cases of taxation, and, in boroughs having a population of not less than three thousand inhabitants, or which embrace a whole township within their limits, one member of the county board of chosen freeholders, to be elected by the people.

Elective officers

Certain officers
to be appointed.

3. In addition to the officers to be elected there may be appointed a clerk, a borough attorney, a borough engineer, one or more marshals, an overseer of the poor, a pound-keeper, a superintendent of highways, a borough recorder, and so many other officers as may be deemed necessary by the said council, who shall perform such duties as are or may be provided for by law or ordinance of said council not in conflict with law; all of said officers, except the borough attorney and borough engineer, shall be residents of the borough, and all said officers shall hold office during the pleasure of the council, provided that no officer shall be removed without giving him opportunity to be heard; unless sooner removed, however, they shall hold office for one year and until their successors shall have qualified; whenever a vacancy in any such office occurs such vacancy shall be filled by appointment for the unexpired term only; the mayor shall nominate, and with the advice and consent of the council shall appoint, all officers in this act directed to be appointed, including the filling of vacancies in elective offices.

Term of office.

Consent of
council
necessary.

Terms of elective
officers.

Proviso.

Proviso.

Vacancies to be
filled by
appointment.

Annual election.

4. The mayor shall hold office for the term of two years and until his successor shall have qualified; the councilmen shall hold office for the term of three years and until their successors shall have qualified; *provided*, that their terms shall be so arranged, by lot if necessary, that the terms of two councilmen shall expire at the end of each year; the assessor and collector shall each hold office for the term of three years, the commissioners of appeals shall hold office for the term of three years; *provided*, that their terms shall be arranged, by lot if necessary, so that the term of one commissioner shall expire at the end of each year; all vacancies occurring in any of such offices from any cause shall be filled by appointment till the next annual election, and until the election and qualification of a successor; at said annual election the persons elected to supply such vacancies shall be elected for the unexpired term only; the term of office of all elective officers shall begin on the Monday next after their election.

5. There shall be held annually, at the same time as is provided by law for holding general township elec-

tions in the respective counties, an election for borough officers; the several county boards of registration shall appoint boards of registry and election for the boroughs in their respective counties; the borough council shall divide the borough into election districts when more than six hundred votes are polled at any election, and all elections held within such boroughs shall be governed by the laws regulating and governing elections in the several townships in this state; the persons voting at said elections shall be those who are qualified to vote at elections for members of the legislature; the borough clerk shall, at least eight days prior to and within thirty days next preceding the day of any state, county or borough election, cause to be put up in at least five public places within such borough, an advertisement, signed by him, which shall make known the time, place and purpose of holding such election; the borough clerk shall perform such other duties within the borough under and by virtue of the election laws of this state as are or may be required of the several township clerks in their respective townships.

6. At such election, in any borough by this act not entitled to a freeholder, the legal voters of the borough shall be entitled to vote within such borough for the chosen freeholder for the township out of which said borough has been formed, and if said borough embraces within its territory parts of more than one township, shall be entitled to vote for a chosen freeholder for the township in which a majority of such legal voters resided at the time of the incorporation of such borough; and the votes polled in such borough for freeholder shall be added to the votes polled in the township and canvassed in the same manner as the votes of the several election districts in the township are directed by law to be canvassed.

7. If any dispute shall arise or doubt shall exist as to which township shall contain the residence of a majority of the legal voters of any such borough, it shall be lawful for the council of such borough, or the township committee of any township interested, to apply to the judge of the court of common pleas of the county wherein such borough is situated, who shall proceed in

Boroughs not entitled to a freeholder to vote for freeholder of the township from which it was formed.

Such votes to be added to those cast in the township.

In case of dispute as to which township the borough's vote shall be added, the court shall decide.

a summary way, on such notice as he may direct, to ascertain in which township the greater part of the legal voters of such borough resided at the time of such incorporation, and his adjudication in writing, duly filed in the office of the clerk of said county, shall be final and conclusive evidence thereof.

All officers to
take oath or
affirmation.

8. All officers shall, within ten days after their election or appointment, and before entering upon the discharge of the duties of their office, take and subscribe an oath or affirmation faithfully and impartially to discharge the duties of their respective offices, shall file such oath or affirmation with the clerk of said borough, and upon failure so to do the said office shall be deemed to be vacant.

Certain officers
to give bond.

9. The collector and such other officers as the council may by ordinance or resolution require shall, before they enter upon the duties of their office, give bond to the borough in its corporate name in such sum and with such sureties as the council may require and approve, conditioned for the faithful performance of the duties of their office; the borough collector shall renew his bonds annually, between the fifteenth day of March and the twenty-fifth day of April in each year, and in default thereof the office shall be deemed vacant; *provided*, that when required by the council the collector shall give and the council may accept, in addition to said bond, a bond with like sureties, conditioned for the safe keeping and payment of all moneys coming to his hands as such collector.

Proviso.

Duties of mayor

10. It shall be the duty of the mayor to see that the laws of the state and the ordinances of the borough are faithfully executed, and to recommend to the council such measures as he may deem necessary or expedient for the welfare of the borough; he shall maintain peace and good order; he shall have power to suppress all riots and tumultuous assemblies in the boroughs; he shall have the same power, authority and jurisdiction in all criminal matters and in all matters relating to cases of bastardy, relief and removal and settlement of the poor, all breaches of the peace, all cases of vagrancy and disorderly conduct, as is conferred by law upon any one or two justices of the peace, and may hear, try and

determine according to law all suits and actions which may be brought for the recovery of any penalty prescribed for the violation of any ordinance of the borough, and also to hear, try and determine according to law all offences charged before him by complaint in writing, on oath or affirmation, to have been committed in violation of such ordinances for which the punishment is by fine or imprisonment; his court shall be a court of record, and all persons shall be amenable to punishment for contempt of said court in the same manner as in other courts of record having power to punish for contempt of court.

11. He is hereby empowered to commit any person who may be convicted before him of any breach of the peace, vagrancy or disorderly conduct, to the borough lock-up or county jail for any time in his discretion not exceeding ninety days, or to impose a fine not exceeding twenty dollars, or both; upon oath, affirmation or affidavit made according to law that any person has violated any ordinance of the borough, he may issue process in the nature of a summons or warrant, in his discretion, at the suit of said borough against the person so charged, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, in not less than three nor more than ten days; such process shall state what ordinance is alleged to have been violated by the defendant, and on the return of such process, or at any time to which the trial may be adjourned, the said mayor shall proceed to hear the testimony, and to determine and give judgment in the matter, without the filing of any pleadings; a copy of the ordinance alleged to have been violated, certified under the hand of the clerk of said borough, shall be taken as full and legal proof of the existence of such ordinance, and that all the requirements of law in relation to the ordering, publishing and making of the same have been complied with, unless the contrary be shown; if the said mayor shall find the defendant guilty he shall give judgment for the penalty mentioned in the ordinance violated, and such costs as are allowed in the justice's court for like proceedings; and he shall also, at the same time, and as a part of said judgment,

Power to commit
or fine.

May issue
processes.

Hear testimony;
give judgment.

Proviso. sentence the defendant, in default of the payment of the judgment and costs, to the borough lock-up or county jail for such period as may be authorized by such ordinance, and if no time be fixed in said ordinance, then for any period not exceeding ten days, in his discretion; *provided*, that if the defendant be a corporation execution may issue for said judgment and costs against the goods and chattels of said defendant; when the penalty imposed shall exceed twenty dollars, either party shall have the right of appeal to the court of common pleas at any time within ten days from the date of the judgment, in the same manner and upon the same terms as appeals may be taken from the court for the trial of small causes; *provided*, that if the defendant appeal he shall give a bond in double the amount of the judgment and costs, with one responsible freeholder, resident of the county, as surety; a commitment, however, may issue at any time before the taking of an appeal for the imprisonment of the defendant, which said commitment shall be vacated either by appeal or by the payment of the judgment and costs; in all criminal proceedings, and in all proceedings and convictions under this act, the mayor shall receive the same fees as are by law allowed to justices of the peace for like services; except when otherwise directed by this act, all proceedings before the mayor shall, as nearly as may be, be regulated by the provisions of and conducted in the manner prescribed by the several acts of the legislature of this state, in and by which the like proceedings before justices of the peace are or shall be regulated as said acts and the supplements and amendment thereto shall from time to time be in force, and all suits, actions and proceedings before him for the recovery of any penalty for the violation of a borough ordinance shall, as nearly as may be, be regulated by the provisions of and conducted in the manner prescribed in and by an act of the legislature of this state entitled "An act constituting courts for the trial of small causes," and the several supplements and amendments thereto, as the same are and from time to time shall be in force.

Fees, same as allowed justice of peace.

Proceedings to be in accordance with like proceedings before justice of peace.

Keep record. 12. He shall keep a record in a book to be provided for that purpose of all the proceedings and convictions

before him and under this act, and shall pay over to the collector all fines and penalties to be held by him subject to the order of the council; in all cases where the fine or penalty shall exceed twenty dollars, or where the punishment shall be imprisonment for a term exceeding seven days, there may be a trial by jury, to be conducted as in cases now triable in courts for the trial of small causes; all process, writs or warrants issued by the mayor may be directed to one of the marshals of the borough, or to any constable of the county, who shall duly execute the same; such process, writs or warrants may be served or executed throughout the county within which the borough is situated, or in other counties, in like manner as process and writs of justices of the peace are served and executed.

When trial by jury may be had.

Writs, etc., issued by mayor; how served.

13. The council may appoint some fit person resident in said borough to be borough recorder; he shall have the same jurisdiction and power in criminal matters, cases of bastardy, relief, removal and settlement of the poor, breaches of the peace, vagrancy and disorderly conduct, and violations of borough ordinances as is vested in the mayor, the same power and authority to issue process, try and determine said causes, and fine or imprison upon conviction, and shall receive the same fees.

Council may appoint recorder; his powers, etc.

14. The marshals shall be the policemen of the borough and shall have all the powers and authority of the several constables in this state in criminal matters, and in the service and execution of all writs and process, both civil and criminal, issued or to be issued out of any of the courts of this state, and in the performance of all other duties now performed or to be hereafter performed by said constables, and shall receive therefor the same fees as are had and received by the said constables for the like service; they shall have power to arrest upon view, without warrant, and bring before the borough recorder or mayor of the borough, any person whom they may see committing a breach of the peace or violating any law of the state or ordinance of the borough, to be dealt with according to law.

Marshals.

15. The borough clerk shall attend all meetings of the council, keep a correct record of all their proceedings

Clerk; duties, etc.

and perform such other duties as the council may require of him or as may be directed by law; upon the appointment of his successor he shall deliver to him all books, papers and property of the said borough in his possession; he shall have power and authority to take and administer oaths, affirmations and affidavits in all borough matters required.

Assessor;
duties, etc.

16. The assessor shall be a member of the county board of assessors and shall possess and perform in each borough the like powers and duties as are possessed and performed by the assessors of the several townships of this state, and such other duties in relation to the assessment of taxes as the council may by ordinance or resolution require, and he shall, at the same time as is required of township collectors in their respective townships, deliver the duplicate of such assessment to the council for revision, addition and correction (as provided by law).

Collector;
duties, etc.

17. The collector shall possess and perform in each borough the like powers and duties possessed and performed by the collectors of the several townships in this state, and in addition thereto shall act as treasurer of said borough, and 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, which said taxes, assessments and moneys shall be held by said collector; all said moneys shall be paid out by him only upon a warrant ordered by the council, signed by the mayor, attested by the borough clerk, which said warrant shall be numbered and be made payable to the order of the person entitled to receive the same, and shall state the fund against which drawn and be dated the day upon which the same was ordered issued by the council; *provided, however*, that it shall not be lawful for the council to order warrants drawn on the collector except at a regular meeting or an adjourned regular meeting; the collector shall enter in suitable books to be kept for the purpose the sums received by him each day for taxes, with the names of the persons on whose account the

Proviso.

same shall be paid, shall keep a record and account of the finances of the borough, and shall, on the Tuesday two weeks before the annual borough election or when otherwise required by the council, make and furnish a report thereof, with a detailed and true statement of all moneys received by him, and of all moneys disbursed therefrom and for what purposes, from the commencement of his official year to the date of his report, or for such period as the council may require, and a list of delinquent taxpayers for the previous year, which report, with two copies of said statement and said list of delinquents, he shall file with the borough clerk at least twelve days before the annual borough election, or when otherwise required by the council.

18. The collector shall, in addition to the annual report and statement above required to be made by him, when requested to do so at any time by the council, render to said council a true and full account of all moneys collected by him as such collector up to such time, and of all payments made by him out of said moneys, and for what purpose, and shall also, when required by resolution of said council, deposit in any bank or banking institution designated by them all moneys then in his hands or thereafter collected or received by him for any purpose, in the corporate name of such borough, subject to drafts thereon, to be signed by the said mayor, attested by the borough clerk and countersigned by the said collector.

Additional
duties of
collector.

Drafts; how
drawn.

19. If any such collector shall not comply with any such requirement, demand or direction of the council as herein provided, he shall forfeit and pay to such borough the sum of one hundred dollars, to be recovered in an action upon contract in any court of competent jurisdiction; or the council may by resolution remove him from office, first giving him opportunity to be heard, and may recover the amount of money in his hands belonging to said borough, or with which he is chargeable as collector and treasurer, by appropriate proceedings against said collector or the sureties on his official bond.

Penalty for not
complying with
demands of
council.

20. The assessor and collector shall receive such yearly compensation for their services as the council

Compensation
assessor and
collector.

shall by ordinance fix and determine, which compensation shall not be increased or diminished during the term for which such officer was elected.

Powers and
duties of certain
officers.

21. The justices of the peace, commissioners of appeals, overseers of the poor and pound-keepers shall, in addition to the powers and duties conferred upon them by this act, respectively possess such powers and discharge such duties as by law are or may be conferred or imposed upon similar officers in the several townships of this state, and as may be consistent with this act.

Compensation.

22. The mayor and councilmen shall receive no compensation for their services; all other officers shall be paid such salary or compensation as the council may by ordinance or resolution fix, saving to the said mayor, borough recorder and marshals all fees allowed by law; *provided, however*, that the council in fixing any salary may determine that such salary shall be in lieu of all fees.

Proviso.

MEETINGS AND ORDINANCES.

Composition and
meeting of
council.

23. The mayor and councilmen of every borough shall constitute the council thereof, and shall meet on the first Monday after each annual election (which meeting shall be denominated the annual meeting), and thereafter at such time and place as they may by resolution direct, or to which their meetings may be adjourned; *provided*, that all regular meetings shall be held within the borough; three councilmen and the mayor shall constitute a quorum for the transaction of business, but a smaller number may meet and adjourn from time to time; all meetings shall be presided over by the mayor except as herein otherwise provided, but he shall not vote except to give the casting vote in case of a tie; in the absence of the mayor, four councilmen shall constitute a quorum; it shall be the duty of the mayor, when necessary, to call special meetings of said council; in case of his neglect or refusal it shall be lawful for any four members of said council to call such meeting at such time and place in said borough as they may designate, and in all cases of special meetings notice shall be given to all the members of said council or left at their place of residence.

Proviso.

24. The council, at the annual council-meeting, shall, by the vote of a majority of said council, elect from their number a president of the council, who shall preside at all their meetings when the mayor does not preside; he shall hold his office for the term of one year and until the next annual council-meeting; he shall have the right of debate and a vote on all questions before the council; in case the council at said annual meeting fail to elect a president, the mayor shall appoint the president from the council, and in that case no confirmation by the council shall be necessary.

President of council.

25. In case of the mayor's absence from the borough for a period of three days, or in case of his inability to act by reason of sickness or other cause, the president of the council shall perform all the duties of the mayor during such absence or inability; *provided, however,* that it shall be the duty of the mayor, in case of his intended continued absence from the borough for more than three days at any one time, to notify the said president in writing of such intended absence, whereupon the said president shall be and become acting mayor from the receipt of such notice and shall continue to act until the mayor's return.

Duties of president of council.

Proviso.

26. All ordinances shall be submitted in writing at a regular meeting of the council and passed at a subsequent regular meeting; *provided, however,* that no ordinance shall be finally passed, no officer appointed or removed or salary fixed except by the vote of a majority of the whole council; if approved by the mayor, or passed over his veto, or if not returned by him with his approval or veto within five days (Sundays excepted) after he receives it, every ordinance shall be recorded in full by the borough clerk in a proper book to be kept for that purpose, and advertised by copies set up in at least ten public places in said borough for at least one week, or published in a newspaper published in or near said borough by insertion for two successive issues; said ordinance shall not take effect until so posted or published, but in every case where such ordinance may come in question or be enforced, such posting or publication shall be presumed to have been had until the contrary thereof be shown.

Ordinances.

Proviso.

Ordinances and
certain
resolutions to be
presented to the
mayor.

In case of
disapproval.

Proviso.

27. Every ordinance passed by the council and every resolution appropriating, or in any way tending to pecuniarily obligate the borough, and also resolutions auditing or directing the payment of bills or demands, together with such bills, shall, within five days after the passage thereof (Sundays excepted), be presented to the mayor and the report of the clerk shall be conclusive evidence that such ordinance or resolution has been so presented; if he approves it he shall, within five days (Sundays excepted) after its receipt by him, sign and file it with the borough clerk, if not he shall within the same time return the same to the clerk with his objections thereto in writing, and the council shall at their next meeting cause the objections to be entered at length on their minutes, and proceed to reconsider the same, and if two-thirds of all the councilmen shall at said meeting, or at any subsequent meeting to which they shall postpone its reconsideration, vote to pass the same over said veto, it shall take effect; if such ordinance or resolution shall not be so returned by the mayor within five days (Sundays excepted) after he receives it, it shall take effect in like manner as if he had signed it; *provided*, that if any such ordinance, resolution or bill shall contain more than one distinct section, clause or item, the mayor may approve one or more thereof and veto the rest.

POWERS OF COUNCIL.

Powers of
council to pass,
enforce, alter or
repeal
ordinances.

28. The council of said borough shall have power:
I. To pass, enforce, alter or repeal ordinances to take effect within the limits of said borough for the following purposes: To manage, regulate, protect and control the finances and property of the borough; to ascertain, establish and alter the grade and boundaries of the streets and roads in said borough and to regulate the use thereof; to declare what shall be considered nuisances in the streets, roads, lots and places in said borough; to prevent and remove all obstructions, encroachments, incumbrances and nuisances in and upon any street, road, or sidewalk, or other public place in said borough; to prescribe the manner in which

corporations or individuals shall exercise any privilege granted to them in the use of any street, road or highway, or in digging up the same for any purpose whatever; to regulate the planting and protection of shade-trees in the streets and parks; to name and number the streets and houses; to provide for and enforce the removal of snow and ice from the sidewalks and gutters of streets by the owners of and occupants of the land fronting thereon, and to provide that in case of the refusal or neglect of said owner or occupant to comply with said ordinance that the council may cause the same to be done at the expense of said owner, and that the cost thereof as ascertained by said council, with interest thereon, shall be added to and form a part of the taxes next to be levied and assessed upon such lands, and shall be a lien upon said lands until paid; to prevent horses, cattle, sheep, swine, dogs, goats and other animals from running at large in said borough, and to provide for the impounding and sale of the same; to fix the fees to be paid to persons impounding animals, and the fees to be paid for the redemption of said animals to provide for the destruction of dogs running at large; to prevent immoderate or fast riding or driving on the streets or roads and public places in said borough; to regulate the use of the streets of the borough by street railway companies; to require such companies to lay and confine their tracks according to such grades of the streets as may be established by said council; to prevent riots, disturbances, breaches of the peace and disorderly assemblages in the streets or in any house or place in said borough; to prevent and suppress gaming-houses and houses of ill-fame, and to prohibit gaming for money or other valuable thing, to restrain or punish indecent or disorderly conduct or drunkenness, and restrain and punish all street beggars, mendicants, tramps and common prostitutes, and to suppress vice and immorality; to provide for the maintenance of the health of the borough; to establish, equip and regulate a police department, to adopt rules for its government and fix and enforce penalties for the violation of said rules; to provide for the sewerage or drainage of the borough

and for the laying of pipe for the conveyance of water or gas for private and public use in the streets, highways, alleys or beneath the sidewalks of said borough, and to regulate the same; to provide means for extinguishing fires in said borough and for the protection of property in said borough from destruction by fire; to establish, equip and regulate a fire department; to provide for and regulate the lighting of streets and public places of said borough, the construction or purchase of suitable plants, works and machinery for supplying light for public or private use and for the maintenance and operation thereof, the protection of property from the encroachment of the sea, and the construction of public walks along any beach or ocean front, the construction and maintenance of public docks on tide-water, the erection, purchase or renting of a suitable building or buildings to be used as a borough hall or a lock-up for said borough, and for the safe and proper keeping and care of the persons confined therein, the purchase, establishment and maintenance of public parks or squares; to license and regulate the use of stages, street cars, and other carriages and vehicles used for the transportation of passengers, baggage, merchandise, and goods and chattels of every kind, also to designate and select stands and places which cartmen and all other persons engaged in carrying passengers, baggage and merchandise shall be privileged to occupy when soliciting business, and to prevent the occupying of other places for such purposes; to license or regulate the use of street sprinklers and of all vehicles used in any business or occupation for the purpose of soliciting orders or delivering goods within the limits of the borough; to license and regulate common criers, hawkers, peddlers, auctioneers, pawnbrokers, news-stands, sweeps, scavengers, traveling and other street shows, street exhibitions, parades, circuses, all public places of amusement, shooting-galleries, bowling-alleys, billiard-saloons, organ-grinders, itinerant venders of medicines, remedies and merchandise, and to fix the license fees to be paid therefor, which may be imposed for the purpose of revenue; *provided*, that no person or persons shall be required to take out a license

Proviso.

in order to sell at wholesale nor to sell any produce of his farm; to provide generally for the peace, quiet and good order of said borough and the welfare and protection of persons and property therein;

II. To appropriate from time to time from the moneys raised for borough purposes as hereinafter provided, or received from any other source, such sums as may be necessary for the proper carrying into effect of the provisions of this act; to fix and prescribe penalties for the violation of any ordinance or section thereof in a sum not more than one hundred dollars, or by imprisonment not exceeding ninety days in the borough lock-up or county jail, as may be designated by the council.

To appropriate moneys raised and fix penalties.

29. The council shall have power by ordinance or resolution to appropriate and provide for raising by taxation money for the following purposes:

To provide by taxation for various purposes.

I. For lighting the streets and public places of the borough, and the maintenance and operation of any lighting-plant owned by the borough;

II. For the support of the police department;

III. For maintenance of the fire department;

IV. For regulating, cleaning, sprinkling and keeping in repair streets and sidewalks;

V. For paving, graveling, macadamizing or telfordizing the streets of the borough and the laying of crosswalks therein;

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 borough and such part of the principal as shall from time to time become due and payable;

IX. For any sinking fund required or deemed advisable to be raised;

X. For the payment of the cost of any public improvement in anticipation of the collection of assessments upon the property benefited, and so much of the cost of any public improvement as shall not be covered by the assessments upon the lands benefited by such improvements;

XI. For the general incidental expenses of the borough;

XII. For the maintenance and operation of a system of water-works and water-supply;

XIII. For the maintenance and operation of a system of sewerage and drainage;

XIV. For acquiring, maintaining, regulating and protecting public grounds and parks, and public docks on tidewater;

XV. For the purpose of providing music for the public parks and other public places to which the people resort for their recreation and amusement; *provided, however*, that the total amount appropriated and provided to be raised by taxation in any one year shall not exceed a sum equal to twenty mills on the dollar of the assessed value of the property in the borough for that year, exclusive, however, of all state and county taxes and all moneys raised within the borough for school purposes, or to be paid on account of the principal or interest of any bonded debt.

Proviso.

When greater sum necessary, notice to be given and amount voted at annual election.

30. Whenever a greater sum of money shall, in the opinion of the council, be necessary to be raised in any one year, the council may give notice, by advertisement posted in five of the most public places in the borough, at least two weeks prior to the annual borough election, stating the sum of money necessary to be raised and the purpose for which said money is needed; at such election the legal voters may by vote, and upon the same ballot used in voting for borough officers, designate the sum of money to be raised for such purpose, and the sum of money receiving the largest number of votes may, by resolution of the council, be ordered assessed and collected, notwithstanding any limitation herein contained.

Council may contract for street lighting, or, if it owns a plant, may supply private consumers.

31. The council may enter into a contract with any private company for the lighting of the streets of the borough with gas, electricity or otherwise for any period of time not exceeding five years; where the borough is the owner of the lighting-plant the council may supply light to private consumers within or without such borough upon such terms, rates and prices and under such regulations as may be determined upon by said council.

32. The council may borrow money temporarily in the name of the borough in anticipation of taxes or assessments, not exceeding three-fourths of such anticipated taxes or assessments.

May borrow money temporarily

33. The council shall have power and authority by ordinance to :

I. Lay out, open, widen, straighten, alter or vacate any street, avenue or section of the same (the word section in this act to be understood as meaning a part of a street or avenue bounded by two cross-streets or avenues), and to take and appropriate for any of such purposes any lands and real estate, upon making compensation to the owner by purchase thereof at a price agreed upon, and where an agreement as to compensation cannot be made, by the payment of damages as hereinafter mentioned and provided ;

Power by ordinance to lay out, etc., streets, etc.

II. To grade or re-grade, curb or re-curb, gutter or re-gutter, pave or re-pave, or otherwise improve the streets and gutters in any street, avenue or section of the same, to construct public walks along any beach or ocean front, to provide suitable protection for property from encroachment by the sea, and to cause the cost of such improvement to be assessed upon the lands fronting on the street, avenue or section thereof so improved to the extent of the benefit received ; it shall be lawful to provide in one and the same ordinance for the making of more than one of the above improvements, provided the same be made on the same street, avenue or section thereof ; *provided*, that the commissioners of assessments shall assess and return separately the damages incurred or benefits received thereby ;

To improve streets

III. By general or special ordinance to provide for constructing, re-laying, repairing and keeping in repair the sidewalks on any and all streets, roads or public places in the borough at the cost and expense of the owner or owners of the lands in front of which the same may be so constructed, re-laid or repaired.

Proviso

Sidewalks.

34. The council shall have power to construct and maintain docks on tide-water, to acquire lands for that purpose by purchase or condemnation, to fix the terms on which said docks shall be used by the public, or by individuals, and to regulate the use of the same.

Docks.

Method of
condemnation.

35. Whenever it shall be necessary for any public work, improvement or use herein authorized to acquire lands by condemnation and the proceedings for such condemnation shall not herein be specified, it shall be lawful to condemn and take such lands in the same manner and by the same proceedings as is hereinafter provided in case of the construction of a system of water-works and water-supply.

Assessor's map.

36. The council may cause an assessors' map of the borough to be made, among other things showing the location and width of each street, road or avenue and of each individual lot of land or premises, and cause the same to be numbered or otherwise designated thereon, and may for that purpose issue certificates of indebtedness for the cost thereof, redeemable after one year and payable in seven years from date, together with such rate of interest not exceeding six per centum per annum as may be advisable, and it shall be a sufficient description of property for the purposes of taxation to refer to the said map by lot and block number.

Accept streets,
etc.

37. The council shall have power by ordinance to accept any street, road or public place, and to accept any beach front when the same shall have been dedicated to the public use.

Publish annual
statement.

38. The council shall at least one week prior to the annual election publish in pamphlet form or by advertisement in a newspaper issued in such borough, if there be such a newspaper, and if there be none, in a newspaper published in the county and having the largest circulation in such borough, an itemized statement of the receipts and expenditures for borough purposes within the past year, and a proposal of the sum of money which they shall deem it necessary to raise by taxation for the ensuing year, and the principal objects for which it shall be expended.

POWER TO ISSUE BONDS.

Coun il may
issue bonds for
certain purposes.

39. The council of any borough may issue bonds under the signature of the mayor and borough clerk, with the corporate seal affixed, for the following purposes: for laying out, opening, widening, vacating,

straightening, altering, grading or extending streets, avenues, roads, sidewalks and crossings, for telfordizing, macadamizing, paving, graveling, curbing, flagging, cleaning and keeping in repair the same; for lighting of streets or public places, and the construction or purchase of suitable plants, works or machinery for the supplying light for public or private use; for the construction or purchase of water-works or a plant for the supply of water for domestic or public use; for the purchase or construction of sewers, drains, or of a system of sewers or drains; for protection of property from fires; for protection of property from encroachment of the sea; for the purchase and establishment of public parks or squares, and the construction and purchase of public docks on tide-water; for the purchase of property for the use of the borough; for building a borough hall or lock-up; for the building of fire engine houses; for constructing public walks along any beach or ocean front; for the payment and refunding of any existing bonds due or about to fall due; or for any other public improvement, work or purchase of property authorized by law; the aggregate of bonds issued by the borough shall not at any time exceed ten per centum of the amount of the assessed valuation of the property in said borough, as shown by the latest assessment of valuation thereof; said bonds shall be payable at such time or times, not more than thirty years from the date thereof, respectively, and shall bear interest, payable at such time and at such rate, not exceeding six per centum per annum, as the council may decide; the existing indebtedness of any school district within the borough, or any indebtedness hereafter incurred for school purposes, and any notes, certificates or other obligations issued in anticipation of the collection of taxes, shall not be computed as a part of the indebtedness of the borough within the meaning of this section; the said bonds may be either registered or coupon bonds, or both; they may be disposed of at public or private sale, under such terms and conditions as the council may direct, at not less than par.

Limitation to
amount of issue.

Time and rate.

Existing
indebtedness of
school district
not included.

40. The proceeds of such bonds shall be appropriated only to the payment and cancellation of such indebted-

Proceeds of
bonds.

ness as shall have been or may be incurred for the improvement or other object set forth in the resolution of the council for the issue of said bonds.

Issue of bonds.

41. Whenever in the judgment of the council it shall be necessary to issue bonds they may by resolution fix the amount thereof necessary to be issued, and shall in such resolution also set forth generally the object for which said bonds are to be issued; upon receiving and filing in the office of the borough clerk a consent in writing to the issue of such bonds, signed by the owners of more than one-fourth in value of the taxable property in said borough, as shown by the latest assessment of valuation thereof, which consent shall, as to each property owner, specify the location and assessed value of his or her property as shown by said duplicate, and shall be verified by the oath of said assessor, said council may submit the question of such issue to the voters of the borough at an annual or special election, of which special election, and the object thereof, at least thirty days' notice shall be given by advertisements, signed by the borough clerk, posted in at least three public places in such borough, and printed once each week for at least three weeks in a newspaper published in the borough, if any such exists, or if none, then in a newspaper published in the county wherein the borough is situate, and circulating in the borough; at such special election the only question submitted shall be: "In favor of the issue of bonds according to resolution of council, dated — ——" (inserting in said blank the date of such resolution), or "Against the issue of bonds according to resolution of council, dated — ——" (inserting in said blank the date of such resolution); said election shall be by ballot, shall be held by the election officers of the borough upon the day appointed by the council; the polls shall be kept open for the time provided by law for general elections in said borough, and such election shall be in all respects conducted and the vote canvassed in the manner provided by law for such general elections; there shall be no registration for such election, but the board of elections shall procure and use at such special election a certified copy of the register of voters used at the last

preceding general election, and no person shall be entitled to vote whose name does not appear on said register; if a majority of the ballots cast at such election shall contain the words "In favor of bonds according to resolution of council dated — ——" (inserting in said blank the date of such resolution), it shall then be lawful for the council to issue such bonds; *provided, however*, that if within ten days after the adoption of such resolution and the filing of such consent a remonstrance or remonstrances against such issue of bonds, signed by the owners of one-half in value of the taxable property in said borough as shown by the latest assessment of valuation made by the assessor, be filed with the clerk, no such election shall be called or held, and no further proceedings taken based on such resolution and consent; *and provided, further*, that no consent of property owners or vote by the people shall be necessary to the issue of bonds for the purpose of meeting and paying any bonds previously issued and about to become due.

Proviso.

Proviso.

42. The council of any borough may order and cause to be assessed and raised by tax every year such sums of money, in addition to other moneys to be raised by said borough, as they may deem requisite to provide for the payment of outstanding bonds when due; whenever the council shall deem it expedient to create a sinking fund for the payment of any bonds of the borough to fall due at a future time, it may by resolution create and establish such a sinking fund, and there shall thereupon be appointed three suitable persons, residents and freeholders within the borough, as commissioners to receive, take charge of, invest and pay over such sinking fund in the manner hereinafter provided; which commissioners, when so appointed, shall be officially designated as "commissioners of the sinking fund of the borough of ————" (inserting the name of the borough); of the three commissioners so appointed in the first instance, one shall be appointed to hold office for one year, one for two years and one for three years from the date of their appointment, and one such commissioner shall be appointed annually thereafter, to hold office for a term of three years and to take the

Provision for
payment of
bonds.

Sinking fund.

Appointment of
commissioners.

Give bonds, to
be renewed
annually.

place of the commissioner whose term then expires, any vacancy to be filled by appointment for the unexpired term only; such commissioners, before entering upon the discharge of the duties of their office, shall severally enter into a bond to such borough, in such amount as the council of such borough shall, by resolution, fix and require, and with corporate or individual sureties to be approved by the council, conditioned for the honest and faithful discharge of the duties of his office as commissioner of the sinking fund of such borough, which bond shall be renewed annually and shall be filed with the borough clerk.

Duties of
commissioners
of sinking fund.

43. The commissioners of the sinking fund when duly appointed and qualified shall be the custodians of all such moneys as shall be levied and raised in the borough for the purpose of paying off and retiring the bonded indebtedness of the borough for which such sinking fund is to be raised, and of all moneys raised by assessment upon the property benefited by the improvement for which such bonds were issued; it shall be the duty of the borough collector to pay over to said commissioners all moneys raised by taxation for the payment of the principal of any bonds, together with all moneys collected by him on account of the assessments upon the property benefited by such improvements; it shall be the duty of the commissioners to loan and invest such funds and the interest accruing thereon from time to time and keep the same loaned and invested at interest, upon such securities as the school fund of this state may be lawfully loaned and invested upon, but in the corporate name of said borough, and to pay the principal of said fund into the borough treasury when thereto required by resolution of the mayor and council of the borough for the purpose of paying off and retiring such bonded indebtedness; it shall be the duty of said commissioners annually, on the fifteenth day of February, and at such other time or times as they may be required so to do by resolution of the mayor and council, to furnish a report to the mayor and council of the borough and a detailed statement of the condition of such sinking fund in their hands, showing all receipts, disbursements and investments on that account by them during

the twelve months next preceding such accounting, and giving the designation of such securities as may be in their hands for such funds as they may have loaned or invested; such commissioners shall receive no compensation for their services, but all expenses necessarily and properly incurred by such commissioners in the discharge of their duties shall be a legitimate debt of the borough and be payable out of the sinking fund.

Commissioners
to receive no
compensation.

44. The council shall have power to issue improvement certificates, payable within five years or less, with interest, to the amount of eighty per centum of the work done on any street, sewer or other improvement, when certified as correct by the engineer in charge of the work; and when the contract is fully completed and the work accepted, the council may issue a certificate for an additional ten 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 defect or errors are rectified to the satisfaction of the council.

Council may
issue
improvement
certificates.

TAXES AND ASSESSMENTS.

45. In addition to the provisions of this act all general laws applicable to the assessing and collection of taxes in the several townships of this state shall apply to the assessing and collection of taxes in boroughs, and all assessments shall be collected in the same manner as taxes, except as herein otherwise provided; all taxes shall, from the twentieth day of December in each year, and all assessments shall, from the date of confirmation of the same by the council, together with interest thereon, and all costs, fees, charges and expenses incident thereto, be and remain a first and paramount lien upon the lot of land against which said tax is levied or assessment made, and while unpaid shall remain such lien for the space of two years from the said twentieth day of December and the date of confirmation, respectively, notwithstanding any devise, descent alienation, mortgage or other encumbrance thereof;

Laws applicable
to assessment
and collection of
taxes.

Taxes and
assessments to
be first lien.

Unpaid taxes and assessments; how collected.	taxes shall be payable on the twentieth day of December in each year, and assessments within sixty days after the date of confirmation; in case any tax shall remain unpaid for six months after the said twentieth day of December, and in case any assessment so made shall remain unpaid for the space of six months after the date of confirmation thereof, it shall be the duty of the council to proceed to collect the same by issuing their warrant to the borough collector for the sale of the lands or real estate against which said taxes or assessments are a lien, in the same manner and to the same effect as is provided in 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 amendments and supplements thereto; all subsequent proceedings for the sale for said taxes shall be conducted in the manner prescribed by said act; the duties therein imposed and the powers therein conferred upon the township clerk, the township collector, the chairman of the township committee and the township committee, or a majority of them, shall be performed and possessed by the borough clerk, borough collector, mayor, and borough council, respectively; <i>provided</i>, that all fees and costs therein authorized or imposed shall be paid into the borough treasury for the use of said borough.
Proviso.	46. There shall be apportioned to the borough by the proper officers, in the manner provided by law, the just proportion of the state and county taxes to be raised within the borough, which tax shall be assessed and collected by the borough assessor and collector, respectively, and shall be paid to the county collector by the borough collector under the warrant of the council.
State and county taxes to be apportioned.	47. The school tax to be levied, assessed and collected within said borough shall be levied, assessed and collected by the borough assessor and collector respectively, and said collector shall receive and hold the school moneys so collected in the same manner as borough moneys, but shall pay out the same only on the order of the district clerk or treasurer of the school district in the manner provided by law; if the borough is not a
School tax.	

separate school district there shall be levied and collected within said borough such proportion of any moneys appropriated or raised for school purposes within said district as the assessed valuation of said borough may bear to the valuation of the entire district.

48. The commissioners of appeal in cases of taxation shall meet annually on the fourth Tuesday of November to hear and determine all complaints of unjust taxation; they shall sit from ten o'clock in the forenoon until five o'clock in the afternoon, or longer, if found necessary to dispose of all cases submitted to them for consideration, and shall give public notice of the time and place of such intended meeting, in any newspaper printed in the borough, if any there be, and if none, in any newspaper printed in the county, if any there be, at least ten days previous to such assembling, and by handbills posted in five of the most public places in said borough.

Commissioners
of appeals.

49. Any person paying 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 the rate of six per centum per annum from date of such payment to the aforesaid twentieth day of December.

Discount
allowed in
certain
instances.

50. Any ordinance, general or special, providing for the construction, re-laying, repairing and keeping in repair the sidewalks on any streets, roads or public places within the borough, shall provide for allowing the owner or owners of the lands in front of which said sidewalks may be so constructed, re-laid or repaired at least thirty days' time in which to perform the work required thereby, and that written notice of the required work be sent to such owners by mail, if their postoffice address be known; if not known, then by posting such notice on the premises affected thereby, or leaving the same with any occupant thereof, or by personal service if said owner be resident within the borough.

Ordinance
regarding
sidewalks to
allow thirty
days.

51. In case said owner or owners shall fail to construct, repair or keep in repair such sidewalk according to the requirements of any such ordinance, the council shall cause the work to be done, and the cost thereof with interest shall be, by resolution of the council,

In case of failure
to comply,
council shall
cause the work
done, and cost to
become a lien.

assessed upon the lot or lots of land in front of which such sidewalks shall have been so constructed or repaired; said resolution shall set forth the name of the owner, a description of the lot owned and the amount assessed thereon and be entered at length on the minutes; a copy thereof certified by the borough clerk shall, within ten days thereafter, be delivered to the collector of taxes for said borough, who shall at once enter the same in a book provided for that purpose, to be called "sidewalk assessments"; such assessments shall become and remain a lien on said lots and shall be enforced in the manner herein provided for other assessments for public improvements.

Commissioners
of assessment.

52. It shall be lawful to appoint three discreet persons, residents and freeholders of the borough, to be commissioners of assessment; said commissioners shall make all assessments in favor of the owner of lands or real estate damaged or taken, or upon the owner of any lands or real estate for benefits conferred by any general or local improvement; if any of the said commissioners shall be interested in the matter of any assessment, the council shall appoint some discreet and impartial freeholder or freeholders, resident in said borough, 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 the 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 borough is hereby authorized to administer.

Application for
improvement
necessary.

53. Every ordinance passed pursuant to subdivisions I and II of section thirty-three shall be preceded by an application in writing for such improvement, describing the nature, kind and extent of the work or improvement desired, signed by at least ten freeholders of the borough.

Action in case
of application.

54. The council, upon receiving the application referred to in the preceding section and upon the intro-

duction of the ordinance for the making of such improvement, shall cause the clerk to give public notice of such proposed improvement, briefly describing it and stating the time when and place where the council will meet to receive and consider objections thereto, which time shall be not less than ten days after the date of such notice; said notice shall be posted in five of the most public places in said borough for at least one week prior to the date therein named, and if at the time and place so specified the owners of one-half of the property fronting within the limits mentioned in said application do not object thereto in writing, said council may proceed to pass said ordinance directing such improvement to be made; if such objection be filed, however, said ordinance shall not be passed and no further proceedings shall be taken thereon, and no new application for such improvement shall be entertained by the council for the space of one year thereafter.

55. As soon as may be after the completion of any such improvement, the expense thereof, including surveying, when required, and a moderate allowance, to be determined by the council, for the cost of making the assessment hereinafter provided, shall be ascertained and determined by the said council and be entered by resolution upon the record of their proceedings, and the amount so ascertained and determined shall thereafter be treated as, and held to be, the true and actual expense of making such improvement.

Expense of improvement ascertained.

56. The council shall thereupon cause a copy of said resolution ascertaining the expense of such improvement, attested by the clerk, to be delivered by him to the commissioners of assessment, or any one of them; the said commissioners shall thereupon appoint a time and place of meeting for hearing the parties interested in such improvement, the clerk shall forthwith give public notice of the time and place of such meeting, by posting such notices at five public places in the said borough two weeks prior thereto; and the nature of such improvement shall be briefly stated in said notice, so as to sufficiently identify the same.

Resolution ascertaining expense to be delivered to commissioners of assessment.

57. When any such improvement ordinance shall require the taking of any lands or real estate, the ordi-

Action when real estate is needed.

nance, when introduced, shall be accompanied by a map prepared under the direction of the council, showing the location and character of the improvement, the lands and real estate, if any, to be taken therefor, and the name or names, as far as can be ascertained, of the owners of such lands and real estate; upon the passage of such ordinance said map, together with a copy of the ordinance duly attested by the borough clerk, shall without delay be handed by him to the commissioners of assessment, or any one of them, and the said commissioners shall thereupon appoint a time and place of meeting for hearing all parties interested in such improvements, and notice thereof shall be given in the manner hereinbefore specified.

Duties of
assessment
commissioners.

58. The commissioners of assessment shall attend at the time and place appointed; two of them shall be a quorum for the transaction of business, and sufficient to make any assessment, but one member shall have power to adjourn any meeting; the commissioners may adjourn from time to time; they shall give all parties interested in or affected by the improvement ample opportunity to be heard upon the subject of the assessment; they shall view the premises and have power to examine witnesses under oath or affirmation administered by any one of them; they shall thereupon make a just and equitable assessment of the damages or benefits, as the case may be, separately along the line of the improvement, and with due regard to the rights and interests of all persons concerned, as well as to the value of the lands and real estate taken, damaged or benefited; they shall certify their assessments to the council by a report in writing, signed by at least two of their number; said report shall be accompanied by a map showing the lands and real estate taken for (or damaged by) said improvement and for which they have assessed damages or benefits; such report may be considered by the council at any meeting of which at least two weeks' previous notice shall have been given by the clerk, posted in five public places in the borough, and also served in person by the said clerk upon the land-owner or owners named in said report, if resident in said borough, or if non-residents, by mailing a copy of said notice to such owner or owners, directed

Council to
consider report.

to them at their post-office address, if the same can be ascertained, and by posting the same conspicuously upon some part or parts of said lands; the affidavit of said clerk shall be conclusive as to the manner of such service, and shall be attached to the report as a part thereof; the notice shall briefly state the object of the meeting with reference to said assessments; at that or any subsequent meeting the council, after considering the said report and map, shall and may adopt and confirm the same with or without alterations, as to them may seem proper; it shall be lawful for the said council to refer the matter to any committee or committees of their own body for further examination before taking final action upon it; and when the report shall be so adopted and confirmed, with or without alteration, the same shall be final and conclusive upon all parties, except as to such assessments, from which appeals may be taken as hereinafter provided.

59. Any person or persons feeling aggrieved by any such assessment of damages for any lands and real estate taken for or damaged by any such improvement, may appeal to the circuit court of said county, at any time within sixty days after the final adoption of said report by the council, and said court shall thereupon order a trial by jury to assess such damages anew, and said trial shall be conducted as in other cases of trial by jury; *provided*, that the completion of said improvement shall not be delayed thereby, and that the council may proceed therewith as though said appeal had not been taken.

Parties feeling
aggrieved may
appeal to court.

Proviso.

60. Before any such improvement shall be carried into effect it shall be the duty of the borough collector, under the direction of the council, to pay or tender unto the owner or owners of lands and real estate taken therefor or damaged thereby the amount or amounts of damages so assessed to him, her or them respectively; *provided*, that if such owner does not reside in said borough, or is in any way legally incapacitated to receive such damages, or will not accept such damages and sign a proper receipt therefor when tendered, then the said collector shall make an affidavit of the fact and file the same with the clerk; and the council shall, after

Payment to be
tendered before
improvement is
carried into
effect.

Proviso.

inquiry, direct the amount or amounts of said damages to be placed in a place of safe deposit for the use of the person or persons to whom the same may be due, and the same shall be paid to him, her or them, when duly authorized to receive the same, without interest; *provided*, no tender shall be necessary in any case where the benefits which may be assessed against the owner or owners are equal to or exceed the amount of damages assessed, in his, her or their favor, and a tender of the difference between the assessments and the amount of benefits assessed shall have the same binding force and effect as a tender of the whole amount of the assessments for damages.

Proviso.

Report when adopted to be delivered to collector.

Collector's duties relative thereto.

61. After said report of the commissioners of assessment shall have been adopted and confirmed by the council, with or without alteration as aforesaid, and shall have been duly recorded at full length in the records of their proceedings, it shall, together with the last-mentioned map, be delivered to the collector; said collector shall immediately thereafter prepare an abstract of said report, including therein a brief description of the improvement, the names of the several owners of the lands and real estate assessed, the several amounts so assessed against them, and a brief description of the several parcels of said lands and real estate, specifying the locality thereof with reference to streets; and the said collector shall enter such abstract in a book to be kept in his office for that purpose, which book shall be called the book of assessments; he shall, within fifteen days after receiving the same, demand payment of the sum so assessed by delivering to the owner of each lot, or to one of the owners of each lot, residing within his borough, or by leaving at the place of residence of any owner residing within his borough, or by delivering to the agent of any such owner or owners, a notice in writing or printed, which notice shall set forth the name or names of the owner or owners, a brief description of the lot, the amount of the assessment, and the time when the same shall become due and payable, and if any owner or owners shall reside out of his borough, the said collector shall, within the same time, send a like notice

to him, her or them, by mail, with postage prepaid, directed to his, her or their last-known post-office address.

62. In case any assessment shall remain unpaid and in arrears for the space of six months from and after the time when said assessments shall be confirmed by the council, it shall be the duty of the collector at the next meeting of the council after the expiration of said period of six months to return to them the certified copy of assessments with a list of the names of the owners from whom he has collected assessments, and the amounts from them respectively collected, which list shall be annexed to said certified copy of assessments and shall be verified by the oath of the collector; *provided*, that if the collector's term of office shall expire before the expiration of said period of six months, he shall upon the expiration of his term of office, or at the first meeting of the council thereafter, make a return to the council in like manner as if the said period of six months had expired, and the certified copy of assessments, together with said list of names and moneys collected, shall in such case be delivered to said collector's successor in office, who shall proceed to collect the assessments shown by such certificate and the return thereto annexed to be unpaid, and at the expiration of said period of six months shall likewise make return to the council under oath.

In case of non-payment.

Proviso.

63. If any tax or assessment shall not be paid at or before the time when the same shall become due and payable, it shall be the duty of the collector to demand and collect, in addition to the amount of the assessment, interest thereon at the rate of ten per centum per annum from the time the same shall become due and payable until fully paid.

In case of non-payment, interest to be added.

64. All taxes levied by said borough and every assessment for improvements of any kind, together with interest thereon and all costs and charges connected therewith, shall be a first and paramount lien upon the lot of land described in such assessment, notwithstanding any mistake in the name or names of any owner or owners, or any omission to name any owner or owners who are unknown, and notwithstanding any lack of form therein

All taxes, assessments, etc., to be a first and paramount lien.

or in any other proceeding which does not impair the substantial rights of the owner or owners or other person or persons having a lien upon or interest in any such lot of land; all taxes shall be presumed to have been regularly levied and assessed, and every assessment or proceeding preliminary thereto shall be presumed to have been regularly made or conducted until the contrary be shown.

When necessary to acquire property, council may treat with owner.

65. Whenever for the purpose of any public improvement or public use it shall be necessary to acquire lands, real estate or property, it shall be lawful for the council to treat with the owner or owners of said lands for the purchase thereof on such terms and for such price as the council may think proper, not exceeding the fair value thereof, and to take a conveyance from said owner or owners for said lands.

Collections on account of assessments to be applied solely for purpose incurred.

66. All collections on account of said assessments or the interest thereon shall be applied to the payment of the borough obligations issued by the said council in payment of the cost of the improvements for which said assessments were made, and for no other purpose whatever.

Assessments may be paid in yearly installments.

67. The council may, by resolution, provide that the owner of any lands upon which any assessment for any improvement shall have been made may pay such assessments in such equal yearly installments, not exceeding ten, with legal interest thereon, and at such time in each year as the said council shall determine; *provided*, that any party assessed shall have the privilege of paying the whole of any assessment or any balance of installments, with accrued interest thereon, at one time; in case any such installment shall remain unpaid for thirty days from and after the time when the same shall have become due and payable, the whole assessment, or the balance due thereon, shall become and be immediately due and payable, shall draw interest at the rate of one per centum per month, and shall be collected in the same manner as is provided by this act for other past due assessments; whenever any owner shall be given the privilege of paying any assessment in installments such assessment shall remain a lien upon the land described therein until the same, with all install-

Proviso.

ments and accrued interest thereon, shall be paid and satisfied, and no proceedings to collect or enforce the same need be taken until default shall be made in the payment of any installment as above provided.

68. In all cases where any assessment for benefits incident to any improvement shall be reversed or set aside on removal by certiorari or other process, and such improvement shall have been actually made in the manner provided by law, it shall be the duty of the commissioners of assessment to make a new assessment of damages or benefits, as the case may be, upon the property damaged or benefited by said improvement, in the manner and by the proceeding herein provided for the improvement; all assessments and such new assessments shall become a lien upon the property so assessed in the same manner and with like effect, and shall be enforceable in the same way as in case of an original assessment for like improvements.

In case assessment is set aside, commissioners to make a new assessment.

WATER-WORKS.

69. It shall be lawful for the council to provide for, cause to be constructed or purchase, and to operate and maintain water-works and a plant for the supply of water for domestic and public use; for that purpose to cause to be made surveys, plans and estimates by competent engineers and mechanics, to enter upon any and all lands within the limits of such borough, or in the neighborhood thereof, and to make all such preliminary examinations, explorations, measurements and levelings as may be necessary and proper for its corporate purposes in respect to a water-supply, doing thereby as little damage as possible to the owner or owners of said lands; to take and convey from such source or sources as may be practicable within or without said borough, into and through the same, such quantity of pure and wholesome water as may be required by the inhabitants of said borough; to purchase of any water company owning water-works within said borough, which said company is hereby authorized to sell and convey, all the real estate, personal property and works, and all the corporate rights, powers, franchises and privileges of

Water-works; provision for furnishing a water-supply.

such company for such sum not exceeding the fair value thereof, as may be mutually agreed upon between the said borough and the said water company, and upon due execution of the conveyance therefor, the said real estate, personal property and works and corporate rights, powers, franchises and privileges shall pass to and invest in the said borough in as full and ample manner as the same theretofore have been held and enjoyed by the said water company; said council may in the name and in behalf of said borough purchase, take, hold and enjoy, and convey and dispose of all and such other real and personal estate as may be necessary for the purposes of this act, and may construct and maintain canals, aqueducts, reservoirs, basins, stand-pipes, buildings, machinery and appurtenances of every kind that may be necessary and useful for such purposes, and may lay and re-lay water-pipes under any avenue, road, railroad, highway, street, lane or alley within the said borough.

In case of disagreement as to value, court may, upon application of council, appoint commissioners to ascertain value of land and damages.

70. In case the council cannot agree with the owner or owners or other persons interested in any lands or water-rights, whether within the limits of such corporation or in the neighborhood thereof, which the borough may desire to take, use and occupy, or from which lands they may desire to take or divert, either in whole or in part, any spring or springs, stream or streams of water, as to the amount of compensation to be paid to such owner or owners for such taking, use, occupation or diversion, it shall be lawful for any justice of the supreme court of this state upon application by the council, and upon two weeks' previous notice served in person or by leaving at the dwelling-house or usual place of abode of such owner or owners, or in case of absence from the state or legal disability, published once a week in the newspaper published in the municipality wherein said lands are situated, if there be any such newspaper, and if there be none, in a newspaper published in the county wherein said lands are situated, and circulating in the neighborhood thereof, to appoint three disinterested commissioners, resident in said county, to assess and ascertain the value of the lands or water-rights so proposed to be taken, used and occupied, and the damages to be done to any lands by the laying down of such

pipes and erection and maintenance of such works and by the diversion, total or partial, as the case may be, of said springs and streams of water; said commissioners shall appoint a time and place at which they shall meet to execute the duties of their appointment, and shall cause two weeks' notice thereof to be given to the parties interested therein, either by personal service or by publication in a newspaper published in the county where such lands may lie; at which time and place the said commissioners shall meet and view the premises and hear the parties interested, and take evidence, if any be offered; and for that purpose shall have power to administer oaths or affirmations and to adjourn from day to day, and in case of the refusal or failure of either or any of said commissioners to attend and perform their said duties, the said judge shall have power to appoint another or other disinterested person or persons to act in the place of such absent commissioner or commissioners; the council shall make and exhibit to the said commissioners at their meeting aforesaid, for the use of the parties interested, a statement and description in writing, or by drawings or maps, or both, of the lands, water-rights and streams by them sought to be taken or diverted as aforesaid, and of the use, occupation of and excavations upon any lands by them sought to be made; and the said commissioners shall thereupon ascertain and assess the value and damages aforesaid, and shall execute under their hands and seals, or the hands and seals of a majority of them, an award to said corporation of the lands, rights and privileges by them sought in the statements and descriptions aforesaid, stating therein the amount of damages and compensation therefor by them assessed in favor of such owner or owners, which award shall be by them acknowledged and filed in the county clerk's office; *provided*, that no lands, water, water-rights, or other property purchased, condemned or held by any municipality in this state for the purposes of a water-supply, shall be condemned or taken under the authority of this act.

Proviso.

71. Before taking possession of any such water-rights or lands, or entering thereon for the purpose of making any excavation or occupation thereof or by diverting any

Award and tender of payment to vest lands, etc., in fee simple in borough.

spring or stream of water, the council shall pay or tender to such owner or owners, or in case of absence from the state or legal disability shall deposit with the clerk of the circuit court of said county the amount of damages awarded; and the award of said commissioners and the payment or tender or deposit as aforesaid of such damages shall vest in said borough absolutely and in fee-simple the lands, rights and privileges by them sought, described and set forth in said statement and description in all respects the same as if the same had been conveyed to said borough by said owner or owners under their hands and seals.

Either party
feeling aggrieved
by award and
assessment may
appeal to court.

Jury may be
summoned to
assess value and
damages.

Right to appeal
not waived by
tendering or
accepting
payment.

72. If either party feel aggrieved by said assessment and award such party may appeal to the next or second term of the circuit court of said county, by petition and notice thereof, served upon the opposite party two weeks prior to such term, or published once a week for a like space in a newspaper published in said county, which petition and notice so served or published shall vest in said court full power to hear and determine said appeal, and if required, said court shall award a venire for a jury to come before them who shall hear and finally determine the issue under the direction of the courts as in other trials by jury, and it shall be the duty of the said jury to assess the damages to the said lands or water-rights as above mentioned, and the value of such as shall be absolutely taken; and said court shall have power to order a struck jury or a jury to view, or both, to try any such appeal; and also to order any jury which may be impaneled or sworn to try any such appeal, to view the premises in question during said trial, and the right of said council to appeal from and dispute the correctness of any award shall not be waived or taken away by the paying or tendering the amount of the award and taking possession of the land or exercising the rights covered by such award; and the right of any owner of any such lands or rights in like manner to appeal shall not be waived or lost by the acceptance of the amount so awarded when tendered, and upon the final determination of any such appeal the said court shall render such judgment in favor of the one party and against the other as the right and

justice of the case shall require, and shall award to the party substantially succeeding and prevailing in said appeal his, her or their costs of said appeal against the opposite party, and shall have power to enforce the judgment so rendered by execution as other judgments are enforced, and also by summary proceedings and attachments for non-payment thereof; *provided, however,* that no appeal by either party shall prevent the borough from taking the lands, water, water-rights or other property upon filing the commissioner's report and award, and payment or tender to the parties of the amount thereof as hereinbefore provided.

Proviso.

73. The council shall have the power and they are hereby authorized to make, ordain and establish all such ordinances, resolutions and regulations as said body may deem necessary and proper for the distribution, supply, use and protection of the said water and the safety, security and protection of the buildings, machinery, canals, aqueducts, reservoirs and other works and appurtenances thereto, and for fixing and collecting the water-rents or prices for water, and for imposing penalties for the non-payment thereof, including the cutting-off of water-supply; they may erect such number of public hydrants and fire-plugs in such places as they shall see fit, and direct in what manner and for what purposes the same shall be used.

Ordinances concerning the use and protection of water.

74. The owner of any house, tenement, building or lot shall be liable for the payment of price or rent fixed by the said council for the use of the water by such owner or occupier, and such price or rent so fixed shall be a lien upon such house, tenement or lot until the same shall be paid and satisfied; said council shall have authority to require payment in advance for the use or rent of water furnished in or upon any building, place or premises, and in case prompt payment of any water-rent or rents shall not be made when the same become due, the water shall be shut off from such building, place or premises, and shall not be again supplied until such arrears with interest thereon shall be fully paid, and it shall and may be lawful for the said council to give notice for one month by advertisements in a newspaper printed and published in said borough, if any, or

Water-rents to be a lien until paid.

Property may be
sold for unpaid
water-rent.

Purchaser may
remove
improvements
placed thereon.

Disposition of
moneys derived
from water-
rents.

if none, then in a newspaper printed and published in the county wherein such borough is situate, and circulating in such borough, requiring the owners or occupants of such houses, tenements or lots to pay such water-rents so remaining due and unpaid thereon, and if the same are not paid, such houses, tenements and lots will be sold at public auction at a day and place to be specified therein, for the lowest term at which any person will offer or take the same in consideration of paying the amount of the water-rent with interest thereon due on the same, and the expenses of such advertisement and sale, and if, notwithstanding such notice, the owners shall refuse or neglect to pay such water taxes and the interest thereon and the expenses of the said advertisement, it shall be lawful for the said council to cause such houses, tenements or lots to be sold by the borough collector at public auction for a term, for the purpose and in the manner expressed in said advertisement, and to give a declaration of such sale to the purchaser thereof, under the common seal of the said borough, and such purchaser, his executors, administrators or assigns, shall, by virtue thereof and of this act, lawfully hold and enjoy the same for his and their own proper use against the owner or owners thereof, claiming under him or them, until his term shall be complete and ended; that such purchaser shall be at liberty at or before the end of his term to remove the buildings and materials erected and placed by him thereon, taking care to leave the same in as good order and condition as when it came into his possession; and in addition to the remedies above provided, all water-rents due or to become due to the said borough may be collected and recovered in the name of the borough in an action of debt, or on contract, before any court of competent jurisdiction, against any person chargeable therewith.

75. Such portions of the moneys received from the water-rents or prices paid for the use of water and interest on arrears of water-rents as may remain after paying all expenses and costs for purchasing water-works, or for constructing or maintaining water-works, and raising and distributing the water, and salaries, wages,

incidental expenses and charges, shall be applied by said body first to the payment of the interest upon the debt created for the purpose and construction of the works, and next to the payment of the bonds issued therefor, if the same can be obtained at reasonable rates, or, if that cannot be effected, then to be safely invested by commissioners of the sinking fund of the said borough, if any there be, and if none, then by the said council, and allowed to remain as a sinking fund to be applied to the re-payment of the bonds at maturity.

76. It shall be lawful for the council to enter into and make a contract with the governing body of any adjoining municipality or with any water company for a term of five years or less for the obtaining and furnishing of a supply of water to be used in said borough for domestic and public purposes at such rates and upon such terms as can be mutually agreed upon.

Contract may be made with another municipality for water-supply.

77. The council may supply the water so obtained to the inhabitants of the borough upon such terms, rents, rates, prices and regulations as may be determined upon by the said council, and for that purpose may, by contract or otherwise, lay all necessary pipes, mains and fire hydrants under and through the streets and highways of the borough.

Terms and distribution of water obtained by contract.

78. When any borough shall have obtained a supply of water and laid water-mains by any of the methods herein provided, it shall be lawful to extend such mains as the necessities of said borough may require, and as in the judgment of the council may seem expedient.

Water-mains may be extended.

79. In case the rents and income from the operation of the borough system of water-works or water-supply plant or from the sale and distribution of water shall not be sufficient to provide for the interest on any bonds that may have been issued therefor and the payment of the said bonds at their maturity, together with the cost of maintenance and operation of said water system or water-supply plant, the council shall have authority, by ordinance, to levy and collect by taxation such sums as in their judgment may be necessary to supply the deficiency.

Deficiency in water-rents to be supplied by taxation.

SEWERAGE AND DRAINAGE.

Council may, by ordinance, provide for a sewer system.

Property; how acquired.

Two or more municipalities may unite for sewerage purposes.

Proviso.

80. Whenever in their judgment the public good demands it, the council may, by ordinance, cause a trunk sewer or lateral connecting sewers or a system of sewers and drains to be constructed in any part of the borough, and, if necessary, to take and appropriate for the purposes of constructing the same, any lands and real estate, in the manner hereinbefore provided in the case of the construction of a system of water-works and water-supply, upon making compensation to the owner or owners thereof.

81. Two or more boroughs by their councils, or a borough and one or more other municipalities by their respective governing bodies, may enter into a contract to obtain plans, surveys, assessments of the cost of, and to construct an outlet or trunk sewer, or to provide a plant or works for collecting and disposing of sewerage for their respective municipalities, and any borough may in the same manner acquire the right to use any outlet or trunk sewer or sewer system that may be or may have been constructed in any other municipality, on such terms as may be agreed upon; *provided*, the assent in writing to the making of any such contract shall be given by the owners of at least one-half of the value of the real estate in each of said municipalities, subject to taxation in the year then next preceding, according to the tax duplicates of such year, and in case any such outlet or trunk sewer or sewer system shall be constructed jointly by two or more boroughs, or by a borough and one or more other municipalities, the part of the cost thereof that shall be paid by each borough or other municipality, or by assessment on lands therein, shall be determined in manner to be provided in such contract, and any proceeding necessary to be taken to acquire the property, or to construct such sewer or sewerage system, shall be taken by the governing bodies of each borough or other municipality acting in joint meeting, and in the corporate names of the boroughs or other municipalities represented by them; but all obligations for money borrowed to construct such sewer or system,

shall be made by the governing bodies of said boroughs or other municipalities parties to such contract, and all proceedings to raise money and to impose and collect assessments for the cost of such sewer or system or part thereof in the respective boroughs or other municipalities, shall be taken as if each of said boroughs or other municipalities had constructed the part of the sewer or system therein under this act as an independent sewer or system.

82. In case the council shall deem it advisable, in order to the efficient sewerage or drainage of any borough, to build and construct a sewer or sewers to tide-water, and for this purpose to pass through territory situated within the bounds of any other municipal corporation or corporations, it may build and construct such sewer or sewers to tide-water and take and appropriate for this purpose any lands and real estate in the manner hereinbefore provided, and lay down and examine, repair and replace such sewer or sewers in, through or across any public street or highway; *provided, however*, that no sewer or sewers shall be built or constructed into or through any adjoining or other municipality without the consent of the governing body of such municipality.

Council may enter other municipalities for purpose of building sewer to tide-water.

Proviso.

83. Whenever any sewerage or drainage system, outlet sewer or sewage disposal works shall be constructed or purchased, the petition therefor by the owners of one-half the taxable property in said borough may specify the desire of said applicants as to whether the cost thereof shall be paid for wholly by moneys raised by general taxation in said borough or by assessment of the cost upon the property benefited to the extent of the benefit received and payment of the deficiency by general taxation; the council shall then, by resolution, before making any contract for said construction or purchase, determine which method of payment therefor shall be pursued, and in any extension of said system thereafter the same method of payment shall be pursued as in the construction or purchase of the original system.

Borough may determine whether cost of sewer system be paid by general taxation or assessment.

84. Whenever a main sewer has been or shall be constructed in any borough the cost of which shall have

Benefits of main sewer to be apportioned to property along lateral sewers.

been assessed upon the property benefited and the benefits of such main sewer are extended to other property by the building of lateral sewers or connections, there shall be assessed upon such property such portion of the cost and expense of such main sewer or sewers as would equal the amount of the benefit actually received by said property, which assessment may be made in connection with the assessment for such lateral sewers or as an independent assessment; *provided*, that such assessment, together with any assessment for damages, shall, in the case of such extension, be made by the regular commissioners of assessment of the borough in the manner herein provided for street improvements.

Proviso.

Borough may contract for use of sewers of adjoining municipality.

85. In case the borough council shall deem it expedient to contract and agree with the municipal authorities of any municipality for the privilege and right to connect the sewer and drains of the borough with those of such municipality in such manner that the sewage and drainage of the borough shall flow into and through the sewer or sewers of said municipality, it shall be lawful for the council of the borough and for the governing body of such municipality to enter into and make a contract and agreement, in writing, in behalf of the municipal corporations which they represent, for the right and privilege aforesaid, upon such terms and for such consideration and during such period as may be settled upon and determined by and between the said governing bodies, and any such contract duly made and ratified by the borough council and such governing body shall be the valid contract of the borough and such municipality during the period and according to the stipulations therein expressed.

Sewage works may be established.

86. In case the council shall deem it practicable and expedient to collect the sewage of the borough, and to deodorize, utilize, consume or dispose of the same by sale or otherwise, wholly or in part, it may purchase lands in the corporate name of the borough and erect all necessary buildings, works and machinery thereon, and take and appropriate for such purpose any lands and real estate, upon making compensation to the

owner or owners thereof, in the manner hereinbefore provided.

87. Whenever the council shall determine by ordinance to make and construct any sewer or sewers, drain or drains, or any sewage receptacle or works or place for treating or disposing of sewage, and shall deem it necessary to take and appropriate for such purpose any lands and real estate, either within said borough or beyond its limits they are hereby authorized to treat with the owner or owners thereof for the same, and they may purchase said lands and real estate from the owner or owners of the same and make such compensation therefor as they may deem reasonable, and thereupon shall receive from such owner or owners a conveyance of such lands and real estate to the inhabitants of the borough.

May take land within borough or other municipality.

88. The borough council may keep the sewers, works and drains in repair and working order, make, establish and enforce regulations and conditions as to the management and use of the same, and as to connections therewith, and impose and collect rates therefor, and they shall have power and it shall be their duty beneficially and efficiently to control the use of such sewers and drains, and to prevent and stop all improper uses of the same.

Maintain sewers in proper condition.

89. No provision of any act which prohibits the pollution of any of the waters of this state used to supply any aqueduct or reservoir, or which are distributed for public use, is intended to be hereby repealed, and nothing in this act shall be construed to authorize the discharge of sewage or the contents of sewers into fresh water, or into any portion of a river or stream tributary thereto, in such a manner as to defile the source of public water-supply.

Water-supply to be kept pure.

90. It shall not be lawful for the council to construct or purchase any water-works or water-supply plant, sewers or system of sewerage and drainage, until there shall have been presented to the council the consent thereto in writing, signed by the owners of a majority of real estate in said borough according to its assessed valuation as contained in the latest preceding assessment for the purpose of taxation made in said borough, nor

Consent of majority of real estate owners necessary in certain instances.

until the same shall have been assented to by a majority of the legal votes cast for or against the proposition of construction, purchase or contract at any general or special election held in said borough; if said proposition is to be submitted to the voters at a special election called for that purpose, such election shall be called and conducted in the manner herein provided for a similar election in the case of the proposed issue of bonds.

Further proceedings may be by resolution.

91. Whenever any ordinance shall be passed by the council for making any improvement or performing any work under and by virtue of the provisions of this act, all further acts and proceedings which it may be necessary for said council to take to carry out said improvement or work to completion, and all orders relating thereto, may be by resolution and need not be by ordinance.

Stay not to be granted after thirty days.

92. 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 borough, or 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.

The finding of council that consent, etc., is properly signed, not to be questioned.

93. Whenever the consent or petition of the owners of any part or portion of the property in said borough at its assessed valuation, or of the lineal feet frontage of the property fronting on any public road or street proposed to be improved, shall be required as a preliminary to any improvement, public work or issue of bonds, or whenever objections in writing of any part or proportion of such owners shall be interposed against any such improvement, the finding of the council that such consent, petition or remonstrance is signed by the requisite proportion of owners of property shall be final and conclusive, and shall not thereafter be questioned in any proceeding taken to contest said improvement, public work or issue of bonds.

Adjoining municipalities may arrange for care of common road.

94. Where a public road or highway forms the whole, or a part of the division line between a borough and another borough or other municipality, the governing bodies of such municipalities may agree upon the share

or portion of said road to be cared for and controlled by each of said municipalities, or may agree upon terms of joint care and control; it shall then be lawful for each of said municipalities to issue bonds to pay its respective share of the cost of draining, sewerage, grading or otherwise improving such road or highway in conjunction with such other municipality, before division thereof between them, or such part of said road or highway as may have been set off to said municipalities after division as above provided; *provided*, that nothing in this section shall be construed as imposing upon the borough or other municipality the care of any county road.

Proviso.

95. In case, for any reason, any section or provision of this act shall be questioned in any court, and shall be held to be unconstitutional or invalid, the same shall not affect any section or provision of this act except so far as the section or portion so declared unconstitutional or invalid shall be inseparable from the remainder or any portion thereof.

Unconstitution-
ality of any
section.

96. The inhabitants of every borough heretofore established, formed or organized under the provisions of any law of this state, and which has thus become and is now an ostensible or de facto corporation, exercising corporate powers, are hereby created a borough by the corporate name by which they are now known, and, as such borough, shall be a body corporate and politic in fact, deed, name and law, and shall be governed by the provisions of this act, and shall have all the powers conferred by this act upon boroughs, and shall be subject to all the duties imposed upon boroughs by this act; they shall retain, hold, possess and enjoy and be absolutely invested with all the rights and property heretofore possessed and enjoyed by the said borough, and shall be responsible and liable for the contracts, bonds and obligations of such borough which have been entered into, made or incurred under the provisions of any act or acts of the legislature, whether or not such act or acts lawfully conferred the powers to enter into, make or incur the same; and all ordinances, acts and proceedings heretofore passed, had, done and taken, and all taxes and assessments heretofore levied and

Boroughs now
existing to be
governed by this
act.

All acts
substantially
complying with
the law
validated.

imposed by any such borough, in substantial compliance with any statute of this state, are hereby validated and confirmed as fully and to the same extent as though done after the passage of this act, except where the same shall be inconsistent with the provisions of this act.

Repealer.

Officers to
complete term.

Public works to
be completed.

Intent.

97. This act shall take effect immediately, and all acts or parts of acts, general or special, inconsistent herewith, are hereby repealed, but nothing in this act shall be construed to shorten or terminate the term of office of any officer elected or appointed to office in any borough prior to the passage of this act, but said officer shall continue to perform and exercise the duties of his office for the term for which he was elected or appointed; all improvements or public works heretofore begun or instituted and all proceedings incident thereto shall be continued and completed in the manner before provided by law, anything in this act to the contrary notwithstanding, this act being intended to provide for the government of boroughs, with the least disturbance to those now existing.

Approved April 24, 1897.

CHAPTER 162.

An Act respecting railroads.

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

Bicycle to be
carried free in
lieu of other
baggage.

Proviso.

Proviso.

1. Any person who shall have purchased a ticket issued by any railroad corporation entitling such person to transportation on its railroad and ferries as a passenger, shall have the right, by virtue thereof, and in lieu of other baggage, to the transportation on the same train or boat with such passenger as baggage, of one bicycle, to or from the places designated in such ticket, without further or other payment to the railroad corporation therefor; *provided*, facilities for the transportation of baggage then exist on such train or boat; *and provided*

further, that such passenger shall have removed any lantern from such bicycle; and no passenger shall be required to remove any ordinary or usual bicycle bell or cyclometer from such bicycle, nor to crate, cover or otherwise protect such bicycle; *provided always*, that no railroad corporation transporting bicycles as baggage in accordance with the provisions of this act, shall be liable for any damage done to any bell, cyclometer or like attachments.

Proviso.

2. Any railroad corporation refusing to transport bicycles, or refusing to accept the same for transportation as baggage, in violation of the next preceding section, shall forfeit and pay to such passenger the sum of ten dollars for each and every offense, to be recovered in an action of debt in any court of competent jurisdiction.

Penalty for violation.

3. This act shall be a public act and take effect immediately.

Approved April 26, 1897.

CHAPTER 163.

An Act to change the boundary line between the townships of Raritan, Delaware, West Amwell and East Amwell, in the county of Hunterdon.

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

1. All those portions of the townships of Raritan, Delaware and West Amwell, in the county of Hunterdon, included within the following boundaries: beginning at a point in the public road at Larison's corner, where the road leading from Flemington to Trenton intersects the line between the townships of Raritan and East Amwell, and running northerly in the middle of said road to a point where the Toad lane road intersects the said Flemington road; thence along the middle of the Toad lane road, in a westerly direction, to the

Description of portions of townships annexed.

road leading from Ringoes to Quakertown; thence in a northerly direction along said road to the Neshanic creek; thence in a westerly direction in the middle of said road to a corner of Joseph Haines' farm, also corner of Frederick Reeves'; thence in a southerly direction across lands of Frederick Reeves and Frank Wagoner, to where the Bowne station road intersects the road from Ringoes to Headquarters; thence along the middle of said road, in a southerly direction, to the railroad leading from Lambertville to Flemington; thence in an easterly direction, along the railroad to the westerly corner of the estate of Issacher Hoagland, deceased; thence in a southerly direction, along line of said Hoagland's lands, to the old York road; thence in the middle of said road, in an easterly direction, to the line of East Amwell township, and thence following the line of said township to the place of beginning, be and the same are annexed to the township of East Amwell, in the county of Hunterdon.

2. This act shall take effect immediately.

Approved April 26, 1897.

CHAPTER 164.

An Act concerning roads.

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

Funds for
extension of
roads.

1. When the board of chosen freeholders of any county in this state shall have lawfully expended upwards of three hundred thousand dollars in building and improving roads in said county, it shall be lawful for said boards, in order to extend roads partly built or improved, to appropriate, raise and expend a sum not exceeding ten thousand dollars in any one year in the extension of roads partly built as aforesaid; *provided, however,* that the total amount appropriated by said boards in any one year for all purposes shall not exceed the amount now authorized by law.

Proviso.

2. This act shall take effect immediately.

Approved April 26, 1897.

CHAPTER 165.

An Act concerning roads.

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

1. The boards of chosen freeholders in any county in this state that shall have improved and maintained any road or roads in said county, shall, until they shall have surrendered or relinquished control of said road or roads, have power by ordinance to regulate the use of said road or roads; to prevent them from being disturbed or torn up by any person or persons driving on any portion of such road by locking the wheels of any vehicle or attaching any drag to such vehicle, or otherwise; to prevent the filling-up of gutters along the sides of such roads; to prevent the breaking or digging-up of drainage pipes in said roads, and to prevent obstructions to and damages or injury to such roads by spilling or throwing stones, dirt or other material on said roads; and said board shall have power to enforce obedience to all such ordinances relating to the above-enumerated powers, by the imposition of fines, not exceeding fifty dollars for each offense, with costs, to be sued for and recovered by the clerk of said board, for the use of said board, in any court of competent jurisdiction; *provided*, *however*, that such ordinances shall not apply to roads in municipalities where ordinances have been adopted regulating matters herein referred to.

Rights of
freeholders over
improved roads.

Proviso.

2. The ordinances above referred to shall be read three times before their final passage, not more than twice at any one meeting of said board, and shall be published in one, and not more than two, newspapers published and circulating in said county, ten consecutive times before their final passage.

Method of
passing
ordinances.

3. This act shall take effect immediately.

Approved April 26, 1897.

CHAPTER 166.

An Act to incorporate a new borough in the county of Monmouth, to be called the borough of Allenhurst.

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

Boundaries of
township set off.

1. All that portion of the township of Ocean, in the county of Monmouth, and state of New Jersey, lying within the following boundaries, to wit: bounded on the east by the Atlantic ocean, on the north by the southerly line of lands of the Deal Beach land company, on the west by the middle of the north arm of Deal lake, and on the south by Loch Arbour, lands of Samuel Johnson and others, shall be and is hereby set off from the said township of Ocean, and is hereby created a borough, which shall be called and known by the name "the borough of Allenhurst."

Name.

Rights,
privileges, etc.

2. The inhabitants of the said borough of Allenhurst shall be, and they are hereby constituted, a body politic and corporate in law, and by the name of "the borough of Allenhurst" shall be entitled to all the rights, powers, authority, privileges and advantages, and be subject to the same regulations, government and liabilities as the other boroughs in this state are, or may be, entitled or subject to by the laws of this state.

First election.

3. The inhabitants of the borough of Allenhurst aforesaid shall hold their first borough election on any day within two months after this act shall go into effect, at such time and place as shall be designated by the borough clerk named herein, the usual notice whereof shall be given by said clerk.

Election; how
conducted.

4. Said election and all matters relating thereto shall be conducted and regulated by a board of registry and election, to be appointed by the county board of registration of the county of Monmouth, and to be constituted and qualified as boards of registry and election are appointed, constituted and qualified in the several

boroughs in this state, which board of registry and election shall perform the same duties, in preparing the registry and poll list, as are required of boards of registry and election in the boroughs in this state.

5. The officers elected at said borough election shall be elected to the respective offices, and hold the same for the term now provided for by law. Officers.

6. Edwin H. Benjamin shall be and is hereby appointed clerk of said borough of Allenhurst, who shall set up the notice required by law for holding said borough election, and shall perform such other duties as may pertain to the office of borough clerk until his successor shall qualify. Clerk.

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

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

Approved April 26, 1897.

CHAPTER 167.

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.

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

1. It shall be the duty of the township collector to receive and hold in trust all school moneys belonging to the district, whether received from the state appropriation, from district tax or from other sources, and to pay out the same only on the orders of the district clerks, each of which orders shall specify the object for which it is given, and shall be signed by the president of the board of education and by the district clerk, and shall be made payable to the order of and be endorsed by the person entitled to receive it, and he shall pay over any balance of school funds remaining in his hands to his successor in office, and he shall, Duty of township collector regarding school moneys.

in the book provided for that purpose by the state superintendent, keep a record of the sums received and paid out by him, and he shall present his accounts to be examined and settled by the township committee at the close of the school year, a copy of which settlement, certified by the committee, showing the amounts received, the amounts expended by him for school purposes during the year, and the balance remaining in his hands; he shall transmit within ten days to the county superintendent and shall file another copy of the same with the district clerk; he shall also exhibit to the county superintendent when requested so to do, his book of accounts and the vouchers in his hands, and as compensation for such service he shall be entitled to one and one-half per centum on all school funds paid out by him on the orders signed by the president and district clerk of the board of education, which compensation shall be paid by the township committee from the funds of the township; *provided*, that when the term of office of any township collector shall expire before the close of the school year, such township collector shall remain and continue to be the custodian of the school moneys and shall pay the orders legally issued as aforesaid until the close of the school year, and his bondsmen shall remain and be legally bound for the faithful performance of his duties until the final settlement of his accounts; *and provided, further*, that where there is a borough situated in a township, and said borough is a separate and distinct school district, the borough collector shall be the legal custodian of the school moneys belonging to the borough school district, and shall perform the same duties and be entitled to the same compensation, to be paid from borough funds; but if such borough collector is paid a stated salary by the borough for the performance of his duties as borough collector, then and in that case he shall not be paid any additional compensation for paying out the school moneys belonging to the borough school district.

Proviso.

Proviso.

Repealer.

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

Approved April 26, 1897.

CHAPTER 168.

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

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

1. Section ten of the act entitled "An act to provide for drainage and sewerage in cities of this state," approved April seventh, one thousand eight hundred and ninety, be and the same is hereby amended so as to read as follows :

Section
amended.

10. After the passage of such ordinance it shall be the duty of the common council to appoint, by ballot, from amongst themselves, a committee to be called "the committee on sewers," which shall have charge of the work, under the supervision of said council, and which shall in all things proceed as the council may by ordinance or resolution ordain; such committee shall from amongst themselves elect a chairman, who shall approve, in writing, all bills or vouchers involving the disbursement of money before the same is paid; all work, before it is accepted, must be approved by the engineer in charge of the work and by said committee; such committee shall continue in office for one year and until their successors be appointed, the members thereof continuing to be members of said council, but if they cease to be such members then their place shall be supplied by said council; vacancies, however caused, shall be filled by said council, and all improvements made under this act shall be referred to said committee by resolution.

Committee on
sewers; duties,
etc.

Approved April 26, 1897.

CHAPTER 169.

An Act to provide a hospital for the New Jersey school
for deaf-mutes.

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

Erect hospital.

1. The state board of education is hereby authorized to erect on the grounds of the New Jersey school for deaf-mutes a suitable building to be used as a hospital for the pupils in said school.

Contract,
employ
assistance, and
cost.

2. The building authorized by the first section of this act shall be built by contract or otherwise, as the state board of education shall deem for the best interests of the state, and the said board shall have power to employ architects, engineers, superintendents and mechanics as may be necessary, to advertise for proposals, to make a contract or contracts for the whole or any part of said work, and to incur all necessary expenses to carry out the provisions of this act, the costs and expenses incurred not to exceed the sum of five thousand dollars.

Report to
legislature.

3. The said board shall make to the legislature at its next session, and at each succeeding session until said building is completed, a full and detailed report of its proceedings and expenditures under this act.

4. This act shall take effect immediately.

Approved April 26, 1897.

CHAPTER 170.

A Supplement to the act entitled "An act to provide for drainage and sewerage in cities of this state," approved April seventh, one thousand eight hundred and ninety.

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

1. Section twenty-four of the said act be and is hereby amended so as to read as follows :

Section
amended.

24. The assessment for benefits shall be a lien upon the lots or parcels of land respectively assessed from the date of the ratification or confirmation of the report thereof, and shall be immediately due and payable to the collector or receiver of taxes; and it shall be the duty of the common council to forthwith furnish such officer with a certified copy of such assessment, which he shall enter in a book to be kept in his office for that purpose, and thereupon he shall give notice for two weeks in a newspaper circulating in said city, to be inserted therein once at least in each week, that said report has been delivered to him, and requiring payment of the sums assessed within sixty days from and after the first publication of said notice, and in case said assessment shall remain unpaid at the expiration of sixty days from and after such first publication, the said assessment shall draw interest thereon from that time at the rate of one per centum per month; and it shall be the duty of such officer to proceed forthwith in the collection of said assessment by a sale of the land in respect of which such assessment may have been made; *provided, however*, that it shall be lawful for the common council, by resolution to be laid before the mayor and approved by him in the same manner as ordinances are now laid before and approved by him, to reduce the rate of interest from one per centum per month, and fix said interest at a rate not less than five per centum per annum, if payment of the said assessment shall be made

Assessments for
benefits to be a
lien.

Assessment to
be paid within
sixty days.

If not paid, to
draw interest.

Proviso.

within the term of two years from and after the ratification or confirmation of any report containing the assessments of benefits or expenses for sewer construction pursuant to the provisions of this act; and in case payment of the assessment shall not be made within two years after the ratification and confirmation of the said report, the rate of interest shall be and remain at one per centum per month.

2. This act shall take effect immediately.

Approved April 26, 1897.

CHAPTER 171.

A Further Supplement to an act entitled "An act for the appointment of commissioners for the better protection of the fishing interests of the state of New Jersey," approved March seventeenth, one thousand eight hundred and seventy.

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

Fix annual allowance for expenses.

1. The board of fish and game commissioners of this state is hereby authorized and required, at its first meeting after the passage of this act, to fix the annual allowance for expenses of the fish and game protector and the fish and game wardens, and may at any meeting thereafter, for good cause appearing to them, alter such allowance; *provided, however*, that such allowance for expenses shall not in any year exceed the total amount appropriated by the legislature for that purpose.

Proviso.

Moneys; how and to whom paid.

2. All moneys appropriated for the compensation of the fish and game protector, the fish and game wardens and the general and incidental expenses of the board of fish and game commissioners shall be paid by the treasurer of this state, on the warrant of the comptroller, to the treasurer of such board of fish and game commissioners, in equal monthly installments on the first day of each month.

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

4. This act shall take effect immediately.
Approved May 4, 1897.

CHAPTER 172.

An Act supplemental to an act entitled "An act concerning corporations having charge of funds for the benefit of indigent and infirm firemen of any city, and also their widows and orphans," approved April first, one thousand eight hundred and eighty-nine.

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

1. Section one of the act of which this is supplemental shall read as follows:

Section
amended.

1. The board having control and government, whether known as a board of trustees, or board of representatives or otherwise, of any corporation of this state, incorporated under a special or general act, and having charge of any fund for the benefit of indigent, infirm or disabled active or exempt firemen and their widows and orphans in this state, shall, at their annual meeting in each and every year, fix the amount of the treasurer's and collector's bonds, and said treasurer shall give bond to said association in the amount so fixed, with a surety company corporation, authorized by law to do business in this state, as surety thereon; and the expense of said bond or bonds shall be paid out of the funds of the corporation.

Fix amount of
treasurer's and
collector's
bonds.

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

Repealer.

Approved May 4, 1897.

CHAPTER 173.

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

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

Section
amended.

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

Duty of
secretary and
treasurer and
their bond.

17. The said secretary and treasurer shall report to the board of representatives at their annual meeting, and shall further report to the board of representatives, or to the board of visitors or trustees, whenever requested by either of them ; the secretary shall, upon his election, take an oath of office for the faithful performance of his duty, which oath shall be administered by the president ; the treasurer and collector of each relief association shall give to the corporation, upon his election in each and every year, in such sum as the board of representatives may fix, a bond with a surety company corporation, authorized by law to give bonds in this state, as his surety, the expense of said bond to be paid out of the funds of the association.

Repealer.

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

Approved May 4, 1897.

CHAPTER 174.

A Supplement to an act entitled "An act to incorporate the chosen freeholders in the respective counties of the state," approved April sixteenth, one thousand eight hundred and forty-six.

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

1. To enable each county superintendent of schools to discharge his duties more effectively and systematically, the printing required in his office shall hereafter be paid for as other county printing; *provided*, that the sum expended for this purpose in any county shall not exceed the sum of fifty dollars annually.

Printing of
county
superintendent
included in
county printing.
Proviso

2. This act shall take effect immediately.

Approved May 4, 1897.

CHAPTER 175.

An Act to incorporate the borough of Anglesea, in the county of Cape May, and fix the boundaries thereof.

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

1. The inhabitants of that portion of the county of Cape May hereinafter set forth are hereby constituted and declared to be a body corporate in fact and in law by the name of "The Borough of Anglesea," and shall be governed by the general laws of this state relating to boroughs.

Name of
borough.

Boundaries
described.

2. The boundaries of the said borough shall be as follows: Beginning at a red cedar post on Five-Mile Beach (now known as Anglesea), Cape May county, New Jersey, standing in the marsh at a point on the easterly side of a creek called the "Going Through creek" (said creek running from Post creek to Mud creek), and three hundred and seventy-two feet north-easterly from Post creek; and running from thence (1) south, forty-one degrees and thirty minutes east, four thousand four hundred and twenty-four feet to the ocean at low-water mark; thence (2) along the beach at low-water mark the several courses thereof (the general course being northeast) to Hereford Inlet; thence (3) along the said inlet at low-water mark the several courses thereof to Beach creek; thence (4) along Beach creek the several courses of the same to Grassy Sound; thence (5) along Grassy Sound (crossing Saw Pit creek) its several courses to Mud creek; thence (6) along Mud creek the several courses thereof to its junction with said "Going Through creek"; thence (7) along said "Going Through creek" a southwesterly course to the place of beginning.

3. This act shall take effect immediately.

Approved May 4, 1897.

CHAPTER 176.

An Act to incorporate the borough of Wildwood, in the county of Cape May, and to fix the boundaries thereof.

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

Name of
borough.

1. The inhabitants of that portion of Cape May county hereinafter set forth are hereby constituted and declared to be a body corporate in fact and in law by the name of the borough of Wildwood, and shall be governed by the general laws of this state relating to boroughs.

2. The boundaries of the said borough shall be as follows: beginning on the beach of the Atlantic ocean at low-water mark on Five Mile Beach, now known as Wildwood, Cape May county, New Jersey, being the northeasterly corner of the borough of Holly Beach city, and running from thence (1) along the low-water mark of the Atlantic ocean in a northeasterly direction to the southeasterly corner of the borough of Anglesea; thence (2) binding on the southwesterly line of said borough of Anglesea north, forty-one degrees thirty minutes west, four thousand four hundred and twenty feet to a red cedar post standing in the marsh at a point on the easterly side of a creek called the Going Through creek; thence (3) along the said side of Going Through creek in a southwesterly direction three hundred and seventy-two feet to Post creek, and continuing along the easterly side of said Post creek, the several courses thereof, in a southeasterly, southerly, southwesterly and westerly direction to the northwesterly corner of the borough of Holly Beach city; thence (4) binding on the northeasterly line of the said borough of Holly Beach city south, forty-five degrees east, four thousand two hundred and fifty feet to the place of beginning.

Description of
boundaries.

3. This act shall take effect immediately.

Approved May 4, 1897.

CHAPTER 177.

An Act to incorporate the borough of Holly Beach City, in the county of Cape May, and fix the boundaries thereof.

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

1. The inhabitants of that portion of the county of Cape May hereinafter set forth are hereby constituted and declared to be a body corporate in fact and in law

Name.

by the name of "The Borough of Holly Beach City," and shall be governed by the general laws of this state relating to boroughs.

Description of
boundaries.

2. The boundaries of the said borough shall be as follows: beginning at a stake on Five Mile beach (now known as Holly Beach) standing in the marsh at the easterly side of Beach creek, which stake is the north-westerly corner of a tract of marsh and beach, now or late of Joseph Hand and others (formerly Silas Swain and others), and running from thence binding on the line now or late of Joseph Hand and others (formerly Silas Swain and others) by the position of the compass as surveyed by Edward S. Taylor, engineer, in the year one thousand eight hundred and eighty-two, south, thirty-one and one-half degrees east, forty-two hundred (4200) feet to the Atlantic ocean at low tide, from thence (2) along the Atlantic ocean at low tide, north, fifty-two degrees east, five thousand and fifty (5050) feet to a stake and also at the southeast corner, now or late of E. L. B. Wales' beach lot; from thence (3) binding on the line of same north, forty-five (45) degrees west, four thousand two hundred and fifty (4250) feet to the southeast side of Post creek, and from thence (4) along the said Post creek, the several courses thereof, in a southwesterly, northwesterly, westerly, northwardly and southwarly direction until it empties into Beach creek, and thence along the same, its several courses in a southeasterly, southerly and southwesterly direction to the place of beginning.

3. This act shall take effect immediately.

Approved May 4, 1897.

CHAPTER 178.

A Supplement to an act entitled "An act to establish a system of public instruction" (Revision), approved March twenty-seventh, eighteen hundred and ninety-four.

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

1. All children shall be required to attend the schools in the district in which they reside; *provided*, that any child living remote from any public school in the district in which he resides may be allowed to attend a public school in an adjoining district, but only with the consent of the county superintendent, which consent shall be in writing, and one copy thereof filed with the district clerk of the district in which such child resides, and one copy filed with the district clerk of the district in which such child attends school; and in case the districts are not in the same county, the written consent of the superintendent of each county must be obtained; *and provided further*, that the custodian of the school moneys of the district from which a child is transferred as afore said shall pay, on the order of the county superintendent, to the custodian of the school moneys of the district to which said child is transferred, such sum for the education of said child as the respective boards of education may agree upon; but if said boards of education shall be unable to agree on or before the first day of February upon the amount so to be paid, then and in that case the amount so to be paid shall be a sum equal to the per capita cost of education for the year for which the transfer is issued, based on the total enrollment in the public schools in the district from which said child is transferred as aforesaid.

Where attend
school.
Proviso.

Proviso.

In case of
disagreement.

2. The act entitled "A supplement to an act entitled 'An act to establish a system of public instruction'" (Revision), approved March twenty-seventh, one thou-

Repealer.

sand eight hundred and seventy-four, which supplement was approved February twenty-fifth, one thousand eight hundred and ninety-five, and all other acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

3. This act shall take effect immediately.

Approved May 4, 1897.

CHAPTER 179.

AN ACT to incorporate the borough of Avalon, in the county of Cape May, and fix the boundaries thereof.

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

Name.

1. The inhabitants of that portion of the county of Cape May, being a part of Leaming's or Seven-Mile Beach, hereinafter particularly described, are hereby constituted and declared to be a body corporate in fact and in law by the name of "The Borough of Avalon," and shall be governed by the general laws of this state relating to boroughs.

Description of boundaries.

2. The boundaries of the said borough shall be as follows: Beginning at a point where the southwesterly side of Ninth street intersects the waters of Ingram's thoroughfare; and thence extending southeasterly along the southwesterly side of Ninth street, to the intersection of the said southwesterly side of Ninth street with the northwesterly side of Fifth avenue; thence southwesterly along the northwesterly side of Fifth avenue to the intersection of the said northwesterly side of Fifth avenue with the southwesterly side of Eleventh street; thence southeasterly along the southwesterly side of Eleventh street to the intersection of the said southwesterly side of Eleventh street with the northwesterly side of Third avenue; thence southwesterly along the northwesterly side of Third avenue to the intersection of the said northwesterly side of Third avenue with the

southwesterly side of Fifty-fifth street; thence southeasterly along the southwesterly side of Fifty-fifth street to the intersection of the said southwesterly side of Fifty-fifth street with the northwesterly side of Second avenue; thence southwesterly along the northwesterly side of Second avenue to the intersection of the said northwesterly side of Second avenue with the southwesterly side of Eightieth street; thence southeasterly along the southwesterly side of Eightieth street to the Atlantic ocean; thence following along the several courses and distances of the Atlantic ocean, Townsend's inlet and Ingram's thoroughfare, in northeasterly, northerly, northwesterly, westerly and southwesterly directions respectively to the place of beginning.

3. This act shall take effect immediately.

Approved May 4, 1897.

CHAPTER 180.

An Act to incorporate the borough of West Cape May and fix the boundaries thereof.

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

1. The inhabitants of that portion of the county of Cape May formerly known as the borough of West Cape May, and hereinafter particularly described, are hereby constituted and declared to be a body corporate in fact and in law by the name of "The Borough of West Cape May," and shall be governed by the general laws of this state relating to boroughs. Name.

2. The boundaries of the said borough shall be as follows: beginning at a point in Cape Island creek opposite the mouth of a line ditch and northeast corner of Henry C. Hughes' meadow and running thence by the several courses of said creek a southwesterly course to the north side line of Cape Island turnpike at Cape Island bridge; thence by the north side line thereof a Boundaries described.

northwesterly course to the west side line of Broadway; thence by the same a southwesterly course to Cape Island creek near Mount Vernon bridge; thence by the several courses thereof a westerly course to the easterly side line of Third avenue; thence along said sideline of said avenue, when extended, to the south side of said Cape Island turnpike, thence by the same to the northwest corner of the Rutherford farm in the middle of the Old Cape road; thence along the middle of said road and line of lands of Philip Hand, deceased, to division line ditch the several courses thereof, about thirty-two hundred and eighty-three feet to a stake in the slough; thence south, sixty-four degrees and thirty minutes east, about eleven hundred feet to the west side line of the Bay Shore road and corner of lands of David Reeves, deceased; thence crossing the road diagonally a northeasterly course to Stimpson's lane; thence by the south side line thereof the several courses to the west side line of the main Sea Shore road, thence south, thirty-one degrees and fifty minutes east, four hundred and eighty-two feet to a big pin oak tree near the corner stake of Henry C. Hughes' land; thence by this line south, forty-nine degrees and fifteen minutes east, one thousand nine hundred and fifty-three feet to Cape Island creek and place of beginning.

3. This act shall take effect immediately.

Approved May 4, 1897.

CHAPTER 181.

An Act to authorize and permit the charters of certain companies to be revived.

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

Charter of
delinquent
corporations
revived by
payment of
taxes, etc.

1. Whenever any corporation which has been or shall be included in any proclamation heretofore issued by the governor for non-payment of any taxes, dues or state

assessments thereon shall, within ninety days after the passage of this act, pay into the state treasury the amount of all such taxes, dues and state assessments, with interest, costs and advertising fees, the same having been first ascertained and fixed by the state board of assessors, the said proclamation, so far as it affects said corporation, shall be void, and the charter of said corporation shall thereupon be revived to the same extent as if the said taxes had been duly paid and said proclamation had not been issued.

2. Before payment of said taxes, dues or assessments, interest, costs and advertising fees shall be allowed to be made by or on behalf of any corporation, it shall first be established to the satisfaction of the governor that such corporation has been duly organized under its charter, and that the failure to pay the assessment required by law was only through inadvertence or oversight; and his finding in this behalf the governor is hereby authorized to make known by filing his certificate to that effect in the office of the secretary of state.

Corporation must have been duly organized, and failure to pay an oversight.

3. Upon payment of the said taxes, dues or assessments, interest, costs and advertising fees, and the filing of the receipt therefor, signed by the treasurer and countersigned by the comptroller, it shall be the duty of the secretary of state, upon payment to him of an additional sum of twenty-five dollars for the benefit of the state, to note the said payments upon the original proclamation and record thereof.

Duty of secretary of state.

4. This act shall take effect immediately.

Approved May 11, 1897.

CHAPTER 182.

A Further Supplement to an act entitled "An act for the better enforcement in Maurice river cove and Delaware bay of the act entitled 'An act for the preservation of clams and oysters,'" approved April fourteenth, one thousand eight hundred and forty-six, and of the supplements thereto, approved March twenty-first, one thousand eight hundred and seventy-one.

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

Culling.

1. All oysters, oyster shells and other material dredged, tonged, or in any manner raised or taken from any of the natural oyster beds or grounds where oysters naturally spawn and grow, under the waters of Delaware bay, Maurice river cove and their tributaries, in this state, shall be immediately culled, and all shells and other material shall be immediately thrown back upon the beds or grounds from which the same shall have been taken.

Failure to cull
a violation of
this act.

2. Any person or persons who shall take or carry away from the beds or grounds described in the next preceding section, oysters, shells and other material without culling the same so closely that the shells and other material remaining shall be less than fifteen per centum of the whole quantity of oysters, shells and other materials so caught and taken as aforesaid, he or they shall be deemed guilty of a violation of the provisions of this section.

Penalty for
violation.

3. Any person offending against the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for every such offense, be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding six months, or both, at the discretion of the court; and any boat or vessel used

or employed in the commission of such offense, with all her furniture, tackle and apparel, and all oysters on board thereof, shall be forfeited and the same seized, secured and sold in the manner prescribed in the act entitled "An act for the preservation of clams and oysters," approved April fourteenth, one thousand eight hundred and forty-six, and the supplements thereto, and the proceeds of such sale, after deducting all expenses, shall be paid to the collector of the oyster fund of the Maurice river cove and Delaware bay oyster association.

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

Approved May 11, 1897.

CHAPTER 183.

An Act to provide for the compilation and revision of ordinances in cities of this state.

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

1. Whenever the board or body having charge and control of the finances of any city in this state shall cause the ordinances of such city or of the boards or departments thereof, which are now or may hereafter be authorized to pass ordinances in respect of any branch of the government of such city, to be compiled and revised, the person or persons making such compilation and revision shall report the same to such board or body having charge and control of the finances of such city, which shall have power to arrange and provide for adequate compensation to be paid to such person or persons so employed, and which shall thereupon refer to each of said boards or departments the chapter or chapters of said ordinances which relate to matters within their jurisdiction, and such board or department shall return the same to such board or body having charge and control of the finances with such changes as

Compilation and revision of ordinances.

may be desired by such board or department, and thereupon such board or body having charge and control of the finances may, by ordinances, accept and adopt such compiled and revised ordinances, which shall be valid and legal ordinances of such city, notwithstanding any law or limitation to the contrary, or any failure to refer to such board or department all of the proposed ordinances affecting matters within its jurisdiction; *provided*, that in any such city in which the board having charge and control of the finances of such city is a separate body or authority and distinct from the common council or board of aldermen of such city, then in that case the said board having charge and control of the finances of such city shall accept and adopt such compiled and revised ordinances by resolution of said board, and certify their adoption of the same by the signatures of the president and clerk of said board to the common council or board of aldermen of such city, which body shall thereupon, by ordinance, adopt and accept the same as the valid and legal ordinances of such city in the same manner as ordinances are accepted and adopted by such common council or board of aldermen of such city and as heretofore provided.

Ordinance
submitted to the
mayor;
publication.

2. The ordinance accepting such ordinances shall be submitted to the mayor of such city, as required by law, for his approval, and upon being approved by him shall be published in the manner then required by law for the publication of ordinances in such city; it shall not be necessary to publish said revised and compiled ordinances prior to or after their adoption as aforesaid, nor to set forth the same at length in the ordinance by which they are accepted and adopted.

Certain
ordinances not
repealed.

3. Nothing herein contained shall operate to repeal any ordinance or ordinances not included in such compilation and revision, except such as are repealed directly or by necessary implication.

Distribution of
ordinances.

4. The board or body having charge and control of the finances of any such city shall by resolution prescribe such regulations for the sale or distribution of such compiled and revised ordinances when printed as it shall deem necessary.

5. This act shall take effect immediately.

Approved May 11, 1897.

CHAPTER 184.

An Act for the better protection and preservation of the oyster industry in the creeks and rivers along the shores of Delaware bay and Maurice river cove.

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

1. All persons holding a tonger's license as herein-after provided to engage in the catching of oysters on the beds and in the creeks and rivers of Delaware bay and Maurice river cove, hereinafter named, are hereby authorized to meet in the town of Port Norris, in the county of Cumberland, on the second Monday in March, in each and every year, at the hour of ten o'clock in the forenoon, and there to organize by the election of three of their number as judges of election and one of their number as secretary, who shall keep a true record of the proceedings of said meeting, and when the said meeting shall be so organized the said license holders shall proceed to elect by ballot, for which purpose the ballot shall remain open three hours, a collector, and five of their number who shall act as a board of directors to transact all business of the association, and who shall serve for one year, or until their successors are elected, and this organization shall be known as the "Delaware bay oyster tongers' association"; the purpose of which association shall be to aid in the propagation and preservation of oysters in the creeks and rivers hereinafter named, and in securing to all citizens of the state free access thereto.

"Delaware bay oyster tongers' association"; organization etc.

2. That on and after the passage of this act the following named persons: William Yates and Charles McDaniels, of Port Norris; David Claypoole, of Cedarville; Vincent B. Tubman, of Dividing Creek; John Robson, of Leesburg; Peter Campbell, of New Port; Burton Howell, of Dias Creek, and Reeves Douglass, of Dias Creek, be appointed, the first named to serve as

Collector and board of directors.

collector, and the others as board of directors, until their successors are regularly elected, the duties of said collector and board of directors to be as hereinafter named.

Organization of
board of
directors.

3. The said board of directors shall immediately, upon notice of their appointment or election, meet at Port Norris, in the county of Cumberland, and there organize by the election of one of their number as chairman and one as secretary, who shall keep a correct record of all business transacted by the board of directors in a book provided for the purpose, which book shall, at all reasonable times, be open to the inspection of any person holding license from the association.

Collector.

4. That said board of directors shall require said collector of the association, before entering upon the duties of his office, to give bond in the sum of two thousand dollars, with two responsible freeholders as security, for the faithful performance of his duties, said bond to be approved by the board of directors; said collector shall, upon the presentation of satisfactory evidence, and upon the payment of three dollars, issue to any person a resident of this state a license to engage in the business of tonging in the creeks and rivers tributary to Delaware bay, and shall upon the expiration of his term of office deliver all moneys, books, vouchers, receipts, writings or other property of the association, to his properly qualified successor, and said collector shall receive as compensation for performing the duties of his office the sum of twenty-five cents for each and every license so issued by him.

Duties of
directors.

5. The said board of directors shall be and they are hereby authorized and empowered to superintend the expenditure of all moneys of the association, to audit and inspect the books, accounts, bills, receipts and papers of every kind of said collector, and the said collector shall, upon the request of said board of directors or majority of the members thereof, produce, for the examination of said board of directors, his books, accounts, bills, vouchers and other writings touching the administration of the office of said collector, and shall not pay out any moneys received by him without the written order of the chairman of the board of directors, properly attested by the secretary thereof.

6. The said board of directors shall have the power and they are hereby authorized to fill any vacancy occurring in the office of collector or in said board of directors by reason of death, resignation or otherwise; but no person shall be appointed to fill such vacancy in said board of directors who is not qualified for election under the provisions of the first section of this act; said board of directors shall hold an annual meeting on the first Saturday in June, at which meeting seventy-five per centum of all moneys in the collector's hands shall be appropriated for the purpose of purchasing and planting shells in such creeks and rivers as may be designated by a majority of the said directors, at which meeting a committee of their number shall be appointed to superintend the purchase and planting of said shells.

Further duties of directors.

7. The said board of directors shall meet not later than the first Saturday in March of each year, and audit the books and accounts of the collector, at which meeting an itemized statement shall be prepared, showing the receipts and expenditures of the association, which statement shall be read at the meeting on which the election provided for in section first is held, and be published in a newspaper published in Cumberland county, for three days previous to said meeting, said paper to be designated by said board of directors.

Audit, prepare and publish statement.

8. A majority of the members of said board of directors, chosen as hereinbefore provided for, shall constitute a quorum for the transaction of all business, and each member of said directors shall receive as compensation the sum of five dollars for each meeting provided for in this act, and for any meeting not specially provided for they shall each receive such sums as may be necessary to defray the actual expenses incurred for transportation and maintenance.

Quorum and compensation.

9. It shall be unlawful for any person or persons to use, or cause to be used, any dredge, drag, scrape or patent tongs, or other instruments except hand-tongs, for the purpose of catching oysters from the following named beds, creeks and rivers of the state of New Jersey, along the shore of Delaware bay, viz.: Elder Point beds, Andrews' ditch beds, East Point beds, the High beds, Pepper beds, Dividing creek beds, Oronoken

Hand-tongs only allowed.

Penalties for
violation.

beds, Nantuxet creek beds, Beach creek beds, Goshen creek, Dennis creek, East creek, West creek, Dividing creek, Oronoken creek, Straight creek, Fishing creek, Oyster creek, Fortescue creek, Beaden's creek, Sow and Figs creek, Dare's creek, Padget's creek, Nantuxet creek, Cedar creek, Back creek, Middle Marsh creek, Stow creek, Nantuxet beds at the mouth of Nantuxet creek, Back creek beds at the mouth of Back creek, and Cohansey beds at the mouth of Cohansey river, and Maurice river and Cohansey river, and that any person or persons violating any of the provision of this section of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding three hundred dollars, or imprisonment at hard labor for a period not exceeding one year, or both, at the discretion of the court; and shall furthermore forfeit the boat used for such unlawful purposes, together with her appliances and appurtenances thereunto belonging; said boat, her appliances and appurtenances, to be advertised for thirty days by the sheriff of the county wherein the arrest and seizure of said boat, her appliances and appurtenances, were made, and sold by him to the highest bidder at public sale, and the proceeds of said sale to be divided, one-half thereof to go to the Delaware bay oyster tongers' association, and the other one-half to go to the informer, and said fine to go to the Delaware bay oyster tongers' association.

Penalty for
taking oysters at
certain times.

10. It shall be unlawful for any person or persons to gather, scrape, rake or tong any oysters of any description whatever in or upon the beds, creeks or rivers of the state of New Jersey, upon the shores of the Delaware bay, named in section nine of this act, excepting upon the beds at the mouth of and in Maurice river, for and during the period from the fifteenth day of June until the first day of September of each and every year, and that any person or persons violating this section of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding one hundred dollars, or imprisonment in the county jail for not exceeding ninety days, at the discretion of the court, the proceeds of said fine to be

divided, one-half thereof to go to the Delaware bay oyster tengers' association, the other one-half to the informer.

11. Any person a resident of this state, desiring to engage in the gathering of oysters with hand-tongs in the creeks, beds and rivers named in section nine of this act, for the purpose of selling or planting, shall first obtain a license from the collector of the Delaware bay oyster tengers' association, and shall pay for the same the sum of three dollars for each and every license so granted, provided that no person without a license shall take more than two bushels in any one day; each license so granted shall be for one year from the date of issue, and shall be under the hand and seal of such collector; each license so granted shall be numbered, and the person receiving said license shall have the number of said license printed on the port side of his boat at the bow, in black letters on white ground, and said number shall measure six inches in length and one inch in width each, and each license so granted shall state the name and residence of the person to whom said license is granted, and every person to whom said license is granted shall be furnished by the collector of said association with a list of licenses so issued by him, that any person or persons guilty of violating any of the provisions of this section of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding one hundred dollars, or imprisonment in the county jail for not exceeding ninety days, at the discretion of the court; the proceeds of said fine to go, one-half to the Delaware bay oyster tengers' association, the other one-half to the informer.

Licenses to be issued.

Penalty.

12. All oysters taken from Maurice river, Elder Point beds, Oronoken beds, Dividing creek beds, Andrews' ditch beds, Nantuxet creek beds, East Point beds, Pepper beds, High beds, Beach creek beds, Oyster creek, Fortescue creek, Beaden's creek, Sow and Pigs creek, Dare's creek, Padget's creek, Nantuxet creek, Back creek, Back creek beds at the mouth of Back creek, Middle Marsh creek, Cohansey river, Cohansey beds at the mouth of the Cohansey river, and Stow creek, shall be rough culled in the creeks, rivers or beds

Culling to be done where oysters are caught.

where caught, and the shells and trash shall be thrown below low-water mark in said creeks or rivers where the oysters were caught; the said trash and shells are not to be carried above any natural beds where the oysters spawn and grow; that any person or persons violating any provisions of this section of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding one hundred dollars, or imprisonment in the county jail for not exceeding ninety days, or both, at the discretion of the court; the proceeds of said fine to go, one-half to the Delaware bay oyster tongers' association, and the other one-half to go to the informer.

Size of oysters
at certain
places.

Proviso.

Proviso.

Oyster bushel
measure.

13. All oysters taken from Goshen creek, Dennis creek, East creek, West creek, Dividing creek, Oronoken creek, Straight creek, Fishing creek, Cedar creek, shall measure not less than two inches from hinge to mouth, and all shell taken with said oysters shall be returned to the bottom of said creeks; *provided, however*, where the spat or small oysters adhere so closely to the shells of the marketable oysters as to render its removal impossible without destruction of young oysters, then such removal shall not be necessary; it shall be unlawful for any person to have in his possession any cargo or portion of cargo for sale, of which empty shells and small oysters shall amount to more than ten per centum of said cargo; *provided*, this section shall not apply to mussels on oysters or to oysters which, when culled of mussels, shall have less than seventy-five per centum of culled oysters; any person or persons violating any of the provisions of this section of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding three hundred dollars or imprisonment in state prison for not exceeding one year, or both, at the discretion of the court; the proceeds of said fine to go, one-half to Delaware bay oyster tongers' association, the other one-half to the informer.

14. All oysters measured in this state shall be measured in a circular bushel tub, with straight sides and straight solid bottom, and said tub shall have the following dimensions, viz.: fifteen inches in diameter across

the top from inside to inside, and thirteen inches and three-quarters across the bottom from inside to inside, and twenty inches diagonal from inside chime to top; any person or persons engaged in buying or selling oysters in the shell in this state and measuring the same in any measure contrary to the provisions of this section of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding one hundred dollars or imprisonment in the county jail not exceeding ninety days, or both, at the discretion of the court; the proceeds of said fine to go, one-half to the Delaware bay oyster tingers' association, and one-half to the informer.

Penalty for using improper measure.

15. It shall be unlawful for any person or persons, corporation or corporations, to grow or plant oysters for their own private use, to the exclusion of the inhabitants of this state, upon any land or lands that lie below the tidal waters of any of the creeks, beds or rivers of the state of New Jersey, upon the shore of the Delaware bay, named in section nine of this act; that any person or persons, corporation or corporations, violating any of the provisions of this section of this act shall be deemed guilty of a misdemeanor, and upon a conviction thereof shall be liable to a fine of not exceeding five hundred dollars, or imprisonment in the state prison for not exceeding one year, or both, at the discretion of the court; the proceeds of said fine to go to the Delaware bay oyster tingers' association; *provided*, that the provisions of this act shall in no wise affect or impair any rights, privileges or property, which previous to the passage of this act have been acquired under an act entitled "A further supplement to an act entitled 'An act for the preservation of clams and oysters,'" passed the fourteenth day of April, eighteen hundred and forty-six, which said supplement was approved March ninth, eighteen hundred and fifty-five.

Certain lands below tidal water for public use.

Proviso.

16. All laws or parts of laws that are inconsistent with this act, be and the same are hereby repealed.

Repealer.

17. This act shall take effect immediately.

Approved May 11, 1897.

CHAPTER 185.

A Supplement to the act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary and the orphans' court and surrogates," approved March twenty-seventh, one thousand eight hundred and seventy-four. (General statutes, page two thousand three hundred and fifty-three.) (Revision of one thousand eight hundred and seventy-seven, page seven hundred and fifty-one.)

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

All personal
estate to be
given to his
widow.

1. If any person shall have heretofore died intestate, leaving a widow, but without leaving any other kindred or relatives who could take or be entitled to his personal estate under the law in force at the time of his decease, and his estate be undistributed at the time of the passing of this act, or if any person shall hereafter die intestate, leaving a widow, and without leaving any other kindred or relatives, then and in such cases all the personal estate of such person so dying, after payment of his debts, shall be given and belong to his widow so surviving him, or in case of her death intestate, to her next of kin, as if she had received said estate before her death.

Repealer.

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

Approved May 11, 1897.

CHAPTER 186.

An Act to repeal an act entitled "An act fixing the time for holding the annual or charter elections of cities of the second class in this state," approved February fourteenth, one thousand eight hundred and ninety-five.

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

1. The act entitled "An act fixing the time for holding the annual or charter elections of cities of the second class in this state," approved February fourteenth, one thousand eight hundred and ninety-five, be and the same is hereby repealed. Act repealed.

Approved May 11, 1897.

CHAPTER 187.

An Act to amend an act entitled "An act concerning the collection of arrears of taxes and assessments upon lands by towns, boroughs or townships, and to enforce the payment thereof by sale in fee-simple of the lands subject to the lien thereof," approved March thirtieth, one thousand eight hundred and ninety-six.

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

1. Section one of the act entitled "An act concerning the collection of arrears of taxes and assessments upon lands by towns, boroughs or townships, and to enforce the payment thereof by sale in fee-simple of the lands Section amended.

subject to the lien thereof," is hereby amended so as to read as follows:

Lands acquired through non-payment of taxes.

Petition presented to court.

Order of court.

Land may be sold in fee-simple.

Orders; how served.

1. In any town, borough or township where there are now or where there may at any time hereafter be in arrears taxes and assessments, or both, upon any tract of land to an amount exceeding in the whole twenty-five dollars, including costs and interest at the rate of seven per centum per annum, which taxes have been unpaid or which may hereafter remain for more than two years after the same became or shall become due and which lands have been or shall be sold for such taxes and have been or shall be purchased by and are now or hereafter shall be held by such town, borough or township under such tax sale, the township committee or governing body of such township, borough or town may present to the circuit court of the county in which it is situated, a petition signed by its chairman and verified by the town, borough or township clerk, setting forth the description under which the said lands were so assessed, the name and residence, if known, of every person having an estate in or lien upon the same, the date and amount of each assessment and annual tax in arrear, with the costs and interest computed separately at seven per centum per annum, the date of sale to said town, borough or township of said lands for non-payment of any of said taxes or assessments; that upon presentation of said petition, said court shall make an order directing the persons named in said petition to show cause before said court at a time by said order to be fixed, but not less than three months from its date, why they should not be ordered to pay the amount due, with the actual disbursements incurred under said petition, including the costs of searches necessary to discover the owners and lienors of said land, but not to exceed twenty-five dollars for searches on any one tract of land, or said lands shall be ordered to be sold in fee-simple, absolute, free and clear from any estate in or lien upon the same, in favor of said person, to raise and pay the amount due with disbursements as aforesaid; that certified copies of such order to show cause shall be served personally or by residence service upon some member of defendant's

family above the age of fourteen years within thirty days from its date, upon each person named therein resident in this state, and if any person named in said order is, upon careful inquiry, found to be not resident in this state; that within the same time a notice of the making of the said order, stating its date, purpose, time and place returnable, a description of the lands affected thereby, the amount of taxes and assessments due thereon with disbursements as aforesaid, and directed to each person named in such order, not a resident, shall be published in a newspaper published and circulating in the town, borough or township in which the lands are situated, for six weeks consecutively, once a week, and within the same time mailed to the last known address of such non-resident; that on the return day of said order there shall be presented to the said court proofs of the service of the said order, or of the publication of such notice and of the manner in which inquiry has been made for the post-office addresses of non-residents, and of the time and manner of mailing such notice; that if the court shall not be satisfied by the proofs that due inquiry has been made for such post-office addresses, the hearing may be continued to a later day and further order made for service of the notice as the court may think proper; that if it shall appear by the petition or by proofs on the return day that any of the persons named in the order to show cause is under disability through minority or otherwise, the court shall appoint a guardian ad litem for such person, provided proof shall be made that at least thirty days' notice of the application for the appointment of a guardian ad litem shall have been served upon the general guardian, if any, within this state, of such person under disability, or upon his father, if living in this state, or if not, upon his mother, if living in this state; that all persons claiming any interest in or lien upon said lands under any instrument which by law could be made a public record in any public office in this state, and which shall not be so made matter of public record at the date of the filing of the petition above provided for, shall be bound by the proceedings taken under this act in the same manner as if such persons had been made parties to the proceed-

In case of a minor, a guardian to be appointed.

Who are parties to the order.

Proviso.

In case of
separate portions
of land, a referee
may be named.

ings; that where any person has been party to proceedings under this act, who by the public records appears to be the owner of some estate in or lien upon said lands, and inquiry made on behalf of the town, borough or township does not disclose whether such person is alive or dead, such person shall be conclusively presumed to be alive, and a notice published as required by this act and mailed to the address, if given by the instrument of record, shall be conclusive against, and bind not only such person if living, but any person claiming through or under him if he be dead; *provided*, that proof of the making of such inquiry on behalf of the town, borough or township shall be presented to the circuit court on the return day of the order to show cause; that where the lands shall be held in trust by a trustee or trustees, service of the notice prescribed hereby upon such trustee or trustees shall be conclusive on and bind all persons in any manner interested in said lands either in law or in equity; that if on the hearing of the rule to show cause it appears to the court that separate and distinct portions of any tract of land are owned by different persons, or that any separate and distinct portion thereof is subject to any lien which does not affect the other portions of such tract, it shall be lawful for the court, upon application by any person interested therein, to cause a proper and equitable apportionment of the tax or assessment to be made among and upon the separate and distinct portions composing the tract so assessed, and for that purpose may refer the matter to a referee to report upon the same, which referee shall be paid a reasonable compensation to be fixed by the court, and the tax or assessment so apportioned to each separate and distinct portion shall stand in lieu of the tax or assessment upon the whole tract as of the date when said tax or assessment became a lien thereon, and all subsequent proceedings under this act shall be taken as if such separate and distinct portions of the whole tract had been originally subjected to the proportion of the tax or assessment so apportioned to them.

2. This act shall take effect immediately.

Approved May 11, 1897.

CHAPTER 188.

An Act to authorize the re-institution, amendment and perfection of informal, insufficient, defective, deficient, irregular or illegal proceedings for the building or construction of any sewers, drains and receiving basins in, through and upon any street, road or avenue, in any city, or any part thereof, in this state, and assessments for or on account thereof, and for the collection of said assessments.

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

1. Whenever, by reason of any informality, insufficiency, defect, deficiency, irregularity or illegality in any proceedings of the commissioners of assessments, or commissioners of improvements, of any city in this state, or of the board of councilmen, or other governing body thereof, or any other board or body thereof, in or for the building or construction of any sewer, drain and receiving basin or basins, in, through and upon any street, road or avenue in any city of this state, or any part thereof, or in the assessment of damages or benefits on account thereof, the same shall be liable to be contested or set aside, any such commissioners, councilmen or other board or body, for the time being of such city, shall have power to re-institute any such proceedings from the point where any such informality, insufficiency, defect, deficiency, irregularity or illegality commenced or occurred, and such proceedings so re-instituted in accordance with the statute in such case made and provided in and for such city shall be carried on and perfected from the point or place of such re-institution to the end, as completely and effectually, to all intents and purposes, as if such informality, insufficiency, defect, deficiency, irregularity or illegality had not occurred, including the making of assessments of damages or benefits on account of such improvement, which assess-

Certain
proceedings
amended and
validated.

ments, when made and levied in such re-instituted proceedings, in accordance with the statute in such case made and provided in and for such city, upon the lands and real estate specially benefited by such improvement in proportion to and not in excess of the benefits received by such lands and real estate from such improvement, shall be as legal and binding as if such proceedings had been originally complete and perfect.

Assessments for
benefits.

2. In making or levying any new assessment under such re-instituted proceedings, the person or persons authorized to make or levy the same shall assess upon all the lots or plots of land and real estate benefited by such improvement, such proportion of the costs and expenses thereof as will be equal to the amount of special benefits actually acquired by said lands and real estate from such improvement, and not in excess of such benefits, proportioned equitably to the benefit each of said lots or plots shall thereby acquire; and the balance of such costs and expenses, if any, shall be a debt upon and assessed upon and paid by said city at large.

In case of
payment of
original
assessment.

3. If any assessment or assessments originally made for such improvement shall have been paid before such re-institution of proceedings and new assessment, the same shall be a credit on any new assessment, if any, upon the same lands and real estate, which may be made under such re-instituted proceedings; and if any such former assessment shall happen to amount to more than any such new assessment the difference shall be repaid to the party entitled to the same.

Re-assessments
payable as if
former
proceedings
were perfect

4. Any assessment which may be made under such re-instituted proceedings, according to the statute in such case made and provided for such city, upon the land and real estate benefited by such improvement in proportion to, and not in excess of, the special benefits acquired by such land and real estate, shall be payable, collectible and enforceable, in accordance with such statute, in the same manner as if such assessment had been originally made under proceedings originally perfect.

Repealer.

5. All acts and parts of acts inconsistent herewith are hereby repealed.

6. This act shall take effect immediately.

Approved May 11, 1897.

CHAPTER 189.

A Supplement to an act entitled "An act to amend an act entitled 'A further supplement to an act entitled 'An act to increase the powers of township committees,''" approved March eleventh, one thousand eight hundred and eighty, which supplemental act was approved March eighth, one thousand eight hundred and ninety-three, and which amendatory act was approved February twenty-sixth, one thousand eight hundred and ninety-five.

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

1. At any time after the adoption of an ordinance by the township committee of any township for any purpose requiring the taking and appropriating of any lands and real estate upon making compensation to the owner or owners thereof by the payment of damages pursuant to subdivision number one of section one of the act to which this is a supplement, such township committee may appoint three disinterested freeholders, resident in such township, as commissioners to ascertain, determine and make awards for damages sustained by the taking and appropriating of any such lands and real estate and the assessments for benefits from such public improvement hereinafter provided for; such commissioners before entering upon the discharge of their duties shall file with the township clerk an oath in which they shall swear that they are not interested in the matters committed to them, and that they will faithfully and impartially perform their said duties; such commissioners shall publish notice in one or more newspapers published in the county in which such township is situated, for at least two weeks successively, at least once in each week, stating the time and place when and where the first meeting of the com-

Committee of freeholders to be appointed to ascertain damages.

missioners will be held and the purposes thereof; and the township committee shall appoint a competent surveyor to assist said commissioners in the performance of their duties.

Duties of
commissioners.

2. Said commissioners shall ascertain as far as practicable the names and estates of all the owners or occupants of the lands and real estate to be taken; they shall examine the lands and real estate to be taken, and shall make a just and equitable award of damages to each owner and occupant for the estate or interest to be taken, and where the estates in said land or real estate cannot be ascertained by them they shall appraise the value of the fee-simple of the lands or real estate taken and award damages in gross therefor; such commissioners shall ascertain and determine the whole cost of the proposed improvement, and shall determine what lands and real estate are specially benefited by the same, and shall assess upon each lot or parcel of land specially benefited thereby such part of the cost of the improvement as will be equal to the special benefit received by said lot or parcel; and in case the said cost shall exceed the aggregate amount of special benefits, the excess of such costs shall be assessed upon and shall be borne by the township at large; the said commissioners shall make a map showing the lands and real estate required to be taken and each lot or parcel of land specially benefited by the improvement; they shall make under their hands a report in writing of the facts ascertained by them and of the appraisements, assessments, determinations and estimates made by them, and shall present such report and map to the township committee at a stated meeting thereof, who shall thereupon direct the township clerk to publish for three weeks successively, at least once in each week, in a newspaper published in the county in which such township is located, and to post for ten days in five public places in such township a notice setting forth that such report and map have been filed with him, and stating where and when the same can be seen and examined, and the time and place and where the township committee will meet to consider and adjudicate upon all objections to such report and map, awards, determinations and assess-

Clerk to give
notice, &c.

ments that may be presented in writing; and all objections at such time and place presented in writing the township committee shall consider and adjudicate upon, and in case of corrections or alterations in such awards or assessments, a copy of such corrections or alterations, signed by the chairman of the township committee, shall be filed with the clerk of the township within ten days after making the same; the township committee shall thereupon confirm said report and map, award and assessment, filed by said commissioners as corrected and altered by them, and from and after the time of such confirmation the assessments for benefits shall constitute a lien upon the lands upon which they are imposed, collectible and enforceable as other assessments in such township.

3. The township committee may by resolution direct the several sums of money awarded to be paid for the taking and appropriating of lands and real estate, and upon the passage of such resolution the fee-simple of the lands so taken shall be vested in the township in its corporate name; *provided*, that when the commissioners shall have reported the names and estates of the owners of any parcel or parcels of land are unknown, the said resolution shall direct the sum of money awarded to the owner or owners of such parcel or parcels of land to be paid to the owner or owners thereof when and as their interest may appear, and any such owner or owners or persons interested in such lands or real estate may, by suit in chancery, according to the practice of that court, have the said sum distributed or in whole or in part paid over as law and justice may require.

Payment for
land taken.

Proviso.

4. The awards for damages for taking and appropriating lands and real estate in accordance with the provisions of this act and the act to which this is supplemental shall be paid by the township treasurer out of any funds in his hands not otherwise appropriated, and in case there are no funds available for this purpose, the township committee is hereby authorized to borrow such sum of money as may be necessary to pay such awards, giving therefor obligations in the name of the inhabitants of such township, payable at any time within five years from their date, signed by the chair-

Funds, how
provided.

man of the township committee, attested by the township clerk, which sum, with interest thereon at a rate not exceeding six per centum per annum, shall be raised by taxation in not more than five annual installments, as may be directed by the township committee.

Excess of
awards and
damages.

5. Whenever, by the report and map of the 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, then if the assessment equals or exceeds the award no payment shall be made on account of the award; if the award exceeds the assessment only so much of the award as in excess thereof shall be paid and the resolution of the township committee ordering the awards to be paid shall be framed accordingly.

In case of
dissatisfaction.

6. Whenever any person who shall have presented objections aforesaid to an award or shall be dissatisfied with the determination of the township committee or council thereupon, such person may commence an action upon contract against the township 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 township is situated), which action shall proceed in all things as if such township had, upon taking the real estate required, agreed in writing to pay therefor the value thereof and the damage done by taking the same; and if in such action the plaintiff recover more than the amount of the award he shall recover also his taxable costs, and if he shall not recover more than the amount awarded, the defendant township shall recover its taxable costs and shall be entitled to have them deducted from the amount recovered by the plaintiff, the amount of assessment against the plaintiff (if any) being also deducted therefrom in either case; *provided*, that no such action shall be brought by any person who shall have accepted payment of the amount awarded, nor unless notice that such action will be brought be filed with the township clerk within three months after confirmation of the award, nor unless such action be commenced within two years after such confirmation.

Proviso.

7. This act shall take effect immediately.

Approved May 11, 1897.

CHAPTER 190.

An Act for the better regulation of the operation of street railways or railroads, or other railroads operated as street railways.

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

1. On and after the first day of November, one thousand eight hundred and ninety-seven, it shall not be lawful for any company operating a street railway or railroad, or other railroad operated as a street railway, by means of electric motors, to use upon its said railroad or railway any car, motor or vehicle for the conveyance of passengers, between the first day of November and the first day of April in any year, unless said car, motor or other vehicle shall be constructed with enclosed or vestibuled platforms, provided with proper glazed sashes at the ends of the car and with open doorways at the sides.

Electric cars
must have
enclosed
platforms.

2. For each day, or part of day, any such car, motor or other vehicle for the conveyance of passengers shall be operated and used in the operation of any street railroad or railway operated by means of electric motors, the company owning or operating said car, motor or vehicle shall be liable to a penalty of twenty-five dollars, to be recovered in any court of competent jurisdiction, together with the costs of suit, by the person, board or other authority having by law control of the police department of any municipality in which or through which said car, motor or vehicle shall be operated; the said penalty, when recovered, to be paid into the treasury of said municipality the same as the penalties collected for infraction of other police regulations of said municipalities.

Penalty for
violation.

Approved May 11, 1897.

CHAPTER 191.

An Act to provide for the acquirement of turnpike roads
for free public use.

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

Turnpike roads
may be acquired
for public use.

Commissioners
appointed.

Hearings had.

Notice given.

1. Whenever there shall be presented to the state commissioner of public roads a petition signed by the owners of at least two-thirds of the land and real estate fronting or bordering on any turnpike road, praying that said road may be acquired for free public use, and setting forth that they are willing that the peculiar benefits conferred on the lands fronting or bordering on said road shall be assessed thereon to an amount not exceeding ten per centum of the entire cost of the said road, then the governor shall appoint five commissioners from the county or counties through which the said road runs; the said commissioners, when appointed, shall take an oath or affirmation faithfully and fairly to perform their duties, and shall thereupon proceed to estimate and determine the fair and just value of the said road, having given ten days' notice of the time and place when and where they will meet to hear any representation in behalf of the said corporation or of the board or boards of chosen freeholders of the various counties through which the said turnpike runs, or of the applying freeholders in the said matter; said notice shall be served upon the president or other chief officer of said corporation, upon the director or clerk of the said board or boards of chosen freeholders, and shall be published at least one week prior to the time of meeting in one newspaper published in each county through which said turnpike runs; such meeting shall be adjourned from time to time at the discretion of the said commissioners; when the said commissioners shall have arrived at a price or value of the said turnpike road satisfactory to themselves they shall report the same to the road commissioner,

who may thereupon ratify the same and report it to the board or boards of chosen freeholders of the counties through which the said road runs, who may thereupon purchase the same; and they are hereby empowered to make temporary loans upon the credit of the said county or counties for the acquirement of the said roads as aforesaid.

Temporary
loans may be
made.

2. One-third of the cost of all roads so acquired under this act shall be paid for out of the state road appropriation; *provided*, that the amount so paid shall not in any one year exceed the amount of twenty thousand dollars; if one-third of such cost shall exceed the sum of twenty thousand dollars, the said sum of twenty thousand dollars shall be apportioned by the governor and the state commissioner of public roads among the counties of this state in proportion to the cost of the roads acquired by them for such year as shown by the statement of cost filed in the office of the state commissioner of public roads; the governor and the said commissioner shall, between December fifteenth and thirty-first in each year, certify to the state comptroller the amount to be paid to each county for such year, and the state comptroller shall thereupon draw his warrants in favor of the respective county collectors for the sums certified to as aforesaid upon the state treasurer, who shall pay the same out of any moneys in the state treasury not otherwise appropriated; *provided further*, that the cost of all turnpike roads acquired under this act in any county in any one year, together with all roads built or repaired, shall not exceed one-fourth of one per centum of the ratables of such county for the last preceding year.

Cost.

Proviso.

Proviso.

3. On or before August first in each and every year it shall be the duty of the board of chosen freeholders to certify to the county board of assessors, either in the annual tax budget or separately, the two-thirds of the cost of all turnpike roads acquired so as aforesaid during the year, and the county board of assessors shall include the sum so certified in the county taxes assessed for such year, and the same shall be assessed, collected and paid over to the county in the same manner and within the same time that other county taxes are as-

Assessors to
include certain
amount in
county taxes.

Deficiency.

essed, collected and paid over; if a deficiency shall exist in consequence of the receipt of less than one-third of the cost from the state treasury, the board of chosen freeholders shall have authority to borrow on temporary loans to the amount of such deficiency until the next annual taxes shall be assessed, collected and paid over to the county.

If the road is in more than one county.

4. If the said road shall run through more than one county the petition to the state commissioner of public roads shall be signed by at least two-thirds of the owners of the land and real estate bordering on said road in each county before the governor shall be required to appoint the five commissioners mentioned in the first section of this act; and each of the said counties shall bear the expenses of the acquirement of the said road in proportion to the length thereof within the said counties, and all proceedings after the appointment of the said five commissioners that may be required by virtue of this act shall be had separately and independently in each of the said counties.

Road to be free and maintained by county.

5. Any road so acquired shall forever thereafter be a free country road, and the duty of keeping the same in good order and repair shall devolve upon the county officers in like manner as heretofore provided for free stone roads.

Benefits assessed by commissioners appointed by court.

6. When the said turnpike roads shall have been so acquired the board of chosen freeholders shall apply to the circuit court of the county for the appointment of commissioners to estimate and assess the peculiar benefits conferred by such acquirement upon the lands and real estate bordering on the road so acquired, of the time and place of which application notices shall be given by ten days' publication in two daily newspapers printed and circulating within the said counties, then by two weeks' publication in two weekly newspapers printed and circulating therein, at which time and place or at such other time and place as the court shall designate, shall, without unnecessary delay, appoint three commissioners, who shall be freeholders and residents of the county in which the application is made, to assess the benefits aforesaid; 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 at any time.

7. The said commissioners shall then proceed in like manner as the commissioners appointed to assess the benefits conferred by the improvement of the public roads of this state under and by virtue of an act of the legislature entitled "An act to provide for the permanent improvement of the public roads of this state," approved March twenty-second, one thousand eight hundred and ninety-five, and the supplements thereto, and the report of the said commissioners when filed and approved shall be a lien upon the properties assessed in like manner, and the said assessment shall be collected in like manner as the assessment in the said last act last before mentioned.

Method of
assessing
benefits.

8. This act shall take effect immediately.

Approved May 11, 1897.

CHAPTER 192.

An Act fixing the time for holding the annual elections for the election of municipal officers in cities, towns and boroughs of this state.

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

1. In every city, town or borough of this state in which the annual election for the election of municipal officers is now held on any Monday of any month in the year, such annual election shall hereafter be held on the next succeeding day after such Monday.

When annual
election to be
held.

2. This act shall take effect immediately.

Approved May 12, 1897.

New Jersey State Library

CHAPTER 193.

An Act concerning marriage licenses.

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

When both parties are non-resident, license must be procured.

1. From and after the first day of July, anno domini one thousand eight hundred and ninety-seven, no marriage shall take place or be performed in this state, where both the parties proposing marriage are non-residents of the state, until a license therefor shall have been obtained from the clerk of the county where the marriage is to be performed at least five days prior to the marriage; and no such license shall be issued unless at least one of the parties to such proposed marriage shall be first identified before such clerk, and it shall be made to appear to such clerk that no legal impediment to the marriage exists.

Form of license.

2. The said license shall, in all cases where the marriage is to be performed between parties as aforesaid by some person thereto lawfully authorized, be in form as follows:

State of New Jersey: }
County of ——— }

To any minister of the gospel, justice of the peace or other person authorized by law to solemnize marriages; greeting—

It appearing before me that no legal impediment thereto exists, you are hereby authorized, within the county of——, to join together in the holy state of matrimony, in accordance with the laws of the state of New Jersey, A—— B——, of (giving place of residence), and C—— D——, of (giving place of residence).

In witness whereof I have hereto attached my name and official seal, this —— day of ——, one thousand ——.

[Seal.]

_____,
Clerk of the county of ——.

The said license shall have appended thereto two certificates, which said certificates shall be numbered to correspond with the license above set forth, one of said certificates to be marked "original," and the other of them marked "duplicate"; said certificate shall be in form as follows:

I, — (minister of the gospel, or as the case may be), do hereby certify that A— B—, of —, and C— D—, of —, were by me united in marriage in accordance with the license for that purpose issued by —, clerk of the county of —, in the state of New Jersey, on the — day of —, one thousand —, said license and certificate being numbered —.

Form of
certificates
attached.

Minister, &c (or as the case may be).

3. It shall be the duty of such minister or other person performing such marriage to deliver to the parties the certificate marked "original," and to return, within thirty days, the certificate marked "duplicate" to the office of the clerk who shall have issued the license to which said certificates were originally attached, under a penalty of one hundred dollars, to be sued for and collected as other penalties are by law collected, by the clerk issuing such license, for the use of the county of which he is the clerk.

Disposition of
certificates.

4. In all cases in which the parties as aforesaid to any proposed marriage shall intend solemnizing such marriage in accordance with the customs of any religious society as now allowed by law, the license therefor shall be in form as follows:

Form when
marriage is to be
solemnized by a
religious society.

State of New Jersey: }
County of ———— }

To A— B— and C— D—:

Application having been made to me by the above-named A— B—, of (giving place of residence), and C— D—, of (giving place of residence), for a license authorizing the solemnization of marriage between them in accordance with the customs of the —, and without the intervention of any person authorized to solemnize marriages, and due proof being by me taken that no legal impediment to such proposed marriage exists, the said A— B— and the said C—

D—— are hereby authorized to become joined in marriage in accordance with the customs of such —— and in the manner required by law.

[Seal.]

A—— B——,
Clerk of the county of——.

The said license shall have appended thereto two certificates, which said certificates shall be numbered to correspond with the license above set forth, one of said certificates to be marked "original," and the other of them marked "duplicate"; said certificate shall be in form as follows:

Form of
certificates
attached.

We hereby certify that on the —— day of ——, anno domini one thousand ——, we were united in marriage at ——, in the county of ——, state of New Jersey, in accordance with the customs of the —— and in accordance with the laws of this state, having first obtained for that purpose a license from the clerk of the county of ——, said license and this certificate being numbered ——.

A—— B——.
C—— D——.

We, the undersigned, do say that we were present at the marriage above certified to between the said A—— B—— and C—— D——.

Disposition of
certificates.

The said certificates shall be duly signed by the parties to said marriage, and duly attested by at least two witnesses who were present at such marriage; the certificate marked "original" shall be retained by the parties, and the one marked "duplicate" shall be returned by the clerk or keeper of the minutes of such religious society, within thirty days, to the office of the clerk who shall have issued the license to which such certificates were originally attached, under a penalty of one hundred dollars, to be sued for and collected as other penalties are by law collected, by the clerk issuing such license, for the use of the county of which he is the clerk.

Duty of clerk
before issuing
license.

5. Before any county clerk shall issue any marriage license, as provided in the first section of this act, he shall demand of the party applying therefor, under oath or affirmation, the facts respecting the legality of the same, and he shall issue the said license only if it shall

be made to appear before him that no legal impediment to such proposed marriage exists; for such license he shall be entitled to receive the sum of fifty cents.

6. It shall be the duty of the attorney-general of this state to cause to be issued to the bureau of vital statistics of the state the form and substance of the several inquiries to be made of any applicant as aforesaid, in order that the several county clerks shall be enabled to obtain the information herein required and ascertain whether any legal impediment to any proposed marriage exists; and the bureau of vital statistics shall cause the same, which shall include inquiries concerning the name, age, parentage, birthplace, occupation and residence of each of the persons to be married, and the condition of each of them, whether single, widowed or divorced, to be printed and supplied to the several county clerks throughout the state in the same manner that other blanks are now furnished.

Duty of
attorney-general
and bureau of
vital statistics.

7. It shall be the duty of every county clerk to transmit to the state bureau of vital statistics of this state, at Trenton, between the first and tenth days of each and every month, every "duplicate" certificate of marriage filed with him during the preceding month, together with a copy of the marriage license, and all duplicate certificates received by said bureau shall be alphabetically indexed and filed and preserved in the archives of said bureau in the same manner that marriage certificates have heretofore by law been required to be indexed, filed and preserved; and every clerk who shall neglect or refuse to comply with the provisions of this section shall for every such offense forfeit and pay the sum of one hundred dollars, to be sued for and recovered by the prosecutor of the pleas for the use of the county in or for which such clerk acts as an officer.

Additional
duties of
clerks.

Failure to
comply.

8. If any such male applicant for license to marry shall be a minor under the age of twenty-one years, or any such female applicant under the age of eighteen years, such license shall not be issued unless the parents or guardian of the said minor, if there be any, shall first certify under their hands and seals, in the presence of two reputable witnesses, their consent thereto, and no license shall be issued where the parties to such pro-

In case of
minors.

posed marriage shall at the time of applying for such license be under the influence of liquors, opiates or other stupefying drugs; any consent given in accordance with this section shall be delivered to the clerk issuing the license and be transmitted to the state bureau of vital statistics with the papers required to be transmitted to said bureau by the next preceding section.

Penalty for
county clerks
not complying.

9. If any county clerk shall violate any of the provisions of this act, or shall fail to comply therewith, he shall pay a fine of one hundred dollars for each and every offense, to be recovered by the city or county of which he is clerk or registrar.

In case of
perjury.

10. If any person applying for license under this act shall make willful and false answer to any of the inquiries required to be asked by any county clerk, he or she shall be deemed guilty of perjury, and shall be subject to the penalties imposed therefor by the laws of this state.

Penalty for
performing
marriages
without license.

11. If any minister, justice or other person shall perform any marriage ceremony between parties one or both of whom shall not then be actual and bona fide residents of this state, without the presentation to him of a license therefor, obtained in due time in accordance with the provisions of this act, he shall be deemed guilty of a misdemeanor, and shall, upon conviction, be sentenced to imprisonment not exceeding six months, or to pay a fine not exceeding five hundred dollars, or both, at the discretion of the court.

Records to be
public.

12. The records herein provided shall be public records and open to the inspection of the public at all reasonable hours.

Marriages,
otherwise lawful,
not affected.

13. Nothing in this act contained shall be deemed or taken to render any marriage, otherwise lawful, invalid by reason of the failure to take out a license as is herein provided.

Repealer.

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

Approved May 18, 1897.

CHAPTER 194.

An Act to amend section one of an act entitled "A supplement to an act entitled 'An act concerning roads'" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved February seventeenth, one thousand eight hundred and eighty-two.

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

1. Section one of an act to be amended hereby, being chapter ten of the laws of one thousand eight hundred and eighty-two, is hereby amended so as to read as follows:

Section
amended.

1. Whenever any public road shall have been or hereafter shall be laid out by surveyors of the highways, or by dedication and acceptance by the township committee, it shall be lawful for the qualified voters of any township in or through which the said road may be laid, at their annual meetings, to vote, grant and raise, by special resolution, such sum or sums of money as may be necessary for the purpose of defraying the expenses of opening and building such road, or so much thereof as may lie in such township, which money so voted and granted shall be assessed, levied and collected by the same persons, in the same manner and at the same time that other taxes are assessed, levied and collected, and shall constitute a special fund, to be used for the purpose of defraying the expenses of opening and building such road so laid out or dedicated and accepted as aforesaid, and for no other purposes whatever; *provided, however,* that in case more money is raised than is required to open and build such road, then, upon the completion of the road, the surplus shall be used and disposed of in the same manner that other moneys raised for the maintenance, working and repair of roads

Funds may be raised by special resolution for opening and building certain roads.

Proviso.

Proviso.

in such township are used and disposed of; *and provide* further, that, until such appropriation is made, the said township shall be under no legal obligation to expend in the opening and building such road a sum greater than five hundred dollars.

Repealer.

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

Approved May 18, 1897.

CHAPTER 195.

An Act to authorize the organization of corporations to construct dams in the rivers and streams within this state, or between this and any other state, for the purpose of generating, distributing and selling water power and electric power.

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

Company may
be formed to
construct dams
for obtaining
power.

Articles of
association.

1. Any number of persons not less than three may form a company to construct a dam or dams in any of the rivers or streams within this state, or between this and any other state, for the purpose of generating, distributing and selling water power and electric power; and for that purpose such persons 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 river or stream, and, as nearly as practicable, the place or places in such river or stream where a dam or dams is or are to be constructed, the total amount of the capital stock of the company, which shall be not less than two thousand dollars, the amount with which the company will commence business, which shall not be less than one thousand dollars, the number of shares of which said capital stock shall consist, the par value of each share, the names and residences of the incorporators, the number of shares subscribed for by

each incorporator, the date on which the corporation shall begin, and the period, if any, limited for its continuance; said articles of association shall be proved or acknowledged as required for deeds of real estate and recorded in a book to be kept for that purpose in the office of the clerk of the county in which said dam or dams or any portion thereof may be, and, after being so recorded, shall be filed in the office of the secretary of state, who shall endorse thereon the day they are filed and record the same in a book provided by him for that purpose; said articles of association, or a copy thereof duly certified by the secretary of state, shall be evidence in all courts and places, and upon making said articles of association and causing the same to be filed and recorded as aforesaid the persons so associated, their successors and assigns, shall, from the date when the same shall be filed in the office of the secretary of state, be a body corporate 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 of one thousand eight hundred and ninety-six), approved on the twenty-first day of April, in the year one thousand eight hundred and ninety-six, and the several acts supplementary thereto and amendatory thereof, shall have the powers in this act hereinafter expressed.

How proved.

Filed.

General powers
of such
corporations.

2. All companies that may be hereafter established by virtue of this act, for the purpose of damming rivers and streams in this state, or between this and any other state, shall have power to construct, erect and maintain dams on rivers and streams, at such points on said rivers and streams, and at such heights as may be by them deemed necessary or advisable, and the right to flow back and raise the water in such rivers or streams, above such dam, to a height not exceeding ten feet above common low water of such rivers and streams; *provided*, that such dams on all navigable rivers shall each have a good and sufficient schute in connection therewith, of not less than one hundred feet in width, to enable rafts and flat boats to pass safely and conveniently down the same; *and also provided*, that said dams shall each be constructed with a fishway for the

Powers of
corporations so
formed.

Proviso.

Proviso.

passage of shad and other fish, which said fishways shall be constructed and maintained under the supervision and approval of all the fish commissioners of this state; *and also provided*, that the plans and construction of such dams shall be approved by at least three engineers and experts, to be appointed by the governor of this state on the application of such companies; they shall receive such compensation for their services, to be paid by the applying company, as shall be fixed by said governor, and any company failing to comply with the provisions of this section shall thereby forfeit the franchises given it by this act.

Proviso.

Further powers.

Proviso.

Proviso.

Additional powers.

3. Such companies shall have power to cut or acquire main canals or raceways on each side of said rivers or streams from their said dams to such point or points below as may by them be deemed necessary, and also to cut, construct and erect as many lateral or branch raceways, locks, weirs, gates and other works, from their said main canals or raceways to the said rivers or streams, as may by them be deemed expedient for the purposes of creating, generating, using and selling the power of the said rivers and streams, and electric power developed from said water power for mills, manufactories, foundries, machine shops and other purposes; *provided*, that the water so diverted from such rivers and streams shall be returned again to them after being used for the purpose aforesaid as unpolluted as before it was used; *and further provided*, that such companies shall commence their proposed dams and works within two years from the date of their organization, and complete their said dams and cut or acquire their main canals or raceways within three years from the date of commencement as aforesaid, and any company failing to comply with the provisions of this section shall thereby forfeit the franchises given it by this act.

4. Such companies shall have power from time to time to purchase, receive and hold, possess and enjoy, demise, grant, lease, alien, sell and convey all such lands, lots, sites, mills, manufactories, erections, hereditaments, water powers and electric power developed from water power, rights, goods, chattels or effects, or any part thereof, for such term or terms, and upon such con-

dition or conditions, as they shall from time to time deem necessary or expedient for the public purposes of this act; and also to construct, make, erect, form and maintain all such embankments, reservoirs, aqueducts, culverts, locks, weirs, gates, ways, bridges and other works as may by them be deemed convenient and necessary for the uses and purposes aforesaid, and to repair and improve the same for the better carrying-on and management thereof; *and further*, that it shall and may be lawful for such companies, by their directors, officers, agents, engineers, superintendents or contractors, or any other person or persons by them employed, from time to time and at all times hereafter, to enter upon all lands, whether covered with water or not, for the purposes contemplated by this act, doing no unnecessary damage; and when the locations of their said dams, and the routes and location of their main canals and raceways, branches and improvements shall be determined by the directors of such companies, or a majority of them, from time to time, and a survey thereof, together with the lands and portions of such rivers or streams necessary for the same, shall, by an engineer or other person employed by such company, be completed and deposited in the office of the secretary of state, then it shall be lawful for the said companies, their agents, engineers, contractors, superintendents or other person or persons employed by them, to enter upon, take possession of, and use, occupy and possess, all and singular, such lands and premises, subject to such compensation, and in such manner as provided in the fifth section of this act.

Further rights.

5. Where any waters, streams, lands, property, materials or franchises, that may be necessary or useful for the said dams, on rivers and streams, or for the said canals or raceways, shall not be made a free gift by their owner or owners to such companies for the public purposes thereof, then such companies shall pay to the owner or owners of all such lands such compensation as shall be mutually agreed upon between them; and if any such corporation or its agents cannot agree with the owner or owners of any such waters, streams, lands, property, materials or franchises, for the compensation

How property,
etc., may be
acquired.

proper for the damage done or likely to be done to or sustained by any such owner or owners of such waters, streams, lands or materials which such corporation may enter upon, use or take away, in pursuance of the authority herein given, or by reason of the absence or legal incapacity of any such owner or owners, no such compensation can be agreed upon, a particular description of the waters, streams, lands, materials, franchises or other property so required for the use of such company incorporated under this act, in the construction of said dams, canals, raceways and other works, shall be given in writing, under oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause said company to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state, to make publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents in the county in which the waters, streams, lands, materials or other property in controversy lie or the owners reside, commissioners to examine and appraise said waters, lands or other property, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than ten days; and it shall be the duty of said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding) to meet at the time and place appointed, and to proceed to view and examine the said waters, streams, lands, materials or other property, and to make a just

and equitable estimate or appraisement of the value of the same, and an assessment of damages to be paid by the said company for such waters, streams, lands, materials or other property, and damages aforesaid, which said report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the waters, streams, lands, materials or other property, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the said waters, streams, lands, materials or other property are situate, to remain of record therein; and thereupon and on payment or tender of payment of the amount awarded as hereinafter provided, the said company is hereby empowered to enter upon and take possession of the said waters, streams, as hereinbefore mentioned, lands, materials or other property, for the purposes aforesaid; 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 considered as plenary evidence of the right of any such company to have, hold, use, occupy, possess and enjoy the said waters, lands or other property, or the said owner or owners to recover the amount of said valuation, with interest and costs, in an action on contract in any court of competent jurisdiction, in a suit to be instituted against the said company, if they neglect or refuse to pay for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the said company in the nature of a mortgage; and the said justice of the supreme court shall, upon application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the commissioners, clerks and other persons performing any of the duties prescribed in this section as he shall think equitable and right, which shall be paid by the said company; *provided always*, that should any such company or the owner or owners of any such waters, streams, lands, materials or other property feel aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the next circuit court in the

Proviso.

county wherein the said waters, streams, lands, materials or other property may be.

In case of
appeal.

6. 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 the said circuit court of the county wherein such waters, streams, lands, materials or other property appraised by the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in the said 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 to be tried at the next term of said court to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said waters, streams, lands, materials or other property, and damages sustained, and if they 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 any such company and execution awarded therefor; but if the said jury shall be applied for by the owner or owners and shall find a less sum than such company shall have offered, or the said commissioners shall have awarded, then said costs shall be paid by said applicant or applicants and either deducted out of said sum found by said jury, or execution awarded therefor, as the said court shall direct; but such application shall not prevent such company from taking the said waters, streams, lands, materials or other property, upon filing the aforesaid report of the said commissioners; *provided*, that in no case whatever shall such company enter upon or take possession of any waters, streams, lands, materials or other property of any person or persons for the purpose of actually constructing said dams, reservoirs, canals, raceways and other works, or making any erections or improvements whatever, or otherwise appropriating said

Proviso.

waters, streams, lands, materials or other property to the use of any such company, until they have paid or tendered to the party or parties entitled to receive the same the amount assessed by the said commissioners as the value of such waters, streams, lands, materials or other property or damages; but in case the party or parties entitled to receive the amount assessed as aforesaid by the said commissioners shall refuse, upon tender thereof being made, to receive the same, or shall be out of the state or under any legal disability, then the payment of the amount assessed as aforesaid into the circuit court of the county wherein the said waters, streams, lands, materials or other property lie, shall be deemed a valid and legal payment; *and further provided*, that the party or parties entitled to receive the amount assessed by said commissioners may, upon tender thereof being made, accept and receive the same without being barred thereby from his, her or their appeal from the report of the said commissioners; that on such tender or payment of the money into court, in case it be refused as aforesaid, such company shall be empowered to enter upon and take possession of said waters, streams, lands, materials or other property, and proceed with the work of constructing the said dams, canals, raceways and other erections and improvements.

Proviso.

7. Nothing in this act shall be construed to impair the rights of any corporation, person or persons to an action against such company, their agents, workmen, servants or contractors, for any damage done to his, her or their land, hereditaments and premises by the erection or construction of said dams, canals, raceways, reservoirs and improvements, where such corporation, person or persons have not been agreed with by such companies, or his, her or their damages paid and satisfied by such companies, under the provisions of this act.

Rights of others not impaired.

8. Every such company may make and issue bonds, with or without coupons attached, bearing interest not exceeding six per centum per annum, to borrow money or to secure any indebtedness created by them, and sell, exchange or otherwise dispose of the same, upon such terms and conditions as they may deem advisable, and such bonds, and the interest thereon, may be secured

May issue bonds.

by a mortgage or mortgages, given or executed to a trustee or trustees for the use of the bondholders, upon the corporate franchises, real and personal estate, and all other property of said companies, or any part thereof; *provided*, they shall not issue bonds for a greater sum than double the amount of their capital stock paid in.

Proviso.

May lease dam, etc., unite with other companies, or form a new corporation.

9. It shall be lawful for any company incorporated under this act, at any time during the continuance of its charter, to lease its dams and works, or any part thereof, to any other corporation or corporations of this or any other state, or to unite and consolidate, as well as merge its stock, property, franchises, dams and works with those of any other company or companies of this or any other state, to form a new corporation, or to do both; and such other company and companies are hereby authorized to take such lease, or to unite, consolidate, as well as merge its stock, property, franchises, dams and works with said company, to form a new corporation, or to do both, and after such lease or consolidation the company or companies so acquiring said stock, property, franchises, dams and works may use and operate such dams and works and their own dams and works, or all or any of them, according to the provisions and restrictions contained in this act, notwithstanding any special privilege heretofore granted to another corporation.

May develop electric power and sell the same.

10. Every corporation organized under this act may develop electric power for commercial purposes by means of water power, and shall have authority to supply current and power to individuals, firms and corporations at such prices as may be agreed upon, and shall have authority to make, erect and maintain the necessary buildings, machinery and apparatus for developing power and current, and to distribute the same to any place or places with the right to enter upon any public road, street, lane, alley or highway for such purposes, and to erect posts or poles on the same to sustain the necessary wires and fixtures, and to alter, inspect and repair its system of distribution; *provided*, that no such company shall enter upon any street or alley in any city, borough or township of this state, until after the con-

Proviso.

sent to such entry of the council or other governing body of the city or borough, or the township committee of the township in which such street or alley may be located, shall have been obtained.

11. No company organized under this act shall acquire under any of its provisions the power to supply any municipality or any part of the public with water for potable or other domestic uses; nor shall any of the provisions of this act be construed to in anywise impair the right or privilege of any municipality to take from the rivers and streams within this state, or between this and any other state, the potable waters thereof for public purposes, nor shall such company be entitled to damages or compensation for the diversion of any of the waters of such river or stream or tributaries thereof for the water-supply of any municipality in this state.

Not to supply
water for
domestic use.

12. This act shall take effect immediately.

Approved May 18, 1897.

CHAPTER 196.

An Act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water-rates or water-rents in towns 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.

WHEREAS, arrears of unpaid taxes, assessments and water-rates in towns of this state have accumulated to the amount of many thousands of dollars; *and whereas*, the validity of some of such unpaid taxes, assessments and water-rates has been or may be called in question by reason of some irregularity, omission or defect in the procedure instituting, laying or imposing the same, or because of the uncon-

Preamble.

stitutionality of the laws or methods under which such proceedings were had or taken; *and whereas*, several towns have issued and sold bonds or obligations in anticipation of the collection or on account of the arrears of such unpaid taxes or water-rates, and have issued and sold their bonds to obtain the money paid for the improvements for which the assessments so in arrears were imposed, or attempted to be imposed, and the said improvements have been completed, and the property assessed therefor has been benefited thereby; *and whereas*, it has been found that the towns of this state have no adequate means to enforce the collection of taxes and assessments by sale of the lands upon which the same have been or may be imposed; now, therefore,

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

Lawful for court
to appoint
commissioners
upon
application.

1. It shall be lawful for the town council or other governing body of any town in this state, in which any such arrearages of taxes, assessments or water-rates may exist, to make application to the circuit court of the county in which such town is situate, for the appointment of three freeholders and residents of this state as commissioners of adjustment, at least one of whom shall be a resident of the town, for the purpose of performing the duties and executing the powers conferred by the following sections of this act; at least two weeks' notice of such intended application shall be given by public advertisement, signed by the town clerk of the town and published at least once each week in two newspapers published in the county in which the town is situated and circulating in such town; such notice shall state the time and place, when and where said application is intended to be made, and all persons interested therein, either as taxpayers, owners of delinquent lands or otherwise, shall be entitled to appear and be heard before the court on said application; after such hearing, and upon due proof that notice has been given as aforesaid, on which the judgment of the court shall be final and conclusive, it shall be the duty of the court to appoint three disinterested freeholders and residents as aforesaid as commissioners of adjustment for said town

for the purposes aforesaid; said commissioners of adjustment shall, before entering upon the discharge of their duties, take and file with the town clerk the oath of office required to be taken by officers of the town for which they are appointed, and they shall receive for their services such compensation, to be paid by the town, as the said court shall determine; vacancies in the board of commissioners, caused by death or otherwise, shall be filled by appointment by the circuit court of the county in which such town is situated.

2. The said commissioners of adjustment, when appointed for any town, shall have power and jurisdiction, and they are hereby directed and required, in all cases when any tax, assessment or water-rate levied or imposed, or attempted to be levied or imposed, on any land therein, prior to the passage of this act, remains unpaid and in arrears, to examine into and fix, adjust and determine as to each parcel of land, how much of such arrearages and subsequent taxes, assessments or water-rates, if any, ought, in the way of tax, assessment or water-rate, in fairness, equity and justice, to be laid, assessed and charged against and actually collected from said land and for or on account of said taxes, assessments or water-rates, and claims for local improvements heretofore made, and the said commissioners, in dealing with the said arrearages, as matters of fact, according to their judgment of what shall be equitable, fair and just, as hereinbefore directed, shall treat the same without regard to any supposed want of jurisdiction, invalidity, irregularity or defect in any of the proceedings had for the levying, imposing or confirming of any of said taxes, assessments or water-rates so in arrears; and in ascertaining the amount that should be assessed and charged on any of the said lots, tracts or parcels of land, the said commissioners, in dealing with the assessments or claims for street or sewer improvements, shall not assess or charge any lot, tract or parcel of land for or on account of any such improvement, in excess of the benefit derived therefrom at the time the said improvement was made, or in excess of its due and equable proportion thereof with interest; *provided*, that in all cases in which an assessment or re-assessment has been made

Duty of
commissioners.

Provido.

Notice to be
given of intended
hearing.

on any lot or tract of land under a valid law for the benefit conferred by any local improvement, the said commissioners shall have regard to that fact, and shall not reduce the principal sum of such assessment unless, in their judgment, after investigation, they determine that the amount heretofore so assessed thereon does in fact exceed the benefit conferred upon the property at the time the improvement was made; the said commissioners shall, within thirty days after their appointment, cause a notice, signed by themselves, to be published in at least two newspapers published in the county in which the town is situated, and circulating in the town for which they were appointed, making known thereby that the said commissioners will meet at a time and place to be therein designated, not more than forty nor less than thirty days from the date of the first publication of the notice, to hear all persons interested in the re-assessment or adjustment under this act of the taxes, assessments or water-rates in arrears in the town, or in such part thereof as the said commissioners shall designate in the notice; such notice shall be continued in said newspapers at least once each week until said meeting; at the time and place mentioned in said notice all persons interested in said matters, either as taxpayers, owners of assessed lands or otherwise, shall be entitled to appear before said commissioners and be heard, either personally or by counsel, and said commissioners shall have the right to examine witnesses under oath in relation to all of said matters, which oath any one of them is hereby authorized to administer; after such hearing, and after due examination of the property mentioned in said notice, the said commissioners shall proceed as speedily as may be to fix and adjust the said arrearages of taxes, assessments and water-rates upon the principles aforesaid; and in like manner, and upon like notice, the said commissioners shall proceed until all the arrearages of taxes, assessments and water-rates in such town have been reviewed, fixed, adjusted and determined as provided in this act; the amount of taxes, assessments and water-rates, for which certificates of sale have been given to and are held by the town, whether such sales are invalid or not, shall be deemed

to be in arrears within the meaning of this section, and to have been so in arrears from the date when said taxes, assessments or water-rates were assessed, levied or confirmed, or attempted to be assessed, levied or confirmed, and the term "water-rates" in this act shall be construed to include "water-rents"; *provided, however,* Proviso. that it shall not be necessary for said commissioners to reduce or abate the amount of any tax, assessment or water-rate where, in their judgment, the same can be collected in its then condition.

3. 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 assessment 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 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 Record of proceedings.

Report to be
final.

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 town, 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 town 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 town, if any, but no application to other use shall be made while any bonds of the town remain unpaid; it 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 attorney or counsel for the town to assist the said commission by advice, preparation of reports, the making of searches and otherwise in the discharge of their duties, when requested, and the said commissioners shall have the power to appoint a surveyor, a clerk and such other assistants as in their judg-

ment shall be necessary, and to fix their compensation and the compensation to be paid to the town attorney or counsel for his services to them, which appointments and compensation shall be subject to the approval of the judge of the circuit court of the county appointing the commissioners, and shall be paid by the town council or other governing body of the town.

4. 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 town collector or other officer of the town for collecting assessments, to be filed by him in his office, 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 become due and payable and shall be collected by the said town collector 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 town collector or said other officer shall not be required to make any demand for the payment of said tax, assessment and lien, 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 town collector 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 said report, with interest and costs; said advertisement shall include a designation of the time and place of sale, 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 town collector 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

Duty of
collector.

advertisement shall be published once in each week for four weeks prior to said sale, in two newspapers published in the county in which the town is situated and circulating in the town; it shall be the duty of said town collector or other collecting officer, from and after the first publication of said advertisement, to deliver to any applicant at his 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, except as in this act otherwise specially provided, 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 town collector 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 town clerk and shall thereupon become public records and shall be prima facie evidence in all courts and places of the matters stated therein; and if any original report shall be transmitted to the town collector or such other officer as aforesaid, a copy thereof, certified by such town collector or other officer for collecting assessments, shall be forthwith filed in the office of the clerk of said circuit court; it shall not be necessary to advertise and sell at the same time all the lots and parcels of land in the town subjected to the provisions of this act, but any lot or parcel, or number of lots or parcels, may be advertised and sold at any time.

5. All moneys received upon sales made in pursuance of any of the provisions of this act shall be deposited with the treasurer of the town, 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 recovered from the town; and the circuit court of the county in which such town is situated shall, upon the petition of any person interested in the surplus, have jurisdiction to order and direct the distribution, payment and investment of the same according to the facts and circumstances of each case and as shall be just and equitable.

Disposition of
money from
sale.

Proviso.

6. When the report of said commissioners or a certified copy thereof shall have been filed with the town collector or other officer for collecting assessments, it shall be the duty of said town collector or other officer forthwith to certify to all officers of the town having custody of records showing liens for taxes, assessments and water-rates, a particular designation of the lands and premises affected thereby, whereupon the said town collector, town treasurer, town clerk or other officer in whose office any record of taxes, assessments, water-rates or sales therefor shall remain, shall forthwith cancel upon the records in their respective offices all prior liens for taxes, assessments and water-rates held by or for the use of said town upon the lands and premises included in said report.

Prior liens to
be cancelled.

7. The town collector or other collecting officer shall, on receipt of the purchase-money on any sale, execute and deliver to the purchaser a certificate of such sale, which shall contain a covenant on the part of the town to refund the amount paid for said lands without interest, in case the title conveyed by said sale shall prove invalid; upon surrender of the said certificate of sale and proof of service of the notice thereof, as hereinafter provided, upon the owners and mortgagees of the said lands and premises, the town collector or other collecting officer shall, after the expiration of six months from the date of such service,

Certificate of
sale given
purchaser.

Deed given in
fee-simple.

execute and deliver to the purchaser at such sale, his heirs, devisees or assigns, a deed for said lands and premises, which shall be sealed and attested by the town clerk of the town and be acknowledged or proved in the usual manner, and it shall not be necessary to set out the proceedings under this act at length in such deed, but a general statement therein that such deed is made and executed upon proceedings taken under authority of this act shall be sufficient; and such purchaser, his heirs, legal representatives or assigns, shall take a good and sufficient title to the property sold in fee-simple absolute, free of all incumbrances (except taxes, assessments and water-rates levied after the confirmation of the said report), of which the said deed shall be presumptive evidence in all courts and places, and in any proceedings or actions to be by such purchaser, his heirs, legal representatives or assigns, taken, prosecuted or defended for the recovery of the possession of the property so sold as aforesaid, or in the establishment or defense of his or their title, shown as aforesaid by such deed, the title shall not fail or be defeated by reason of any irregularity or formal defect in the procedure taken under this act, upon which the sale shall have been made or the title conveyed as aforesaid, or by reason of any illegality in fixing and adjusting the tax, assessment and lien, to enforce which said sale was made, or in the proceeding for collecting the same; *provided*, the property sold was liable, at the time such tax, assessment and lien was fixed and adjusted, to the imposition of a tax, assessment or lien in respect of the purposes for which such tax, assessment and lien was fixed and imposed, and it does not appear that any substantial injury was done to the owner of the property by reason of the irregular or illegal manner or method of fixing, imposing or collecting said tax, assessment and lien; the town may be purchaser at any sale of lands under the provisions of this act, with the same right, title and effect as any other purchaser, and the certificate of sale to the town shall be delivered to the mayor, and if there be no mayor to the chairman of the town council or other governing body of the town, who shall in behalf of the town cause notice of the sale

Proviso.

to be served on the owners and mortgagees of the lands so purchased, as provided in this act; upon proof of service of the notice and expiration of the period for redemption, the town shall be entitled to a deed for the property the same as any other purchaser; in all cases where any lands shall be bought by the town as aforesaid under this act, it shall be lawful for the town council or other governing body of the town to sell and assign the certificates of sale, or to sell and convey such lands, or any part thereof, by a good and sufficient deed, to any person or persons, on such terms as may be agreed upon, and with or without warranty; *provided*, that if sold at private sale the price for the land shall not be less than the amount due the town thereon when purchased.

Proviso.

8. Any person or persons having an estate in, or mortgage upon, any lands and premises sold in pursuance of the fourth section of this act, whose estate or lien appears of record in the county, may at any time before the expiration of six months after notice shall have been given to him of such sale by the purchaser, his heirs or assigns, in the manner hereinafter provided, or before a deed of said premises shall have been delivered, as provided in this act, redeem said lands and premises by paying to the treasurer of the town for the use of the purchaser, his heirs or assigns, the sum paid by him at such sale, with interest at the rate of ten per centum per annum from the date of the sale, and one dollar for each notice served as hereinafter provided, and also any other tax or assessment chargeable thereon, and which the said purchaser or his legal representatives or assigns may have paid since said sale, together with lawful interest on such payment from the time of filing such notice, and all the cost and expense necessarily incurred by the purchaser, his heirs or assigns, in proceedings taken for the purpose of perfecting title thereto and for searches at the rates allowed by law to county clerks and registers of deeds for like services; *provided, however*, that the amount of such cost and expense shall be first approved by the mayor of the town, or if there be no mayor, by the chairman of the town council thereof; *provided*, a notice of such pay-

Property may be redeemed.

Proviso.

Proviso.

ments shall have been filed in the office of the town treasurer; and upon such redemption the treasurer of the town shall pay to purchaser, his heirs or assigns, the amount received from the person redeeming; such notice shall be in writing and shall be served by the purchaser of the property or his agent on said owner or mortgagee, either personally or by leaving the same at his place of abode with a member of his family above the age of fourteen years; in case such owner or mortgagee is a non-resident or his residence cannot, upon due inquiry, be ascertained, then the notice may be served by publishing the same in a newspaper published in the county in which such town is situated and circulating in the town, for a period of six weeks, at least once in each week, and depositing a copy of such notice, within twenty days after its first publication, in the post-office of the town, enclosed in a wrapper, postpaid, directed to such owner or mortgagee at his or her last known post-office address, if the same can be ascertained; inquiry for the residence or post-office address of such owner or mortgagee shall be made by the purchaser or his agent upon the lands purchased at the sale, if they are occupied, and wherever else in the town the same may be likely to be ascertained, and also by an examination of the record of the deed or mortgage on account of which such notice is given; an affidavit shall be made by the purchaser or his agent setting forth the manner and particulars of the service, and in case the same is made by publication setting forth what inquiry was made to ascertain the residence and post-office address of such owner or mortgagee, and in such case an affidavit of the publication shall also be made by the person publishing such newspaper, or by some one in his employ having cognizance of the publication, stating the particulars thereof; and the affidavit or affidavits shall be filed in the office of the town clerk of the town within one month after the date of service, and shall be prima facie evidence in all courts and places of the facts therein stated; the purchaser shall be entitled to the possession of said lands immediately upon giving such notice to the owner thereof, in case the same are unoccupied, or if they are occu-

pied, then within thirty days thereafter; and he shall have the same remedy, by writ of assistance or otherwise, in the circuit court of the county in which the town is situate, or in the court of chancery, for the recovery of the possession of said lands as the purchaser of mortgaged premises at the foreclosure sale is now or may hereafter be entitled to by any law or practice of this state; *provided, however*, that if any estate in any of the said lands shall be held by any heir or devisee of a decedent whose estate appears of record in the county, or if any mortgage or lease shall be held by the executor or administrator of any decedent whose mortgage or lease appears of record in the county, such heir, devisee, executor or administrator shall be entitled to redeem and to have notice as aforesaid, before the purchaser shall be entitled to the possession of the lands; *and provided, also*, that the records and schedules of all sales made under this act shall be filed and kept in the same offices of the several towns wherein records of tax sales are now by law required to be kept.

Proviso.

Proviso.

9. In case any owner, mortgagee or other person appearing to have an interest in the lands which shall be sold for arrears of taxes or assessments under the provisions of this act, is unknown to or cannot be ascertained by the purchaser or his legal representatives or assigns, after due inquiry, application shall be made to the circuit court of the county wherein such lands are situate for an order for a deed, by petition duly verified, which shall describe the said lands so sold, not only by lot and block numbers, but also by metes and bounds, and shall also set out the manner in which the purchaser or his legal representatives or assigns have made inquiry for such unknown owner, mortgagee or other interested person; and the court, upon being satisfied by the said petition or otherwise, that such owners, mortgagees or other interested persons are unknown to said purchaser, his legal representatives or assigns, and that due inquiry to ascertain their names, places of residence and post-office address has been made and cannot be ascertained, may make an order requiring such unknown owner, mortgagee or other person interested in said lands to show cause before said court at a day to

In case certain persons cannot be found.

be therein specified, not less than six months from the date of said order, why a deed should not be made and delivered for the said lands to the purchaser or to his legal representatives or assigns, and in case such unknown owner, mortgagee or other interested person shall not appear and show cause or redeem the said lands within the time limited by the said order, then the court shall, on the return day thereof, or afterwards, make an order directing the town collector or other collecting officer of the town wherein such lands are situate, to make a deed of conveyance of said lands to said purchaser, or to his legal representatives or assigns, which shall convey the said lands, free of all interest or estate in or lien upon, or claim thereto, of any such unknown owner, mortgagee or person so proceeded against; *provided*, that within ten days after the date of such order the said purchaser shall cause to be published in one of the newspapers published in the county in which such town is situated and circulating in the town in which said lands are situate, a notice directed to such unknown owner, mortgagee or other person appearing to have an interest in said lands, describing the lands as in said petition and requiring them to redeem said lands or to show cause why a deed therefor should not be delivered to the purchaser thereof or his legal representatives or assigns, within the time specified in said order, which notice shall be published in such newspaper at least once a week thereafter for at least six weeks, and proof of such publication shall be filed in the office of the clerk of the said circuit court; in case such owner, mortgagee or other person interested shall appear and answer the said petition the court may hear the same in a summary manner and make such order thereon as shall be equitable and just.

Proviso.

In case of
minors.

10. In case any owner, mortgagee or other person appearing to have an interest in said lands so sold, shall be known to be an infant under the age of twenty-one years, no deed shall be delivered to the purchaser, or to his legal representatives or assigns, by the town collector or other collecting officer, except upon the order of the circuit court of the county wherein said lands are situate, to be made upon a duly verified petition of

the purchaser, his legal representatives or assigns, and upon such notice to said infants or their guardians, as the court may deem proper; and the court in such case may appoint a guardian ad litem, and inquire into the ability of the said infants or their estate to redeem said land, and may postpone the hearing thereon from time to time, in its discretion, to give opportunity for such redemption, and make such order in relation to such deed as may be equitable and just.

11. Where any lands which have been devised to any person for life, and to the child or children of such devisee after his or her death, shall be sold under this act, and the purchaser at such sale shall be unable, after due inquiry, to ascertain the name or names of such child or children, or whether such devisee had or left issue or not, the purchaser, or his legal representatives or assigns, shall make application to the circuit court of the county wherein such lands are situate, by petition, duly verified, for a deed; such petition shall contain a description of the land, both by lot and block numbers, and by metes and bounds, and shall also state the manner in which inquiry has been made for such child or children; and the said court, upon being satisfied of the truth of the statements contained in such petition, shall make an order directing the child or children, or heir or heirs, of such devisee (naming him) and the heir or heirs of the testator (naming him) to show cause before said court, at a day therein to be specified, not less than six months from the date of said order, why a deed should not be made and delivered for the said lands to such purchaser, his legal representatives or assigns; and in case such heirs or children or any of them, shall not appear and show cause, or shall not redeem the said lands within the time limited in the said order, then the court shall, on the return day thereof, or afterwards, make an order directing the town collector or other collecting officer, to make and deliver a deed of conveyance of said lands to the purchaser, or to his legal representatives or assigns, which shall convey the same free of all claim or lien against or estate therein of such heirs or children; *provided, however*, that such purchaser, his legal representatives or assigns, shall, within

When property
is devised for
life.

Proviso.

ten days after the making of such order, cause to be published in one of the newspapers published in the county in which such town is situated and circulating in the town in which said lands are situate, a notice directed "to the children and heirs" of such devisee and testator (naming them), describing the lands as in such petition, and requiring them to redeem the same, or show cause why a deed therefor should not be made and delivered to such purchaser, his legal representatives or assigns, within the time specified in said order, which notice shall be published for the time, and the publication thereof proved in the manner directed in the ninth section of this act; and in case any such children or heirs shall appear and answer the said petition, the said court may hear the same in a summary way, and make such order thereon as shall seem to be just.

All persons
claiming an
interest bound
by these
proceedings.

12. All persons claiming an interest in or mortgage upon any lands sold as provided in this act by or through any deed, conveyance, mortgage, assignment or any instrument which by law could be recorded, registered, entered or filed in any public office in this state, and which shall not be so recorded, registered, entered or filed at the time of the execution and delivery of the deed as provided in this act, shall be bound by the proceedings had and notice given under the provisions of this act, so far as said property is concerned, in the same manner as if such persons had been duly served with notice under the provisions of this act.

Persons claiming
interest by
devise bound by
these
proceedings.

13. When notice shall have been served upon any person or persons having or appearing to have of record an estate in or mortgage upon any lands sold, as provided in this act, and proof of such service has been made and filed, as provided in this act, any person or persons claiming by descent, devise, deed, mortgage, assignment or otherwise, through or under the person or persons so served, shall be bound by the notice so served on such person or persons by, through or under whom such estate, interest or lien has been acquired.

When redeemed.

14. When lands assessed under this act shall be redeemed by any person having a mortgage or other lien or incumbrance thereon, the person so redeeming shall hold and retain a first lien on said lands, subject

only to taxes and assessments thereafter levied and assessed, to the amount of the sum paid by him to effect such redemption, together with lawful interest thereon, from the time of such payment; and the certificate of the town treasurer, stating the payment and showing what property such payment is intended to redeem, shall be evidence of such redemption and payment.

15. Any person having a mortgage or other lien or incumbrance upon any land assessed under this act, and who may redeem any such lands that may be sold under the provisions of this act, and who may acquire by such redemption the first lien provided and given in and by the fourteenth section of this act, or the heirs, legal representatives or assigns of any such person so redeeming may, by any appropriate proceeding at law or in equity, enforce against the land and premises redeemed such first lien and payment of the amount paid for the redemption, together with lawful interest thereon, and the cost of the proceedings, and also and as a part of such first lien, any and all sums paid by such redeeming mortgagee or incumbrancer for taxes, assessments and water-rates levied and imposed upon the premises redeemed subsequent to such redemption with lawful interest thereon; and such proceedings may be instituted and maintained, either independently of and before, or in connection with, proceedings to enforce payment of the mortgage or other lien or incumbrance held by the person so redeeming, his heirs, legal representatives or assigns.

Party redeeming
may enforce lien.

16. If, in any case, specific liens, either for taxes, assessments or water-rates have been imposed or assessed upon an entire lot or tract, and other liens upon parts or portions of such lot or tract, the commissioners of adjustment, appointed under the provisions of this act, shall equitably divide and apportion the assessment made by them in lieu of such specific lien or liens upon the several parts or subdivisions of such lot or tract, to the end that each part or subdivision of such lot or tract may bear its just proportion of such specific lien or liens, and the amount so divided and apportioned upon the parts or subdivisions of such lot or tract shall be a lien upon such parts or subdivisions.

In case of
specific liens.

Duty of
commissioners to
apportion
amount upon
subdivisions
upon
application.

17. The commissioners of adjustment shall have the power, and it shall be their duty, upon the written application of any owner or person having an interest in or lien upon the whole or any part of any lot or parcel of land, as to which the said commissioners shall have fixed and certified the amount of tax, assessment and lien under the provisions of sections two and three of this act, and upon satisfactory proof of the ownership, interest or lien of said applicant, at any time before the payment of such amount, or before the sale on account of the same, as hereinbefore provided, to apportion equitably the said amount upon and between such subdivisions of said lot or parcel, as in their judgment it shall be necessary and proper to make, and shall cause the assessment map to be altered so as to show such subdivision and give a new number to each of the same, and shall thereupon certify and report to the collecting officer of the town the amount of said tax, assessment and lien fixed and apportioned by them upon and against the said several subdivisions, and thereupon the said several amounts shall stand in place of the amount originally fixed, certified and confirmed, and as of the date of such original report, certificate and confirmation, with the same force and effect, and be payable and collected in the same manner, as if the said several amounts had been fixed, certified and confirmed in the first instance against such subdivisions.

In case portions
of land are
owned by
different persons.

18. If, as to any parcel of land sold under any of the provisions of this act, it shall appear that separate and distinct portions of such parcel so sold are owned by different persons, or that any separate and distinct portion thereof is subject to any mortgage or other lien or incumbrance which does not affect the other portions of such parcel, it shall be lawful for the court by which the report of the commissioners charging and assessing the tax, assessment and lien on such lands was confirmed upon application made by any person interested therein as owner, mortgagee or as holder of any other lien or incumbrance of any such separate and distinct portion, and describing the same, to cause a proper and equitable apportionment of the confirmed tax, assessment and lien to be made among and upon the several separate

and distinct tracts composing the parcel so assessed or sold, and for that purpose the court may refer the said application to the said commissioners, who shall after making apportionment as aforesaid, report the same to the said court for confirmation, and, when confirmed, the tax, assessment and lien so apportioned as to each separate and distinct portion shall stand in lieu and instead of the former tax, assessment and lien upon the whole tract as of and from the date of the confirmation of the original report thereof; and the said court shall have power to order and regulate the practice and procedure under this section, and to fix any fees and expenses which the said court may deem proper to be allowed in and about such apportionment, and which said fees and expenses shall be paid by the person so making application, or, in the discretion of the court, may be added, in equitable proportions, to be determined by the said court, to the amounts so apportioned.

19. The town council or other governing body of any town in which this act may be in operation, and all other officers of said town, shall at all times afford the commissioners of adjustment and their engineer, counsel and authorized clerks and assistants, free access to all records of unpaid taxes, assessments and water-rates and all records of sales for unpaid taxes, assessments or water-rates and declarations of sale, maps, reports of assessments and other documents and records relative to unpaid taxes, assessments or water-rates on file in said town or in the office of any board or department, or with any officer thereof; and said commissioners shall have power in their discretion to fix and certify a reasonable compensation to be paid to the officials who have the custody of the records of taxes and assessments and of sales for unpaid taxes and assessments for the certificates which said officials may be required to furnish.

Duty of
officials to aid
commissioners.

20. The town council or other governing body of any town in which this act may be in operation, may pay over to the commissioners of adjustment out of the incidental, general or contingent fund of the town, such sum or sums of money as they may require, and as such municipal board may deem necessary to properly perform and carry out the provisions of this act, and the

Necessary funds
provided.

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

Regarding
issuing writ of
certiorari.

21. No writ of certiorari shall be allowed to contest or set aside any tax, assessment and lien fixed or determined by the said commissioners, or to set aside any proceedings under this act to collect the same, unless the party applying for such writ shall give a bond, with approved security, conditioned for the payment of so much of said tax, assessment and lien as shall be ascertained to be justly payable, with interest and costs, nor unless application be made therefor within six months from the confirmation of the said report.

Property may be
sold.

22. All taxes and assessments hereafter levied and assessed on land and real estate in any town of this state, which shall remain unpaid for the space of three years from and after the time when due and payable, may in the discretion and upon the direction of the town council or other governing body of the town be collected, and the land and real estate subjected thereto sold by the town collector or other collecting officer of the town in the same manner that the town collector or other collecting officer is in this act authorized and empowered to collect the assessments, charges or liens fixed and determined by this act, and to sell the lands subject thereto; the deed given for the same shall be executed in the same manner and shall have the same effect as if made on proceedings to enforce the taxes, assessments and liens fixed and confirmed as in this act provided; but in such cases the deed shall not be given for the land until after the expiration of one year from the time of sale, during which time the owner or any party having any interest in or lien upon the said land may redeem the same in the manner and on the terms in this act provided.

Regarding
deeds.

23. The officer whose duty it is to make and execute the deeds under this act, in describing the land in the deed given pursuant thereto, may, in addition to the lot and block numbers, describe the same by metes and bounds, if the same can be ascertained from the assess-

ment map; and every such deed shall be recorded in the office of the clerk or register of the county within which the lands and premises conveyed thereby are situated; that the town attorney or counsel shall make or have made the necessary searches, and serve or have served the necessary notices for all the lands purchased by the town under this act, and the fees for such searches and notices shall be paid to him as hereinbefore provided in section three of this act.

24. In all cases where the town shall deliver a deed to the purchaser of any lands pursuant to this act the town clerk shall forthwith record in a book to be kept for that purpose, the notice to redeem and the proof of inquiry, service, mailing and publication thereof, and the order of the court, if any, directing such deed to be given, and the assignment of the certificate of sale, if any, with a memorandum of the date of the deed and the name of the grantee, and such record shall be evidence of the facts therein stated of the same force as the original papers; an index of said records shall be made by lot and block numbers, and by the names of the grantees, and kept for the convenience of all desiring to consult said records; for recording such papers the clerk shall receive six cents per folio of each one hundred words, and for indexing each sale ten cents; a memorandum of the amount of said fees shall be entered at the foot of the record in each case and be paid by the grantee on delivery of the deed; *provided*, that when the town or any officer thereof is the grantee, and the town shall afterwards sell said lands at private sale, the amount of said fees shall be added to the selling price.

Duty of town clerk.

Proviso.

25. The conveyance or conveyances of lands given pursuant to the provisions of this act shall convey the land freed and discharged of and from all estate dower, or by the curtesy or inchoate right of dower and estate by the curtesy therein; *provided*, that notice shall be given to the person or persons having such estates of dower, by the curtesy or inchoate right of dower or estate by the curtesy in said lands, in the manner provided in this act; and in case the first or christian name of such person, wife, or widow, or husband, when the title is in the wife, as the case may be, is unknown

Land conveyed free.

Proviso.

to the purchaser or his agent, notice may be given to such person, using, in case of the wife or widow, the first name or christian name of the husband, with the prefix "Mrs." thereto, and where the title is in the wife, the prefix "Mr." before the surname, and then "husband of," using the name of the wife; and an affidavit of the fact that such first or christian name is unknown to the purchaser or his agent shall be filed with the officer with whom the proof of service and mailing is required to be filed.

Repealer.

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

Approved May 18, 1897.

CHAPTER 197.

A Supplement to an act entitled "An act for the preservation of fish in the Hackensack river and its tributaries or branches within the counties of Bergen and Hudson," approved April twenty-sixth, one thousand eight hundred and ninety-four.

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

Section amended.

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

Only angling and trolling allowed at certain seasons.

4. Hereafter it shall not be lawful for any person or persons to use any seine, net, gill, drift, purse-net or nets, anchor or sink-nets, fixed nets, trap, pound, fike, weir or other apparatus or tackling, except hook and line, commonly called angling, or scroll spoon, commonly called trolling, in the said Hackensack river and its tributaries, between the tenth day of June and the twenty-fifth day of February, in each and every year, under the pain, penalties and forfeitures provided herein; but nothing in this act contained shall prohibit the taking of tomcods with fike-nets only, between the fifteenth day of December and the fifteenth day of January in each year.

Exception.

Approved May 18, 1897.

CHAPTER 198.

An Act to punish persons who unlawfully obtain electric power.

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

1. Whoever shall, without permission, connect by wire or in any other manner with the wire or wires of any electric light or other electric company for the purpose of obtaining electric power or electric current shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or imprisonment at hard labor for any term not exceeding six months, or both; *providing*, that nothing herein contained shall be deemed to affect the right of any person or corporation to recover by an action at law damages for any injury done by such unlawful connection for the loss of electric power.

Unlawful to obtain electric current without permission.

Proviso.

2. This act shall take effect immediately.

Approved May 18, 1897.

CHAPTER 199.

A Further Supplement to the act entitled "An act for the settlement and relief of the poor" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

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

1. The board of chosen freeholders of any county of this state may appeal to the court of general quarter sessions of the peace of such county from the order of

Appeal may be made from order of justice of peace.

any justice of the peace of such county heretofore made or hereafter to be made, removing or committing any person or persons to the poor-house of such county by virtue of the act to which this is a supplement, or any amendment thereof or supplement thereto, and the said appeal may be made, heard and determined at any time the said court shall be open, whether in term or vacation; *provided*, that at least ten days' notice in writing of the hearing of such appeal shall have been given to the persons named in said order and to the overseer of the poor of the place from which he or she was removed or committed.

Proviso.
What courts
have cognizance.

2. The several courts of general quarter sessions of the peace in and for the respective counties of this state shall have cognizance of and hear and determine all such appeals in a summary way, and give judgment and award execution thereon with costs, either on the affirmance or reversal of the order so appealed.

What evidence,
&c., may be
produced.

3. Upon all appeals made to the court of general quarter sessions of the peace under and by virtue of this act, either party may produce and offer upon the trial thereof all documents, witnesses and proofs necessary, without regard to whether they were produced or offered before the justice or not, and such courts shall cause any defect or defects of substance, as well as of form, that shall be found in any such order or in any proceeding connected therewith made by any justice or justices of the peace, to be rectified and amended upon such terms as may be deemed reasonable and just; *provided*, it shall be made to appear by affidavit or other satisfactory proof that such amendments are warranted by the facts of the case; and after such amendments are made, shall proceed to hear and determine said appeal in a summary way on the merits of the case, and shall adjudge and determine the legal settlement of the person or persons named in such order, and whether public relief is necessary; if the said court shall determine that said person had no legal settlement in the county at the time of the making of such order of commitment or removal, or that public relief was then unnecessary, then the said court shall make an order discharging such person from the poorhouse, and shall have power to further order

Proviso.

that the costs of such appeal shall be taxed against and recovered from the township or municipality from which such person was removed or committed, which costs shall be the same as those allowed by law for similar services in the courts of common pleas on appeals from courts for the trial of small causes.

4. No judgment, order or proceeding to be had or made by virtue of this act shall be removed by writ of error, but by certiorari only. Writ of error not allowed.

5. All acts and parts of acts, general or special, inconsistent with this act are hereby repealed. Repealer.

6. This act shall take effect immediately.

Approved May 18, 1897.

CHAPTER 200.

A Further Supplement to "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," approved April fourteenth, one thousand eight hundred and forty-six.

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

1. When the owners of two thirds of the real estate along the line of any avenue, street or highway of any township in this state shall petition the township committee of such township to change the name of such avenue, street or highway therein, it shall be the duty of such township committee thereupon to pass an ordinance changing the name of such avenue, street or highway to the name designated or prayed for in such petition ; *provided*, that the cost of the official publications of said ordinance shall be paid by the owners of real estate petitioning for such change of name. Duty of township committee to change name of street, upon petition.

2. This act shall take effect immediately. Proviso.

Approved May 18, 1897.

CHAPTER 201.

An Act to authorize the Burlington and Bristol bridge company to erect a toll drawbridge across the Delaware river, connecting the mainland of the city of Burlington, in the state of New Jersey, with the borough of Bristol, in the state of Pennsylvania.

Preamble.

WHEREAS, "The Burlington and Bristol bridge company," a company incorporated under an act of the state of New Jersey, entitled "An act concerning corporations" (Revision of 1896), desires to connect the city of Burlington, in the state of New Jersey, with the borough of Bristol, in the state of Pennsylvania, by constructing a double drawbridge over and across the Delaware river, from a point in the city of Burlington, in the state of New Jersey, to a point in the borough of Bristol, in the state of Pennsylvania, and which bridge shall be a toll bridge, crossing the Delaware river between said city and borough (said river being a navigable stream separating the states of New Jersey and Pennsylvania, and the location of said bridge being at a point where the tide ebbs and flows in said river),

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

Authorized to
construct a
bridge.

1. The Burlington and Bristol bridge company be and it is hereby authorized to connect the mainland of the city of Burlington in the state of New Jersey with the borough of Bristol in the state of Pennsylvania, and express permission is hereby given to said company to construct a double drawbridge, for the use of which toll may be charged, over and across the Delaware river, at the place referred to in the preamble to this act, and that said bridge shall be for foot passengers, horses, cattle, wagons and all other vehicles to cross and re-cross thereon.

2. The maximum toll that said company shall be ^{Tolls.} allowed to collect shall be two cents for each foot-passenger; bicycles, two cents each; one-horse vehicle, ten cents each; two-horse vehicle, twenty cents each; four-horse vehicles, forty cents each; horses in droves, five cents each; cattle in droves, four cents each; sheep and swine in droves, one cent each.

3. This act shall take effect immediately.

Approved May 18, 1897.

CHAPTER 202.

An Act relating to the powers of boards of excise commissioners in certain townships of this state.

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

1. In all townships of this state having boards of excise commissioners said boards shall have like ^{Powers of excise commissioners in townships.} powers in the matter of the transfer of licenses and the licensing of beer bottlers as boards of excise commissioners now have in cities of the second class in this state.

2. This act shall take effect immediately.

Approved May 18, 1897.

CHAPTER 203.

An Act making appropriations for the support of state government and for several public purposes for the fiscal year ending October thirty-first, one thousand eight hundred and ninety-eight.

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

1. The following sums, or so much thereof as may be ^{Annual appropriation.} necessary, be and they are hereby appropriated out of

the state fund for the respective public officers and for the several purposes herein specified, for the fiscal year ending on the thirty-first day of October, in the year one thousand eight hundred and ninety-eight, namely :

1.

EXECUTIVE DEPARTMENT.

Executive
department.

For the governor, for salary, ten thousand dollars;
For the private secretary of the governor, for salary, two thousand dollars;
For compensation for assistants in the executive department, two thousand dollars;
For blanks and stationery for the use of the executive department, two hundred dollars;
For postage, expressage and other incidental expenses for the executive department, eight hundred and fifty dollars.

2.

Office of the Comptroller.

Comptroller.

For the comptroller, for salary, six thousand dollars;
For the first assistant in the comptroller's office, for salary, twenty-five hundred dollars;
For compensation for other clerical service in the comptroller's office, thirty-five hundred dollars;
For additional compensation for clerical service in the comptroller's office, five hundred dollars;
For blanks and stationery for use in the office of the comptroller, five hundred dollars;
For postage, expressage and other incidental expenses for the comptroller's office, eight hundred dollars.

3.

Office of the Treasurer.

Treasurer.

For the treasurer, for salary, six thousand dollars;
For compensation for clerical services in the office of the treasurer, including assistants employed in the management of the sinking fund, fifty-nine hundred dollars

For blanks and stationery for use in the office of the treasurer, six hundred dollars ;

For postage, expressage and other incidental expenses for the office of the treasurer, five hundred and seventy-five dollars.

4

Office of the Secretary of State.

For the secretary of state, for salary, six thousand dollars ; Secretary of state.

For the assistant secretary of state, for salary, three thousand dollars ;

For compensation for all clerical or other services in the office of secretary of state under any and all laws imposing duties upon the secretary of state, whether as such, or as clerk or register of any court, or in connections with corporations or otherwise, including the allowance now made by law, seventy-five hundred and sixty dollars ;

For postage, expressage and other incidental expenses for the office of secretary of state, one thousand dollars ;

For blanks and stationery for use in the office of the secretary of state, four thousand seven hundred and fifty dollars.

5.

ATTORNEY GENERAL'S DEPARTMENT.

For the attorney-general, for salary, seven thousand dollars ; Attorney-general.

For clerical assistant in the attorney-general's department, for salary, fifteen hundred dollars ;

For compensation and expenses of assistants employed by the attorney-general, sixty-five hundred dollars ;

For blanks and stationery for use in the office of the attorney-general, two hundred dollars ;

For postage, expressage and other incidental expenses for the attorney-general's department, two hundred dollars ;

For master's fees for taking affidavits for the attorney-general's office, which shall include all such service required for the year, one hundred dollars ;

For the contingent fund, to be expended only with the approval of the governor and comptroller, for the fees of assistant attorneys and counsel in litigations which may arise under chapter one hundred and fifty-nine of the laws of one thousand eight hundred and eighty-four and chapter two hundred and eight of the laws of one thousand eight hundred and eighty-eight in the enforcement of corporate taxation, twenty-five hundred dollars.

6.

STATE BOARD OF ASSESSORS.

Board of
assessors.

For the members of the state board of assessors, for salaries, ten thousand dollars ;

For secretary of the state board of assessors, for salary, twenty-five hundred dollars ;

For compensation for clerical service in the office of the state board of assessors, forty-five hundred dollars ;

For blanks and stationery for use in the office of the state board of assessors, seven hundred dollars ;

For postage, expressage and other incidental expenses for the state board of assessors, five hundred and fifty dollars ;

For compensation of surveyors, local assessors and witnesses, pursuant to chapter one hundred and one of the laws of one thousand eight hundred and eighty-four, twenty-five hundred dollars.

7.

DEPARTMENT OF BANKING AND INSURANCE.

Banking and
insurance.

For the commissioner of banking and insurance, for salary, four thousand dollars ;

For the deputy commissioner of banking and insurance, for salary, twenty-five hundred dollars ;

For compensation for assistants in the department of banking and insurance, forty-one hundred and eighty dollars ;

For blanks and stationery for use in the department of banking and insurance, twelve hundred and fifty dollars ;

For postage, expressage and other incidental expenses for the department of banking and insurance, five hundred dollars.

8.

STATE BOARD OF TAXATION.

For the members of the state board of taxation, for salaries, ten thousand dollars; Board of taxation.

For assistants in the office of the state board of taxation, twenty-four hundred and eighty dollars;

For additional compensation of assistants in the office of the state board of taxation, one hundred and twenty dollars;

For blanks and stationery for use in the office of the state board of taxation, one hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of state board of taxation, two hundred and fifty dollars.

9.

STATE LIBRARY.

For the librarian, for salary, two thousand dollars; Library.

For compensation for assistants in the state library, eighteen hundred dollars;

For the repair, preservation and purchase of useful books for the state library, three thousand dollars.

10.

STATE BOARD OF HEALTH.

For the state board of health, pursuant to the provisions of chapter sixty-eight, laws of one thousand eight hundred and eighty-seven, six thousand dollars; Board of health.

For compensation to the secretary of said board, pursuant to said chapter, twenty-five hundred dollars;

For expenses to be incurred pursuant to chapter two hundred and twenty-five, laws of one thousand eight hundred and eighty-six, fifteen hundred dollars;

For blanks and stationery for use in office of state board of health, twelve hundred dollars;

For maintenance of the bacteriological laboratory, three thousand dollars;

For legal expenses incurred by the state board of health, one thousand dollars;

For postage required in sending to the physicians of this state the annual report of the state board of health and of the bureau of vital statistics, two hundred and twenty-five dollars.

11.

BUREAU OF STATISTICS.

Bureau of
statistics.

For the chief of the bureau of statistics, for salary, twenty-five hundred dollars;

For the secretary of the bureau of statistics, for salary, twelve hundred dollars;

For the current expenses of the bureau of statistics, four thousand dollars;

For blanks and stationery for use in the office of the bureau of statistics, two hundred and fifty dollars.

12.

STATE DAIRY COMMISSIONER.

Dairy
commissioner.

For the commissioner, for salary, two thousand dollars;

For blanks and stationery and for the actual necessary expenses of the dairy commissioner in enforcing the laws relating to milk, oleomargarine, foods and drugs, and in performing all other duties charged upon him by law, ten thousand dollars.

13.

STATE HOUSE COMMISSION.

State house
commission.

For the governor, treasurer and comptroller, for the care and safe keeping of the state capitol, the property therein and adjacent public grounds, and for expenses to be incurred in carrying out the provisions of chapter three hundred and thirty-nine of the laws of one thousand eight hundred and ninety-four, fifty-five thousand dollars.

14.

STATE MUSEUM.

For curator, for salary, fifteen hundred dollars; Museum.
 For the commission to acquire new material for the
 museum, five hundred dollars.

15.

GEOLOGICAL SURVEY.

For salaries and expenses of department of geological Geological
survey.
 survey and for the completion of the geological survey
 of this state, pursuant to chapter three hundred of the
 laws of one thousand eight hundred and ninety-five,
 eight thousand dollars;

For expenses in connection with the publication of
 the reports and maps of the geological survey, five
 thousand dollars.

16.

JUDICIARY.

Supreme Court.

For the chief justice and associate justices of the Supreme court.
 supreme court, for salaries, eighty-two thousand dollars;

For the judges of the circuit courts, appointed pur-
 suant to chapter seventy-eight, laws of one thousand
 eight hundred and ninety-three, for salaries, twenty-two
 thousand five hundred dollars;

For compensation of sergeants-at-arms, one thousand
 dollars.

17.

Office of Clerk of the Supreme Court.

For the clerk of the supreme court, for salary, six Clerk of
supreme court.
 thousand dollars;

For compensation for clerical service in the office of
 the clerk of the supreme court, fifteen thousand dollars;

For blanks and stationery for use in the office of the
 clerk of the supreme court, one thousand dollars;

For postage, expressage and other incidental expenses for the office of the clerk of the supreme court, eight hundred dollars.

18.

Court of Chancery.

Court of
chancery.

For the chancellor, for salary, ten thousand dollars;
For the vice-chancellors, for salaries, forty-five thousand dollars;

For compensation of sergeants-at-arms, thirty-five hundred dollars;

For compensation of stenographers, six thousand dollars.

For compensation and allowance of advisory masters, twenty-five hundred dollars;

For rent of rooms in Camden, Jersey City and Newark, for use of chancellor, vice-chancellors and advisory masters, forty-five hundred dollars;

For miscellaneous expenses in connection with such rooms, one hundred dollars.

19.

Office of Clerk in Chancery.

Clerk in
chancery.

For the clerk in chancery, for salary, six thousand dollars;

For compensation for clerical service in the office of the clerk in chancery, twenty-two thousand dollars;

For blanks and stationery for use in the office of the clerk in chancery, one thousand eight hundred dollars;

For postage, expressage and other incidental expenses for the office of the clerk in chancery, twelve hundred dollars.

20.

Court of Errors and Appeals.

Court of
errors and
appeals.

For per diem allowance and mileage for judges of the court of errors and appeals, five thousand five hundred dollars;

For compensation of officers of court of errors and appeals, five hundred and twenty-five dollars.

21.

Court of Pardons.

For per diem allowance and mileage for judges of court of pardons, twenty-one hundred dollars; Court of pardons.

For compensation of subordinate officers, two hundred and fifty dollars.

22.

Law and Equity Reports.

For the publication of the chancery reports, four thousand dollars; Law reports.

For the publication of the law reports, thirty-four hundred dollars;

For salary of chancery reporter, five hundred dollars;

For salary of supreme court reporter, five hundred dollars;

For binding chancery and law reports, fourteen hundred dollars.

23.

NATIONAL GUARD.

For expenses for division, brigade and regimental headquarters, forty-five hundred dollars; National guard.

For allowances for gatling-gun companies, fifteen hundred dollars;

For allowances to cavalry troops, two thousand dollars;

For allowances to companies of the national guard, at the rate of five hundred dollars each, twenty-five thousand dollars;

For hospital and ambulance corps, one thousand dollars;

For camp and garrison equipage, quartermaster's stores and miscellaneous supplies, six thousand dollars;

For new uniforms, ten thousand dollars;

For transportation for battalion drills, inspections and parades, and pay of brigade inspectors, three thousand dollars;

For compensation of officers and employes and expenses incurred in connection with rifle range and practice, ten thousand dollars;

For pay of officers and enlisted men and expenses incurred in connection with annual encampment, thirty thousand dollars ;

For compensation of superintendent and employes and for forage, fuel and maintenance of the state camp grounds, seven thousand dollars ;

For expenses, repairs, water and maintenance of the state arsenal, fifteen hundred dollars ;

For expenses of military boards and courts-martial, eight hundred dollars ;

For military expenses incident to the signal and telegraph corps, pursuant to chapter three hundred and sixty-nine of the laws of one thousand eight hundred and ninety-five, six hundred dollars ;

For transportation of disabled soldiers to the home at Kearay, fifty dollars ;

For maintaining heating and lighting the armories in Paterson, Jersey City and Camden, the sum of four thousand dollars for each armory, twelve thousand dollars ;

For pay and expenses of officer detailed from the U. S. army for military instruction to officers and enlisted men of the national guard, six hundred dollars ;

For insurance on the regimental armories, the state arsenal buildings and the buildings at the state camp grounds, Sea Girt, four thousand five hundred dollars.

24.

ADJUTANT-GENERAL'S DEPARTMENT.

Adjutant-general.

For the adjutant-general, for salary, one thousand two hundred dollars ;

For compensation for clerical service in the adjutant-general's office, thirty-four hundred dollars ;

For additional compensation for clerical service in the office of the adjutant-general, six hundred dollars ;

For blanks and stationery for use in the adjutant-general's office, six hundred dollars ;

For postage, expressage and other incidental expenses for the adjutant-general's office, three hundred dollars ;

For revised compilation of the roster of officers and men of New Jersey in the revolutionary war, three thousand dollars.

25.

QUARTERMASTER-GENERAL'S DEPARTMENT.

For the quartermaster-general, for salary, twelve hundred dollars; Quartermaster general.

For compensation for assistants in the department of the quartermaster-general, seventy-seven hundred dollars;

For blanks and stationery for use in the quartermaster-general's department, one hundred dollars;

For postage, expressage and other incidental expenses for the quartermaster-general's department, one hundred dollars.

26.

MONMOUTH BATTLE MONUMENT.

For the commission having in charge the Monmouth battle monument and grounds, pursuant to chapter one hundred and eighteen of the laws of one thousand eight hundred and eighty-six, five hundred dollars. Monmouth battle monument.

27.

PENSIONS.

For amount required to pay pensions, pursuant to various acts relative thereto, thirty-two hundred and ninety-six dollars; Pensions.

For traveling expenses incurred in examining pension claims of New Jersey volunteers, four hundred dollars.

28.

HOME FOR DISABLED SOLDIERS.

For support of the New Jersey home for disabled soldiers and for the chaplain thereof, fifteen thousand dollars. Soldiers' home.

29.

SOLDIERS' STATE PAY.

Soldiers' pay.

For claims of volunteers in the late war, for state pay, pursuant to chapter thirteen of the laws of one thousand eight hundred and sixty-one, one hundred dollars.

30.

WASHINGTON ASSOCIATION OF NEW JERSEY.

Washington
association.

For trustees of the Washington association of New Jersey, twenty-five hundred dollars.

31.

STATE BOARD OF AGRICULTURE.

Board of
agriculture.

For the state board of agriculture, six thousand dollars.

32.

TUBERCULOSIS.

Tuberculosis.

For expenses and payments by the state tuberculosis commission, pursuant to chapter three hundred and sixty of the laws of one thousand eight hundred and ninety-five, five thousand dollars.

33.

AGRICULTURAL EXPERIMENT STATION.

Experiment
station.

For the expenses of the agricultural experiment station, fifteen thousand dollars.

34.

BOARD OF VISITORS TO THE AGRICULTURAL COLLEGE OF
NEW JERSEY.Board of visitors
to agricultural
college.

For the board of visitors to the agricultural college of New Jersey, for personal expenses incurred pursuant to

chapter three hundred and sixty-five of the laws of one thousand eight hundred and seventy-three, fifty dollars;

For advertising, pursuant to chapter nine of the laws of one thousand eight hundred and seventy-nine, ninety dollars.

35.

STATE HOSPITALS.

For traveling expenses of managers, six hundred Hospitals. dollars;

For secretary of the board of managers, for salary, one thousand dollars;

For expenses in transferring insane convicts, two hundred dollars;

For medical examination of insane convicts, three hundred dollars.

State Hospital at Trenton.

For maintenance of county patients, forty-seven thousand Trenton hospital. dollars;

For support and clothing of insane convicts, at the rate of five dollars per week for each insane convict, seven thousand dollars;

For support and clothing of indigent patients in state hospital at Trenton, five hundred dollars;

For salaries of resident officers, ten thousand two hundred dollars;

For appraisement of personal property, sixty dollars.

36.

State Hospital at Morris Plains.

For maintenance of county patients, forty-eight thousand Morris Plains hospital. and five hundred dollars;

For support and clothing of insane convicts, at the rate of five dollars per week for each insane convict, fifteen thousand dollars;

For support and clothing of indigent patients in state hospital at Morris Plains, six thousand dollars;

For salaries of resident officers, eleven thousand four hundred dollars;

For appraisement of personal property, seventy-five dollars.

37.

COUNTY LUNATIC ASYLUMS.

County asylums.

For the support of county patients in Essex county lunatic asylum, seventy-two thousand dollars;

In the Hudson county lunatic asylum, forty-seven thousand dollars;

In the Camden county lunatic asylum, seventeen thousand five hundred dollars;

In the Burlington county lunatic asylum, six thousand dollars;

In the Passaic county lunatic asylum, forty-eight hundred dollars;

In the Gloucester county lunatic asylum, nineteen hundred dollars;

In the Cumberland county lunatic asylum, sixteen hundred dollars;

In the Salem county lunatic asylum, twelve hundred dollars;

In the Atlantic county lunatic asylum, four thousand five hundred dollars.

38.

STATE PRISON.

Prison.

For maintenance of convicts, ninety thousand dollars;
For furniture and repairs of state prison, ten thousand dollars;

For the principal keeper, for salary, three thousand five hundred dollars;

For the supervisor, for salary, three thousand dollars;

For the deputy keepers and employes, for salaries, eighty-five thousand dollars;

For the six inspectors, for salaries, three thousand dollars;

For the keeper, for payments to discharged convicts, three thousand dollars.

39.

REFORM SCHOOL FOR BOYS.

For the trustees of the New Jersey state reform school for boys, pursuant to chapter one hundred and ninety-five of the laws of one thousand eight hundred and ninety-three, sixty-two thousand dollars ;

Boys' reform school.

For the trustees of said school, for expenses incurred by them in the discharge of their duties, pursuant to chapter four hundred and seventy-nine of the laws of one thousand eight hundred and sixty-five, two hundred and fifty dollars.

40.

INDUSTRIAL SCHOOL FOR GIRLS.

For the trustees of the New Jersey state industrial school for girls, for the support of and necessary repairs to the school, pursuant to chapter eighty-six of the laws of one thousand eight hundred and ninety, twenty-one thousand dollars ;

Girls' industrial school.

For the trustees of said school, for expenses incurred in the discharge of their duties, pursuant to chapter four hundred and twenty-eight of the laws of one thousand eight hundred and seventy-one, one hundred dollars.

41.

STATE BOARD OF ARBITRATION.

For the members of the board of arbitration, for salaries, six thousand dollars ;

Board of arbitration.

For the secretary of the state board of arbitration, for salary, two hundred dollars ;

For blanks, stationery and other incidentals for use in the office of the state board of arbitration, one hundred dollars.

42.

BOARD OF FISH AND GAME COMMISSIONERS.

For the fish and game wardens, including the fish and game protector, for compensation, fifteen thousand six hundred dollars ;

Fish and game.

For expenses of the fish and game wardens and fish and game protector, five thousand one hundred dollars;

For expenses of the fish and game commissioners, eight hundred dollars;

For the purpose of stocking the waters of the state with food-fishes and for defraying the cost of maintaining a hatchery, five thousand dollars.

43.

BLIND AND FEEBLE-MINDED.

Blind and
feeble-minded.

For clothing, maintenance, support and instruction of the blind persons, inhabitants of this state, fourteen thousand five hundred dollars;

For clothing, maintenance, support and instruction of the feeble-minded persons, inhabitants of this state, fifty-five thousand five hundred dollars;

For maintenance, support and instruction of feeble-minded women, twenty thousand dollars.

44.

FACTORIES AND WORKSHOPS.

Factories.

For the inspector and six deputy inspectors of factories and workshops, for salaries, pursuant to chapter one hundred and eight, laws of one thousand eight hundred and eighty-nine, eighty-five hundred dollars;

For the necessary expenses incurred by the inspector and his deputies in the discharge of their duties, pursuant to said law, two thousand dollars.

45.

STATE CHARITIES AID ASSOCIATION.

Charities aid
association.

For expenses of the association, six hundred dollars.

46.

WAR DEBT.

War debt.

For amount required to pay on account of the principal of the war debt, due January first, one thousand

eight hundred and ninety-eight, one hundred and ninety thousand dollars.

47.

SINKING FUND ACCOUNT.

For the state treasurer for "sinking fund account," Sinking fund. for payment on account of principal of the war debt falling due on the first day of January, one thousand eight hundred and ninety-eight, ten thousand dollars;

For the state treasurer for "sinking fund account," for payment of interest on war debt falling due January first and July first, one thousand eight hundred and ninety-eight, seventeen thousand six hundred and forty dollars;

For the state treasurer for expenses in foreclosure and other necessary legal proceedings relative to sinking fund account, one thousand dollars.

48.

ADVERTISING.

For advertising proclamations issued by the governor, Advertising. notices of the attorney-general in relation to delinquent miscellaneous corporations, and notices of the comptroller in regard to public printing, two thousand dollars.

49.

PRINTING.

For printing and binding public documents, thirty-five thousand dollars; Printing.

For compensation of an expert printer for services in preparation of specifications for bids, supervision of work, examination of bills, and such other duties as may by law be imposed upon him, six hundred dollars;

For preparing index of sessions laws, one hundred dollars;

For printing and circulation of the laws, seven thousand five hundred dollars.

50.

PUBLIC ROADS.

Roads.

For public roads, pursuant to the provisions of chapter two hundred and twenty-three of the laws of one thousand eight hundred and ninety-five, one hundred thousand dollars;

For the state commissioner of public roads, for salary, fifteen hundred dollars;

For expenses for clerk hire, attorney and consulting engineer, fees, stationery and actual traveling expenses, one thousand dollars.

51.

OYSTER COMMISSION.

Oyster
commission.

To promote the propagation and growth of seed oysters and to protect the natural oyster beds of this state, eight thousand dollars.

52.

LEGISLATURE.

Legislature.

For compensation of senators and members of the general assembly, forty thousand eight hundred and thirty-three dollars and thirty-two cents;

For compensation of officers and employes of the legislature, thirty thousand one hundred and fifty dollars;

For stationery for use of the legislative session, pursuant to chapter two hundred and eight of the laws of one thousand eight hundred and sixty-eight, five hundred dollars;

For manuals of the legislature of New Jersey, pursuant to chapter eighteen of the laws of one thousand eight hundred and ninety-one, two thousand dollars;

For indexing the journal of the senate and minutes of the executive sessions and the minutes of the house of assembly, and other incidental and contingent expenses of the legislature, sixty-seven hundred dollars;

For toilet and other necessary supplies for use at the

legislative session, to be furnished by the state house commission, seven hundred dollars.

53.

COLLATERAL INHERITANCE TAX.

For surrogates' fees, appraisers' compensation and expenses, legal and other disbursements, pursuant to chapter two hundred and ten of the laws of one thousand eight hundred and ninety-four, ten thousand dollars. Inheritance tax.

54.

INSURANCE.

For insurance upon state house and contents thereof, three thousand one hundred and seventy-five dollars. Insurance.

55.

REFUNDING TAXES ON EXEMPTED MISCELLANEOUS
CORPORATIONS.

For taxes improperly levied upon exempted corporations and to be refunded pursuant to law, one thousand dollars. Refunding taxes.

56.

WEATHER SERVICE.

For the continuance of weather stations and preparation, printing and distribution of reports, pursuant to chapter two hundred and fifty-eight of the laws of one thousand eight hundred and ninety-two, one thousand dollars. Weather service.

57.

BODIES THROWN UPON SHORES OF THE STATE BY
SHIPWRECK.

For expenses incurred in viewing bodies cast upon shores by shipwreck, one hundred dollars. Shipwrecked bodies.

58.

BOARD OF PILOT COMMISSIONERS.

Pilot
commissioners.

For expenses incurred by the commissioners, pursuant to chapter three hundred and seven of the laws of one thousand eight hundred and ninety-five, twelve hundred dollars.

59.

AGRICULTURAL COLLEGE FUND.

Agricultural
college.

To the treasurer of Rutgers college, for interest on forty-eight thousand dollars, certificate of indebtedness of the state of New Jersey due January first and July first, one thousand eight hundred and ninety-eight, pursuant to the provisions of chapter one hundred and thirty-five of the laws of one thousand eight hundred and ninety-six, two thousand four hundred dollars.

60.

PRESERVATION OF RECORDS.

"Archives."

For the purpose of publishing the early records of this state, known as "New Jersey Archives," three thousand five hundred dollars.

61.

RIPARIAN COMMISSION.

Riparian
commission.

For salaries of riparian commissioners, six thousand dollars;

For expenses incurred in the prosecution of the work of the commissioners, six thousand dollars.

62.

OBSTRUCTIONS TO NAVIGATION.

Removing
obstructions to
navigation.

For expenses incurred in removing any boat, barge or scow stranded or sunk in any of the navigable rivers of this state, five hundred dollars.

63.

MANUAL TRAINING AND INDUSTRIAL SCHOOL AT
BORDENTOWN.

For maintenance of the manual training and industrial school at Bordentown, pursuant to the provisions of chapter three hundred and forty-nine of the laws of one thousand eight hundred and ninety-four, three thousand dollars.

Manual training.

64.

DEAF-MUTES.

For the trustees of the New Jersey school for deaf-mutes, for the teaching, maintenance and clothing of pupils taught therein, for purchase and repair of furniture, school apparatus and other appliances, for making needed improvements and repairs in the buildings and grounds, for insurance thereof, and for maintaining the system of manual and industrial education in said school, forty thousand dollars.

Deaf-mutes.

65.

STATE NORMAL SCHOOL.

For the support of the state normal school, forty thousand dollars;

Normal school.

For necessary repairs to the grounds, buildings and furniture, and for keeping the same insured, four thousand dollars;

For heating and ventilating normal and model schools, twenty-five thousand dollars.

66.

FREE SCHOOL LIBRARIES.

For the formation of libraries in the free public schools of the state, five thousand five hundred dollars.

School libraries.

New Jersey State Library

67.

FARNUM PREPARATORY SCHOOL.

Farnum school.

For the support of the Farnum preparatory school at Beverly, twelve hundred dollars.

68.

INDUSTRIAL EDUCATION.

Industrial education.

For payments to schools established for industrial education, pursuant to chapter one hundred and sixty-four of the laws of one thousand eight hundred and eighty-one, nine thousand dollars;

For payments to schools for manual training, pursuant to chapter thirty-eight of the laws of one thousand eight hundred and eighty-eight, twenty-five thousand dollars.

69.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Department of education.

For salary of state superintendent of public instruction, three thousand dollars;

For clerical service in office of state superintendent of public instruction, forty-six hundred dollars;

For stationery and blanks, two thousand dollars;

For necessary incidental expenses incurred by the state superintendent of public instruction in the performance of his official duties and for supervision of manual training, two thousand four hundred dollars.

70.

SCHOOL FUND EXPENSES.

School fund.

For necessary legal and other expenses incurred by or under the direction of the trustees for the support of public schools in the investment and protection of the school fund, and in the collection of the income thereof, four thousand dollars.

71.

STATE BOARD OF EDUCATION.

For necessary expenses of the state board of education, two thousand dollars. Board of education.

72.

TEACHERS' INSTITUTES.

For expenses of teachers' institutes, twenty-one hundred dollars. Institutes.

73.

TEACHERS' LIBRARIES.

For establishment of libraries for use of teachers, six hundred dollars. Teachers' libraries.

74.

SCHOOL CENSUS.

For compensation of the person having in charge the taking of the school census, fifteen hundred dollars. School census.

75.

EMERGENCY.

For the governor to enable him to meet any emergency requiring the expenditure of money not otherwise appropriated, the sum of ten thousand dollars, said sum, or any part thereof, to be paid by the treasurer on the warrant of the comptroller upon accounts approved by the governor. Emergency.

2. The following sum is hereby appropriated out of the income of the school fund for the purpose specified for the fiscal year ending on the thirty-first day of October, in the year one thousand eight hundred and ninety-eight:

76.

FREE PUBLIC SCHOOLS.

Public school.

For the support of free public schools, two hundred thousand dollars.

77.

STATE SCHOOL TAX.

School tax.

3. For the support of public free schools, for the equal benefit of all of the people of the state, there shall be paid to the county collectors of the several counties, in the manner provided by law, the following amounts on account of the annual state school tax, being ninety per centum of the amount paid by said counties, to wit:

To the collector of the county of Atlantic, forty-two thousand six hundred and sixty-four dollars and seventy-two cents;

To the collector of the county of Bergen, fifty-eight thousand one hundred and forty-two dollars and ninety-five cents;

To the collector of the county of Burlington, fifty-eight thousand six hundred and fourteen dollars and eighty-five cents;

To the collector of the county of Camden, eighty-three thousand four hundred and fifty-four dollars and twenty-seven cents;

To the collector of the county of Cape May, thirteen thousand four hundred and seven dollars and fifty-seven cents;

To the collector of the county of Cumberland, forty-two thousand five hundred and fifty-one dollars and thirty-eight cents;

To the collector of the county of Essex, four hundred and sixty-four thousand nine hundred and seventy-one dollars and sixty cents;

To the collector of the county of Gloucester, thirty-six thousand five hundred and fifty-six dollars and sixty-nine cents;

To the collector of the county of Hudson, three hundred and eighty-two thousand and thirty-five dollars and twenty cents;

To the collector of the county of Hunterdon, forty-five thousand two hundred and eighteen dollars and four cents;

To the collector of the county of Mercer, one hundred and four thousand eight hundred and one dollars and twenty-six cents;

To the collector of the county of Middlesex, sixty-eight thousand one hundred and sixty-five dollars and eighteen cents;

To the collector of the county of Monmouth, one hundred and twelve thousand two hundred and nine dollars and thirty-four cents;

To the collector of the county of Morris, sixty-four thousand seven hundred and ninety-five dollars and sixty-four cents;

To the collector of the county of Ocean, fifteen thousand seven hundred and twenty dollars and fifteen cents;

To the collector of the county of Passaic, one hundred and thirty-seven thousand six hundred and eighty-one dollars and seventy cents;

To the collector of the county of Salem, thirty-six thousand four hundred and eighty-seven dollars and twenty-five cents;

To the collector of the county of Somerset, forty-four thousand one hundred and fifty-seven dollars and and twenty-three cents;

To the collector of the county of Sussex, twenty-six thousand four hundred and ninety-one dollars and eighty-seven cents;

To the collector of the county of Union, ninety-one thousand four hundred and thirty-four dollars and fifty-three cents;

To the collector of the county of Warren, forty-five thousand seven hundred and ninety-nine dollars and eight cents.

In addition to the sums appropriated in this section there shall be paid to the several counties such amounts from the "reserve fund" of two hundred and nineteen thousand four hundred and eighty-four dollars and fifty cents, being ten per centum of the amount of the state school tax paid by said counties, as shall be apportioned

to them by the state board of education, as required by law; in all, the sum of two million one hundred and ninety-four thousand eight hundred and forty-five dollars.

78.

UNITED STATES APPROPRIATION TO AGRICULTURAL COLLEGE.

U. S.
appropriation to
agricultural
college.

4. That there be paid to the treasurer of Rutgers college for the agricultural department thereof, for the more complete endowment and maintenance thereof for the benefit of agriculture and the mechanic arts, such sum as may be received from the United States under the act of congress approved August thirtieth, one thousand eight hundred and ninety, estimated to be twenty-three thousand dollars.

79.

AGRICULTURAL COLLEGE FUND.

Agricultural
college fund.

5. That there be paid to the treasurer of Rutgers college for the agricultural department thereof the income of the agricultural college fund, established under the act of congress of July second, one thousand eight hundred and sixty-seven, held by the state treasurer, estimated to be four thousand and eighty dollars.

80.

UNITED STATES APPROPRIATION FOR DISABLED SOLDIERS.

U. S.
appropriation for
disabled soldiers.

6. That there be paid to the New Jersey home for disabled soldiers such sum as may be received from the United States under the act of congress to provide aid to state and territorial homes for disabled soldiers and sailors, approved August twenty-seventh, one thousand eight hundred and eighty-eight, estimated to be thirty-six thousand dollars.

81.

NEWARK ARMORY.

Newark armory.

7. For the purpose of erecting an armory in the city of Newark, pursuant to an act passed at the session of

one thousand eight hundred and ninety-seven, fifty thousand dollars.

82.

HOME FOR DISABLED SOLDIERS.

For the completion on the grounds of the New Jersey Soldiers' home. home for disabled soldiers of a building to be used as a residence for physician and trained nurses, four thousand dollars.

83.

STATE REFORMATORY.

For appropriation, pursuant to chapter three hundred Reformatory. and fifty-seven of the laws of one thousand eight hundred and ninety-five, five thousand dollars.

84.

OYSTER COMMISSION.

For the preservation of clams, pursuant to chapter Oyster commission. three hundred and fourteen of the laws of one thousand eight hundred and ninety-five, two thousand dollars.

85.

NAVAL RESERVE.

Battalion of the west, for allowance for three divisions, Naval reserve. at the rate of five hundred dollars each, fifteen hundred dollars;

For pay of ship-keeper, maintenance and expenses, three thousand three hundred dollars;

Battalion of the east, for allowance for three divisions, at the rate of five hundred dollars each, fifteen hundred dollars;

For pay of ship-keeper, maintenance and expenses, three thousand seven hundred dollars.

8. No money shall be drawn from the treasury except for the objects as herein above specifically appropriated therein named.

9. This act shall take effect on the first day of November, one thousand eight hundred and ninety-seven.
Approved May 18, 1897.

CHAPTER 204.

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

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

Doweress may
consent to accept
a gross sum in
lieu of dower.

1. When it shall be made to appear to the chancellor upon the application in the form of a petition of the guardian of minor or minors, lunatics, insane or feeble-minded persons, that the lands of such persons are subject to an estate in dower, and that the doweress is entitled to have her dower in said lands set apart and assigned to her and to have accounted for and paid over to her the share of the rents, issues and profits of said lands to which she is entitled, and that such person entitled to an estate in dower has agreed and consented with the guardian of such minor or minors, lunatics, insane or feeble minded persons to accept a certain gross sum in lieu of her right or estate in said lands and to release her estate of dower therein, which agreement and consent in writing duly verified shall be attached to and filed with said petition, and that it is to the advantage of the said minor or minors, lunatics, insane or feeble-minded persons, that such gross sum should be paid in lieu of an assignment of dower in said lands, it shall be lawful for the chancellor after being satisfied, by reference to a master in chancery or otherwise, that the certain gross sum agreed to be accepted by said doweress in lieu of her right or estate in said lands and in the rents, issues and profits thereof, is not more than the value of her right or estate therein as determined by

Chancellor to
approve.

the rules and practice of the court in other cases of sales of lands, to approve the sum so agreed upon and to order and direct that the guardian of such minor or minors, lunatics, insane or feeble-minded persons be authorized to raise a loan or loans by bond or bonds secured by mortgage or other security upon such land or real estate for the purpose of paying such gross sum so approved as aforesaid in discharge of said estate in dower, upon such terms as the chancellor may determine; *provided*, that upon receiving such payment an effectual release of such estate in dower shall be executed.

Loan may be raised.

Proviso.

2. This act shall take effect immediately.

Approved May 18, 1897.

CHAPTER 205.

An Act creating asylum districts in this state and providing for the appointment of boards of managers for the state hospitals for the insane at Trenton and Morris Plains.

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

1. Hereafter there shall be two asylum districts within this state, one to be known as the Trenton district, and the other as the Morris Plains district.

State divided into asylum districts.

2. The Trenton district shall consist of the counties of Atlantic, Cape May, Cumberland, Salem, Gloucester, Camden, Burlington, Mercer, Ocean, Monmouth, Hunterdon, Somerset and Middlesex, and insane persons who may hereafter be sent to an asylum in this state by virtue of any law thereof, from the counties last aforesaid, at the public expense, shall be sent to and received into the New Jersey state hospital for the insane at Trenton.

Trenton district.

3. The Morris Plains district shall consist of the counties of Union, Essex, Hudson, Morris, Passaic,

Morris Plains district.

Warren, Sussex and Bergen, and insane persons who may hereafter be sent to an asylum in this state by virtue of any law thereof, from the counties last aforesaid, at the public expense, shall be sent to and received into the New Jersey state hospital for the insane at Morris Plains.

Board of
managers.

4. The general management and control of each of the said hospitals shall hereafter be vested in a board of managers, to be known and designated as "the board of managers of the New Jersey state hospital at Trenton" and "the board of managers of the New Jersey state hospital at Morris Plains" respectively; each of said boards shall have the exclusive management and control of the hospital for which they shall be appointed and shall consist of eight persons, no more than four of whom shall belong to the same political party, and they shall be residents of the district within which the hospital for which they are appointed shall be situate; they shall be appointed by the governor, by and with the advice and consent of the senate, and shall respectively hold office for the term of five years, and until their successors are qualified; any vacancy occurring in either of said boards shall be filled for the unexpired term only.

Present
members to be
retained.

5. Each member of the present "board of managers of the state hospitals" residing in the aforesaid Trenton district shall be members of the "board of managers of the New Jersey state hospital at Trenton," herein provided for; and each member of the said present "board of managers of the state hospitals" residing in the aforesaid Morris Plains district shall be members of the "board of managers of the New Jersey state hospital at Morris Plains," herein provided for, during the respective terms for which they have been appointed.

Duty regarding
county asylums.

6. It shall be the duty of a committee of two members from each of said boards of managers to visit each county lunatic asylum in their respective districts at least once in each year, and to inspect such institutions and their management, and such committees shall, in their annual report, make such recommendations as they shall deem necessary concerning such local institutions.

Repealer.

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

Approved May 18, 1897.

CHAPTER 206.

An Act to provide for the laying out of streets in any city in this state.

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

1. It shall be lawful for the common council or other similar municipal body of any city of this state, by ordinance, to lay out or open any street, road or highway in any part of the said city, and to cause any street, road, highway or alley already laid out in any part of the said city to be opened, altered or widened whenever and so often as they shall judge the public good requires the same to be done; and the said common council or other similar municipal body shall give a written or printed notice to the owner or owners of any land or real estate necessary to be taken for either of said purposes, or to his, her or their legal representatives, of their intention to take such land or other real estate and appropriate it for such street, road, highway or alley, and shall treat with such person or persons for the same; and if any such person or persons shall refuse to treat for any such land or other real estate, or the said common council or other similar municipal body cannot agree with such person or persons for the same, then it shall be lawful for the said common council or other similar municipal body to appoint three judicious and disinterested citizens of said city as commissioners to make an estimate and assessment of the damages that any such owner or owners will sustain by opening, laying out, altering or widening any such street, road, highway or alley, and to ascertain the whole amount of damages and expenses incident to such laying out, opening, altering or widening, and to make a just and equitable assessment thereof among the owners and occupants of all the lands, tenements and real estate benefited thereby in proportion to the advantages each

Lawful for common council to lay out, &c., any street, &c.

Notice to be given to owners.

In case of refusal council to appoint three commissioners to make estimate.

shall be deemed to acquire; and in case the council or other similar municipal body shall agree with every owner of land necessary to be taken respecting the same, then such commissioners shall be appointed for the purpose of assessing said damages and expenses among the owners of land benefited thereby in the manner aforesaid.

Notice of
intention to be
published.

2. The said common council or other similar municipal body shall cause notice of its intention to pass an ordinance or ordinances as provided by the first section of this act to be given, by publication for ten days before the final passage and adoption of such ordinance or ordinances in one or more newspapers published and circulating in any such city; or if no newspaper be published in said city, then in a newspaper published in the county wherein such city is situate, and circulating in said city; *provided*, that if such public improvement contemplates the taking and appropriating of any land and real estate owned by a person or persons not residents in said city, a copy of said notice shall be served on said non-resident owner personally, or mailed to his or her post office address, if known, at least ten days before the introduction of said ordinance.

Proviso.

Such publication
to be sufficient
notice.

3. Any such notice of intention so published as provided by the second section of this act shall be a good and sufficient notice of the intention of said common council or other similar municipal body to cause said public improvement to be made.

Notice of
meeting of
commissioners to
be given; their
duty.

4. The said common council or other similar municipal body shall appoint a time and place within the said city for the said commissioners to meet, notice whereof shall be given by advertising the same in two newspapers printed in the city, if so many there be, two weeks before the time of meeting, which notice shall specify the street, road, highway or alley proposed to be laid out, opened, altered or widened, the alterations proposed to be made and the lands or real estate intended to be taken for such purposes; and the said commissioners or a majority of them, when met, shall have power to swear and examine witnesses, and shall view the premises, if necessary, and make just and true estimates and assessments and report their proceed-

ings to the common council or other similar municipal body sufficiently in detail to enable the common council or other similar municipal body to determine the principle upon which such estimates and assessments were made; such report shall be filed with the city clerk and be open to the inspection of the public for ten days previous to its presentation to the common council or other similar municipal body, and notice of such filing shall be published in two newspapers, if there shall be so many printed in said city, at least ten days previous to such presentation; parties interested may file with the city clerk written objections to said report, stating the nature and extent of their interests and the grounds of their objections to it; all such objections shall be filed within ten days after the first publication of the notice of the filing of the report; the said commissioners shall have full power to reconsider and change their report if objected to, or if they refuse so to do, either in whole or in part, they shall deliver such objections with their report to the common council or other similar municipal body, and the common council or other similar municipal body may ratify the action and report of the commissioners, or alter said report in respect to the matter specified in the objections, or the said common council or other similar municipal body may recommit the report to the commissioners for further consideration in respect to such matters, or any other matter connected therewith; and in the event of a recommitment the said commissioners shall, as far as may be necessary, comply with all the requirements of this section; when the common council or other similar municipal body shall have taken final action upon said report, it shall be binding and conclusive upon the owner or owners of any lands or real estate affected thereby, subject only to the appeal hereinafter given; and upon payment of the damages so awarded, or upon a tender and refusal thereof, it shall be lawful for the common council or other municipal body to cause the said land or real estate necessary to be taken as aforesaid, to be entered upon and used for the purpose of the contemplated improvement; *provided, however*, that any person whose lands may be so taken may appeal from the pro-

Objections may be filed.

Commissioners may reconsider and revise their report.

Final action of council to be binding.

Proviso.

ceedings of said common council or other similar municipal body to the circuit court of the county within thirty days from the time of making the final order of the common council or other similar municipal body, and within the same period shall notify the city clerk of such intended appeal; the said circuit court shall order a trial by jury to assess the damages sustained by the party aggrieved, such trial to be conducted as are other trials by jury.

If no appeal be taken, payment to be made within sixty days.

5. If no such appeal to the circuit court be taken, the person whose lands shall have been taken shall be entitled to receive from said city, within sixty days from the time of making the final order of the council, the amount of damages sustained by them respectively, with interest from the date of said final order, and may, after the said period of sixty days, sue for and recover the same from the said city in an action of debt, with costs, in any court having cognizance thereof, and the said proceedings of the said commissioners and common council, or other similar municipal body, or the award of the said jury, as the case may be, shall be conclusive evidence against the defendants.

Sum agreed upon to constitute part of amount of damages.

6. In case the common council or other similar municipal body and the owner of any such land or real estate shall agree upon the sum to be paid therefor, such sum shall constitute a part of the whole amount of damages and expenses to be assessed under and in pursuance of the provisions of section one of this act.

Interest.

7. Any assessment made by virtue of this act shall bear interest at the rate of ten per centum after thirty days from the day the same is ratified by the final order of the city council, or other similar municipal body, and not before; and shall continue and remain a lien upon the lands and real estate so assessed until the said assessment, with the interest and expenses, shall be paid or the amount thereof discharged by sale of said lands and real estate by the city, and it shall be the duty of the city clerk to send by mail written notices of the ratification of any assessment made by the provisions of this act, to each person assessed thereby, within five days after such ratification or final order.

Assessment to be a lien.

8. No land or real estate shall be assessed for any such street, road or highway laid out, opened, altered or widened by virtue of this act, a greater amount than such land or real estate shall be benefited by such improvement; and in case the whole expenses of any such improvement shall exceed the amount assessable for the benefits, then the balance of such expense shall be paid out of the city treasury.

Assessment not to exceed benefit.

9. All assessments which shall be made or assessed by virtue of the provisions of this act upon any lands or tenements within said city shall be and remain a first lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other incumbrances thereon.

Assessment to be a first lien.

10. It shall be no valid objection against laying out or opening any highway, street or road in said city that the ending point of the same is not in a public highway; *provided*, the same be laid out or opened in conformity with the provisions of this act.

Termination of highway.

Proviso.

11. In case any assessment made as aforesaid shall not have been complied with by the payment of the sums thereby assessed, within six months after the notification by mail as aforesaid of the same as aforesaid, the common council or other similar municipal body shall cause a notice to be published in one or more public newspapers printed in said city, for at least one month, requiring the owner or occupant of such lands, tenements and real estate, respectively, to pay the sum at which the same shall have been assessed, together with all the interest, costs and expenses that shall have accrued thereon, to the treasurer of said city, and that, in default of such payment, such lands, tenements and real estate will be sold at public auction by the city treasurer to satisfy such assessment, and the interests, costs, charges and expenses thereof, which notice shall be signed by the city clerk, and shall contain a brief description of the premises to be sold, and shall state the purpose and amount of the assessment against the same, with the costs, charges and expenses, and the day, hour and place of such sale; and copies of such notice shall be posted in five public places in such city, at least four weeks before such sale; it shall be

In case of non-payment within six months.

lawful to sell said lands and premises pursuant to said notice, at public auction, for the shortest term for which any person or persons will agree to take the same and pay such assessment, interest, costs, charges and expenses; if at any such sale there shall be no other bidders, the city treasurer may, in the name and for the use of the city, purchase the property offered for sale for the term of one hundred years, and the city treasurer shall execute, under the common seal of said city, a certificate of said sale, and deliver the same to the purchaser within ten days after the sale.

Property may be redeemed within two years.

12. The owner, mortgagee, occupant or any other person or persons having a legal or equitable interest in any lands or real estate sold for assessments as aforesaid, may redeem the same at any time within two years from the time of such sale, by paying to the city treasurer, for the use of the purchaser, his heirs or assigns, the said purchase-money, together with any other assessment properly chargeable thereon and which the purchaser may have paid, with the interest on said purchase-money, at the rate of ten per centum per annum, from the time of such sale or from the time of such payment, and the certificate of said treasurer, stating the payment and showing what property such payment is intended to redeem, shall be evidence of such redemption, which sum of money so paid the said treasurer shall cause to be refunded to the purchaser, his heirs and assigns.

If not redeemed, declaration of sale to be given purchaser.

13. If any lands or real estate so sold shall not be redeemed, as by this act provided, the common council shall cause to be executed to the purchaser, his legal representative or assigns, a declaration of sale, under the seal of the city, signed by the mayor, attested by the city clerk, containing a description of the premises, the facts of assessment, advertisement and sale, the date of the sale and the period for which the premises were sold, which declaration shall be recorded in the office of the city clerk; and until the same shall have been recorded, such lands and real estate may be redeemed as hereinbefore provided, notwithstanding the period of two years may have expired from the time of said sale; and such declaration of sale shall be presumptive evi-

dence that such sale and proceedings were regularly made according to the provisions of this act, and such purchaser or purchasers, and his or their legal representatives, shall by virtue thereof lawfully hold and enjoy such lands and real estate, with the rents, issues and profits thereof, for his and their own proper use against the owner or owners thereof, and all persons claiming under him or them, until the term shall be completed and ended for which the purchaser or purchasers may have agreed to take the same; and such purchaser or purchasers, and his, her or their legal representatives, shall be at liberty to remove all the buildings and materials which he, she or they shall erect or place thereon, and at the expiration of said term shall peaceably and quietly yield up said lands and real estate to the lawful owner or owners thereof, and shall be liable for any injury or waste by him or them done or committed therein, in the same manner as a tenant for a term of years; *provided*, that whenever satisfactory evidence shall be produced to the common council that any lands so sold belonging to an idiot, lunatic or infant, for whose estate no guardian shall have been appointed, the said common council or other similar municipal body shall direct the mayor and city clerk to postpone the execution of a declaration of sale of such lands until at least four months after they shall have evidence that such disability has been removed, or guardian or trustee to their estate appointed, and until the expiration of said four months such guardian or trustee or person whose disability has been removed may redeem such lands as hereinbefore provided.

Proviso.

14. It shall be the duty of the city clerk to record, in proper books kept for that purpose, all certificates of sale and assignments thereof, to give certificates of search in relation thereto to any person applying for the same, and to cancel such certificates of sale and assignments thereof so recorded when the land and real estate for which they were given shall be redeemed, on certificate of the city treasurer of such redemption, and file such certificate in his office; it shall be the duty of the city treasurer to make out two receipts for all property redeemed, one for the person redeeming and one to be filed in the office of the city clerk.

Duty of city clerk.

In case proper parties cannot act or be found.

15. In case any owner or owners of any land or real estate necessary to be taken for the laying out, opening, alteration or widening of any street, road, highway or alley in the said city shall be non compos mentis, or out of the state, or cannot be found on reasonable inquiry, and no agent or legal representative of such owner can on like inquiry be found in this state, then it shall be lawful for the common council or other similar municipal body of said city to proceed to the appointment of the commissioners mentioned and provided for in the first section of this act, after publishing in a newspaper printed in said city for the space of two weeks, at least once in each week, a notice of the intention of said common council or other similar municipal body to take such land or real estate and appropriate it for such street, road, highway or alley.

In reference to commissioners.

16. All commissioners appointed by virtue of the provisions of the first section of this act shall, before they enter upon the execution of the duty required of them, be sworn or affirmed before any person authorized by law to administer oaths, to assess the said damages and benefits administered to them fairly and impartially according to the best of their skill and judgment; and the said common council or other similar municipal body may remove such commissioners and appoint others for any cause that to said common council or other similar municipal body may seem just; and in case of the resignation, death or disability of one or more of such commissioners, it shall be lawful for the common council or other similar municipal body to fill by appointment the vacancy or vacancies thus created, without prejudice to any proceedings already taken by such commissioners.

In case of informality or illegality in proceedings.

17. Whenever, by reason of any informality or illegality in the proceedings of the common council or other similar municipal body, or of the commissioners of assessment, surveyors or other agents of the common council or other similar municipal body, or officers of the city in laying out, opening, altering or widening any street, road or highway by the provisions of this act, any assessment shall be set aside by judicial authority, it shall be lawful for the common council or other simi-

lar municipal body to re-institute the proceedings set aside upon the same basis upon which the original proceedings were based, or otherwise if they shall see fit so to do, and lawfully proceed therein the same as though the former proceedings had not been had; or the said common council or other similar municipal body may re-institute said proceedings from the point where such informality or illegality may have been so decreed, and whenever the common council or other similar municipal body shall discover that any such proceedings are liable to be set aside by judicial authority they may re-institute said proceedings from the point where such informality or illegality commences, and no assessments shall be deemed invalid in consequence thereof; but no writ of certiorari shall be allowed or issue to remove any assessment made upon the owner or owners of land and real estate for any work or improvement made, unless the same be applied for within six months after the confirmation of such assessment by the common council or other similar municipal body of said city, and this section shall apply as well to all proceedings heretofore set aside by judicial authority by reason of any informality or illegality as to those which may hereafter be so set aside.

Application of
this section.

18. This act shall take effect immediately, but its provisions shall remain inoperative in any city in this state until assented to by a majority of the legal voters voting on this act at an election, at which the question of its adoption shall be submitted to vote by direction of the legislative body 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 the purpose, of the time and place of holding which election the city clerk of said city shall cause public notice to be given by advertisements signed by himself and set up in at least five public places in said city for at least six days previous to the day of such election, and published for the same period in two newspapers of such city; the ballots used at such election shall be printed or written, or partly printed or written, and the same may be printed or written on the general ballots used at such election, on which may be either the words "for the adoption for

Act to be
assented to by
legal voters after
due notice is
given.

this city of the provisions of an act entitled 'An act to provide for the laying out of streets in any city in this state,' or "against the adoption for this city of the provisions of an act entitled 'An act to provide for the laying out of streets in any city in this state;'" and if there should be at such election more votes cast in favor of than against the adoption of this act, then all the provisions of this act shall apply to said city; the election officers of said city shall return to the canvassing board of the same a true and correct statement in writing under their hands of the result of said election, the same to be entered at large upon the minutes of said body.

Approved May 25, 1897.

ACTS

OF THE

EXTRA SESSION OF THE LEGISLATURE

Convened at Trenton, May 25th, 1897.

Acts of Special Session.

CHAPTER 1.

An Act to provide for submitting proposed amendments to the constitution of this state to the people thereof.

WHEREAS, Certain proposed amendments to the constitution of this state were, at the session of the legislature held in the year one thousand eight hundred and ninety-six, agreed to by a majority of the members elected to each of the two houses thereof, and entered on the journals of each of said houses with the yeas and nays taken thereon, and referred to the legislature then next to be chosen ;
AND WHEREAS, The said proposed amendments were published as required by the constitution ;
AND WHEREAS, In the legislature then next chosen, certain of those proposed amendments have been agreed to by a majority of all the members elected to each house ;
AND WHEREAS, The constitution of this state requires the legislature to submit such proposed amendments as have been agreed to as aforesaid to the people, at a special election to be held for that purpose only, therefore

Preamble.

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

1. On Tuesday, the twenty-eighth day of September next, a special election shall be held in the several election districts or precincts of this state, at such places as the clerks of the several townships, cities and municipalities of the state shall provide and secure, to enable

Election to be held.

the electors qualified to vote for members of the legislature to vote for or against each of said proposed amendments to the constitution.

2. The district boards of registry and election in the several election districts or precincts shall conduct said special election; the polls shall be opened and closed at the times now fixed by law for opening and closing the polls at the election for members of the general assembly, and said special election shall be conducted so far as practicable in the same manner now required by law in conducting annual elections for members of the general assembly, except as otherwise directed in this act.

Form of ballot.

3. At such election each voter, registered as herein-after required, may present a ballot, in the form following:

"For all propositions on this ballot which are not cancelled with ink or pencil, and against all which are so cancelled;

"For the proposed amendment to the constitution relating to lotteries and gambling, which reads as follows:

"Amend paragraph 2 of section VII of article IV, so as to read as follows:

"2. No lottery shall be authorized by the legislature or otherwise in this state, and no ticket in any lottery shall be bought or sold within this state, nor shall pool-selling, bookmaking or gambling of any kind be authorized or allowed within this state, nor shall any gambling device, practice or game of chance now prohibited by law be legalized, or the remedy, penalty or punishment now provided therefor be in any way diminished.

"For the proposed amendment to the constitution relating to appointment to office, which reads as follows:

"Add the following to section XII of Article V:

"No person who shall have been nominated to the senate by the governor for any office of trust or profit under the government of this state, and shall not have been confirmed before the recess of the legislature, shall be eligible for appointment to such office during the continuance of such recess.

"For the proposed amendment to the constitution, providing for woman suffrage, which reads as follows:

ARTICLE II.

"Amend section 1, to read as follows:

"1. Every male citizen of the United States of the age of twenty-one years, who shall have been a resident of this state one year, and of the county of which he claims his vote five months next before the election, shall be entitled to vote for all officers that now are or hereafter may be elective by the people; and every female citizen of the United States of the age of twenty-one years, who shall have been a resident of this state one year, and of the county of which she claims her vote five months next before said meeting, shall be entitled to vote at any school meeting held in any school district of this state, in which she may reside, for members of boards of education and all other school officers that now are or hereafter may be elected at such meetings; *provided*, that no person in the military, naval or marine service of the United States shall be considered a resident in this state by being stationed in any garrison, barrack or military or naval place or station within this state, and no pauper, idiot, insane person or persons convicted of a crime which now excludes him or her from being a witness, unless pardoned or restored by law to the right of suffrage, shall enjoy the right of an elector; *and provided further*, that in time of war no elector in the actual military service of the state, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the legislature shall have power to provide the manner in which and the time and place at which such absent elector may vote, and for the return and canvass of their votes in the election district in which they respectively reside."

4. Each of said ballots shall be counted as a vote for each proposition thereon not cancelled with ink or pencil, and against each proposition so cancelled, and return thereof shall be made accordingly by the boards or officers of election.

Ballots; how counted.

5. All persons entitled to vote in this state for members of the legislature at the time of said special election shall be entitled to vote in their respective election

Who entitled to vote at this special election.

districts or precincts; *provided*, they shall have been registered as hereinafter provided.

Duty of boards
of registry and
election.

6. It shall be the duty of the district boards of registry and election to make, alter and revise, as the case may require, the registry of voters entitled to vote in their several districts or voting precincts for use at said special election, in the manner now required by law for general elections; *provided, however*, that where the election districts or voting precincts have remained unchanged since the last local or municipal election, it shall not be necessary for said district boards of registry and election to make a new registry of the voters in such districts or precincts, but only to revise and correct the registry used at such local or municipal election, and for that purpose the said district boards of registry and election shall meet at the places in their respective election districts or precincts where the said special election shall be held, or at such other place as shall be designated by the clerk of such city, township or municipality, on Tuesday, the twenty-first day of September, next, at one o'clock in the afternoon of that day, and continue in session until nine o'clock in the evening, for the purpose of revising and correcting the registry and of adding thereto the names of all persons entitled to vote at said special election who shall appear in person before them and establish to the satisfaction of a majority of such boards that they are entitled to vote in that election district or precinct at such special election, or who shall be shown by the written affidavit of a voter residing in the same district or precinct to be so entitled to vote; a separate affidavit shall be required for each person so registered, which shall contain the address of the affiant and shall be signed by him.

County boards
of election.

7. The county boards of election in the several counties shall sit on the Saturday next preceding such election and also on the day of election, from eight o'clock in the forenoon till five o'clock in the afternoon of each of said days, and perform the same duties in respect to such registry as is now provided by law in respect to the registry for any general election, and each member of said board shall receive the sum of five dollars for his services under the provisions of this act for each of said days.

8. All laws respecting illegal voting or other offences against the election laws of this state shall be applicable to such special election.

All laws relating to elections, applicable.

9. No official envelope shall be required or used at such election, but each person entitled to vote shall receive one ballot, to be furnished by a member of the board of election, and shall retire with the same into one of the election booths to prepare his ballot, and shall then deliver the same folded to a member of the election board, who shall immediately deposit the same in the ballot-box in the presence of the voter; the manner of voting and the procedure of the election officers shall in all respects, as far as practicable, conform to the requirements of the general law respecting elections.

Official envelope not to be used.

10. After finally closing the polls of such election, the respective boards of registry and election shall count and canvass the ballots given relative to each of the said proposed amendments to the constitution, and thereupon shall set down in writing the whole number of votes given for each of the said proposed amendments in the words in which the said proposed amendment is hereinbefore given, and the whole number of votes given against each of the said proposed amendments as hereinbefore given, and shall certify and subscribe a statement of the result of the same, and cause the same so certified to be delivered to the clerk of the county in which the election district or precinct is situated within three days after said election, who shall forthwith file the same in his office as an official paper.

Canvassing the ballots.

11. The county boards of election of the several counties of this state shall meet on Monday, the fourth day of October next, at the hour of eleven o'clock in the forenoon of that day, at the court-houses of their respective counties; the clerk of the county shall thereupon produce before said board the certificates filed in his office in pursuance of the preceding section of this act, and said board shall thereupon proceed to examine the same and make and certify duplicate statements of the result of said election as shown thereby, and cause one of such statements so certified to be delivered to the clerk of the county, who shall forthwith file the same in his office as an official paper, and said board shall cause the

Duty of county boards of election.

other of such statements to be transmitted by mail to the secretary of state on or before the ninth day of October next, who shall forthwith file such statement in his office as an official paper; the said county board of election shall have power to adjourn their meeting if necessary in order to properly discharge their duties under this section.

Governor and
our or more
senators to con-
stitute a board of
state canvassers.

12. It shall be the duty of the governor to summon to attend him, on the nineteenth day of October next, four or more of the members of the senate, who shall meet on said day of October in the senate chamber, in the city of Trenton, at the hour of two o'clock P. M., and they, with the governor, shall constitute a board of state canvassers to canvass and estimate the votes given for and against each of said amendments, and the said board of state canvassers shall proceed to organize and determine the result according to the provisions of the act entitled "An act to regulate elections," approved April eighteen, eighteen hundred and seventy-six, so far as they are applicable, and it shall be the duty of the secretary of state to produce and lay before such board all such statements and copies as relate to such election which he shall have received or obtained pursuant to this act or pursuant to the above stated act to regulate elections; the said board of state canvassers shall determine and declare which of said proposed amendments have been adopted, and shall forthwith deliver a statement of the result as to each amendment to the secretary of state of this state, to be filed in his office as an official paper, and any proposed amendment which by said certificate and determination of the board of state canvassers shall appear to have received in its favor a majority of all the votes cast in the state for and against said proposed amendment shall from the time of filing such certificate be and become an amendment to and part of the constitution of this state, and it shall be the duty of the governor of this state forthwith after such determination to issue a proclamation declaring which of said proposed amendments have been adopted by the people.

Time and
purpose of
special election
and proposed
amendments to
be published.

13. Notice of the time and purpose of said special election, which notice shall contain such proposed amendments in full, shall be published in at least two

newspapers printed and circulated in each county of this state for four weeks, once in each week, next preceding said twenty-eighth day of September, said newspapers to be designated by the president of the senate, the speaker of the house of assembly and the secretary of state, and the secretary of state shall furnish a copy of such notice to each of the newspapers so selected; but neglect or failure to make such publication shall not impair the validity of such special election.

14. The same notice of meeting of the district boards of registry and election for the purpose of making or revising registries to be used at such election, and the notice of such special election in the various election districts or precincts, shall be given as is now required by law in case of the election for members of the legislature.

Notice of
meeting of
boards of
registry and
election.

15. For the services and duties required and imposed upon them, under and by virtue of this act, the members of the boards of registry and election shall each receive the sum of three dollars for making or revising the registry and five dollars for conducting the election, to be paid as the expenses of elections for members of the general assembly are now paid.

Compensation.

16. The price for publishing in any newspaper the notice of this election required to be given by the secretary of state shall be sixty cents per folio of one hundred words for the first insertion, and thirty cents per folio for each subsequent insertion after the first.

Price for
publishing
notice.

17. It shall be the duty of the secretary of state to prepare and have printed a sufficient number of ballots required by this act, in the form herein provided, for the use of the voters, and shall, at least two weeks before the time herein fixed for said special election, transmit to the clerk of each county in this state a sufficient number for the use of the voters therein, and also blank statements of the result of the election and copies of this act, and it shall be the duty of the clerk of each county, at least one week before said election, to transmit to the district boards of registry and election in each election district or precinct in his county a sufficient number of such ballots and blank statements for the use of the voters and the board of election in such district

Preparation and
distribution of
ballots.

or precinct; on the back of each of said ballots shall be printed the words "Special Election, September 28, 1897. Official Ballot," then shall follow the fac-simile of the signature of the secretary of state, and no ballot shall be used or counted at such election except such official ballots; *provided*, that if in any election district the official ballots shall not have been delivered, or shall have been destroyed or stolen, or the supply of ballots shall have become exhausted, the deficiency shall be supplied in the manner provided by the provisions of the law regulating general elections, and such proceedings shall be taken as shall conform as nearly as possible to the requirements of that law.

Terms upon
which ballots
may be procured
from secretary of
state.

18. Any voter may procure from the secretary of state official ballots for said election in the manner and upon the same terms as are prescribed by law for furnishing official ballots at general elections, upon payment of the expense of printing the same, which ballots the secretary of state is required to furnish; said ballots may be distributed before election day, and the same may be voted by any voter desiring to do so under the restrictions and regulations prescribed by law.

19. This act shall take effect immediately.

Approved May 25, 1897.

PROCLAMATIONS.

Proclamations by the Governor.

PROCLAMATION.

WHEREAS, On the eighth day of May, one thousand eight hundred and ninety-four, under "An act to repeal the charters of all corporations that have heretofore failed to pay state taxes imposed on them by law," approved March 26th, 1891, George T. Werts, then Governor of New Jersey, did issue his proclamation on that date that the charters of certain corporations reported by the comptroller as in default in the payment of taxes imposed on them by law, were repealed and declared null and void;

AND WHEREAS, It is established to my satisfaction that the "Castle Rock Park" Company, one of the corporations named in said proclamation, has not refused or neglected to pay said tax within two consecutive years;

Now therefore, in pursuance of section two of an act of the Legislature of this State, entitled "An act to amend an act concerning corporations, approved April seventh, one thousand eight hundred and seventy-five, which amendatory act was approved March twentieth, one thousand eight hundred and ninety-one," approved March 13th, A.D. 1893,

I, JOHN W. GRIGGS, Governor of the State of New Jersey, do hereby correct the mistake of including the said Castle Rock Park corporation in said proclamation, and do make the same known by this my proclamation, to be filed in the office of the Secretary of State.

[SEAL.] In witness whereof I have hereunto set my hand and caused the great seal of the State to be hereunto affixed, at Trenton, this 13th day of October, one thousand eight hundred and ninety-six.

JOHN W. GRIGGS,

Governor.

By the Governor.

A. H. RICKEY,

Assistant Secretary of State.

PROCLAMATION.

WHEREAS, On the thirty-first day of October, one thousand eight hundred and ninety-three, under "An act to repeal the charters of all corporations that have heretofore failed to pay state taxes imposed on them by law," approved March 26th, 1891, George T. Werts, then Governor of New Jersey, did issue his proclamation of that date that the charters of certain corporations, reported by the comptroller as in default in the payment of taxes imposed on them by law were repealed and declared null and void ;

AND WHEREAS, It is established to my satisfaction that The Lake Hopatcong Steamboat Company, one of the corporations named in said proclamation, has not refused or neglected to pay its said tax within two consecutive years ;

Now, therefore, in pursuance of section two of an act of the legislature of this state, entitled "An act to amend an act concerning corporations, approved April seventh, one thousand eight hundred and seventy-five, which amendatory act was approved March twentieth, one thousand eight hundred and ninety-one," approved March 13th, A. D. 1893,

I, JOHN W. GRIGGS, Governor of the State of New Jersey, do hereby correct the mistake of including the said The Lake Hopatcong Steamboat Company in said proclamation, and do make the same known by this my proclamation to be filed in the office of the Secretary of State.

[SEAL.]

In witness whereof, I have hereunto set my hand and caused the great seal of the State to be hereunto affixed, at Trenton, this thirteenth day of October, in the year one thousand eight hundred and ninety-six.

JOHN W. GRIGGS,

By the Governor.

Governor.

A. H. RICKEY,

Assistant Secretary of State.

PROCLAMATION.

WHEREAS, On the fifth day of May, one thousand eight hundred and ninety-six, under "An act to repeal the charters of all corporations that have heretofore failed to pay state taxes imposed on them by law," approved March 26th, 1891, I did issue my proclamation on that date that the charters of certain corporations reported by the comptroller as in default in the payment of taxes imposed on them by law, were repealed and declared null and void;

AND WHEREAS, It is established to my satisfaction that the Mount Arlington Hotel and Land Company, one of the corporations named in said proclamation, has not refused or neglected to pay said tax within two consecutive years;

Now, therefore, in pursuance of section two of an act of the legislature of this state, entitled "An act to amend an act concerning corporations, approved April seventh, one thousand eight hundred and seventy-five, which amendatory act was approved March twentieth, one thousand eight hundred and ninety-one," approved March 13th, A.D. 1893,

I, JOHN W. GRIGGS, Governor of the State of New Jersey, do hereby correct the mistake of including the said Mount Arlington Hotel and Land Company in said proclamation, and do make the same known by this my proclamation, to be filed in the office of the Secretary of State.

In witness whereof, I have hereunto set my hand and caused the great seal of the State to be hereunto affixed, at Trenton, this thirteenth day of October, in the year one thousand eight hundred and ninety-six.

[SEAL.]

JOHN W. GRIGGS,

By the Governor.

Governor.

A. H. RICKEY,

Assistant Secretary of State.

PROCLAMATION.

As the year is drawing to its close it is fitting that we should cease one day from the usual pursuits of our daily lives and recall in gratitude and thanksgiving the many mercies which as a people we have received at the hands of a gracious Providence. Upon each individual soul rests a debt of gratitude for countless blessings of a personal nature; while for us as a people the year that is closing has been filled with fresh manifestations of Divine favor which call for public acknowledgment and thankfulness. For all these blessings to us individually and collectively, for peace and concord, for fruitful fields, for sunshine and rain, for thrift, for industry, for the courage and hope that inspire our people; for all the benefits of liberty and civilization which we enjoy, let praise be given to the Lord God.

Wherefore, I, JOHN W. GRIGGS, Governor of the State of New Jersey, do hereby designate and set apart Thursday, the twenty-sixth day of November, instant, as a day of Thanksgiving, to be as such observed and kept by all the people of this State in accordance with their usual custom.

[SEAL.]

Witness my hand and the great seal of the State of New Jersey hereunto affixed. Done at the city of Trenton this tenth day of November, in the year of Lord one thousand eight hundred and ninety-six.

HENRY C. KELSEY,
Secretary of State.

JOHN W. GRIGGS,
Governor.

PROCLAMATION.

WHEREAS, It has been satisfactorily made to appear that in the list of New Jersey corporations reported to the Governor of said State, on the first day of May, 1896, was inadvertently included the corporation known as The Eagleswood Cranberry Company, as one of such corporations which had for two consecutive years failed, neglected and refused to pay the State taxes which had been assessed against them for the year 1893, under the laws of said State of New Jersey, and made payable into the State treasury;

AND WHEREAS, It appears that all taxes due from said The Eagleswood Cranberry Company have been paid by said company to the proper officers of the State of New Jersey, and that the said company is not liable to the penalty set forth in the proclamation of the Governor of said State, bearing date on the fifth day of May, 1896, although said corporation known as The Eagleswood Cranberry Company is included in the list of corporations specified therein;

Now therefore, I, JOHN W. GRIGGS, Governor of the said State of New Jersey, do hereby issue this my proclamation, revoking so much of the said proclamation of May 5th, 1896, above referred to, as applies to said corporation named therein as The Eagleswood Cranberry Company, and said last named company is hereby declared to be restored to all its corporate rights, powers, privileges and franchises as fully as if said proclamation of May 5th, 1896, had not been issued and published as aforesaid, and I further direct that this proclamation be filed in the office of the Secretary of State of New Jersey.

[SEAL.]

In witness whereof I have hereunto set my hand and caused the great seal of the State of New Jersey to be hereunto affixed, this twenty-fourth day of November, A. D. eighteen hundred and ninety-six.

JOHN W. GRIGGS,

Governor.

HENRY C. KELSEY,

Secretary of State.

PROCLAMATION.

WHEREAS, On the second day of May, eighteen hundred and ninety-five, under the act entitled "An act to repeal the charters of all corporations that have heretofore failed to pay state taxes imposed upon them by law," approved March twenty-sixth, eighteen hundred and ninety-one, George T. Werts, then Governor of this State, did issue his proclamation of that date that the charters of certain corporations, reported by the Comptroller as in default in the payment of taxes imposed on them by law were repealed and declared null and void;

AND WHEREAS, It is established to my satisfaction that the "Automatic Vending Company," one of the corporations named in said proclamation, did not refuse to pay its said taxes within two consecutive years;

Now, therefore, in pursuance of section two of an act of the legislature of this state entitled "An act to amend an act concerning corporations, approved April seventh, one thousand eight hundred and seventy-five, which amendatory act was approved March twentieth, one thousand eight hundred and ninety-one," approved March 13th, A.D. 1893,

I, JOHN W. GRIGGS, Governor of the State of New Jersey, do hereby correct the mistake of including the said "Automatic Vending Company" in said proclamation, and do make the same known by this my proclamation to be filed in the office of the Secretary of State.

In witness whereof, I have hereunto set my hand and caused the great seal of the State of New Jersey to be affixed, at Trenton, the twelfth day of January, A.D. eighteen hundred and ninety-seven.

[SEAL.]

JOHN W. GRIGGS,

Governor.

By the Governor.

A. H. RICKEY,

Assistant Secretary of State.

PROCLAMATION.

WHEREAS, The Legislature of the State of New Jersey, by joint resolution approved February 25, 1884, did authorize the Governor to designate a day in the month of April in each year for the planting of forest trees,

Now therefore, I, JOHN W. GRIGGS, Governor of the State of New Jersey, do hereby set apart Friday, the thirtieth day of April, 1897, as Arbor Day, and do recommend that that day be devoted by the people to the planting of forest trees and to appropriate exercises in the schools of the State.

In testimony whereof I have hereunto set my hand and caused the seal of the State to be hereunto affixed, at Trenton, this ninth day of April, A. D. 1897.

[SEAL.]

JOHN W. GRIGGS,

Governor.

By the Governor.

GEORGE WURTS,
Secretary of State.

PROCLAMATION.

WHEREAS, The comptroller did, on the first day of May, 1897, under the provisions of an act entitled "A further supplement to an act entitled 'An act to provide for the imposition of state taxes upon certain corporations and for the collection thereof,' approved April eighteenth, one thousand eight hundred and ninety-four," which act was approved April 21, 1896, report to the governor a list of all corporations coming within said act;

AND WHEREAS, The following-named corporations so reported had for two years next preceding such report

failed, neglected or refused to pay the state taxes which had been assessed against them for the year 1894, under the laws of the state of New Jersey, and made payable into the state treasury;

AND WHEREAS, Under the provisions of said act the charters of said corporations are made void and all powers conferred by law upon such corporations declared inoperative and void, unless the governor gives further time for payment;

AND WHEREAS, The governor has not given further time to the corporations so reported and hereinafter named for the payment of such taxes and the same are still unpaid:

Therefore, I, JOHN W. GRIGGS, Governor of the State of New Jersey, in pursuance of said act of the legislature, do hereby issue this proclamation under said act, that the charter of the following-named corporations so reported and in default, to wit:

Acme Storage Battery and Manufacturing Company,
Adams Confectionery Company,
Adams Hotel Company,
Ætna Saddlery Hardware Manufacturing Company,
Ætna Soap Machine and Manufacturing Company,
A. J. McIntosh Company,
Albion Hotel Company,
Albion Printing and Publishing Company,
Alliance Mining Company of London,
Altitude Mining Company,
American Alloy Company of New Jersey,
American Automatic Machine Company (No. 1),
American Automatic Machine Company (No. 2),
American Bedding Company,
American Braided Wire Company,
American Butter Machine Company,
American Carbonizing Company,
American Clothing and Tailoring Company,
American Coffee Compound Company,
American Colophite Company,
American Contracting Company,
American Cork Products Company,
American Electric Elevator Company,
American Gas Light Company,

American Home Investment Company,
American Improvement and Trust Company,
American and International Novelty Manufacturing
Company,
American Lactose Company,
American Manufacturing and Engineering Company.
American Metallic Steam-Packing Company,
American Midland Company,
American Press,
American Susphate Company,
American Traveller and Tourist Company,
A. & M. Serviette Company,
Amsterdam Improvement Company,
Andrews Company,
Anglo-American Publishing Company,
Antisepticon Company,
Arizona Land and Construction Company,
Arlington Stock Association,
Arthur Chemical Company,
Associated Electric Company of New Jersey,
Associated Physicians and Surgeons,
Atco Window Glass Company,
Atlanta Land and Improvement Company,
Atlantic Automatic Phototype Company of New
Jersey,
Atlantic City Institute,
Atlas Mining and Lumber Company,
Auto Book Concern,
Automatic Air Mattress Company,
Automatic Saugage Linking and Tying Machine
Company,
Auto Pneumatic Railway Signal Company (formerly
Railway Electric and Auto Pneumatic Signal Com-
pany),
Avalon Beach Improvement Company,
Avon Springs Company,
Bachelor Publishing Company,
Bailey Cash Car Company,
Ball and Cheyne Company (Limited),
Bankers and Travelers' Company,
Banking Law Journal Company,
Bannon Brick Company,

Basic Stone Manufacturing Company,
Bedal Gold Cure Company,
Beecher, Schenck and Company,
Behr Brothers and Company,
Benz Motor Wagon Company,
Bergen Hardware Company,
Berkeley Heights Boot and Shoe Manufacturing
Company,
Berlin Homestead Company,
Bernstein Propelling and Lifting Company,
Black and Keffer Piano Company,
Blauvelt Lumber Company,
Bloomfield Manufactured Ice and Supply Company,
Bloomingdale Quarry Company,
Blue Rock Land Company,
Book Typewriter Company,
Boston and Lockport Block Company,
Broadway Weekly Publishing Company,
Burke's American Publishing Company,
Bush and Company,
C. A. C. Tie Plate Company,
Cadmus Lumber Company,
Caledonia Supply Company,
Camden and Princeton Connecting Road Company,
Camden Reduction Company,
Canaigra Supply Company,
Canaigre Extract Company,
Cape May Land and Building Company,
Capital Investment Company,
Cassier Magazine Company,
Cavanaugh Wrecking Company,
Cedar View Hotel Company,
Central Carolina Land Improvement Company of
New Jersey,
Central Land Improvement Company,
C. E. Wilde Company,
Chappaqua Mineral Springs Hotel and Sanitarium
Company,
Chas. F. Olcese Patent Window Manufacturing Com-
pany of New York and New Jersey,
Charles R. Shantz and Company,
Chas. V. Preston and Company,

Chesapeake Steamship Company,
Christian Athletic Association,
Christie Cigar Company,
City of Chicago Grain Elevators,
City and Suburban Architect Company,
Clawson Printing and Weighing Company,
Cobin Manufacturing Company,
Cohnfeld Manufacturing and Trading Company,
Colts Hill Building Company,
Columbia Novelty and Advertising Company,
Columbia Straw Paper Company,
Columbian Cigar Company,
Columbian Commercial Company,
Columbian Emery Wheel Company,
Columbian Mills Company,
Columbian Pharmacal Company,
Columbian Phosphate Company,
Columbian Wood Working Company,
Commercial Union,
Compania de Tranvias Electricos de Monterey, Mexico,
Concentrated Extract of Cod Liver Company,
Coney Island Construction Company,
Connecticut Royal Arc Company,
Consolidated Hemp Company (formerly Waterbury
and Marshall Company),
Consumers Oil Company,
Converse Corset Clasp Company,
Copeland Roller Bearing Company,
Cordoba Coffee Plantation Company,
Cote Company,
Coupon Gazette Company, Limited,
Cracker Manufacturing Company,
Cranston West Point Hotel Company,
Cream of Olives Company,
Crystal Pure Water Company,
Cunningham Egg Macaroni Company,
Cuyas Brothers Publishing Company,
Dayton Furnace and Foundry Company,
Delafield Construction Company,
Dillon Company,
District Telegraph Company, of Trenton, N. J.,
Dixie Drug Company,

Dix Island Granite Company,
Domestic Publishing Company,
Donald McNeil Company,
Double Pick Loom Company,
Drexel Improvement Company,
Duluth Manufacturing Company,
Dumai Company,
East Morristown Land Company,
Easton Electric Company,
Economist,
Educational Advertising and Publishing Company,
Eick Manufacturing Company,
Elastic Heel Company,
Eldorado Amusement Company,
Eldorado Ice Palace Company,
Electrical Conduit Traction Equipment Company,
Electrical Improvement and Construction Company,
Electrical Railway Equipment Company,
Electrical Reflector Company,
Electrical Zinc Company,
Electric Construction and Supply Company,
Electric Express Company,
Electric Railway Construction Company,
Electric Railway and Improvement Company of Staten
Island,
Electric Transit Company,
Electricon Metal Company,
Electrolier Manufacturing Company,
Electro-Hydrogen Lighter Company,
Electro-Pneumatic Transit Company,
Elizabeth Rubber and Novelty Company,
Ellicott Lumber Company,
Elzevir Company,
E. Mommer and Company,
Empire Cure Company,
Empire Institute of Indiana,
Empire Institute of New York,
Enterprise Land Company (No. 2),
Enterprise Manufacturing Company,
Essex County Light, Heat and Power Company,
Essex Heating Company,
Essington Tacking Company,

Euing Extract and Drug Company,
Eureka Land Association,
Evans Gas Engine Company,
E. Want Optical Company,
Excelsior Hat Manufacturing Company,
Exchanges Publishing Company,
Eyelet Button-Hole Attachment Company, Limited,
of New Jersey,
Fair Electric and Manufacturing Company,
Fanwood Land and Improvement Company,
F. C. Knowles and Company,
Fenno Laboratory Association,
Ferrocarril Gran Oeste Mexicano,
Fidelity Employment and Real Estate Company,
Field Engineering Company,
Fitch Excelsior Switch Company,
Fortune Making Slot Machine Company of America,
Foster Keeping Company,
Fox Safety Block and Signal Company,
Franks Button Company,
Frederick D. Thorn's Company,
Fuchs and Beiderhase,
Garford Tire Company,
Gas, Fuel, Power and Light Company,
General Trust and Contract Company,
Geolith Tile Manufacturing Company of Pennsylvania,
George C. Treadwell Company,
George Place Machine Company,
Gerike Greenman Company,
Glendola Water Company,
Globe Fan Company,
Gold Bluff Mining Company,
Gotham Spring Heel Company,
Goyaz Brazil Mining and Trading Company,
Granite Block Company,
Graves Cotton Harvester Company of New Jersey,
Gray Electrical Transit Company,
Greenwich Warehouse Company,
Grove Manufacturing Company,
Gulf Timber Company,
Gun Bristle Soap Company,
Hackensack Hardware Company,

Handren Dry Dock and Ship Building Company,
Hartford Lumber Company,
Hargreaves Dipsocura Company, of New York,
Harrison Jockey Club of Harrison, New Jersey,
Harrison Novelty Manufacturing Company,
Hart Steamship Company,
Harvesters Binder Twine Company,
Harvey Fastening Company,
Harvey Process Railway Equipment Company,
Haunted Swing Company,
Hayden and Company,
Headley-Leavitt Company,
Hemordia Company,
Hewett Voltaic Electric Company,
Hibbard Manufacturing Company,
Hibberd Combination Power Company,
Higgins Soap Company,
Hibbert Combination Power Company,
Hightstown Improvement Association,
Hightstown Water Company,
Hilliard Manufacturing Company,
H. M. Silverman Company,
Hocking and Sunday Creek Coal Mining Company,
Holmes Land and Building Company,
Hopewell and Ewing Turnpike Company,
Horace J. Arne Hat Leather Company,
Hotel Arno Company,
Housewife Corporation,
Houtzdale Coal Mining Company,
Howard Manufacturing Company,
H. S. Griffin Machinery Company,
Hudson County Contracting Company,
Hudson County Improvement Company,
Hudson County Jockey Club,
Hudson Metal Embossing Company,
Hudson Pipe Company,
Hudson River Gas Light Company,
Huntington Lumber and Coal Company,
Hunt-Kiddie Company,
Hutchinson Land and Improvement Company,
Hydraulic Brake Company,
Independence Gold and Silver Mining Company of
Arizona,

Independent Distributing Company of America,
Independent Powder Company,
Indiana Paint and Roofing Company,
Indurated Fibre Manufacturing Company,
Inman Brothers Construction Company,
International Asbestos Mining and Manufacturing
Company,
International Bow and Stern Dock Company,
International Company,
International Dispatch Transportation Company,
International Exhibitors' Association,
International Kier Manufacturing Company,
International Novelty Company,
International Yacht Publishing Company,
Interstate Land Company,
Interstate Postal Vending and Advertising Company,
Interstate Supply Company,
Investment Company of New Jersey,
Investors' Land Company,
Ivoroyd Manufacturing Company,
James T. Hall Company,
Japanese Flower Company,
Jersey City Construction Company,
Jersey Supply Company,
Jewel Tool Company,
J. H. Edwards Artesian Well and Water Supply
Company,
John H. Britton Company,
John J. Dupuy Manufacturing Company,
Johnston Car Coupling Company,
Journal of Balneology Publishing Company,
J. T. Bentley Publishing Company,
J. W. LeMaistre Company,
J. W. Moffitt Dental Manufacturing Company,
Kastenhuber and Draper Company,
Kaufman, Ploger and Company,
Ke-li Manufacturing Company,
Kentucky Owl Distilling Company,
Keystone Tile Company,
Kinsman Block System Company,
Koerber Nut Meat Manufacturing Company,
Kotine Manufacturing Company,

Koyl Dryer Construction Company,
Kuenzel Patent Specialty Manufacturing Company,
Lacto Food Company,
Lansdowne Embosing Company,
Larwood and Day Company,
Lauth Compound Steel Company,
L. B. Morganroth Shoe Company,
L. and C. Wise Company,
Lee Composite Manufacturing Company,
Lee Gold Mining Company,
Lehmann-Frankel Company,
Lieb Manufacturing Company,
Lithomarlite Casket Company,
Little Emily Mining Company,
Loag Printing Company,
London and Liverpool Clothing Company,
Long Branch Athletic Association,
Long Island Drying Company,
Long Island Ice Manufacturing Company,
Long Island Printing and Publishing Company,
Lovell, Gestefeld and Company,
Low and Granville Company,
Lumber Veneering Company of the United States,
Lyric Lyceum Association,
Mahler Slot Machine Company of New Jersey,
Manasquan Improvement Association,
Manhattan Agency Company,
Manhattan Cigar and Tobacco Company,
Marble Coupler Company,
Marmora Lithographic Stone Quarry Company,
Marshall and Foster Company,
Martin Steam-Steering Gear Company,
M. A. Smith Glass-Bending and Beveling Company,
M. B. Atkinson Printing Company,
McDougall Publishing Company,
McDonald Nut Lock Company,
Memory Library,
Merchantile Loan and Storage Company,
Merchants' Finance Company,
Merchants' Manufacturing Company,
Metal Turning Company,
Metropolitan Dry Goods Company,

Mexican International Hotel and Improvement Company,
Mexican Tonic Company,
Michigan Folding Bed Company,
Middleton Manufacturing Company,
Missouri Railway and Navigation Company,
Mitcheline Manufacturing Company (Incorporated),
Monmouth Casino,
Monmouth Park Association,
Monroe Development and Improvement Company,
Mont Louis Manufacturing Company,
Moore Draying Company,
Morel Ball Pulverizer Manufacturing Company,
Morris County Journal Company,
Morris Manufacturing Company,
Morristown Printing Company,
Morse String Company,
Mount Holly Land Improvement Company,
Mullica Hill and Woodstown Turnpike Company,
Mutual Land Improvement Association, of Riverside,
New Jersey,
Mutual Printing and Publishing Company,
Mutual Racing Association,
Mutual Supply and Commission Company,
Nassau Stamp Works,
National Amusement Company,
National Barrel Company,
National Day Press Association,
National Economy Company,
National Enrollment Company,
National Feathering Paddle Wheel Company,
National Fibre Manufacturing Company,
National Heat and Power Company,
National Lumber and Shipping Company,
National Medical Alliance,
National Safety Ticket Company,
National Soliciting and Advertising Company,
National Stock Remedy Company,
National Telephone Company,
National Wool Cleaning Company,
Neftel, O'Connor and Company (Incorporated),
Newark Bark Company,

Newark Photograph Card Company,
Newark Steam Specialty Company,
New Bedford and Fairhaven Traction Company,
New Brunswick Power Company,
New Durham Land Company,
New England Stock Company,
New Englewood Land Improvement Company,
New Jersey Automatic Game Machine Company,
New Jersey Box Company,
New Jersey Flying Post Company,
New Jersey Gas and Construction Company,
New Jersey Humanitas Company,
New Jersey Improvement Company,
New Jersey Mill and Lumber Company,
New Jersey Mining and Improvement Company,
New Jersey Mutual Automatic Machine Company,
New Jersey Real Estate and Building Company,
New Jersey Real Estate and Exchange Company, of
Newark, N. J.,
New Jersey and San Domingo Brewing Company,
New Jersey Shore Water Company,
New Jersey Supply Company,
New Orleans Consolidated Cotton Compress and
Warehouse Company,
New Tumbo Coal Company,
New York Bamboo Furniture and Novelty Manu-
facturing Company,
New York and Brooklyn Automatic Construction
Company,
New York Coaling and Elevating Company,
New York Electrical and Development Company,
New York Electric Railway Company,
New York Fertilizer Company,
New York Hydrogen Company,
New York Interior and Exterior Decorating Com-
pany,
New York and Kentucky Land Company,
New York and Massachusetts Construction Company,
New York Merchants Discount Company,
New York and New Jersey Concentration Company,
New York and New Jersey Improvement Company,
New York Patent Shoe Company,

New York Power Company,
New York Sanitary Street Refuse Receptical Com-
pany,
New York Stationery and Advertising Company,
New York Street Cleaning Machinery Company,
New York Vending Machine Company,
Nicholas Muller Art Bronze Company,
Nightingale Brothers and Company,
Non-Magnetic Watch Company,
North Carolina Smelting Company,
North End Land Company,
North River Gas Improvement Company,
Northwestern Live Stock Company,
Ocean City Sewer Company,
Ocean City Water Company,
Old Dominion Oil Company,
Old Fort Manganese Company,
Ongley Electric Company,
Opennaki Association,
Orange Heights Land Company,
Oxley and Wilson Manufacturing Company,
Pan-American Express Company,
Pasadena Hotel and Cottage Building Company,
Passaic Coal Company,
Patriotic Publishing Company,
Patten Electric Power Company,
Pelimor Manufacturing Company,
Penn Harrow and Machine Company,
Pennsylvania Electric Engineering Company,
Pennsylvania Land and Lumber Company,
Penokee and Gogebic Consolidated Mines,
Peoria Mining, Construction and Land Company,
Pefection Gum Moistener Manufacturing Company,
Persian Manufacturing Company,
Persons and Muller Manufacturing Company,
Perth Amboy Water Company,
Phœnix Consolidated Gold Mining Company,
Phœnix Preserving Company,
Physicians and Surgeons Pharmaceutical Company,
Pineoline Disinfecting Company,
Plattsburg Supply Company,
Plaza Hotel Company,

Plenty Horticultural and Skylight Works,
Plymouth Rock Pants Company,
Porous Waterproofing Company,
Porpoisine Manufacturing Company,
Port Jervis Harness Company,
Port Kennedy Slag Company,
Power and Company,
Printers Exchange Company,
Printers Finishing and Manufacturing Company,
Progressive Manufacturing Company,
Progress Watch Case Company,
Providencia Gold Mining Company,
Prudential Real Estate and Trust Company,
Q. N. Evans Construction Company,
Railway Appliance Company,
Railway and Realty Security Company,
Readington Land Improvement Company,
Real Estate Publishing and Exchange Company,
Realty Manual Company,
Red Bank Electric Light and Power Company,
Reeves Homeopathic Medicine Company,
Reno Investment Company,
Retone Company,
R. Hahne and Son and Pirola Company,
R. H. Dana Company,
Rhode Island Organ Company,
Richard Stockton Steamboat Company,
Riche Fleurs Perfumery Company,
Richmond Lamp and Burner Company,
Ridley Park Coal and Lumber Company,
Ries Induction Transit Company,
R. L. Coleman Company,
Rock Oil Fuel Company,
Royal Arc Electric Company, U. S. A.,
Ruble American Blower and Injector Company,
Ryan-Jennings Cone Company,
Sachs Electrical Company,
Safety Electrical Company,
Sanborn and Rose Manufacturing Company,
Sanitarium Company of Philadelphia,
Sanitary Cremation Company,
San Luis Artesian Well Company,

San Remo Hotel Company,
Saratoga Magnetic and Peerless Spring Company,
Saratoga Star Spring Company,
Schuylkill Construction Company,
Security Insulator Company,
Security Real Estate Loan and Investment Company,
Seel Folding Carriage and Rattan Company,
Seneca Construction Company,
Seneca Lake Niagara Vineyard Company,
Seneca Lake Steamboat and Hotel Company,
Seyfried Cigar Manufacturing Company,
Sharer Dryer and Construction Company,
Sherman and Lyon Company,
Short Hills Supply Company,
Sign Stretcher Advertising Company,
Single Track Overhead Railway Manufacturing Com-
pany,
Smith and Oettinger Company,
Smith Portable Rail Saw Company,
Sonman Coal Company,
South Atlantic Development Company,
South Jersey Electric Company,
South Jersey Jockey Club,
Southern Cotton Harvester Company,
Southern Pine Fibre Company,
Sparr Speed and Power Propeller Company,
Sprague-Schuyler Manufacturing Company,
Stahl Milinery Company,
Standard Boiler Compound Company,
Standard Box Manufacturing Company,
Standard Calcium Light Company,
Standard Chemical Oil and Manufacturing Company,
Standard Paving and Construction Company,
Stark Medicine Company,
Steam Users Corporation,
Stereo Relief Manufacturing Company,
Sterling Light Company,
Sterling Supply Company,
Stockton Hotel Company,
Straughn Manufacturing Company,
Studwell-Sanger Leather Company,
St. Javier Mining and Milling Company of Mexico,

Subers Piano Manufacturing Company,
Suretyship Company of America,
Sweedish Cream and Butter Separator Company,
Syndicate Paper Company,
Syndicate Trading and Manufacturing Company,
Telephone Construction Company,
Terhune Drug Company,
Texas Fuel Company,
Tide Water Coal Mining Company,
Tillinghast Pneumatic Tire Company,
T. P. Kelly and Company,
Trenton Coal Company,
Trenton Vise and Tool Works,
Trinidad Asphaltum Block Company,
Troxler Novelty Introduction Company,
Tuckahoe Lumber and Coal Company,
Underground Electric Light and Power Company,
Union Industrial Company,
Union Paper Box Manufacturing Company,
Union Store Service Company,
Union Warehouse Company,
Unionville Coal and Mining Company,
United Columbian Electric Company,
United Electric Light and Power Company,
United Iron and Steel Company of New Jersey,
United States Commercial and Crop Advance Com-
pany,
United States Cotton Picking Company,
United States District Messenger Call Company,
United States Electric Railways Company,
United States Engineering Company,
United States Mercantile Agency,
United States Mine Signal Manufacturing and Supply
Company,
United States Rent Saving and Home Purchasing
Company,
United States Terra Cotta Lumber Company,
United States Tool Hardening and Manufacturing
Company,
United States Typewriter Company,
United States Wenstrom Electric Company,
United White Lead and Oil Company,

Universal Movement Company,
Vanderbilt Steel and Iron Company,
Victor Brush Company,
Walter P. Crane and Company,
Washington and Martha's Vineyard Hotel Company,
Watnong Land Company,
Weeks and Campbell Company,
Weller Cotton Picker Company,
Western Real Estate Company,
Western and Southern Immigration Company,
West Jersey Agricultural and Horticultural Association,
West Jersey Land and Improvement Company,
West Jersey Nursery Company,
Weston Stock Farm,
W. H. Cogswell Company,
Whitehead Mining Company,
White Manufacturing and Construction Company,
Whitings Investment Company,
Wiebel-De Lima Violin Company,
Wiley and Wallace Company,
Williams Rubber Company,
Williamstown Land and Improvement Company,
Wilson Ernst Company,
Woodland Flats (Incorporated),
Woolf Electric Disinfecting Company of New York,
World Stove Polish Company,
Young-Moskowitz Railway Car Electric Lighting Company,
Zaragoza Mining Company,
Ziock Hosiery Company,

are void, and all powers conferred by law upon such corporations, and each of them, are hereby declared inoperative and void.

And I direct that this proclamation shall be filed in the office of the secretary of state and be published for one week in the following newspapers, namely: "The Jersey City Journal," of Jersey City; "The Newark News," of Newark; "The Freie Zeitung," of Newark; "The State Gazette," of Trenton; "The Daily True American," of Trenton; "The Paterson Daily Press," of Paterson; "The Daily Telegram," of Camden.

In witness whereof, I have hereunto set my hand and caused the great seal of the State to be affixed,
[L. s.] at Trenton, this fourth day of May, one thousand eight hundred and ninety-seven.

JOHN W. GRIGGS,
Governor.

By the Governor:

GEORGE WURTS,
Secretary of State.

PROCLAMATION.

WHEREAS, Certain proposed amendments to the constitution of this state were, at the session of the legislature held in the year eighteen hundred and ninety-six, agreed to by a majority of the members elected to each of the two houses thereof, and entered on the journals of each of said houses with the yeas and nays taken thereon, and referred to the legislature then next to be chosen;

AND WHEREAS, The said proposed amendments, having been published as required by the constitution, were agreed to by the next succeeding legislature, being the legislature which convened on the second Tuesday of January, one thousand eight hundred and ninety-seven; and the constitution of this state requires the legislature to submit such proposed amendments agreed to as aforesaid to the people at a special election to be held for that purpose only;

AND WHEREAS, The last session of the legislature passed a bill for the purpose of submitting the said proposed amendments to such election, but by reason of an error in the quotation of one of the amendments so to be submitted, the said bill so passed was inefficient, and I have not approved the same, and there is therefore no law to provide for such special election;

Therefore, I, JOHN W. GRIGGS, Governor of the State of New Jersey, by virtue of the power vested in me by

the constitution, do convene the legislature of this state, hereby requiring the senators and members of the General Assembly to meet in their respective chambers at the State House, in the city of Trenton, on Tuesday, the twenty-fifth day of May, instant, at twelve o'clock noon.

[SEAL.]

In testimony whereof, I have hereunto set my hand and caused the great seal of the state to be affixed, at Trenton, this eleventh day of May, in the year of our Lord eighteen hundred and ninety-seven.

JOHN W. GRIGGS.

By the Governor.

GEORGE WURTS,
Secretary of State.

INDEX.

(497)

INDEX.

A

	Page
Academies—act to secure police protection to, &c.....	121
Administrators—act to amend act concerning executors, &c.....	192
Adoption of children—act to amend act providing for.....	243
Adulteration of food or drugs—supplement to act to prevent....	182
Agricultural College—act to amend act to more fully carry out certain laws pertaining to.....	127
Allenhurst—act to incorporate borough of.....	334
Alleys—act to enable cities to vacate portions of streets and, not opened.....	245
Amendments to the Constitution—act to provide for submitting to the people.....	461
proclamation of governor convening legislature.....	494
Anglesea—act to incorporate borough of.....	343
Annexation of territory of municipalities—act concerning, and providing for the government.....	104
Anti-scalping law—act to amend act to prevent frauds upon travelers.....	267
Application to the legislature for laws—supplement to act to pre- scribe notices to be given.....	12
Appointments to office—act repealing act relating to elections and.....	123
Appropriation act—act making appropriations for the support of state government.....	419
supplement to act making appropriations for the support of state government.....	217
Appropriations—act making, for support of state government....	419
supplement to act making, for support of state government.....	217
Arbor day—proclamation of the governor.....	477
Architects—act to authorize payment of, appointed by circuit court, &c.....	203
Armbruster, William O.—member from Hudson county.....	6
Armories in cities of the first and second class—supplement to act to provide for the purchase of sites, &c.....	139, 194
Arrearages of unpaid taxes, assessments, and water-rates in cities—supplement to act concerning the settlement and collection of.....	37
of unpaid taxes, assessments and water-rates, in towns—act concerning.....	393
Arrears of taxes—act to amend act concerning the collection of, by towns, boroughs or townships.....	102, 363
act to amend act concerning the collection of, in cities.....	225

	Page
Asbury Park—act to incorporate, as city.....	108
Assessments—act to amend act concerning the collection of arrears of, in towns, boroughs, or townships, 102, 363, 393	18
act concerning, for local improvements, in cities of the first class.....	37
Assessments in cities—supplement to act concerning the settle- ment and collection of arrearages of unpaid.....	393
Assessments in towns—act concerning settlement and collection of arrearages of unpaid taxes, &c.....	149
Associations—act to incorporate patriotic societies.....	212
act to provide for incorporation of, for improve- ment of public grounds.....	189
supplement to act concerning, or incorporations for establishment of lyceums, &c.....	92
supplement to act to incorporate societies for the promotion of learning.....	447
Asylum districts—act concerning and providing for appoint- ment of boards of managers of state hospitals.....	203
Asylums, county lunatic—act to authorize payment of architects appointed by circuit court, &c.....	7
Atherton, Frank—member from Passaic county.....	476
Automatic Vending Company—proclamation relative to.....	348
Avalon—act to incorporate borough of.....	208
Avenues—act to authorize towns, &c., to lay out, &c., roads, con- struct sewers, &c.....	271
supplement to act respecting paving streets, &c, in cities of first class.....	417
supplement to act incorporating inhabitants of town- ships, designating their powers and regulating their meetings.....	

B

Banking—act to authorize, trust companies, &c., to invest in certain bonds.....	192
supplement to act to authorize and regulate the busi- ness of.....	93
Banks—supplement to act to authorize and regulate the busi- ness of banking.....	93
Barber, Isaac—senator from Warren county.....	5
Basins—act to authorize re-institution, amendment, and per- fection of certain proceedings for building sewers, &c.,	367
Baumann, Carl V.—member from Essex county.....	6
Beer bottlers—act relating to powers of boards of excise com- missioners in certain townships.....	419
Bicycles—act respecting railroads.....	330
Birds—act to provide a uniform procedure for the enforcement of laws relating to fish, game, and.....	109
Boards for assessment of taxes—act relating to duties of clerks and assistants to.....	226
Boards of aldermen—act to permit, to appoint a superintendent of indoor relief.....	152

	Page
Boards of chosen freeholders—act authorizing, to enter upon private lands, to remove obstructions in, or change course of, streams, channels, &c.....	22
act concerning roads.....	332, 333
act respecting the opening, improving, &c., permanent inlets or water-ways by.....	117
act to amend supplement to act to enable, to acquire, improve, and maintain public roads.....	96
act to authorize, in counties of first class, to extend roads.....	233
act to authorize, to light roads, &c.....	146
act to enable counties of second class to purchase land.....	255
supplement to act to authorize, to lay out, open, construct, &c., public roads.....	114
supplement to act to enable, to acquire, improve and maintain public roads.....	151
supplement to act to incorporate,	213, 343
Boards of education—act to enable, in cities, to issue bonds to liquidate existing indebtedness.....	201
act to provide for the election of, &c., in towns.....	188
Boards of excise commissioners—act relating to powers of, in certain townships.....	419
Boards of health—supplement to act to establish, &c.....	270
Boards of managers of state hospitals for the insane—act concerning and providing for appointment of.....	447
Boards of street and water commissioners—supplement to act concerning cities of first class, and constituting municipal.....	248, 254
Bonds—act authorizing towns to renew.....	227
act relating to outstanding, in cities.....	214
Borough of Allenhurst—act to incorporate.....	334
Anglesea—act to incorporate.....	343
Asbury Park—act to incorporate, as city.....	108
Avalon—act to incorporate.....	348
Chatham—act to incorporate.....	26
Holly Beach City—act to incorporate.....	345
West Cape May—act to incorporate.....	349
Wildwood—act to incorporate.....	344
Boroughs—act fixing time for holding annual elections for election of municipal officers.....	377
act prescribing manner in which newly created municipalities shall succeed to and take assets, &c.....	275
act relating to municipalities, providing for the continuance in office of certain officers.....	98

	Page
Boroughs—act to amend act authorizing towns, &c., to be incorporated as cities.....	155
act to amend act concerning the collection of arrears of taxes by towns, townships or.....	102, 363
act to annex portions of township of Palisades to borough of Tenafly.....	173
act to authorize boards of freeholders in counties of first class to extend roads.....	233
act to incorporate Asbury Park, as city.....	108
act to incorporate borough of Allenhurst.....	334
act to incorporate borough of Anglesea.....	343
act to incorporate borough of Avalon.....	348
act to incorporate borough of Chatham.....	26
act to incorporate borough of Holly Beach City.....	345
act to incorporate borough of West Cape May.....	349
act to incorporate borough of Wildwood.....	344
act to provide for representation in newly created wards in.....	191
act to repeal act to amend act to provide for the division into wards of incorporated.....	28
general act relating to.....	265
supplement to act to establish a system of public instruction.....	242
Borton, Joshua E.—member from Burlington county.....	6
Bottlers—act relating to powers of boards of excise commissioners in certain townships.....	419
Boulevards—act to authorize boards of freeholders to light, and roads.....	146
supplement to act respecting police departments of cities.....	128
Bowers, William K.—member from Warren county.....	7
Bridge, Phineas—member from Passaic county.....	7
Bridges—act to authorize boards of freeholders to enter upon private lands, to remove obstructions in or change course of streams, channels, &c.....	22
act to authorize Burlington and Bristol bridge company to erect drawbridge, &c.....	418
Brigantine City—act to incorporate.....	281
Brown, Oliver H.—member from Monmouth county.....	7
Bureau of vital statistics—supplement to act to establish boards of health and.....	270
Burlington and Bristol bridge company—act to authorize, to erect drawbridge, &c.....	418
Burying grounds—act to enable religious societies owning or controlling, to receive and hold property upon trust, 19	19

C

Canals—supplement to act to revise and amend act for taxation of railroad and, property.....	147
Castle Rock Park Company—proclamation relative to.....	471
Cemeteries—act to enable religious societies owning or controlling church-yards or burying-grounds to receive and hold property upon trust.....	19

	Page
Charter elections—act relating to holding, in cities of the first-class.....	43
act to repeal act fixing time for holding, in cities of the second class.....	363
Charters of certain companies—act to authorize, to be revived..	350
Chatham, borough of—act to incorporate.....	26
Chemical companies—act providing for organization of, in cities of first class.....	240
Children—act to amend act providing for adoption of.....	243
Chosen freeholders—act concerning roads.....	332, 333
act respecting opening, improving, &c., permanent inlets or water-ways, by boards of.....	117
act to amend supplement to act to enable, to acquire, improve, and maintain public roads.....	96
act to authorize boards of, in counties of first class, to extend roads.....	233
act to authorize boards of, to enter upon private lands, to remove obstructions in, or change course of streams, channels, &c.	22
act to authorize boards of, to light roads, &c.....	146
act to enable counties of second class to purchase land.....	255
supplement to act to authorize, to lay out, open, &c., public roads	114
supplement to act to enable boards of, to acquire, improve, and maintain public roads.....	151
supplement to act to incorporate.....	213, 343
Church-yards—act to enable religious societies owning or controlling, to receive and hold property upon trust.....	19
Circuit courts—supplement to act relative to supreme and.....	247
Cities—act amending act concerning government of.....	148
act concerning, and for relief of.....	184
act concerning territory annexed to.....	104
act fixing time for holding annual elections for election of municipal officers.....	377
act prescribing manner in which a newly-created municipality shall succeed to and take assets, &c.....	275
act providing for payment of claims incurred in repairing streets.....	266
act providing for pensioning of firemen in certain.....	263
act relating to and providing for the government of.....	46
act relating to certain, making monthly payrolls of police, firemen, &c.....	36
act relating to municipalities, providing for the continuance in office of certain officers.....	98
act relating to outstanding bonds in.....	214
act relating to receiver of taxes and treasurers in.....	142
act repealing act relating to elections and appointments to office.....	123

	Page
Cities—act respecting employment of Union soldiers, sailors and marines.....	142
act to amend act authorizing towns, &c., to be incorporated as.....	155
act to amend act concerning the collection of arrears of taxes in.....	225
act to amend act to provide drainage and sewerage in, 337, 339	337, 339
act to amend supplement to act to enable cities to furnish suitable accommodations for public business.....	39
act to authorize boards of chosen freeholders in counties of first class, to extend roads.....	233
act to authorize, owning water-works, to furnish water by contract.....	232
act to authorize re-institution, amendment and perfection of certain proceedings for building of sewers, &c.,	367
act to enable boards of education to issue bonds to liquidate existing indebtedness.....	201
act to enable, to vacate portions of streets and alleys not opened.....	245
act to incorporate Asbury Park.....	108
act to incorporate Ocean City.....	107
act to provide for compilation and revision of ordinances in.....	353
act to provide for the laying out of streets in any city of this state.....	449
supplement to act concerning the settlement and collection of arrearages of unpaid taxes, assessments, and water-rates in.....	37
supplement to act respecting police departments of.....	128
supplement to act to authorize, to construct sewers and drains, and to provide for the payment thereof.....	25, 228
supplement to act to enable, to furnish suitable accommodations.....	236
supplement to act to establish a system of public instruction.....	242
supplement to act to provide for the erection of monuments to commemorate services of soldiers and sailors.....	150
Cities located on or near the ocean—act to amend supplement to act to authorize, to lay out and open streets and drives, &c., on the ocean front.....	30
Cities of the first and second class—supplement to act to provide for the purchase of sites, &c., for armories in.....	139
Cities of the first class—act concerning assessments for local improvements in.....	18
act for improvement of certain roads and highways in.....	239
act providing for organization of chemical companies in.....	240
act relating to duties of clerks and assistants to boards for assessment of taxes in.....	226
act relating to holding municipal or charter elections in.....	43

	Page
Cities of the first-class—act to amend act authorizing, to provide for and pay amounts unpaid for lighting streets, &c.....	237
act to authorize, to issue bonds for the construction of public schools.....	135
act to provide for repaving, &c., and reconstruction of sewers in.....	239
act to repeal act relative to construction of school buildings in.....	238
supplement to act concerning, and constituting municipal boards of street and water commissioners, &c.....	248, 254
supplement to act respecting paving, &c., in.....	271
Cities of the second class—act authorizing, to increase their power to borrow money.....	124
act to repeal act fixing time for holding charter elections in.....	363
supplement to act to provide for the establishment of a commission of public instruction in.....	120, 252
City halls—supplement to act to enable cities to furnish suitable accommodations.....	236
City homes—act relating to making monthly pay-rolls of, &c., in certain cities.....	36
Claims to estates in remainder—act to amend act to compel determination of.....	211
Clams and oysters—supplement to act for better enforcement in Maurice river cove and Delaware bay, of act for preservation of.....	352
Clark, Roderick A.—member from Ocean county.....	7
Clauss, Henry—member from Union county.....	7
Clerk in chancery—act to amend act respecting.....	181
Clerk of the supreme court—act to amend act respecting.....	181
act to amend supplement to act to regulate fees.....	185
Clerks—act relating to duties of, and assistants to boards for the assessment of taxes.....	226
Clinton, township of—act to annex portion of, to Newark.....	119
Clubs—Supplement to act to incorporate societies or clubs for social, intellectual and recreative purposes.....	21
Codington, William R.—member from Union county.....	7
Collection of unpaid taxes, &c.—act concerning settlement and, &c., in cities.....	37
act concerning settlement and, &c., in towns.....	393
Colleges—act to enable seminaries or schools of theology to grant and confer degrees.....	42
act to secure police protection to, &c.....	121
Commissioners—act concerning assessments for local improvements in cities of the first class, and providing for appointment of a suitable person instead of.....	18
act concerning qualifications of, authorized to assess benefits conferred by sewers, &c.....	246

	Page
Commissioners—act to regulate the election of, in municipalities governed by boards of, or improvement commissions, divided into wards.....	15
Commissioners of public instruction—supplement to act to provide for the establishment of, in cities of the second class.....	120, 252
Commissioners of public schools—act to provide for the election of, &c., in towns.....	188
Commission to revise general statutes—act to provide for appointment of.....	175
Compensation of certain public officers—supplement to act fixing.....	183
Compilation and revision of ordinances—act to provide for, in cities.....	353
Comptroller—supplement to act fixing compensation of certain public officers.....	183
Constitutional amendments—act to provide for submitting proposed, to the people thereof.....	461
proclamation of governor convening legislature.....	494
Conveyances—act validating defective, and making record thereof admissible in evidence.....	174
supplement to act concerning evidence.....	177
Corporations—act authorizing charters of certain companies to be revived.....	350
act concerning sale of property and franchises of any, except, &c.....	229
act to amend act concerning.....	11
act to amend supplement to act to authorize formation of gas light, and regulate the same.....	202
act to authorize organization of, to construct dams, &c.....	384
act to incorporate patriotic societies.....	149
act to provide for the incorporation of associations for improvement of public grounds.....	212
act to punish persons who unlawfully obtain electric power.....	415
proclamation of the governor declaring null and void charters of.....	477
supplement to act concerning.....	23, 124, 175, 274
supplement to act concerning, having charge of funds for benefit of firemen, &c.....	341, 342
supplement to act for the incorporation of societies not for pecuniary profit, &c.....	208
supplement to act to permit organizations known as fire Lloyds to change name.....	152
supplement to act to provide for imposition of state taxes.....	178
Counties—act concerning payment of judgment against.....	129
act respecting employment of Union soldiers, sailors and marines.....	142
act to authorize the payment of architects appointed by circuit court, &c.....	203
supplement to act to incorporate chosen freeholders.....	218

	Page
Counties of the first class—act authorizing the appointment of an interpreter in.....	103
act to authorize boards of chosen freeholders in, to extend roads.....	233
Counties of the second class—act to amend supplement to act concerning roads.....	31
act to enable, to purchase land....	255
County superintendent of schools—supplement to act to incor- porate chosen freeholders.....	343
Court of chancery—act to amend act to compel determination of claims to estates in remainder.....	211
supplement to act respecting.....	176
Court of oyer and terminer—act authorizing the appointment of an interpreter in the Italian language to, &c.....	103
Courts—act authorizing the appointment of an interpreter in Italian language in certain.....	103
act to amend act respecting orphans', &c.....	241
supplement to act relative to supreme and circuit.....	247
supplement to act respecting orphans' court, &c.....	186, 362
Crimes—act to punish persons who unlawfully obtain electric power.....	415
supplement to act for punishment of.....	145
Crispin, Joseph B.—member from Salem county.....	7
Croasdale, Robert R.—act for the relief of.....	172

D

Daly, William D.—senator from Hudson county.....	5
Damages—act to amend act to provide for recovery of, in cer- tain cases.....	134
Dams—act to authorize organization of corporations to con- struct, &c.....	384
Dangerous infectious, epidemic and pestilential diseases—act to prevent introduction of.....	195
Deaf and dumb—supplement to act providing for a state insti- tution for indigent.....	166
act to provide hospital for.....	338
Death of a person—act to amend act to provide for recovery of damages in certain cases.....	134
Deceased persons—act to amend act providing for recovery of damages in certain cases.....	134
Deeds—act validating defective conveyances and making record thereof admissible in evidence.....	174
Deficiency appropriation act—supplement to act making appro- priations for the support of state government.....	217
Delaware bay—act for better protection and preservation of the oyster industry along, and Maurice river cove.....	355
supplement to act for better enforcement in Maurice river cove and, of act for preserva- tion of clams and oysters.....	352
Delaware bay oyster tongers' association—act for better protec- tion and preservation of the oyster industry along Delaware bay and Maurice river cove.....	355

	Page
Delaware township—act to change boundary line between townships of Raritan, West Amwell, East Amwell and.....	331
Demarest, Elmer W.—member from Hudson county.....	6
Deputy surrogates—supplement to act respecting orphans' courts, &c.....	186
Derousse, Louis T.—member from Camden county.....	6
Disabled soldiers—supplement to act to provide for organization of New Jersey home for.....	256
Diseases—act to prevent introduction of dangerous, infectious, epidemic and pestilential.....	195
Division of municipalities—act to provide for, into wards.....	15
Dod, William H.—member from Hudson county.....	6
Drainage—act to amend act to provide, and sewerage in cities.....	337, 339
supplement to act to provide, in villages.....	130
Drains—act concerning qualification of commissioners authorized to assess benefits conferred by sewers and, &c....	246
act to authorize re-institution, amendment and perfection of certain proceedings for building sewers, &c....	367
supplement to act authorizing cities to construct and provide for the payment thereof.....	25
supplement to act to authorize cities to construct and provide for the payment thereof.....	228
Drugs—supplement to act to prevent adulteration of food or....	162
Dumb—indigent, deaf and—supplement to act providing for a state institution ..	106

E

Eagleswood Cranberry Co.—proclamation relative to.....	475
East Amwell—act to change boundary line between townships of Raritan, Delaware and West Amwell.....	331
Ebie, Alvin C.—member from Essex county.....	6
Education—supplement to act to establish a system of public instruction.....	154, 242, 273, 335, 347
supplement to act to incorporate chosen freeholders.....	343
Elections—act concerning, and for the relief of cities.....	184
act fixing time for holding annual, for election of municipal officers.....	377
act relating to time of holding charter, in cities of the first class.....	43
act to repeal act fixing time for holding charter, in cities of the second class.....	363
supplement to act to regulate.....	29
Electric light—act to punish persons who unlawfully obtain electric power.....	415
Electric power—act to punish persons who unlawfully obtain...	415
Employment of honorably discharged soldiers, &c.—act respecting the.....	142
Engle, Robert B.—senator from Ocean county.....	5
Epidemic and pestilential diseases—act to prevent introduction of.....	195
Estates—act to amend act to compel determination of claims to, in remainder.....	211

INDEX.

509

	Page
Evans, Charles M.—member from Hudson county.....	6
Evidence—supplement to act concerning.....	177
Excise commissioners—act relating to powers of, in certain townships.....	419
Executors—act to amend act concerning, and the administration of estates.....	192
Executors and trustees—act empowering, to improve property held in trust.....	190

F

Fairchild, Peter B.—member from Essex county.....	6
Fees—act to amend supplement to act to regulate.....	185
Fire companies—supplement to act to provide against fire in townships.....	137
Fires in townships—supplement to act to provide against.....	137
Fire departments—act providing for organization of chemical companies in, in cities of first class.....	240
act relating to making monthly payrolls of, &c., in certain cities.....	36
Fire Lloyds—supplement to act to permit organizations known as, to change name.....	152
Firemen—act providing for pensioning, in certain cities.....	263
act to amend act concerning firemen's relief associations.....	342
supplement to act concerning corporations having charge of funds for benefit of, &c.....	341
Firemen's relief association—act to amend act concerning.....	342
supplement to act concerning corporations having charge of funds for benefit of firemen, &c.....	341
Fish and game—act to provide a uniform procedure for the enforcement of laws relating to.....	109
supplement to act for appointment of commissioners, &c.....	340
supplement to act for preservation of fish in Hackensack river and tributaries.....	414
Fish and game commissioners—supplement to act for appointment of, &c.....	340
Flummerfelt, Alfred L.—member from Warren county.....	7
Food and drugs—supplement to act to prevent adulteration of.....	182
Fountain, James—member from Middlesex county.....	7
Francis, Charles Asa—senator from Monmouth county.....	5
Franklin township—act to repeal act to set off portion of Landis township into.....	187
Frauds upon travelers—act to amend act to prevent.....	267
Freeholders, boards of chosen—act authorizing, to enter upon private lands to remove obstructions in or change course of streams, channels, &c.....	22
act to amend supplement to act to enable, to acquire, improve and maintain public roads.....	96

	Page
Freeholders, boards of chosen—act to authorize, to light roads, &c.....	146
act to authorize, in counties of first class, to extend roads....	233
act to enable counties of second class to purchase lands.....	255
act concerning roads.....	332, 333
supplement to act to enable, to acquire, improve and maintain public roads.....	151
supplement to act to incorporate.....	213, 343
Free public libraries—supplement to act to authorize the establishment of.....	205

G

Game and fish—act to provide a uniform procedure for the enforcement of laws relating to.....	109
supplement to act for appointment of commissioners, &c.....	340
supplement to act for preservation of fish in Hackensack river and tributaries.....	414
Gaslight corporations—act to amend supplement to act to authorize the formation of, and regulate the same....	202
General statutes—act to provide for the appointment of commissions to revise.....	175
Gledhill, Henry W.—member from Passaic county.....	7
Goldenhorn, Isaac Faerber—member from Essex county.....	6
Gould, Jacob—senator from Sussex county.....	5
Guardians and minors—supplement to act relative to	446

H

Hackensack river—supplement to act for preservation of fish in, and tributaries.....	414
Hand, Robert E.—member from Cape May county.....	6
Harrison, George B.—member from Essex county.....	6
Health—act to prevent the introduction of dangerous, infectious, &c., diseases.....	195
supplement to act to establish boards of, &c.....	270
supplement to act to prevent adulteration of food or drugs....	182
Herbert, Charles B.—senator from Middlesex county.....	5
Highways—act for improvement of certain roads and, in cities of first class.....	239
supplement to act incorporating inhabitants of townships, designating their powers and regulating their meetings.....	417
supplement to act respecting paving streets, &c., in cities of first class.....	271
Hoffman, Samuel D.—senator from Atlantic county.....	5

	Page
Hogan, James J.—member from Essex county.....	6
Holdrum, Abram C.—member from Bergen county.....	6
Holly Beach City—act to incorporate borough of.....	345
Home for disabled soldiers—supplement to act to provide for organization of the New Jersey.....	256
Hopkins, Charles F.—member from Morris county.....	7
Horses and hounds—act to prohibit trespassing with.....	154
Hospital for deaf-mutes—act to provide.....	338
Hospitals, city—act relating to making monthly payrolls of, &c., in certain cities.....	36
Hospitals, State—act creating asylum districts and providing for appointment of boards of managers.....	447
Hounds—act to prohibit trespassing with horses and.....	154
Hunt, James J.—member from Cumberland county.....	6
Hutchinson, Elijah C.—member from Mercer county.....	7

I

Idiots and lunatics—supplement to act concerning.....	140
Improvement commissions—act to authorize towns, &c., governed by, to lay out, &c., roads, construct sewers, &c.....	208
act to provide for division of municipalities into wards, and regulate election of commissioners therein.....	15
Inaugural parade at Washington—act to enable New Jersey to take part.....	27
Incidental expenses of the legislature—act to defray.....	167
Indigent and infirm firemen—supplement to act concerning corporations having charge of funds for benefit of.....	341
Indoor relief—act to permit boards of aldermen to appoint a superintendent of.....	152
Inlets—act respecting the opening, improving, &c., of permanent, or water-ways.....	117
Insane asylums—act creating asylum districts, and providing for appointment of boards of managers.....	447
supplement to act relative to government and management of.....	24
Institutions of learning—act to provide police protection to, &c.,	121
Insurance—supplement to act to permit organizations known as fire Lloyds to change name.....	152
Insurance companies—act to authorize, to invest in certain bonds.....	192
act to provide for incorporation and regulation of life, on assessment plan,	257
Interpreter in the Italian language—act authorizing the appointment of, in counties of the first class.....	103
Intestates—supplement to act respecting orphans' courts, &c.....	362
Intestates' estates—act to amend act concerning executors and the administration of.....	192
Italian language—act authorizing the appointment of an interpreter in, in cities of the first class.....	103

J

	Page
Jackson, Marcellus L.—member from Atlantic county.....	6
Johnson, Herbert W.—senator from Camden county.....	5
Johnson, William M.—senator from Bergen county.....	5
Joint resolution relating to granting right of way over lands near Rahway.....	126
Jones, Thomas H.—member from Essex county.....	6
Judgments—act concerning payment of, against any county.....	129
Juries—supplement to act concerning.....	179

K

Ketcham, George W.—senator from Essex county.....	5
King John—member from Passaic county.....	7
Klink, William M.—member from Hudson county.....	6
Kuhl, Richard S.—Senator from Hunterdon county.....	5

L

Labels—act to amend and correct title to supplement to act to protect trade-marks and.....	215
Lake Hopatcong Steamboat Co.—proclamation relative to.....	472
Landis township—act to repeal act to set off a portion of, into Franklin township.....	187
Laws—supplement to act to prescribe notices to be given of applications for, to the legislature.....	12
Lawshe, David—member from Hunterdon county.....	7
Learning, promotion of—act to amend supplement to act to in- corporate societies for.....	199
supplement to act to incorporate societies for.....	92
Legislature, special session—proclamation of governor.....	494
Leonard, Clement DeR.—member from Hudson county.....	6
Libraries—supplement to act concerning associations or incor- porations for the establishment of lyceums, &c.....	189
supplement to act to authorize the establishment of free public.....	205
Licenses—act concerning marriage.....	378
supplement to act for the punishment of crimes.....	145
Life insurance companies—act to provide for incorporation and regulation of, on assessment plan.....	257
Lighting—act to authorize boards of freeholders to light boule- vards and roads.....	146
Lighting streets, public buildings and public places—act to amend act authorizing cities of first class to provide for and pay amounts unpaid for.....	237
Liquors—supplement to act for the punishment of crimes.....	145
Literary and scientific societies—supplement to act concerning..	189
Litterst, Alexander C.—member from Middlesex county.....	7
Lloyd, Frank T.—member from Camden county.....	6

	Page
Lloyds, fire—supplement to act to permit organizations known as, to change name.....	152
Local boards of health—supplement to act to establish boards of health, &c.....	270
Local improvements—act concerning assessments for, in cities of the first class.....	18
Lunatic asylums—act to authorize payment of architects appointed by circuit court, &c.....	203
Lunatics—supplement to act concerning idiots and.....	140
Lyceums—supplement to act concerning associations or incorporations for the establishment of, &c.....	189

M

Macpherson, George W.—member from Mercer county.....	7
Main outlet sewers—supplement to act to provide for reconstruction of, &c.....	282
Manual training—act to amend act to more fully carry out certain laws pertaining to.....	127
Marines—act respecting employment of Union.....	142
Maritime quarantine—act to prevent introduction of dangerous infectious, epidemic and pestilential diseases.....	195
Marriage licenses—act concerning.....	378
Marriages—act concerning marriage licenses.....	378
Marshals—supplement to act respecting police departments of cities.....	128
Martens, George F., Jr.—member from Hunterdon county.....	7
Martin act—supplement to act concerning arrearages of unpaid taxes, &c.....	37, 393
Maurice river cove—act for better protection and preservation of the oyster industry along Delaware bay and.....	355
Maurice river cove and Delaware bay—supplement to act for the better enforcement in, of act for preservation of clams and oysters.....	352
McArthur, John E.—member from Hudson county.....	6
Miller, Richard C.—senator from Salem county.....	5
Minch, Bloomfield H.—member from Cumberland county.....	6
Miners and guardians—supplement to act relative to.....	446
Monuments—supplement to act to provide for the erection of, to commemorate services of soldiers and sailors.....	150
Mount Arlington Hotel and Land Company—proclamation relative to.....	473
Municipal officers—act relating to municipalities, providing for the continuance in office of certain.....	98
Municipalities—act authorizing, to lay out, &c., road, construct sewers, &c.....	208
act concerning territory of, annexed to any city, act prescribing manner in which newly created, shall succeed to and take assets, &c.....	104
act relating to continuance in office of certain officers in.....	275
act repealing act relating to elections and appointments to office.....	98
act to authorize, owning water-works, to furnish water by contract.....	123
	232

	Page
Municipalities governed by a board of commissioners or improvement commission—act to provide for division into wards, and to regulate the election of commissioners therein.....	15

N

Naturalization—act to amend act concerning, and regulating procedure, &c.....	204
Nelson, William George—member from Hudson county.....	6
Newark—act to consolidate with, a portion of the township of Clinton.....	119
New Jersey home for disabled soldiers—supplement to act to provide for organization of.....	256
New Jersey school for deaf-mutes—act to provide hospital for...	338
New Jersey state reformatory—joint resolution relating to granting right of way over lands of.....	126
Notices—supplement to act to prescribe, to be given of application to the legislature for laws.....	12

O

Ocean City—act to incorporate.....	107
Ocean waterways—act respecting the opening, improving, &c., of permanent inlets or.....	117
Officers of townships and villages in counties of the second class—act concerning.....	28
Offices—act repealing act relating to elections and appointments to.....	123
Ordinances—act to provide for compilation and revision of, in cities.....	353
Ordinary—act to amend act respecting orphans' court, &c., 186, 241, 362	362
Orphans' court—act to amend act respecting, &c.....	241
supplement to, act.....	186, 362
Outstanding bonds in cities—act relating to.....	214
Overpeck township—act to create.....	45
Oysters—act for better protection and preservation of the oyster industry along Delaware bay and Maurice river cove, supplement to act for better enforcement in Maurice river cove and Delaware bay of act for preservation of clams and.....	355 352

P

Palisades—act to annex portions of township of, to borough of Tenafly.....	173
Parry, William C.—senator from Burlington county.....	5
Passaic river—act to prevent pollution of.....	99
Patriotic societies—act to incorporate.....	149
Paving—supplement to act respecting streets, &c., in cities of first class.....	271

	Page
Payment of claims—act providing for, incurred in repairing streets	266
Pensioning of firemen—act providing for, in certain cities.....	263
Pestilential diseases—act to prevent introduction of.....	195
Police—act to secure protection to colleges, &c.....	121
Police departments—act relating to making monthly payrolls of, &c., in certain cities	36
Police departments of cities—supplement to act respecting.....	128
Policemen—act to secure protection to colleges, &c.....	121
supplement to act respecting police departments of cities.....	128
Poor—act to permit boards of aldermen to appoint a superintendent of indoor relief	152
supplement to act for the settlement and relief of the.....	415
Powers, Charles W.—member from Essex county.....	6
Practice of courts of law—supplement to act relative to supreme and circuit courts	247
Preservation of public records—act in relation to.....	193
Proclamation of the governor—arbor day.....	477
thanksgiving day.....	474
charters of corporations void.....	477
relative to Automatic Vending Company..	476
Castle Rock Park Company.....	471
Eagleswood Cranberry Company.....	475
Lake Hopatcong Steamboat Company.....	472
Mount Arlington Hotel and Land Company... ..	473
special session of the legislature.....	494
Prosecutors of the pleas in counties of the fourth class—act to amend act to fix salary of.....	125
Protection against fires in townships—supplement to act to provide.....	137
Public boulevards—act to authorize boards of freeholders to light, and roads.....	146
Public buildings—act to amend act authorizing cities of first class to provide for and pay amounts unpaid for lighting.....	237
Public instruction—supplement to act to establish a system of, 154, 242, 273, 335, 347	347
Public libraries—supplement to act to authorize the establishment af free.	205
Public places—act to amend act authorizing cities of first class to provide for and pay amounts unpaid for lighting... ..	237
Public records—act in relation to.....	193
Public roads—act to amend supplement to act to enable boards of chosen freeholders to acquire, improve and maintain.....	96
act to authorize boards of chosen freeholders, in counties of first class, to extend.....	233

	Page
Public roads—supplement to act to authorize boards of chosen freeholders to lay out, open, &c.....	114
supplement to act to enable boards of chosen freeholders to acquire, improve and maintain.....	151
supplement to act to provide for the permanent improvement of.....	20
Public schools—act to authorize cities of the first class to issue bonds for the construction of.....	135
act to provide for the election of members of board of education, &c.....	188
Public walks—act to amend supplement to act to authorize cities located on or near the ocean, to lay out and open, &c., along the ocean front.....	30

Q

Quarantine, maritime—act to prevent introduction of dangerous infectious, epidemic and pestilential diseases.....	195

R

Railroad and canal property—supplement to act to revise and amend act for taxation of.....	147
Railroads—act extending time for completing certain.....	40
act to amend act to prevent frauds upon travelers...	267
act respecting.....	330
act for better regulation of operation of street railways.....	373
✓ supplement to act to revise and amend act for vacation of.....	147
Raritan—act to change boundary line between townships of, Delaware, West Amwell and East Amwell.....	331
Rau, Jacob, Jr.—member from Essex county.....	6
Receivers of taxes—act relating to, and treasurers in cities.....	142
Records—act in relation to public.....	193
Reed, Charles A.—senator from Somerset county.....	5
Reformatory, state—joint resolution relating to granting right of way over lands of.....	126
Register of prerogative court—act to amend act relative to office of.....	182
Reid, William H.—member from Monmouth county.....	7
Relief of the poor—supplement to act for the settlement and...	415
Religious societies owning or controlling church-yards or burying-grounds—act to enable, to receive and hold property upon trust.....	19
Revision of laws—act to provide for appointment of commission to revise general statutes.....	175
Revision of ordinances—act to provide for compilation and, in cities.....	353
Righter, Joseph B.—member from Morris county.....	7
Roads—act concerning.....	332, 333
act for improvement of certain, and highways in cities of first class.....	239

	Page
Roads—act to amend section one of supplement to act concern-	
ing.....	383
act to amend supplement to act concerning.....	31
act to authorize boards of chosen freeholders in counties	
of first class, to extend.....	233
act to authorize boards of freeholders to light.....	146
act to authorize towns, &c, to lay out, &c., and con-	
struct sewers, &c.....	206
act to provide for acquirement of turnpike, for free	
public use.....	374
supplement to act to authorize boards of chosen free-	
holders to lay out, open, &c.....	114
Roads, public—act to amend section one of supplement to act	
concerning.....	383
act to amend supplement to act to enable boards	
of chosen freeholders to acquire, improve and	
maintain.....	96
act to authorize boards of chosen freeholders in	
counties of first class, to extend.....	233
supplement to act to authorize boards of chosen	
freeholders to lay out, open, &c.....	114
supplement to act to enable boards of chosen	
freeholders to acquire, improve and maintain,.....	151
supplement to act to provide for the permanent	
improvement of.....	20
Roll, J. Martin—member from Union county.....	7
Ross, Edmund L.—senator from Cape May county.....	5
Rude, Horace E, member from Sussex county.....	7
Rutgers college—act to amend act to more fully carry out cer-	
tain laws.....	127
Rutgers scientific school—act to amend act to more fully carry	
out certain laws pertaining to.....	127

S

Safe deposit and trust companies—act to amend supplement to	
act for the incorporation	
of.....	136
act to authorize, to invest in	
certain bonds.....	192
Sailors—act respecting employment of Union.....	142
supplement to act to provide for the erection of monu-	
ments to commemorate service of.....	150
Sales of lands for taxes—act validating and confirming, &c.....	269
Saving banks—act to authorize, to invest in certain bonds.....	192
School buildings—act to repeal act relative to construction of,	
in cities of first class.....	238
supplement to act to establish a system of	
public instruction.....	273
School districts—supplement to act to establish a system of	
public instruction.....	154, 242, 347
School for deaf-mutes—act to provide hospital for.....	338

	Page
Schools—act to secure police protection to, &c.....	121
supplement to act to incorporate chosen freeholders...	343
supplement to act to provide for the establishment of a commission of public instruction in cities of second class.....	120, 252
Schools of theology—act to enable, to grant and confer degrees..	42
Schools, public—act to authorize cities of the first class to issue bonds for the construction of.....	135
act to enable boards of education to issue bonds to liquidate existing indebtedness.....	201
act to provide for the election of members of board of education, &c., in towns.....	188
supplement to act to establish a system of pub- lic instruction.....	154, 242, 273, 335, 347
Scientific societies—supplement to act concerning.....	189
Scovel, Henry S.—member from Camden county.....	6
Secretary of state—act to amend act relative to office of..	182
Seminaries—act to enable, to grant and confer degrees.....	42
Settlement and collection of unpaid taxes, &c.—act concerning, &c., in towns.....	393
Settlement and relief of the poor—supplement to act for the...	415
Sewerage—act to amend act to provide drainage and, in cities...	337, 339
supplement to act to provide, in villages.....	130
Sewers—act concerning qualification of commissioners author- ized to assess benefits conferred by, and drains, &c.,	246
act to authorize re-institution, amendment and perfec- tion of certain proceedings for building, &c.....	367
act to authorize towns, &c., to lay out, &c., roads, con- struct, &c.....	208
act to provide for repaving, &c., and reconstruction of, in cities of first class.....	239
supplement to act authorizing cities to construct, and provide for payment thereof.....	25
supplement to act to authorize cities to construct, and provide for payment thereof.....	228
supplement to act to provide for reconstruction of main outlet, &c.....	282
Simpson, Albert J.—member from Essex county.....	6
Skirm, William H.—senator from Mercer county.....	5
Social clubs—supplement to act to incorporate societies or clubs for social, intellectual and recreative purposes.....	21
Societies—supplement to act concerning literary, and scientific..	189
supplement to act to incorporate, for promotion of learning	92, 199
supplement to act to incorporate, for social, intellect- ual and recreative purposes.....	21
act to provide for the incorporation of associations for improvement of public grounds..	212
supplement to act for the incorporation of, not for pecuniary profit, &c.....	208
Societies for the promotion of learning—act to amend supplie- ment to act to incor- porate.....	199
supplement to act to incorporate.....	92

	Page
Societies, patriotic—act to incorporate.....	149
Societies, religious, owning or controlling church-yards or burying grounds—act to enable, to receive and hold property upon trust.....	19
Society of women—supplement to act for the incorporation of societies, not for pecuniary profit, &c.....	208
Soldiers—act respecting the employment of Union.....	142
supplement to act to provide for organization of New Jersey home for disabled.....	256
supplement to act to provide for the erection of monuments to commemorate services of.....	150
South Atlantic City—act to incorporate.....	280
Stanger, Solomon H.—senator from Gloucester county.	5
State asylum for deaf and dumb—supplement to act providing for.....	166
State board of taxation—act to amend supplement to general act concerning taxes.....	121
State boards of health—supplement to act to establish, &c.....	270
State comptroller—supplement to act fixing compensation of certain public officers.....	183
State hospitals for the insane—act concerning asylum districts and providing for the appointment of boards of managers... ..	447
supplement to act relative to government and management of.....	24
State reformatory—joint resolution relating to granting right of way over lands of.....	126
State taxes—supplement to act to provide for imposition of.....	178
Statutes—act to provide for the appointment of commissions to revise general.....	175
Steddig, Edwin F.—member from Essex county.....	6
Stokes, Edward C.—senator from Cumberland county.....	5
Streams—act authorizing boards of freeholders to enter upon private lands to remove obstructions in, or change course of, channels, &c.....	22
Street railways—act for the better regulation of operation of....	373
Streets—act for improvement of certain roads and highways in cities of first class.....	239
act providing for payment of claims incurred in repairing.....	266
act to amend act authorizing cities of first class to provide for and pay amounts unpaid for lighting.	237
act to amend supplement to act to authorize cities located on or near the ocean to lay out and open, &c., along the ocean front.....	30
act to authorize towns, &c., to lay out, &c., roads, construct sewers, &c.....	208
act to enable cities to vacate portions of, and alleys not opened.....	245
act to provide for repaving, &c., and reconstruction of sewers in cities of first class.....	239
act to provide for the laying out of, in any city.....	449
supplement to act incorporating inhabitants of townships, designating their powers and regulating their meetings.....	417

	Page
Streets—supplement to act respecting paving, &c., in cities of first class.....	271
Superintendent of indoor relief—act to permit boards of aldermen to appoint a.....	152
Supreme court—act to amend act respecting clerk of.....	181
supplement to act relative to, and circuit court,	247
Surety, trust and safe deposit companies—act to authorize, to invest in certain bonds.....	192
Surrogates—act to amend act respecting orphans' court, &c.....	241
supplement to act respecting orphans' court, &c.....	186 362

T

Taxation of railroad and canal property—supplement to act to revise and amend act for.....	147
Taxes—act concerning settlement and collection of arrearages of unpaid, &c., in towns.....	393
act relating to duties of clerks and assistants to boards for assessment of.....	226
act to amend act concerning the collection of arrears of, in cities.....	225
act to amend act concerning the collection of arrears of, in towns, boroughs or townships.....	102, 363
act to amend supplement to general act concerning.....	121
act validating and confirming sales of lands for, &c.....	269
supplement to act concerning.....	13
supplement to act to authorize levying and collection of, for certain purposes, when authorized by governing authorities, &c.....	284
supplement to act to provide for imposition of state.....	178
Taxes, assessments and water-rates in cities—supplement to act concerning the settlement and collection of arrearages of unpaid.....	37
Tenafly—act to annex portions of township of Palisades to borough of.....	173
Thanksgiving proclamation by the governor.....	474
Thorn, J. Wiggins—member from Mercer county.....	7
Titles to estates—act to amend act to compel determination of claims to estates in remainder.....	211
Towns—act authorizing, to renew bonds.....	227
act concerning qualification of commissioners authorized to assess benefits conferred by sewers and drains, &c.....	246
act concerning settlement and collection of arrearages of unpaid taxes, &c., in.....	393
act fixing time for holding annual elections for election of municipal officers.....	377
act relating to municipalities, providing for the continuance in office of certain officers.....	98
act respecting employment of Union soldiers, sailors and marines.....	142
act respecting manner in which newly created municipalities shall succeed to and take assets, &c.....	275
act respecting term of office of treasurer in.....	149

	Page
Towns—act to amend act authorizing, to be incorporated as a city.....	155
act to amend act concerning the collection of arrears of taxes by, boroughs or townships.....	102, 363
act to authorize boards of chosen freeholders in counties of first class to extend roads.....	233
act to authorize, to lay out, &c., roads, and construct sewers, &c.....	208
act to provide for election of boards of education, &c., in.....	188
act to provide for representation in newly created wards in.....	191
act to repeal act to amend act to provide for the division into wards of incorporated.....	28
supplement to act to establish a system of public instruction.....	242
supplement to act providing for the formation, establishment and government of.....	144
supplement to act respecting police departments of cities.....	128
Townsend, William H.—act to grant and release the title and interest of New Jersey in certain real estate of.....	38
Township committees—act dividing townships into wards and providing for election of.....	133
supplement to act to amend supplement to act to increase powers of.....	369
Township of Clinton—act to annex portion of, to Newark.....	119
Township of Franklin—act to repeal act to set off portion of Landis township into.....	187
Township of Landis—act to repeal act to set off portion of, into Franklin township.....	187
Township of Overpeck—act to create.....	45
Township of Palisades—act to annex portions of, to borough of Tenafly.....	173
Township officers—act relating to, in certain townships.....	127
Townships—act concerning officers in, of counties of the second class.....	28
act dividing, into wards.....	133
act prescribing manner in which newly created municipalities shall succeed to and take assets, &c.....	275
act relating to certain officers in certain.....	127
act repealing act relating to elections and appointments to office.....	123
act to amend act authorizing towns, &c., to be incorporated as a city.....	155
act to amend act concerning the collection of arrears of taxes by towns, boroughs or.....	102, 363
act to change boundary line between, of Raritan, Delaware, West Amwell, and East Amwell.....	331
act to provide for representation in newly created wards of.....	191
act to repeal act to amend act to provide for the division into wards of incorporated.....	28

	Page
Townships—supplement to act incorporating inhabitants of, designating powers and regulating meetings...33,	417
supplement to act respecting police departments of cities.....	128
supplement to act to amend supplement to act to increase powers of township committee.....	369
supplement to act to provide against fires in.....	137
Traction—act for better regulation of operation of street railways.....	373
Trade-marks and labels—act to amend and correct title to supplement to act to protect.....	215
Travelers—act to amend act to prevent frauds upon.....	267
Treasurers in cities—act relating to receiver of taxes and.....	142
Treasurers in towns—act respecting term of office of.....	149
Trespassing with horses and hounds—act to prohibit.....	154
Trust companies—act to amend supplement to act for the incorporation of.....	136
act to authorize, to invest in certain bonds...	192
Trustees—act empowering executors and, to improve property held in trust.....	190
Turnpike roads—act to provide for acquirement of, for free public use.....	374

U

Ullman Jacob H.—member from Bergen county.....	6
Union soldiers—act respecting employment of, &c.....	142
Universities—act to secure police protection to, &c.....	121
Unpaid taxes, assessments and water-rates—supplement to act concerning the settlement and collection of arrearages of, in cities.....	37
Unpaid taxes, assessments and water-rates—act concerning settlement and collection of arrearages of, in towns.....	393
Urquhart, Robert D.—member from Hudson county.....	6

V

Validating and confirming sales of lands for taxes—act, &c.....	269
Van Doren, Peter V. D.—member from Somerset county.....	7
Van Wickle, Daniel E.—member from Monmouth county.....	7
Vestibule act—act for better regulation of operation of street railways.....	373
Villages—act concerning terms of officers in, of counties of the second class.....	28
act respecting employment of Union soldiers, sailors and marines.....	142
act respecting manner in which newly created municipalities shall, succeed to and take assets, &c.....	275
act to authorize, to lay out, &c., roads, construct sewers, &c.....	208
supplement to act for the formation and government of.....	17

	Page
Villages—supplement to act to authorize levying and collection of tax for certain purposes, when authorized by governing authorities of.....	284
supplement to act to provide for drainage and sewerage of.....	130
Vital statistics—supplement to act to establish boards of health and bureau of.....	270
Voorhees, Foster M.—senator from Union county.....	5
Vreeland, John B.—senator from Morris county.....	5

W

Wards—act dividing townships into.....	133
act to provide for division of municipalities governed by a board of commissioners or improvement commission, into and regulate the election of commissioners therein.....	15
act to provide for representation in newly created, in towns, &c.....	191
act to repeal act to amend act to provide for the division of incorporated towns, townships, and boroughs into, or change course of, channels, &c.....	28
Water-course—act authorizing boards of freeholders to enter upon private lands, to remove obstructions in, or change course of, channels, &c.....	22
Water-rates in cities—supplement to act concerning the settlement and collection of arrearages of unpaid.....	37
Water-rates in towns—act concerning settlement and collection of arrearages of unpaid, &c.....	393
Water-ways—act respecting the opening, improving, &c., of permanent inlets or.....	117
Water-works—act to authorize municipal corporations owning, to furnish water by contract.....	232
Watkins, David O.—member from Gloucester county.....	6
West Amwell—act to change boundary line between townships of, Raritan, Delaware and East Amwell.....	331
West Cape May—act to incorporate borough of.....	349
Wetherbee, Catharine—act to release certain real estate in Elizabeth.....	209
Whitfield, Jacob H.—member from Middlesex county.....	7
Wildes, George—member from Burlington county.....	6
Wildman, Theodore C.—member from Hudson county.....	6
Wildwood—act to incorporate borough.....	344
Williams, Robert—senator from Passaic county.....	5
Wills—act empowering executors and trustees to improve property held in trust.....	190
Woman's work exchange—supplement to act for the incorporation of societies not for pecuniary profit, &c.....	208

