ACTS

33029

OF THE

CATALOGUED

Ninety-Seventh Legislature

OF THE

STATE OF NEW JERSEY,

AND

TWENTY-NINTH UNDER THE NEW CONSTITUTION.

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New Jersey State Library

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HENRY C. KELSEY,
Secretary of State.

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OF THE

Ninety-Seventh Legislature of New Jersey.

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WARREN	VALENTINE MUTCHLER,
	JOSEPH ANDERSON.

GENERAL PUBLIC LAWS.

GENERAL PUBLIC ACTS

PASSED BY THE

NINETY-SEVENTH LEGISLATURE.

CHAPTER V.

An Act relative to the Equity Reports of New Jersey.

State treasurer authorized to purchase.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any of the equity reports of this state shall be reprinted, it shall be lawful for the state treasurer to purchase two hundred copies of such reports in the same form, at the same price, and to be distributed in the same manner as the law and equity reports are now purchased, paid for and distributed; *provided*, that such reports shall be published under the direction and supervision of such person as the chancellor may appoint.

To be paid out of the treasury.

2. *And be it enacted*, That the state treasurer shall pay for such reports on the delivery thereof to him out of any moneys in the treasury of this state not otherwise appropriated, and that this act shall take effect immediately.

JOHN W. TAYLOR,
President of the Senate.

ISAAC L. FISHER,
Speaker of the House of Assembly.

Approved January 29, 1873.

JOEL PARKER,
Governor.

CHAPTER VII.

A Supplement to the act entitled "An Act Appropriating Scrip for the Public Lands granted to the State of New Jersey by the act of Congress approved July second, one thousand eight hundred and sixty-two," approved April fourth, one thousand eight hundred and sixty-four.

Board of visitors from congressional districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of visitors to the agricultural college of New Jersey shall hereafter consist of two members from each congressional district in this state under the present apportionment, to be nominated by the governor with the advice and consent of the senate.

Present members to be visitors for the districts in which they reside.

2. *And be it enacted*, That the members of the board of visitors to the agricultural college now in office shall continue to be members of the said board for the respective congressional districts in which they now reside until the expiration of the term for which they were appointed.

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

Approved January 29, 1873.

CHAPTER VIII.

A Supplement to "An Act to establish a System of Public Instruction," approved March second, one thousand eight hundred and sixty-seven.

Trustees from congressional districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of trustees of the normal school shall hereafter consist of two members from each congressional district in this state, under the present apportionment, to be nominated by the governor with the advice and consent of the senate.

2. *And be it enacted*, That the members of the board of trustees of the normal school now in office shall continue to be members of the said board for the respective congressional districts in which they now reside, until the expiration of the term for which they were appointed. Present trustees to hold office for the districts in which they reside.

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

Approved January 29, 1873.

CHAPTER IX.

A Supplement to an act entitled "An Act to Establish Normal School Boarding Houses."

1. BE IT ENACTED *by the Senate and General Assembly of State of New Jersey*, That the trustees of the state normal school be and they hereby are authorized to purchase, and in the name of the state, to take title for all or any part thereof those certain lands and buildings situate on the southerly side of Model avenue, in the city of Trenton, intended as an addition to the normal school boarding houses, fronting two hundred and six feet on said avenue, and extending back one hundred and forty-five feet in depth to an alley in the rear, bounded on the east by lands of Elias Cook, and on the west by lands of the state of New Jersey, now known as the normal school boarding house property; said lands and buildings to be held and used for the purposes of the school, under the charge of said trustees. Trustees authorized to purchase lands, &c.

2. *And be it enacted*, That said trustees be and they are authorized to pay for said land and buildings with any surplus moneys received from the model school and boarding houses, and, until such payment can be made, the said trustees shall and may secure the payment of said purchase money, and any and all loans made on account thereof, with the interest thereon, by bond and mortgage on said lands and buildings above mentioned, and upon the lands and buildings heretofore purchased by said trustees in the name of the state, under authority of the act to which this is a supplement, or upon any part or parts of said lands and Trustees authorized to pay for land and buildings, and may raise money on bond and mortgage.

buildings, which said bonds and mortgages, and each of them, executed by the president of the board of trustees by his name of office and under the seal of said trustees, shall be valid liens upon said lands and buildings embraced in said mortgages respectively, in all respects as if the mortgaged premises were held by individuals and not by the state.

Trustees authorized to build and make improvements.

3. *And be it enacted*, That said trustees shall and may from time to time as the same shall be needed, build and make additions and improvements to the buildings on the lands above described, and to the other buildings heretofore purchased or erected by the said trustees, or erect additional buildings on said lands for boarding houses; furnish the same and pay and secure the cost thereof in the manner provided in the last preceding section.

Bonds to be exempt from tax.

4. *And be it enacted*, That all bonds and mortgages made and executed under the authority of this act, shall be exempt from taxation in the hands of the holders thereof.

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

Approved January 29, 1873.

CHAPTER XI.

Supplement to an act entitled "An Act respecting the Court of Chancery."

Chancellor may appoint trustee for receiving and managing trust property in certain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where property is or shall be held in trust in another state, and any of the cestui que trusts for whose benefit said property is or shall be so held in trust reside in this state and desire the transfer of such trust property to this state, the chancellor may, upon petition presented to him for that purpose, and upon ten days' notice of the time of presenting said petition having been given to all persons having a beneficial interest in the estate so held in trust, appoint a trustee for the purpose of receiving, holding and managing all such trust property as may be transferred from such other state in accordance with

the laws thereof; and such trustee when so appointed, first having executed a bond to the chancellor in such an amount, and with such surety or sureties as the said chancellor shall approve of, conditioned for the faithful execution of the trust, shall have all the powers and privileges and be subject to all the liabilities incident to the original trust. Trustee to give bond.

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

Approved January 29, 1873.

CHAPTER XVI.

An Act appropriating Fifteen Thousand Dollars for Statues of Richard Stockton and Major General Philip Kearny, United States Volunteer Army, as Contributions by New Jersey to the National Statuary Gallery at Washington.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of the state be authorized and directed, in addition to the sum of ten thousand dollars (and the sum embraced in the "Soldiers' Statue Fund,") designated by the legislature of New Jersey in the year one thousand eight hundred and sixty-eight, for procuring statues of Richard Stockton, a signer of the declaration of independence, and Major General Philip Kearny, United States Volunteer Army, to be contributed by New Jersey to the national statuary gallery at Washington, to add thereto the further sum of five thousand dollars, making in all the sum of fifteen thousand dollars by this act appropriated for this purpose. State treasurer to pay amount of appropriation out of the treasury.

2. *And be it enacted*, That a commission to be composed of the governor of New Jersey, the president of the senate, the speaker of the house of assembly and three citizens of the state, to be selected and appointed by the governor, shall have charge of this work without expense to the state for their services. Commissioners.

3. *And be it enacted*, That all bills to be paid by the treasurer out of the sums of money above mentioned and for the above specified object, shall be paid on the order of Bills to be paid on the order of the commissioners.

the said commissioners or a majority of them, and that the cost of the two statues shall not exceed the sums above mentioned.

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

Approved February 4, 1873.

CHAPTER LXV.

Supplement to the "Act for the Organization of the National Guard of the State of New Jersey," approved March ninth, eighteen hundred and sixty-nine.

Money to be paid to the brigade paymaster and expended by him for militaryexpenses incident to brigade organization.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be paid on the first Monday of April of each year, to the brigade paymaster of each brigade of the national guard, the sum of five hundred dollars, to be expended by the said brigade paymaster, on the approval of the commandant of the brigade, for military expenses incident to a brigade organization; and the sum of three hundred dollars to be expended by the said brigade paymaster on the approval of the commandant of each regiment for military expenses incident to a regimental organization.

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

Approved February 17, 1873.

CHAPTER LXVI.

A Supplement to "An Act regulating Public Printing," approved March fourteenth, one thousand eight hundred and seventy.

Names of members of legislature to be printed in volume of laws.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in the annual volume of the laws of New Jersey, the legislative list of

members' names arranged by counties, shall be printed and published; the same to precede the first chapter of the public laws, ordered to be printed in the front part of the volume, by the act to which this is a supplement.

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

Approved February 17, 1873.

CHAPTER LXVIII.

A Further Supplement to "An Act to fix the Salaries of the Officers of the Senate and General Assembly of the State of New Jersey," approved February sixth, one thousand eight hundred and sixty-seven.

Appointment of journal clerk of house of assembly authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerk of the general assembly be and is hereby authorized to appoint a proper person as assistant journal clerk, whose duty it shall be, under his control and supervision, to assist in making up the original minutes, votes and proceedings of the general assembly; and who shall receive for his services such compensation as may now or hereafter be allowed by law to the journal clerk, to be paid in the same manner as the salaries of the officers of the legislature are now paid.

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

Approved February 18, 1873.

CHAPTER LXXXVIII.

A Supplement to the act entitled, "An Act respecting Fugitives from Justice," passed December twenty-first, one thousand eight hundred and twenty-four.

Expenses of removal into this state for trial, of fugitives from justice, to be paid out of the state treasury, on warrant of the governor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is a supplement, be so enlarged that in any case where a person charged in this state with any crime, shall flee from justice and be found in another state, and if the importance of the crime committed shall in the opinion of the attorney-general justify the issuing of a requisition, and the attorney-general shall recommend to the governor, or person administering the government of this state, to demand the said fugitive, so that he may be brought into this state for trial; and the said fugitive shall, on the demand of the executive authority of this state, be delivered up and removed to this state, the expense of such removal being first ascertained to the satisfaction of the governor or person administering the government, shall on warrant from him, be paid by the treasurer of this state, out of any moneys in the treasury not otherwise appropriated.

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

Approved February 20, 1873.

CHAPTER XCI.

An Act relative to the sale of Unclaimed Freight transported upon Railroad, Canal and Express lines in this State.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where the consignee or consignees, owner or owners of any goods, wares

Unclaimed merchandise may be sold at public sale for freight, by order of a court, in certain cases.

or merchandise, transported by any railroad, canal or express company in this state, or chartered by the laws of this state or any other state, to any designated station or point in this state, are unknown, cannot be found, refuse to receive or to pay the costs or expenses of transportation of such goods, wares and merchandise, it shall and may be lawful for any justice of the supreme court of this state, suprem court commissioner, or any judge of the court of common pleas residing in the county where such goods, wares or merchandize are consigned or directed, upon satisfactory proof made to him by such railroad, canal or express company, or their directors, superintendent or agent, that such goods have been in their possession four months or over, and that the owner or owners, consignee or consignees, are unknown, cannot be found, have refused to receive or pay th costs and expenses of the transportation of said goods, wares and merchandise, to issue an order under his hand, commanding the sheriff or one of the constables of said county to sell said goods, wares and merchandise by public vendue, at the time, place and in the manner in such order named; *provided*, that before such sale shall be made, public notice shall be given by such sheriff or constable of the time and place of such sale and the articles to be sold, and the person or persons to whom directed, by five notices, set up in five of the most public places in the neighborhood in which such goods, wares and merchandise were consigned or directed to be left, at least five days before the time of sale, and by three successive insertions within one week before the day of sale, in some daily newspaper (if any there be) published in the neighborhood of such place of sale; *provided further*, that when it shall be made to appear to the satisfaction of such justice, supreme court commissioner or judge, by due proof, by any railroad, canal or express company or their agents, that any goods, wares or merchandise by them transported and in their possession as aforesaid, are perishable, and that they would depreciate in value and loss occasioned by being longer kept, such justice, supreme court commissioner or judge, shall issue an order, directed as aforesaid, commanding sale of said goods, wares and merchandise, in such manner as he shall deem most expedient, a copy of either of which said orders and notice of sale shall be served personally, or be left at the place of residence or business, or sent by mail to the owner or consignee of said goods, by said

Proviso.

Proviso.

sheriff or constable, if the residence of such owner or consignee to whom such goods are directed can be ascertained.

Fees to be paid for order, notice and advertising.

2. *And be it enacted*, That the fee of such justice, supreme court commissioner or judge, for the making and issuing of such order shall be two dollars, and the fee of such sheriff or constable in the posting of notices, service of order and notice required by this act and in making such sale, shall be three dollars, in addition to the costs of advertising in the newspapers required by this act, to be paid by such railroad, canal or express company.

Proceeds of sale, how appropriated.

3. *And be it enacted*, That the proceeds of said sale shall first be applied to defray the expenses of such sale, then to the account of transportation and storage of such railroad, canal or express company upon such goods, the balance (if any there be) shall be paid to the clerk of the county, immediately, in which such goods were sold, who shall pay the same to the legal owner or consignee, upon order of said justice, supreme court commissioner or judge, made upon due proof of such claim; and if no such claim is made in two years, then said clerk shall pay the same into the school fund of this state.

Repealer,

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

Approved February 24, 1873.

CHAPTER XCVIII.

An Act for the Settlement of the Territorial Limits and Jurisdiction of the State of New Jersey and the State of Delaware.

Appointm't of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor shall, by and with the advice and consent of the senate, appoint three commissioners, who shall have full powers on the part of the state of New Jersey, to meet three commissioners appointed or to be appointed under or by virtue of a law of the state of Delaware, to negotiate and agree respecting the territorial limits an jurisdiction of the state of New Jersey and the state o

Delaware, and if by death, resignation, or otherwise, a vacancy do happen among those appointed by the state of New Jersey, the governor or person administering the government of this state, is hereby authorized to supply the same.

Powers and authority of commissioners.

2, *And be it enacted*, That the said commissioners on the part of the state of New Jersey, or a major part of them, shall have full power and authority to agree upon, settle and determine the limits of territory and jurisdiction between the said states, as to them may seem just; and their agreement in the premises in writing, signed and sealed by the said commissioners of both, or a majority of them, respectively, if made on or before the first day of January next, shall become binding on the state of New Jersey, when confirmed by the respective legislatures of the state of Delaware and of the state of New Jersey, and the congress of the United States shall consent thereto.

Expenses of commissioners to be paid on the warrant of the governor.

3. *And be it enacted*, That the said commissioners shall meet at such time and place as they may agree upon; and that the expenses and disbursements of the said commissioners for surveys, if any shall be necessary, for maps and copies of maps, of documents of any kind that may be deemed useful, and for any other purpose which shall aid them in the discharge of their duties, and a reasonable compensation for their services, shall be ascertained and allowed by the governor, and paid by the treasurer, on the governor's warrant, out of any moneys in the treasury not otherwise appropriated.

4. *And be it enacted*, That the governor shall transmit to the governor of the state of Delaware a copy of this act.

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

Approved February 26, 1873.

CHAPTER C.

Supplement to an act entitled "An Act to Encourage the Growth of Thorn Hedges in this State," approved March second, one thousand eight hundred and thirty-six.

Provisions of act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement shall be and hereby are extended to all evergreen or other hedges heretofore planted or hereafter to be planted for fencing in this state.

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

Approved February 26, 1873.

CIV.

Supplement to the act relative to the Publication of the Public Laws.

Preamble.

WHEREAS, certain notices relative to a partition of lands have, in accordance with an order of the orphan's court of the county of Morris, been published in the "Morris Republican," a newspaper printed and published in said county; *and whereas*, it is expedient that the publication of said notices in said newspaper should be legalized, and said newspaper declared to be a legal newspaper, with authority to publish the like laws and notices as are published by the other newspapers published in said county of Morris; therefore,

Authorized to publish laws and legal notices.

1. BE IT ENATED *by the Senate and General Assembly of the State of New Jersey*, That said the "Morris Republican" is hereby declared to be a legal newspaper, with authority to publish such laws and notices as are by law

authorized to be published in the other newspapers published in the county of Morris, and that the publication of said notices heretofore published in said newspaper, are hereby validated and declared to have been legally published.

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

Approved February 26, 1873.

CHAPTER CVII.

Supplement to the act entitled, "An Act appropriating Scrip for the Public Lands granted to the State of New Jersey by the act of Congress," approved July second, one thousand eight hundred and sixty-two.

Public lectures to be under direction of board of visitors to state agricultural college.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the public lectures hereafter to be delivered by the state agricultural college in the counties of this state, shall, as to number, time and place, be under the direction of the board of visitors of the state agricultural college.

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

Approved February 27, 1873.

CHAPTER CVIII.

A Further Supplement to the 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.

Amount of annual tax required to be paid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual tax imposed by the said act to which this is a supplement, and by the supplements thereto, upon every boat or vessel lawfully engaged in catching, planting and growing oysters on the flats and grounds of Delaware bay and Maurice river cove, shall be five dollars on all boats not over five tons by United States custom house measurement, and on all boats over five tons by said measurement the sum of one dollar per ton; and all licenses duly issued according to the provisions of the act to which this is a supplement, to any captain or vessel, shall continue in force and effect for the space of one year from the date thereof.

Penalty for planting oysters during certain periods.

2. *And be it enacted*, That it shall not be lawful for any person or persons to catch oysters in Delaware bay for the purpose of planting the same on the flats and grounds of Delaware bay and Maurice river cove from the first day of November to the fifteenth day of March in each year, and any person or persons so offending shall for every such offence forfeit and pay the sum of fifty dollars, to be recovered, with costs, in an action of debt by any person who shall prosecute the same in any court in this state having cognizance of that sum; one-half of the said fine to be added to the oyster fund provided for under the provisions of the act to which this is a supplement, and the other half to go to the person who shall sue for the same.

3. *And be it enacted*, That the place for holding the annual meeting on the first Tuesday of March in each and

every year, as provided for in the ninth section of the act to which this is a supplement, shall be hereafter held in the village of Port Norris instead of the village of Dividing Creek; and it shall and may be lawful at the next annual meeting held as aforesaid, by the consent of two-thirds of those present and entitled to vote, to raise a tax of one dollar per ton per annum upon all boats of over five tons by custom house measurement, in addition to the tax now imposed by the first section of this act; said additional tax to be imposed for one year only at a time, and not to be continued except by the consent of two-thirds of those present and entitled to vote at any subsequent annual meeting.

Time and place of holding the annual meeting.

4. *And be it enacted*, That it shall be lawful for any person who is at the time an actual inhabitant and resident of this state, and who has been for six months next preceding the time of his said application, an actual inhabitant and resident of this state, as aforesaid, to make application, in writing, to the clerk of the court of common pleas of the county in this state in which said applicant resides, for a certificate as hereinafter provided; said application shall set forth that the applicant is an actual inhabitant and resident of this state, and of the county where said applicant resides, and has been such actual inhabitant or resident of this state for six months next preceding the time of said application; and that said applicant is not engaged in the business of planting, raking or gathering clams, oysters or shell-fish within the waters of this state, and that said applicant is desirous to rake or gather clams, oysters and shell-fish, for his own use and not for sale, in and upon the natural beds in Maurice river cove and Delaware bay, and shall designate the canoe, flat, scow, boat, or other vessel on board of which he intends to rake or gather said oysters, clams and shell-fish, which application shall be signed by said applicant.

Proceedings in case of application by inhabitant and resident of this state.

5. *And be it enacted*, That upon receiving and filing said application, it shall be the duty of the said clerk of the court of common pleas, having first satisfied himself of the truth of the statements made therein, by affidavit, or otherwise, to give to the said applicant a certificate, under the hand of the said clerk, and the seal of the said court, which said certificate shall recite the said application at length, and state that the same has been received and filed by the said clerk.

Clerk of court to give certificate to applicant.

Collector to issue license on filing certificate by applicant.

6. *And be it enacted*, That upon the presentation in person, or otherwise, of the said certificate to the collector of the oyster fund of Cumberland county, it shall be the duty of said collector to file said certificate in his office, and thereupon to issue to the said applicant, without charge, except for his own fees as hereinafter allowed, a license in writing, under the hand of the said collector, which said license shall authorize the said applicant to rake and gather oysters, clams and shell-fish, upon the natural beds in Maurice river cove and Delaware bay, on board the canoe, flat, scow, boat or other vessel named in said license.

Fees to be paid by applicant.

7. *And be it enacted*, That the fees to be paid by the said applicant for the different services required by this act shall be as follows:

To the clerk of the court of common pleas for receiving and filing the application and giving the certificate, twenty-five cents;

To the collector of the oyster fund for issuing the license, twenty-five cents.

Moneys arising from the oyster fund, when in excess of two thousand dollars for any year, to be applied to state school fund.

8. *And be it enacted*, That whenever at the end of any year the sum arising from the oyster fund, after all expenses are paid, shall exceed the sum of two thousand dollars, it shall be the duty of the collector of the said fund to pay the same to the treasurer of the state of New Jersey, to be applied to the school fund of the said state; the first payment to be made to the said treasurer on the first Tuesday in March, one thousand eight hundred and seventy-four.

Repealer.

9. *And be it enacted*, That section ten of the act to which this act is a further supplement, and all acts or parts of acts in conflict with the provisions of this act, be and the same are hereby repealed; *provided nevertheless*, that nothing herein contained shall be construed in any wise to alter or repeal section one of the act entitled, "An act for the preservation of clams and oysters," approved April fourteenth, one thousand eight hundred and forty-six, or section one of the supplement to said act, approved April first, one thousand eight hundred and sixty-nine.

Proviso.

Repealer.

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

Approved February 27, 1873.

CHAPTER CIX.

A Further Supplement to an act entitled "An Act to regulate Fees," revision approved April fifteenth, one thousand eight hundred and forty-six.

Fees of coroners for burying.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act the fees of the coroners of the several counties in this state or the justices of the peace when acting as coroners, for services hereinafter mentioned, shall be as follows: for burying the dead body where the same shall become necessary, fifteen dollars.

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

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

Approved February 27, 1873.

CHAPTER CXVI.

An Act providing for decreeing and making known that Certain Laws and Joint Resolutions have become Inoperative and Void.

Proceedings where the governor has reason to believe that a law or joint resolution was not duly passed by the legislature.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if, at any time within one year after any law or joint resolution shall have been filed by the secretary of state, in pursuance of the eighth section 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, or in pursuance of the supplement to said act, approved

March nineteenth, one thousand eight hundred and fifty-one, the governor or the person administering the government, shall have reason to believe that any such law or joint resolution was not duly passed by both houses of the legislature, or duly approved as required by the constitution of this state, he may, in his discretion, direct the attorney general to present a petition to the supreme court of this state, setting forth the facts and circumstances, and praying that the said law or joint resolution may be decreed to be null and void; and it shall then be the duty of the said attorney general to prepare, sign and present such petition and prosecute the same before the said court.

Proceedings in the supreme court.

2. *And be it enacted*, That when such petition has been presented, the said court shall have jurisdiction and power to proceed in a summary way, and inquire into the facts and circumstances alleged, and for that purpose to order the said petition to be filed by the clerk of said court, and witnesses to be subpœnaed, sworn or affirmed, and their depositions taken according to the rules of said court regulating the taking of affidavits, and to appoint a time for the hearing of the said petition, and to order such notice or notices to be given of the taking of said affidavits and of the hearing of the said petition by publication in newspapers or otherwise, as may in the discretion of the court be deemed reasonable and just; and after a full hearing and consideration of the facts and circumstances proved, the said court may dismiss the said petition, or, if satisfied that the law or joint resolution mentioned therein was not duly and constitutionally passed by both houses of the legislature or duly approved, shall have jurisdiction and power to decree the same or any part thereof, to be null and void; *provided*, that the final hearing of said petition shall take place before the chief justice and at least three of the associate justices of said court, and not otherwise, and no decree annulling any law or joint resolution shall be made without the concurrence of at least three of the justices of said court.

Proviso.

Proceedings where petition is made by two or more citizens.

3. *And be it enacted*, That if any two or more citizens of this state, may, within the time mentioned in the first section of this act, present a petition, to be by them signed, as is hereby authorized to be presented by the attorney general; and the court shall thereupon proceed in the same manner as is hereby in that case authorized, and the said petitioners may appear and prosecute the same in person or by counsel; and

the attorney general, if thereto required in writing, by the governor or person administering the government may appear and defend the same on behalf of the state; and any citizen of the state, may, in any case when a petition filed in pursuance of this act, appear in person or by counsel and subpœna and examine or cross-examine witnesses and defend the said petition before the court.

Fees and costs to be taxed and allowed.

4. *And be it enacted*, That when a petition presented by virtue of this act is dismissed, or a final decree is made, the court shall allow and tax the costs and necessary expenses, including such fee to the attorney general as they may deem just and equitable, not exceeding five hundred dollars in any one case, and shall order the same to be paid by the treasurer, or, in case the petition is dismissed, by the citizens who presented the same, and may enforce payment thereof by said citizens by attachment or otherwise.

Governor to issue proclamation setting forth the decree declaring law or joint resolution null and void.

5. *And be it enacted*, That if the court shall, upon the final hearing of said petition, presented in pursuance of this act, decree any law or joint resolution filed as aforesaid, or any part of the same to be null and void, such decree shall be drawn up in writing and signed by the chief justice, recorded at large in the minutes, and filed by the clerk of said court; and thereupon the said clerk shall make a true copy thereof, and certify the same under his hand and seal of the court, and deliver said copy so certified to the governor or person administering the government, who shall issue his proclamation under the great seal of the state, setting forth the said decree, which proclamation shall be filed, published and printed with the laws as other proclamations are required to be; and the same shall be judicially noticed and received as evidence by the courts in the same manner that the law or joint resolution therein specified would have been if such decree had not been made; and no law or joint resolution or part of the same decreed to be null and void, shall after the making of said decree in pursuance of this act, be judicially noticed or received in evidence by any of the said courts.

Comptrol'er directed to make report to the governor of all laws on which state assessment has not been paid as required by law.

6. *And be it enacted*, That it shall be the duty of the comptroller of the treasury during the month of July next, to report to the governor or person administering the government the bill and date of approval or passage of every law approved since the eighteenth day of March, one thousand eight hundred and fifty-nine, which hath become inoperative and void

for the reason that the parties interested therein have failed to pay the sum assessed thereon, and declared to be payable on the same according to the requirements of the act entitled "An act to increase the revenue of the state of New Jersey," approved March sixth, one thousand eight hundred and fifty-eight, and the supplement thereto, approved March eighteenth, one thousand eight hundred and fifty-nine, and during the month of July in every subsequent year afterward, to make a like report on every law approved or passed during the year preceding said report that has become inoperative and void for the same reason, and upon receiving any such report, the governor or person administering the government, shall forthwith issue his proclamation under the great seal of the state, setting forth the particulars of said report, which said proclamation shall be filed by the secretary of state and printed as other proclamations are required to be; and the said proclamation or a certified copy thereof, or the copy duly printed by the laws shall be competent evidence in the courts of this state that the laws therein enumerated have become inoperative and void, and no such law shall be received in evidence as a valid and operative law unless proof shall be made to the satisfaction of the court that the money assessed and declared to be payable by the acts above recited was, in fact, paid into the treasury within the time prescribed in said acts.

Governor to make proclamation declaring laws inoperative and void on which state assessments have not been paid.

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

Approved March 3, 1873.

CHAPTER CXX.

An Act giving the consent of the Legislature of the State of New Jersey to the purchase by the United States of land within this State for public purposes.

Consent of the state to the purchase of land by the United States.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the consent of the legislature of New Jersey be and the same is hereby given to the

purchase by the government of the United States, or under the authority of the same, of any tract, piece, or parcel of land, from any individual or individuals, bodies politic or corporate, within the boundaries or limits of the state, for the purpose of erecting thereon lighthouses and all other needful buildings to be used for lighthouse purposes and life savings stations only; and all deeds, conveyances of title papers for the same shall be recorded as in other cases upon the land records of the county in which the land so conveyed may lie; and in like manner may be recorded a sufficient description by metes and bounds, courses and distances, of any tract or tracts, legal divisions of any public land belonging to the United States, which may be set apart by the general government for any or either of the purposes before mentioned, by an order, patent, or other official document or papers so describing such land; and the purposes for which the same is to be used, the consent herein and hereby given being in accordance with the seventeenth clause of the eighth section of the first article of the constitution of the United States, and with the acts of congress in such cases made and provided.

2. *And be it enacted*, That the lots, parcels, or tracts of land so selected, together with the tenements and appurtenances for the purposes before mentioned, shall be eld exempt from taxation by the state of New Jersey. Exemption from taxes.

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

Approved March 5, 1873.

CHAPTER CXXVI.

Supplement to an act entitled "An Act for the organization of the National Guard of the State of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fourth section of the act to which this is a supplement, shall be and the same is Amendment.

hereby amended as follows: that is to say, by striking out the words "one surgeon with the rank of major," where it refers to the staff of the brigadier general, and inserting in lieu thereof the words "one surgeon with the rank of lieutenant colonel."

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

Approved March 5, 1873.

CHAPTER CXXVII.

A Supplement to "An act for the Publication of Chancery and Law Reports."

Provisions extended to include law judges.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the third section of the supplement to said act, approved March nineteenth, one thousand eight hundred and fifty-seven, be extended to include the special law judge of the court of common pleas in those counties of this state in which such judges are or may hereafter be appointed.

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

Approved March 5, 1873.

CHAPTER CXXVIII.

An Act to authorize the State Treasurer to purchase Law and Equity Reports.

Preamble.

Whereas, the copies of the law and equity reports of this state, published prior to the year one thousand eight hundred and sixty-five, heretofore purchased by the state, have been disposed of, and there is not now a sufficient

number under the control of the state to supply the state officers entitled by law to receive them; *and whereas*, the several editions of said reports are now nearly exhausted,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state treasurer be and he is hereby authorized and directed to purchase for the use of the state, such law and equity reports of this state published previous to the year one thousand eight hundred and sixty-five, as are now under the control of the several reporters thereof, said reports to be purchased at the same price per volume, and to be paid for and distributed in the same manner as the law and equity reports are now purchased, paid for and distributed; *provided*, said purchase shall not exceed two hundred copies of any one volume of such reports. State treasurer authorized to purchase law and equity reports. Proviso.

2. *And be it enacted*, That the state treasurer shall pay for such reports, on the delivery thereof, out of any moneys in the treasury of this state not otherwise appropriated, and that this act shall take effect immediately. State treasurer shall pay for such reports.

Approved March 5, 1873.

CHAPTER CXXIX.

A Supplement to the act entitled "An Act to provide additional accommodations for the Insane of this State," approved March thirty-first, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to enable the commissioners appointed under said original act to continue the erection of said asylum buildings, and to discharge the trust committed to them, the sum of three hundred thousand dollars be and the same is hereby appropriated, to be paid by the treasurer of the state on the warrant of the comptroller, which shall be drawn on the requisition of the said commissioners. Appropriation of three hundred thousand dollars.

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

Approved March 5, 1873.

CHAPTER CXXX.

A Further Supplement to an act entitled "An Act for the Punishment of Crimes."

Penalty for fraudulently taking or converting.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any consignee, factor, bailee, agent or servant, entrusted with the care or sale of any personal property of or above the price or value of twenty dollars, shall fraudulently take or convert the same, or the proceeds of the sale of the same, or any part thereof, such part being above the price or value of twenty dollars, to his own use or to the use of any other person or persons whatsoever, except the rightful owner thereof, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding two thousand dollars, or imprisonment at hard labor not exceeding two years, or both, at the discretion of the court before whom such conviction shall be had.

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

Approved March 5, 1873.

CHAPTER CXXXII.

A Further Supplement to the act entitled "An Act to provide for the Recording of Certain Papers in the office of the Secretary of State," approved March eighteenth, one thousand eight hundred and sixty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "A supplement to the act entitled 'An act to provide for the record-

ing of certain papers in the office of the secretary of state,'" approved on the fourth day of April, one thousand eight hundred and seventy-one, shall not be held or construed by any court, or by any officer or person whomsoever, as having rendered, or as rendering invalid or of no effect any such contract or agreement as is in said act mentioned, as between the parties to such contract or agreement, nor in favor of or for the benefit of any person or corporation having notice of such contract or agreement, although such contract or agreement has not been or may not be lodged for record or recorded according to the directions of said act; but every such contract or agreement which has not been, and which may not hereafter be lodged for record and recorded pursuant to the directions of said act, shall, between the parties to such contract or agreement, and as to every person or corporation having notice thereof, have the same force and effect as if such contract or agreement had been lodged for record and recorded pursuant to the directions of said act, and such contracts or agreements may be lodged for record and recorded at any time, and from the time of lodging the same for record shall be considered as duly notified to all persons entitled to notice thereof.

Supplement of eighteen hundred and seventy-one not to be construed as invalidating any contract or agreement not recorded as required by said act.

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

Approved March 5, 1873.

CHAPTER CL.

A Further Supplement to an act entitled "An Act Respecting Conveyances," approved April fifteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all acknowledgments or proofs of deeds, heretofore made or taken, or hereafter to be made or taken, after the lapse of twenty years from the date of such acknowledgment or proof, notwithstanding any errors

Acknowledgments and proofs of deeds held to be good after lapse of twenty years.

or imperfections in said acknowledgment or proofs, shall be taken and held to be good and sufficient in law; *provided, however*, that all such deeds shall have been duly recorded.

Proviso.

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

Approved March 6, 1873.

CHAPTER CLVII.

An Act relative to the Public Printing.

Printing, how executed.

Laws, how arranged.

Documents to be printed, and compensation therefor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the laws enacted at each session of the legislature shall hereafter be printed in the same general style in which the volume of laws was printed in the year one thousand eight hundred and seventy-one, excepting that the laws shall be collated and indexed under the three heads of general public acts, special public acts, and private acts; also, that the legislative documents shall be hereafter printed in the same style in which the said work was done in the year one thousand eight hundred and seventy-one; also, that the journals of the senate and minutes of the joint meetings, and executive sessions, and the minutes of the house of assembly shall be printed hereafter in a compact and workmanlike style; also, that the public bills ordered by either branch of the legislature shall be printed on good writing paper, with pica type, each page to contain thirty-one lines; and the prices to be paid for the said printing shall be as follows: for printing three thousand copies of the session laws, the sum of forty dollars per sheet of sixteen pages; for printing one thousand copies of the journal of the senate with the minutes of the joint meetings, and one thousand copies of the minutes of the house of assembly, the sum of thirty dollars per sheet of sixteen pages; for printing one thousand copies of the legislative documents, at the rate of one dollar per thousand ems for composition, and one dollar per token of two hundred and fifty impressions of sixteen pages for press work; for printing two hundred copies of the public bills, ordered by either branch of the legislature, at the rate of seven dollars per sheet of four foolscap pages; and for printing the pamphlets and other papers ordered by

the legislature, at the rate of one dollar per thousand ems for composition, and one dollar per token of two hundred and fifty impressions of sixteen pages for the press work; *provided*, that in all cases where rule and figure work is required, the price for composition shall be double the rates above stated; and where matter requires two justifications, without rules, one price and a half shall be paid; *and provided further*, that one dollar extra, per page, shall be paid for printing all indices and tables of contents set in bourgeois type in the session laws, journals of senate and minutes of the house of assembly. Proviso. Proviso.

2. *And be it enacted*, That the above prices shall include all the expenses incident to the printing and delivery to the state treasurer of all documents ordered, except folding and stitching, which shall be charged at the current prices for such work, and the paper, which shall be of good quality, and of the following description: for the documents, journals and minutes, white calendered printing paper, twenty-four by thirty-eight inches in size; weighing not less than forty-four pounds to the ream of four hundred and eighty sheets; for the laws, the same size as for the journals, and to weigh not less than fifty pounds to the ream of four hundred and eighty sheets; for the bills, to be on good flat cap paper, weighing fourteen pounds to the ream; the price to be allowed for such paper shall be at the lowest rate per pound at which the same is sold by paper dealers in New York or Philadelphia during the first week in January; and satisfactory evidence of the price of such papers within the said period shall be submitted to the comptroller before the allowance by him of any bill for paper on which any public printing shall be executed. Work to be completed, how done. Paper, quality of. Price of.

3. *And be it enacted*, That all messages, pamphlets, reports or other documents which are deemed of sufficient public importance to be printed and bound for preservation, shall hereafter be embraced in one volume, under the title of "legislative documents;" and no document or report shall be embraced in said volume unless so ordered by the joint committee on printing; and when said joint committee shall order any document to be printed in the said volume of documents, there shall be one thousand copies thereof printed, which documents shall be numbered in the order in which they are ordered to be printed, and the governor's annual message shall be classed as document number Legislative documents.

one in said volume; when any document shall be ordered to be printed more than once at periods more than four days apart, the printer thereof shall be entitled to charge for composition as above provided for, each time the document shall be so printed, and in no other case shall more than one composition be paid for the printing of such reports or documents.

Officers to furnish copy.

4. *And be it enacted*, That in conformity with the act approved April sixteenth, one thousand eight hundred and forty-six, it shall be the duty of the clerk of the general assembly and the secretary of the senate to deliver copies completed of the journals of their respective houses to the persons employed to print the same, within thirty days after the close of the session of the legislature; and in the event of the said clerk and secretary failing to deliver such copies as provided for in this section, they shall forfeit to the treasurer, for the use of the state, one hundred dollars of their salary.

Penalty of failure.

Indices.

5. *And be it enacted*, That the indices to the pamphlet laws, to the journal of the senate, the minutes of the house of assembly, and the legislative documents shall be hereafter made out by the person or persons respectively, who may be employed to execute said printing, and the sum of one hundred dollars each shall be allowed the said printers for compiling such indices; *provided*, that said indices shall be printed in solid bourgeois type, and be made out alphabetically under one heading, in the style of the indices respectively of the pamphlet laws and the senate journal for the year one thousand eight hundred and seventy-one.

Proviso.

Current printer.

4. *And be it enacted*, That Murphy and Bechtel shall be employed to print the bills, pamphlets, reports of state officers for presentation to the legislature, and such other matters as may be ordered by the senate and house of assembly.

Minutes of the house.

7. *And be it enacted*, That Godfrey H. Hays, of Burlington, be employed to print one thousand copies of the minutes of the house of assembly for the current year, in compact form, as per minutes of one thousand eight hundred and sixty-five.

Senate journal.

8. *And be it enacted*, That Frank W. Potter, of Newark, be employed to print one thousand copies of the journal of the senate and minutes of the joint meetings and executive sessions for the current year, in compact form, as per minutes of one thousand eight hundred and sixty-five.

9. *And be it enacted*, That Pangborn, Dunning and Dear, of Jersey City, be employed to print one thousand copies of the legislative documents of the current year. Legislative documents.

10. *And be it enacted*, That George F. Nixon, of Bridgeton, be employed to print one thousand copies of the minutes of the house of assembly for the session of one thousand eight hundred and seventy-two, in compact form, as per minutes of 1865. Minutes of the house, session of 1872.

11. *And be it enacted*, That Daniel Porter, of Somerville, be employed to print one thousand copies of the journal of the senate and minutes of the joint meetings and executive sessions for the legislative session of one thousand eight hundred and seventy-two, in compact form, as per minutes of 1865. Senate journal, session of 1872.

12. *And be it enacted*, That Vance and Stiles, of Morristown, be employed to print three thousand copies of the laws enacted at the present session of the legislature, which copies shall be delivered to the state treasurer within two months after the said Vance and Stiles shall have received the copy thereof, and on failure thereof the said Vance and Stiles shall forfeit the sum of five hundred dollars, which sum the said treasurer is authorized to withhold and deduct from the amount due them for printing said copies. Laws, when to be delivered. Penalty.

13. *And be it enacted*, That it shall be the duty of the secretary of state to deliver, or cause to be delivered, to the person or persons who shall be employed to print the copies of the laws, a copy of every law passed at this session of the legislature, within thirty days after the passage of each law, and on failure thereof shall be compelled to pay to the person or persons employed to print the copies of the laws, any sum which he or they may have forfeited by reason of such default. Secretary of state to furnish copy.

14. *And be it enacted*, That all acts or parts of acts conflicting with the provisions of this act, be and are hereby repealed. Repealer.

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

Approved March 10, 1873.

CHAPTER CLXI.

A Supplement to the act approved February twenty-sixth, one thousand eight hundred and seventy-three, entitled "An Act for the settlement of the Territorial Limits and Jurisdiction of the State of New Jersey and the State of Delaware."

Preamble. WHEREAS, it appears that the state of Delaware has in some measure modified the original joint resolution passed by the legislature of that state, with respect to the subject of difference between the state of New Jersey and that state, and thereby declined to submit to commissioners any question as to the title claimed by said state to a part of the Delaware river, but has authorized the submission of the question whether the citizens of New Jersey have the right to fish in that part of the Delaware river claimed by the state of Delaware and the nature and extent of that right; *and whereas*, it is expedient to settle at this time so much of the difference between the said states as may be settled amicably, therefore;

Powers of the commissioners. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners already appointed under the act to which this is a supplement and their successors shall have power to settle so much of the difference between this state and said state of Delaware as the said state of Delaware has submitted, or may from time to time hereafter submit; *provided, however*, that nothing in this act contained shall be construed to, or to authorize said commissioners by any act or agreement to affect any other claim or jurisdiction of New Jersey in or over the whole or any part of the Delaware river or the soil thereof, notwithstanding the settlement of the said fishery question.

Proviso.

Enlarged powers of commissioners. 2. *And be it enacted*, That if the said state of Delaware shall hereafter give more enlarged powers to its commissioners, the said commissioners of this state and their successors may act upon and exercise every of the powers

given in this act, or the act to which this is a supplement, to the extent of the submission under such enlarged powers so to be given by said state of Delaware.

Agreement to be submitted to the legislature for ratification.

3. *And be it enacted*, That the said commissioners and their successors shall remain charged with the matters mentioned in the said act to which this is a supplement, until the same shall be finally settled under the powers by said act given, and such as shall be given by said state of Delaware or otherwise, notwithstanding the agreement contemplated by said act to which this is a supplement, may not be made on or before the first day of January next, and that any agreement made under this act or the act to which this is a supplement, shall be submitted to the legislature of this state, and be ratified and confirmed by this state in the manner prescribed by the act to which this is a supplement, and be consented to by congress before the same shall be finally binding on this state.

4. *And be it enacted*, That a copy of this act shall be transmitted to the governor of Delaware, and that the same shall take effect immediately.

Approved March 11, 1873.

CHAPTER CLXII.

An Act to prevent the Cancellation of Lost Mortgages.

Preamble.

WHEREAS, mortgages of real estate are frequently lost or mislaid, *and whereas*, there is danger under the existing laws that the mortgagor or some other unauthorized person may cause such a mortgage to be cancelled of record while it still remains unpaid; therefore,

Proceedings for cancellation of lost mortgages.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any mortgagee or assignee or owner of any mortgage upon which any money remains unpaid, if such mortgage has been lost or mislaid, to make affidavit that he is the owner of a mortgage, (specifying the parties, date or record or such other facts in relation thereto as may be necessary to indentify the mortgage,) which has been lost or mislaid or

fallen into the possession of the mortgagor or his agent, and to present such affidavit to the clerk or register of the county wherein such mortgage is registered or recorded, whose duty it shall be forthwith to file it in his office, and to write a memorandum in the margin of the record or registry of said mortgage where the minute of payment is usually entered, in the following words: "this mortgage not to be cancelled," or in other words of similar import; and thereafter it shall not be lawful to cancel such mortgage according to the provisions of an act entitled "An act to register mortgages," approved April fifteenth, one thousand eight hundred and forty-six, and if such mortgage be cancelled according to the provisions of said act, such cancellation shall be void and of no effect; but it shall be lawful to discharge such mortgage according to the provisions of an act entitled "An act for the more certain discharge or cancellation of mortgages recorded in this state," approved April second, one thousand eight hundred and sixty-nine.

Duty of the clerk or register.

Fees of clerk or register.

2. *And be it enacted*, That the said clerk or register shall be allowed for filing the affidavit and for making the memorandum aforesaid the sum of twenty cents, and no more.

Approved March 11, 1873.

CHAPTER CLXIII.

A Further Supplement to an act entitled "An Act to facilitate Entries of Satisfaction on the Records of Judgments," approved April twentieth, one thousand eight hundred and twenty.

Provisions of act of 1867 extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of an act entitled "A supplement to an act entitled 'An act to facilitate entries of satisfaction on the records of judgments;' approved April ninth, one thousand eight hundred and sixty-seven," are hereby extended to the satisfaction of claims of mechanics' lien, if there be an attorney of record of the same or of a judgment entered thereon, and to the

satisfaction of decrees in the court of chancery for the foreclosure of mortgages, if there be a solicitor of the complainant of record.

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

Approved March 11, 1873.

CHAPTER CLXIV.

A Supplement to the act entitled "An Act to complete the Geological Survey of this State," approved March thirtieth, one thousand eight hundred and sixty-four.

Annual appropriation of five thousand dollars.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of completing said survey, the annual appropriation of five thousand dollars be and the same is hereby continued for a further period of four years; and the treasurer of this state upon the warrant of the comptroller shall be and is hereby authorized to pay such bills as may be audited and approved by the board of managers in favor of the state geologist.

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

Approved March 11, 1873.

CHAPTER CLXV.

An Act relative to Costs in proceedings on Forfeited Recognizances.

Costs of suits on forfeited recognizances, how paid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in suits brought by the state of New Jersey upon forfeited recognizances, when the sheriff shall be unable to find property of the defendant

whereof to make the amount of the judgment and costs of suit, the said costs shall be paid out of the treasury of this state.

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

Approved March 11, 873.

CHAPTER CCIX.

A Further Supplement to an act entitled "An Act for the preservation of Clams and Oysters," approved April fourteenth, one thousand eight hundred and forty-six.

Any rake or other instrument used for dredging deemed to be a dredge within the meaning of this act.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the words "dredge or instrument so called," in sections two and six of the act to which this act is a further supplement, shall be and is hereby taken, deemed and intended to mean and apply to any rake or other instrument designed and intended to be used or which shall be used and dragged by any canoe, boat or vessel in any of the rivers, bays or waters of Burlington county, in this state, as a dredge and for the uses and purposes of a dredge, whether called by that name or otherwise.

Penalties to apply for using such rake or other instrument.

2. *And be it enacted*, That all the penalties in sections two and six of the act to which this act is a further supplement, shall and hereby do apply to all such person or persons using such rake or rakes, or other instruments or canoe, boat or vessel having on board such rake or other instrument to be employed and used in raking and dredging or which shall be found employed and using such rake or other instrument in like manner as dredges are used, and for the same purposes for which dredges are used, in any of the rivers, bays or waters of the county of Burlington, in this state, whether such rake or other instrument be called by the name of dredge or otherwise.

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

Approved March 12, 1873.

CHAPTER CCX.

An Act for the Instruction and Maintenance of Indigent Deaf and Dumb, Blind and Feeble Minded Persons, inhabitants of this State.

Annual appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an annual sum, not exceeding three hundred dollars for each pupil, be appropriated out of any moneys in the treasury not otherwise appropriated, to be applied under the direction of the governor or person administering the government, for the instruction or placing for instruction in some suitable and convenient institution, such indigent deaf and dumb, blind or feeble minded person, or partially deaf and dumb, or partially blind, inhabitants of this state, as may be selected under this act.

Additional sum, when allowed.

2. *And be it enacted*, That whenever the governor, or person administering the government, shall be satisfied that the resources of any pupil applying for the benefit of this act, or those of his or her parents or guardians, are insufficient to defray the expense of clothing such pupil, then the governor, or person administering the government, may cause an additional sum to be paid, not exceeding thirty dollars per annum for each pupil.

Applications for admission to be made by certificate of two freeholders.

3. *And be it enacted*, That all applications for the admission of pupils must be accompanied by the certificate of any two respectable freeholders, residents of the town or township in which the applicant resides, attested before a magistrate, and said certificate shall clearly set forth the age, circumstances and capacity of such pupil, and of the ability or inability of the parent or guardian of such pupil to pay any part of the expense of tuition, care and maintenance of the person in whose behalf such application may be made.

Governor shall receive and decide upon all applications.

4. *And be it enacted*, That the governor, or person administering the government, shall have the power to receive and decide upon all applications for the benefit of the legislative provisions made or to be made for the instruction of such beneficiaries.

Name of any pupil may be withdrawn upon notice to be given.

5. *And be it enacted*, That the governor, or person administering the government, shall have power to withdraw the name of any pupil from the list of those instructed at the charge of the state if it appears that such pupil was improperly admitted, or after a fair trial be found incapable of instruction, and in such case due notice shall be given by the governor to the principal of any institution in which such pupil so withdrawn is an inmate.

Term may be extended.

6. *And be it enacted*, That the term of instruction shall be three years, but may be extended to a term not exceeding in all eight years, and the application for the extended term shall be endorsed by the principal of the institution to which the beneficiary may have been sent.

Annual statements to be made.

7. *And be it enacted*, That it shall be the duty of the governor, or person administering the government, to request the principals of the several institutions to which such pupils shall be sent, to transmit to him, every year, statements in writing, of the progress in learning and general standing of each pupil supported by this state.

Age of pupils.

8. *And be it enacted*, That any person not under five years nor more than twenty-one years of age may be entitled to the benefits of this act.

Expenses, when to be defrayed by township.

9. *And be it enacted*, That whenever any person entitled to the benefits of this act shall become a legal charge upon the overseers of the poor of any township in this state, it shall be the duty of such overseer or overseers to make immediate application in behalf of such person in the manner hereinbefore prescribed; and if such person shall be placed in an institution for instruction, then the expense of conveying him or her to and from the institution and of supplying him or her with suitable clothing during his or her term of instruction shall be defrayed by such township.

Vienna writing box to be supplied.

10. *And be enacted*, That each beneficiary of the state of New Jersey in the institutions for the instruction of blind persons, shall be entitled to a Vienna writing box, the cost of the same not to exceed the sum of ten dollars, which sum shall be paid on recommendation of the governor out of the state treasury upon a warrant from the comptroller.

When parents or guardians shall defray part of expense.

11. *And be it enacted*, That whenever the governor, or person administering the government, shall be satisfied that the resources of any person applying for the benefit of this act, or those of his or her parents or guardians are sufficient to defray a part of the expense of instructing such person,

but not sufficient to defray the whole expense, then the governor, or person administering the government aforesaid, may cause to be paid such proportion as to him may seem just and equitable, of the annual expense of educating such person.

12. *And be it enacted*, That all acts heretofore passed, and the several supplements thereto, in reference to the maintenance, support and instruction of the deaf and dumb, blind, and feeble minded persons, inhabitants of this state, be and the same are hereby repealed. Repealer.

13. *And be it enacted*, That this act shall go into effect immediately.

Approved March 12, 1873.

CHAPTER CCXI.

An Act to give the consent of the State to the purchase by the United States of certain land at Red Bank, Gloucester county, for the erection thereon of Forts and other needful buildings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the consent of the state be and the same is hereby given to the purchase by the United States, for the purpose of erecting thereon forts and other needful buildings, of a certain tract of land, containing one hundred acres, more or less, situated at Red Bank, on the east bank of the Delaware river, in the township of West Deptford, and county of Gloucester, in said state; being the same premises described by metes and bounds in a deed of conveyance of the same to the United States of America by Benjamin P. Heritage and Margaret his wife, dated May sixteenth, one thousand eight hundred and seventy-two, and recorded in the clerk's office of said county, at Woodbury, in book "N five" of deeds, pages two hundred and nineteen, and so forth. Consent of the state to purchase of land by the United States.

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

Approved March 12, 1873.

CHAPTER CCXII.

A Further Supplement to the act entitled "An Act respecting the Court of Chancery," approved April sixteenth, one thousand eight hundred and forty-six.

Fees for searches allowed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful, in any action in the court of chancery, for the foreclosure of any mortgage, for the clerk to tax, as a part of the taxable costs, in favor of any party to said action, any and all such legal fees and charges as may have been actually paid or incurred by said party in obtaining official certificates of search in any of the courts or public offices of this state, against or in relation to the title of the mortgaged premises; Proviso. *provided however*, that the master of said court to whom it shall be referred to ascertain the amount due upon said mortgage shall, in his report, also certify that, in his opinion, such certificates of search are necessary for the proper foreclosure of said mortgage.

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

Approved March 12, 1873.

CHAPTER CCXIII.

A Supplement to an act entitled, "An Act relative to the Private Secretary of the Governor," approved March twentieth, one thousand eight hundred and sixty-six.

Salary

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the person appointed and commissioned as private secretary of the governor of this

state, in accordance with the provisions of the act to which this is a supplement, shall be entitled to receive a salary of two thousand dollars per annum, to date from January sixteenth, one thousand eight hundred and seventy-three, the same to be paid by the treasurer of the state upon the warrant of the comptroller.

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

Approved March 13, 1873.

CHAPTER CCXIV.

A Further Supplement to the act entitled, "An Act relative to Commissioners for taking the Acknowledgment and Proof of Deeds," approved April fifteenth, eighteen hundred and forty-six.

Commissioners in other states having a domicil not incompatible.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That commissioners for taking the acknowledgment and proof of deeds in other states whose usual and ordinary place of business is within the limits of such other state, shall be deemed and taken to be a resident of such other state for all the purposes of such appointment, and that a domicil within this state of any person holding such office, and whose usual business is in such other state, shall not be deemed or taken to be incompatible with appointment to or exercise of such office.

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

Approved March 13, 1873.

CHAPTER CCXV.

An Act to regulate the Commissions of Brokers and Real Estate Agents in the sale of land.

Rate of commissions for selling to be in writing.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no broker or real estate agent, selling land on account of the owner, shall be entitled to receive any commission for the sale or exchange of any real estate, except the authority for selling is in writing and signed by the owner or his authorized agent, and the rate of commission on the dollar shall have been stated in such authority.

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

Approved March 13, 1873.

CHAPTER CCXVI.

An Act for the appointment of Commissioners to examine into the condition of the Deaf and Dumb, Blind and Feeble-minded Inhabitants of this State.

Governor to appoint five commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor be and is hereby authorized to appoint five citizens of this state as commissioners to examine into the condition of the deaf and dumb, blind and feeble-minded persons, inhabitants of this state; said commissioners to report to the governor as soon as practicable, and that the governor deliver the said report to the next legislature for their action.

Commissioners to report to the governor.

2. *And be it enacted*, That the said commissioners shall report to the governor the whole number of such deaf and dumb, blind and feeble-minded persons in this state, and

shall examine into the feasibility of building an asylum or asylums for such persons, and said commissioners shall receive no compensation whatever, but the actual expenses incurred by them shall be paid by this state upon the approval of the governor.

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

Approved March 13, 1873.

CHAPTER CCLIX.

A Supplement to the act entitled "An Act to regulate the practice of the Courts of Law," approved April fifteenth, one thousand eight hundred and forty-six.

Notice of appeal by private corporation, how made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any and every case where proceedings have been or shall be taken by any private corporation authorized to exercise or use the right or power of eminent domain, to exercise or employ that right or power to acquire any lands, tenements, hereditaments, real estate, or any other property for the use of such corporation, and an appeal has been or shall be taken from the award of commissioners, and notice is required by the charter of such corporation to be given of the presentation of the petition or of the making of the application to the appellate court to enter an appeal, five days' notice of the presentation of such appeal, or of the making of such application, served upon the opposite party, in case of an individual, personally, or left at his or her usual place of abode, or in case of a corporation, by delivering the same to the president, secretary or treasurer thereof, personally, or leaving the same at the principal office of the company with some person employed in said office, shall be sufficient notice and sufficient service thereof.

2 *And be it enacted*, That any and every part of any public or special act contrary to the provisions of this act, be and the same is hereby repealed.

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

Approved March 14, 1873.

CHAPTER CCLX.

An Act to regulate the practice of Dentistry, and to protect the people against Empiricism in relation thereto, in the State of New Jersey.

The practice of dentistry, when unlawful.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall be unlawful for any person to engage in the practice of dentistry in the state of New Jersey, unless said person has graduated and received a diploma from the faculty of a dental college, chartered under the authority of some one of the United States or foreign governments, or shall have obtained a certificate from a board of dentists, duly authorized and appointed by this act, to issue such certificates.

Board of examiners.

2. *And be it enacted*, That the board of examiners shall consist of five practitioners of dentistry, who are members in good standing, of the New Jersey State Dental Society;

Proviso.

provided, that said practitioners have been practicing in the state of New Jersey for a term of not less than three years; said board shall be elected by the New Jersey State Dental Society, to serve for one year; the president of said New Jersey State Dental Society shall have power to fill all vacancies in said board for unexpired terms.

Meetings of the board.

3. *And be it enacted*, That it shall be the duty of this board, first to meet annually at the time of meeting of the New Jersey State Dental Society, or oftener, at the call of any three of the members of said board; thirty days' notice must be given of the annual meetings; secondly, to prescribe a course of reading for those who study dentistry under private instruction; thirdly, to grant a certificate to all applicants who undergo a satisfactory examination; fourthly, to keep a book in which shall be registered the names of all

Notice of must be given of annual meetings.

persons having certificates to practice dentistry in the state of New Jersey, after the passage of this act.

Book of record to be evidence.

4. *And be it enacted*, That the book so kept, shall be a book of record; and a transcript from it, certified to by the officer who has it in keeping, with the common seal, shall be evidence in any court in the state.

Quorum.

5. *And be it enacted*, That three members of said board shall constitute a quorum for the transaction of business, and should a quorum not be present on the day appointed for their meeting, those present may adjourn from day to day until a quorum is present.

Penalty for violation.

6. *And be it enacted*, That any person who shall, in violation of this act, practice dentistry in the state of New Jersey for a fee or reward, shall be liable to indictment, and on conviction, shall be fined not less than fifty, or more than three hundred dollars; *provided*, that nothing in this act shall be construed to prevent any person from extracting teeth; *and provided further*, that none of the provisions of this act shall apply to regular licensed physicians and surgeons.

Proviso.

Proviso.

Defendant to show authority to exempt himself.

7. *And be it enacted*, That on trial of such indictment it shall be incumbent on the defendant to show that he has authority, under the law, to practice dentistry to exempt himself from such penalty.

Fines, how disposed of.

8. *And be it enacted*, That one half of all fines collected shall inure to the informer and the other half to the educational fund of the county.

Not to affect persons now engaged in practice.

9. *And be it enacted*, That nothing in this act shall apply to persons who shall be engaged in the practice of dentistry in this state at the time of the passage of this act.

Fee for certificate.

10. *And be it enacted*, That to provide a fund to carry out the provisions of the third section of this act, it shall be the duty of the board of examiners to collect from all who receive the certificate to practice dentistry, the sum of thirty dollars each, of which sum, if there be any remaining after liquidating necessary expenses, the balance shall be paid into the treasury of the said New Jersey State Dental Society, to be kept as a fund for the more perfect carrying out of the provisions of this act; and the board of examiners for their remuneration, shall receive from the above fund ten dollars per day for each day of actual service.

Fees of examiners.

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

Approved March 14, 1873.

CHAPTER CCLXI.

A Supplement to "An Act making an Appropriation to furnish the Legislature with a Digest of the Laws of this State," approved April fourth, one thousand eight hundred and seventy-two.

Provisions extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement be and the same are hereby extended to each member and officer of the senate and general assembly of the ninety-seventh legislature of New Jersey.

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

Approved March 14, 1873.

CHAPTER CCLXIX.

A Further Supplement to an act entitled "An Act for the instruction of Indigent Deaf and Dumb Persons, inhabitants of this State," approved April tenth, one thousand eight hundred and forty-six.

Appropriation for loss sustained by Pennsylvania Institution for deaf and dumb.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That the sum of nine hundred and forty-two dollars and twenty-five cents be, and the same is hereby appropriated for the purpose of re-payment to the Pennsylvania Institution for the deaf and dumb, the amount of loss actually sustained by that institution in supporting and educating pupils from this state, during the years one thousand eight hundred and sixty-six, one thousand eight hundred and sixty-seven, one thousand eight hundred and

sixty-eight, one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy; and the state treasurer is directed to pay, upon the warrant of the comptroller, the said amount to the officers of said institution.

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

Approved March 18, 1873.

CHAPTER CCCXI.

A Supplement to an act entitled, "An Act to incorporate The New Jersey Society for the Prevention of Cruelty to Animals," approved April third, one thousand eight hundred and sixty-eight.

Special agents may be appointed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the president of the New Jersey Society for the Prevention of Cruelty to Animals, may from time to time, and at such times as he shall deem proper, appoint in the several counties of this state, as many persons as he shall deem fit, to be "special agents" of said society, which persons so appointed may organize in the county where they reside, district societies, for the purpose of the enforcement of all laws, which are now or may hereafter be enacted for the protection of dumb animals.

District societies may elect officers and agents.

2. *And be it enacted*, That the said district societies shall have power to elect officers and agents for carrying on the business of the same; to establish such by-laws and regulations as shall seem necessary and expedient for their government, and to elect members of the same, which members immediately on election, shall become eligible for the position of "special agents" of the New Jersey Society for the Prevention of Cruelty to Animals, and may be appointed as such by the president of the said district society if he thinks fit.

May have common seal.

3. *And be it enacted*, That said district societies may make and use a common seal, and alter the same at pleasure, (which seal may be the same as that of the New Jersey

Society for the Prevention of Cruelty to Animals), and that all suits at law or in equity, to be brought by, or against said district society shall be in the name of "The New Jersey Society for the Prevention of Cruelty to Animals;"

Proviso. *provided nevertheless*, that where in any case a suit shall be brought against the said "The New Jersey Society for the Prevention of Cruelty to Animals," wherein the cause of action relates only to a district society, then and in such case the judgment or decree obtained in such suit shall bind only the property of such district society.

May purchase and hold real estate.

4. *And be it enacted*, That said district societies may purchase and hold real estate in the counties where they are organized, not exceeding in value at any one time, the sum of ten thousand dollars; but The New Jersey Society for the Prevention of Cruelty to Animals and said district societies may take by devise or gift any and all real estate which is or may be devised or given to them without regard to value; the title however to all such real estate to be taken in the name of "The New Jersey Society for the Prevention of Cruelty to Animals," to its own proper use or as trustee for said district society, according to the will of the testator; but the disposition of the same in the latter case, to be under the control of the president of said district society.

Fines and penalties, how disposed of.

5. *And be it enacted*, That of all fines, penalties and moneys imposed and collected under the provisions of any act of this state for the prevention of cruelty to animals, or for the protection of dumb animals and not specially provided for in said act, one-half shall be paid by the justice, or by the clerk or other officer of the court receiving the same, to the informer, complainant or prosecutor, and the other half to the district society for the prevention of cruelty to animals of the county where the same were imposed and collected if one is in existence in that county, and if not, then to "The New Jersey Society for the Prevention of Cruelty to Animals," to be used by said society in aid of the benevolent purposes for which it was incorporated.

District societies heretofore organized may proceed by virtue of this act.

6. *And be it enacted*, That wherever in any county of this state any district society may have been organized before the passage of this act, such district society, provided the same be consistent with the provisions of this act, shall be taken and considered as if organized by virtue of this act, and may proceed thereunder without organization.

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

Approved March 21, 1873.

CHAPTER CCCXII.

A Supplement to the act entitled "An Act Concerning Taxes," approved April fourteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the collector of taxes in any township, borough, town or ward in this state shall furnish a correct copy, in writing, under oath or affirmation, of the duplicate or transcript of the assessment of taxes and the tax warrant or warrants in his hands or possession to the committee of township or common council of the town or borough whereof he is collector, when required by a resolution of said committee or council, within five days after a copy of such resolution in writing, attested by the clerk of the township, town or borough shall be served on him. Collector to furnish copy of duplicate of assessment when required.

2. *And be it enacted*, That but one copy as aforesaid shall be required of said collector during his term of office. One copy only to be required.

3. *And be it enacted*, That in case of the wilful neglect or refusal of said collector to furnish a copy as aforesaid, he shall forfeit to the said township, borough or town, the sum of fifty dollars, to be recovered by said township, borough or town, in an action of debt in the corporate name of said township, borough or town, for every five days he shall so neglect or refuse. Penalty for neglect or refusal.

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

Approved March 21, 1873.

CHAPTER CCCXIII.

A Supplement to an act for the preservation of Deer and other Game, approved April sixteenth, one thousand eight hundred and forty-six.

Preamble. WHEREAS, many irresponsible persons are trespassing with guns on lands not their own, doing much damage to stone fences, and so forth, in search of game, for which the owners have no redress on account of the action now being debt; therefore,

Declared to be actions of trespass. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter all actions brought under the first section of the act for the preservation of deer and other game, and to prevent trespassing with guns, approved April sixteenth, one thousand eight hundred and forty-six, shall be actions of trespass.

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

Approved March 21, 1873.

CHAPTER CCCXIV.

A Supplement to the act entitled, "An Act to establish a System of Public Instruction," approved March twenty-first, one thousand eight hundred and sixty-seven.

Bonds of school districts to be a lien upon the personal property of inhabitants of said districts. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the bonds of the several school districts of this state, heretofore or hereafter legally issued for the purpose of building school houses, shall be a lien upon the real and personal estates of the inhabitants of the said districts, as well as the property of the said districts; and the property of the inhabitants as well as the

property of the districts, shall be liable for the payment of the same; *provided*, such bonds are seven per centum bonds, and the interest is payable semi-annually, and coupons shall be attached thereto; and that in all cases copies of all papers and proceedings authorizing the issuing of such bonds shall be submitted to the attorney general for his approval of the legality of the same, who shall receive such compensation for the examination of the same as shall be fixed by the trustees for the support of public schools, which sum shall be paid by the districts seeking such loan. Proviso.

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

Approved March 21, 1873.

CHAPTER CCCXXXIII.

An Act for an Appropriation for the support and maintenance of the Soldiers' Children Home.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the appropriation for the support of the Soldiers' Children's Home, directed by the act approved April first, one thousand eight hundred and sixty-nine, the sum of eight thousand dollars is hereby appropriated for the object designated by the title of this act, to be expended under the direction of the managers of said home, and the treasurer of the state is hereby directed to pay to the treasurer of the said Soldiers' Children's Home, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, the said sum of money for the purposes aforesaid. Amount of appropriation.

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

Approved March 25, 1873.

CHAPTER CCCXXXIV.

An Act to defray the cost of a Portrait of Washington.

Preamble. WHEREAS, on the thirteenth day of March, anno domini, one thousand eight hundred and seventy-two, the following resolution was adopted by the house of assembly, "*Resolved*, that a committee of three be appointed to select and purchase a suitable portrait of General George Washington, to be placed in this hall over the door of the speaker's room;" *and whereas*, the said picture has been procured and placed as directed; therefore,

Amount of appropriation. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of four hundred and fifty dollars be and the same is hereby appropriated to defray the cost of procuring a copy, by Thomas Hicks, of Stuart's painting of Washington, and the comptroller is hereby authorized to draw his warrant for the said amount for the purpose named, upon the presentation of proper vouchers.

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

Approved March 25, 1873.

CHAPTER CCCXXXV.

An Act for the support of the State Reform School for Boys.

Appropriation for school. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of twenty thousand dollars is hereby appropriated for the maintenance and support of the Reform School for Boys.

2. *And be it enacted*, That the sum of ten thousand dollars is hereby appropriated for the erection and furnishing of a new family house, and for grading and planting the grounds. Appropriation for family house.

3. *And be it enacted*, That the treasurer of the state is hereby directed to pay to the trustees of the school the aforesaid sums on the warrant of the comptroller. To be paid on warrant of the comptroller.

Approved March 25, 1873.

CHAPTER CCCXXXVI.

A Supplement to an act entitled "An Act to establish a System of Public Instruction," approved March twenty-first, one thousand eight hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter no person shall be eligible to the office of school trustee unless he or she can read or write; and women who are residents in the district and over the age of twenty-one years shall also be eligible to the office of school trustee, and may hold such office and perform the duties of the same when duly elected by the legal voters of the district. Women shall be eligible to the office of school trustee.

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

Approved March 25, 1873.

CHAPTER CCCLIX.

A Further Supplement to the Act Respecting Conveyances, approved April fifteenth, one thousand eight hundred and forty-six.

WHEREAS, before the act setting off the county of Hudson from the county of Bergen took effect, certain conveyances of lands lying in that part of Bergen afterwards Preamble.

included in Hudson, were made and delivered, but were not recorded until after the above mentioned act took effect, and were then recorded in the record of deeds for Bergen county, and while the record remains, the deeds are lost; for remedy whereof,

Records of deeds in Bergen county may be transcribed into the record of deeds in Hudson county in certain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any case where a deed of conveyance of lands, tenements or hereditaments, lying and being within the county of Bergen, as it existed before the erection of the county of Hudson, has been recorded in the office of the clerk or register of deeds, in the said county of Bergen, when it ought at the date of its record to have been recorded in the county of Hudson, and the original deed has been lost, it shall be lawful for any person having an interest in such lands, to cause such record to be transcribed into the record of deeds of Hudson, and such transcribed record, or a copy thereof, certified by the said clerk or register, in whose office the said record is kept, shall be received in evidence in any court of this state, and be as good and effectual in law, as if the original deed or conveyance was produced or proved; *provided*, that every such deed shall be void and of no effect against a subsequent judgment creditor, bona fide purchaser or mortgagee for a valuable consideration not having notice thereof.

Proviso.

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

Approved March 26, 1873.

CHAPTER CCCLXI.

A 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.

Commissioners of fisheries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter there shall be three commissioners for the better protection of the fishing inter-

ests of this state, who shall hold their office for the term of five years respectively, and shall be invested with all the powers and duties imposed upon the original commissioners by the act to which this a supplement.

Appointment of subsequent commissioners.

2. *And be it enacted*, That the term of the first commissioners appointed under this act shall commence on the day when this act takes effect, and that the first commissioners shall be composed of the commissioners already appointed under the act to which this is a supplement, together with one to be appointed by the governor of this state, by and with the advice and consent of the senate; and that all subsequent commissioners shall be appointed by the governor, by and with the advice and consent of the senate; and that all vacancies shall be filled in the same manner and for the unexpired term of the commissioner whose office may become vacant.

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

Approved March 26, 1873.

CHAPTER CCCLXII.

A Further Supplement to an act entitled "An Act to make Taxes a Lien on Real Estate and to authorize Sales for the payment of the same," approved March seventeenth, one thousand eight hundred and fifty-four.

Real estate of persons in this state may be sold for taxes in the same manner as if residing out of this state

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the real estate of any person or persons residing in this state, or of any corporation of this state, may be sold for taxes in the same manner as real estate of persons residing out of this state, or foreign corporations located outside of the county in which the land is located is now sold for taxes.

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

Approved March 26, 1873.

CHAPTER CCCLXIII.

An Act for Refunding Certain Taxes.

Preamble. WHEREAS, it appears by the books of the treasurer of this state that Samuel R. Smith, The Alexandria Bridge Company, The Newark Patent Hat Body Company, and twelve other corporations, have respectively paid several sums of money as taxes in the years one thousand eight hundred and sixty-nine, and one thousand eight hundred and seventy, under the law of this state, entitled "An act to increase the revenues of this state," approved March thirty-first, anno domini one thousand eight hundred and sixty-nine; *and whereas*, the provisions of said act were practically inoperative, and could not be carried out according to the intent thereof, the sum of seven hundred and thirty-seven dollars and six cents only having been paid under the provisions of said law; and the further payment thereunder wholly ceased; and as grave doubts were entertained of the constitutionality of said law, the same was repealed on the third day of April, anno domini one thousand eight hundred and seventy-two; and it being manifestly unjust that the amounts so as above paid should be retained, while the great body of corporations have paid nothing under said law; in remedy whereof,

Treasurer of the state directed to pay certain sums of money paid as taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby empowered and directed to pay to each of the corporations and persons, or to their representatives or assigns, the sums of money by them paid respectively as taxes under the act referred to in the preamble to this act, in the years one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, as shown by the books of the treasurer of this state.

2. *And be it enacted*, That this law shall be a public act, and shall have immediate effect.

Approved March 26, 1873.

CHAPTER CCCLXIV.

A Further Supplement to "An Act to Regulate the Practice of the Courts of Law."

Supreme court and court of errors may make order for payment of costs of printing, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supreme court and the court of errors and appeals, shall have power by general rule or by a special rule in any case pending in said courts, to make such order for the payment of the cost of printing and other disbursements not provided for in "An act to regulate fees," and the supplements thereto, by either party, and the taxation and allowance thereof in the bill of costs, as said courts may deem just.

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

Approved March 26, 1873.

CHAPTER CCCLXV.

A Further Supplement to the act entitled "An Act Appropriating Scrip for the Public Lands granted to the State of New Jersey by the act of Congress, approved July second, one thousand eight hundred and sixty-two," approved April fourth, one thousand eight hundred and sixty-four.

Term of office of visitors to agricultural college.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the term of office of members of the board of visitors to the Agricultural College of New Jersey shall hereafter be two years; *provided*, that this

Proviso.

provision shall not apply to members appointed previous to the passage of this supplement.

Personal expenses of members of board of visitors to be paid out of state treasury.

2. *And be it enacted*, That the actual personal expenses of members of the board of visitors, incurred in the discharge of the duties imposed upon them by the act to which this is a supplement, shall be audited by the comptroller and paid by the treasurer of the state, out of any moneys unappropriated, on the certificate of the president and secretary of the board.

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

Approved March 26, 1873.

CHAPTER CCCLXVI.

A Supplement to an act entitled "An Act to Provide Additional Accommodation for the Insane of this State," approved March thirty-first, one thousand eight hundred and seventy-one.

Sale of liquors prohibited.

1. BE IT ENACTED *by the Senate and General Assembly of State of New Jersey*, That from and after the passage of this act it shall not be lawful for any person or persons to sell or expose for sale, or cause or knowingly permit to be sold or exposed for sale, directly or indirectly, any spirituous, malt, vinous, or intoxicating liquors or beverages, or any composition of which such liquors or beverages, or any of them shall form the chief ingredient, on any lands or place lying and being within two miles of the boundary of the grounds owned by the state in the county of Morris, for the accommodation of the insane; and any person so offending shall be deemed guilty of a misdemeanor and on conviction, shall for the first offence, be fined not less than fifty nor more than two hundred and fifty dollars, together with the costs of prosecution, or imprisoned in the county jail for not less than ten nor more than thirty days, or by both such fine and imprisonment, and for each subsequent offence not less than one hundred dollars and imprisonment for not less than

Penalty for selling.

twenty days in said jail; *provided, however*, that this act shall not apply to any lands or places which are now within the corporate limits of the town of Morristown. Proviso.

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

Approved March 26, 1873.

CHAPTER CCCLXVII.

An Act Providing for the Erection of Buildings for the State Industrial School for Girls.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That to enable the trustees of the State Industrial School for Girls to erect suitable buildings for the institution, furnish the same, and for the maintenance of the family, the sum of thirty-five thousand dollars is hereby appropriated, which the treasurer is directed to pay on the warrant of the comptroller. Amount of appropriation.

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

Approved March 26, 1873.

CHAPTER CCCLXVIII.

An Act to Regulate the Price of Freights upon Railroads and Canals.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall not be lawful for any railroad or canal company doing business in this state, to charge or receive any greater sum of money for freight upon goods, wares or merchandize transported between way stations, or between a terminal station and a Freight on goods transported between way stations.

way station, than they charge and receive for freight upon such goods, wares, and merchandize between the terminal station of such railroad or canal.

Approved March 26, 1873.

CHAPTER CCCLXIX.

A Further Supplement to the act entitled "An Act Concerning Idiots and Lunatics."

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "A Further Supplement to an act entitled 'An Act concerning idiots and lunatics,'" approved February twenty-second, in the year of our Lord one thousand eight hundred and seventy, be and the same is hereby repealed.

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

Approved March 26, 1873.

CHAPTER CCCLXX.

A Further Supplement to the act entitled "An Act Respecting the Court of Chancery."

Proceedings when christian name of married woman cannot be ascertained.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any suit hereafter to be commenced in the court of chancery, wherein it shall be thought necessary or proper to make any married woman a party, and it shall appear by the affidavit of the complainant, his or her solicitor, annexed to the bill of complaint, and filed therewith, that notwithstanding due inquiry has been made therefor, the christian name of such married woman cannot be ascertained; it shall and may be lawful

and sufficient to designate any such married woman by the name of her husband with "Mrs." prefixed thereto.

Married woman may appear and plead, &c.

2. *And be it enacted*, That it shall and may be lawful for any married woman so designated in any suit, to appear and plead, answer or demur, either by the name by which she shall have been made a party, or by her own christian name, but if by the latter, she shall also state the name by which she was made a party.

Proceedings to be valid and binding.

3. *And be it enacted*, That any and all proceedings had or taken in any suit against any married woman, who shall have been made a party as aforesaid, shall be as valid, binding, and conclusive in all respects as they would have been had she been made a party by her own christian name.

Proceedings in case of final decree in favor of defendant or defendants.

4. *And be it enacted*, That whenever a final decree shall be made in favor of the defendant or defendants, in any cause affecting the title to any lands and real estate, notice of the pendency of which has been filed in the office of any county clerk or clerks, it shall be the duty of the said clerk or clerks, to enter upon the margin of the record of such notice, a statement of the substance of such decree, upon a copy thereof, certified under the seal of the court of chancery, being filed in his office, and thereafter the lands and real estate mentioned in the said notice shall be and remain discharged of all equities set up in the bill of complaint in said suit, notwithstanding the said suit be thereafter revived.

Proceedings in case the chancellor orders the lands and real estate to be discharged.

5. *And be it enacted*, That in all suits instituted in the court of chancery for the enforcement of any claim for the payment of money upon any lands and real estate, except for the foreclosure of a mortgage, and notice of the pendency of which shall be filed in the office of any county clerk or clerks, it shall be lawful for the chancellor, and he is hereby empowered to make an order discharging the said lands and real estate from such claim, upon the defendant or defendants giving sufficient and satisfactory security, in such sum and manner as the chancellor may direct, for the payment of such sum or sums of money as may by the final determination of the said cause, be ascertained to be chargeable upon the said lands and real estate, and upon filing a copy of the said order, certified under the seal of the court of chancery with the said county clerk or clerks, he or they shall make entry of said discharge, by reason of said order, on the margin of the record of said notice, and the said lands and

real estate shall be thereafter discharged from any claim which may be made in the said suit, except such as may be covered by the security given for the payment of such claim.

Fee of county clerk.

6. *And be it enacted*, That the county clerk shall be entitled to receive the sum of fifty cents for each service required by the two preceding sections.

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

Approved March 26, 1873.

CHAPTER CCCLXXI.

A Supplement to an act entitled "An Act to provide building sites for Life Saving Stations on the coast of New Jersey," approved February twenty-eighth, one thousand eight hundred and seventy-two."

Preamble.

WHEREAS, the congress of the United States has made appropriations for the building of light houses and other buildings needed for light house purposes on the coast of New Jersey, and as it is deemed important and necessary that the people of this state should secure to the United States such sites as the honorable, the secretary of the treasury may have selected, or may from time to time select for the erection of light houses and other buildings needed for light house purposes; therefore,

Provisions of original act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement be and the same are hereby extended to the procuring of title to any land selected by the honorable, the secretary of the treasury, or his agents, for light house purposes, but not to exceed five acres of land at any one point on the New Jersey coast.

Governor to make conveyances under the great seal of the state.

2. *And be it enacted*, That the governor of this state is hereby authorized and required to convey the said land or sites to the United States by good and sufficient conveyances, and under the great seal of the state, for the purposes of building a light house and other buildings needed for

light house purposes thereon, and for no other purpose, the United States repaying to the treasurer of this state whatever moneys the state of New Jersey may have incurred or expended in obtaining the title to the same.

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

Approved March 26, 1873.

CHAPTER CCCLXXII.

A Further Supplement to an act entitled "An Act to secure to Mechanics and others Payment for their Labor and Materials in erecting any Building," approved March eleventh, one thousand eight hundred and fifty-three.

Proceedings when two or more buildings are built and constructed by the same person or persons.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any person or persons shall hereafter furnish any materials or perform any labor, for the erection and construction of two or more buildings, where such buildings are built and constructed by the same person or persons, it shall be lawful for the person or persons so furnishing such materials, or performing such labor, to divide and apportion the same among the said buildings, in proportion to the value of the materials furnished to, and the labor performed for each of said buildings, and to file with his, her or their lien claim therefor, a statement of the amount so apportioned to each building, in lieu of the bill of particulars required by the sixth section of the act to which this is a supplement, which said lien claim when so filed may be enforced under the provisions of the act to which this is a supplement in the same manner as if said materials had been furnished and labor performed for each of said buildings separately; and if the person or persons who shall have furnished such materials or performed such labor, shall have released his or their lien claim against any one or more of such buildings, or if any one or more of such buildings shall have been built and constructed under a contract in writing duly

filed, pursuant to the act to which this is a supplement, such release or such filing of a contract shall not affect or impair the lien or claim of such person or persons against the building or buildings not so released, or not so built and constructed by contract, nor the lots or curtilages whereon the same are erected.

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

Approved March 26, 1873.

CHAPTER CCCLXXIII.

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.

Amount of appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the appropriation for the support of the Home for Disabled Soldiers now authorized by law, the further sum of twenty-five thousand dollars is hereby appropriated for the object contemplated in the act to which this is a supplement, and the further sum of twelve hundred dollars for the purpose of purchasing a burial place for the beneficiaries of said home.

Money to be expended under the direction of the managers.

2. *And be it enacted*, That the above sums shall be expended under the direction of the managers of said home, who are also hereby authorized to purchase said burial place; and the treasurer of the state is hereby authorized to pay to the treasurer of the said home on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, the said sums of money for the purpose aforesaid.

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

Approved March 27, 1873.

CHAPTER CCCLXXIV.

A Further Supplement to an act entitled "An Act relative to Commissioners for taking the Acknowledgments and Proofs of Deeds," approved April fifteenth, one thousand eight hundred and forty six.

Acknowledgments made before a commissioner of deeds to have the same effect as if made before a justice of the supreme court.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all acknowledgments or proofs of deeds or conveyances or of any instruments in writing, required by the laws of this state to be acknowledged or proved, and which have been or shall be acknowledged or proved before a commissioner of deeds for any county in this state, shall have the same construction and effect and be as good and available in law, whether the lands, tenements and hereditaments in said instruments expressed be situate in said county or elsewhere in this state, as if such acknowledgments or proofs had been or shall be made before one of the justices of the supreme court of this state.

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

Approved March 27, 1873.

CHAPTER CCCLXXV.

A Supplement to an act entitled "An Act authorizing Commissions and the taking of Depositions," approved April fifteenth, one thousand eight hundred and forty-six.

Provisions of original act, &c., enlarged and extended

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is a supplement, and the first section of the supplement to said act, which said supplement was approved March seventeenth, one thousand eight hundred and sixty-

two, be enlarged so as to be extended to and apply to any subject matter arising in said court of chancery or in the supreme court, or in any circuit court, court of common pleas, or orphans' court, whereby the testimony of witnesses may be required as the basis of any judicial action or order, lawful to be made in any of said courts by virtue of any statute, law or custom of this state.

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

Approved March 27, 1873.

CHAPTER CCCLXXVI.

A Supplement to an act entitled "An Act to incorporate the Soldiers' Children's Home."

Preamble. WHEREAS, the boys in the "Soldiers' Children's Home" of New Jersey are required to leave the institution when they arrive at the age of fifteen years, some of whom are prepared to enter the United States Naval School at Annapolis; *and whereas*, their appointment to such a desirable position has been proffered and may be obtained from those who have the right of nomination, provided the outfit and expenses necessary to be incurred, can be defrayed; therefore,

Outfit and expenses to be paid by the state. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby authorized and required to pay to the treasurer of the "Soldiers' Children's Home" the sum necessary for the outfit and traveling expenses of such boys as have been inmates of that institution, not to exceed two in any one year, upon their nomination to the United States Naval

Proviso. School at Annapolis; *provided*, the same shall not exceed the sum of two hundred and fifty dollars each.

2. *And be it enacted*, That this act shall have immediate effect.

Approved March 27, 1873.

CHAPTER CCCLXXVII.

A Supplement to an act entitled "A Further Supplement to an act entitled 'An Act for the Preservation of Deer and other Game, and to prevent trespassing with Guns,'" approved the sixteenth day of April, one thousand eight hundred and forty-six, which supplement was approved March fourteenth, one thousand eight hundred and seventy.

Penalties for hunting and killing deer during certain periods.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person or persons shall kill, destroy, hunt, or take any doe, buck, fawn, or any sort of deer whatsoever, at any other time or season, except only between the last day of October and the first day of December yearly and every year, such person or persons so offending shall be subject to the forfeitures and penalty mentioned in the first and second sections of the act to which this is a supplement.

May be punished by fine or imprisonment, or both.

2. *And be it enacted*, That any person or persons who shall hereafter willfully kill, destroy, hunt, or take any doe, buck, fawn, or any sort of deer whatsoever, at any other time or season, except only between the last day of October and the first day of December yearly and every year, such person or persons so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of fifty dollars and costs, or imprisonment in the county jail, not exceeding six months, or both, at the discretion of the court.

Repealer.

3. *And be it enacted*, That this act shall be in force, and apply to the counties forming the first and second congressional districts, and that so much of the first and second sections of the act to which this is a supplement, as is inconsistent with the provisions of this act, be and the same is hereby repealed.

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

Approved March 27, 1873.

CHAPTER CCCCVII.

A Supplement to an act entitled "An Act to authorize the Establishment, and to Prescribe the Duties of Companies for Manufacturing and other Purposes," approved March second, one thousand eight hundred and forty-nine.

Preamble.

WHEREAS, by the laws of this state, corporations are authorized to carry on a portion of their business out of this state, and such general provision is embraced in the laws of other states, granting such powers; *and whereas*, doubts have arisen as to whether foreign corporations can hold, mortgage and convey lands in this state; therefore,

Foreign corporations authorized to hold and convey real estate in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for foreign corporations, authorized by the laws of the state where they are organized, to carry on a portion of their business out of the state where organized, to hold, mortgage, lease and convey such real estate in this state as may be necessary for the purpose of carrying on the business of such incorporations in this state, or such as it may acquire by way of mortgage or otherwise, in the payment of debts due to said foreign corporations; and any conveyances or mortgages to, or by such foreign corporations, of lands in this state, heretofore made, are hereby declared to be good and valid in this state, both in law and equity.

Subject to the provisions of the general act concerning corporations.

2. *And be it enacted*, That foreign corporations, doing business and holding lands in this state, shall be subject to all the provisions of this act, and the act entitled "An Act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, and the several supplements thereto, as far as the same may be made applicable to said foreign corporations holding lands and doing business in this state.

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

Approved March 28, 1873.

CHAPTER CCCCVIII.

An Act for the Suppression of the Trade in and Circulation of Obscene Literature, Illustrations, Advertisements and Articles of Indecent or Immoral Use, and of Obscene Advertisements of Patent Medicines, and Articles for Producing Abortion.

Penalty for selling, giving away, or offering to sell or give away, any obscene book, engraving, &c., or article of indecent or immoral use.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person shall sell or offer to sell, or shall give away or offer to give away any, or have in his or her possession with intent to sell or give away, or use any obscene or indecent book, pamphlet, paper, drawing, lithograph, engraving, daguerreotype, photograph, stereoscope, picture, model, cast, instrument, or article of indecent or immoral use, or article of medicine for the prevention of conception or procuring of abortion, or medicine or nostrum of any kind whatsoever known as periodical pills, drops, or mixtures of any name or nature, for the regulation of the menstrual function or female irregularities, or such as are claimed to act as an emmenagogue to relieve suppressed or interrupted menses, whether caused by pregnancy or not, or shall advertise the same for sale, or write or cause to be written, or print or cause to be printed, or publish or cause to be published, any circular, handbill, card, book, pamphlet, advertisement or notice of any kind, stating when, how, or of whom, or by what means any of the said indecent and obscene articles and things hereinbefore mentioned can be purchased or otherwise obtained, or shall print or publish, or cause to be printed or published, any advertisements intended or calculated to invite, aid, or conceal the commission of any act in violation of the laws of this state, or shall manufacture, draw and expose, or draw with intent to sell, or to have sold, or print, or publish any such articles, every such person shall, on conviction thereof, be imprisoned in the county jail not more than one year, or be fined not more than one thousand dollars for each offence,

New Jersey State Library

Fines, how disposed of.

one-third of said fine to be paid to the informer, upon whose evidence the person so offending shall be convicted, one-third to the school fund of the county in which such offence shall be committed, and the remaining third to the treasurer of the orphan asylum in said county, if there be one, or in equal portions to all of said asylums, if there be more than one, to be applied to the use and purposes of said asylum or asylums, and if there be no asylum or asylums, to the overseer of the poor of the county or township, to be applied to the benefit of the poor of said county or township, to the benefit of the poor of the county, if the poor are cared for by the county as a county; to the benefit of the poor of the township wherein the case of conviction arises, if the poor of the township are cared for by the township as a township.

Penalty for sending by mail, express, &c.

2. *And be it enacted*, That if any person shall deposit, or cause to be deposited in any post office within this state, or place in charge of any express company, or person connected therewith, or of any common carrier or other person, any of the obscene and indecent articles and things mentioned in the first section of this act, or any circular, handbill, card, advertisement, book, pamphlet, or notice of any kind, or shall give oral information stating where, how, or of whom such indecent and obscene articles or things can be purchased or otherwise obtained in any manner, with the intent of having the same conveyed by mail or express, or in any other manner; or if any person shall knowingly or willfully receive the same with intent to carry or convey, or shall carry or convey the same by express, or in any other manner, (except in the United States mail); every person so offending shall, on conviction thereof, be subject for each offence to the same fines and penalties as are prescribed in the said first section of this act for the offences therein set forth, and said fine shall be divided and paid in the same manner as therein provided.

Magistrates authorized to issue warrant.

3. *And be it enacted*, That all magistrates are authorized, on complaint founded on information and belief, supported by oath or affirmation, to issue a warrant, directed to the sheriff of the county within which such complaint shall be made, or to any constable, marshal or police officer within said county directing him, them, or any of them, to search for, seize, and take possession of such obscene and indecent books, papers, articles and things; and said magistrates

shall transmit, inclosed and under seal, specimens thereof to the district attorney of his county, and shall deposit within the county jail of his county, or such other secure place as to him shall seem meet, inclosed and under seal, the remainder thereof, and shall, upon the conviction of the person or persons offending under any of the provisions of this act, forthwith destroy, or cause to be destroyed, the remainder thereof so seized as aforesaid, and shall cause to be entered upon the records of his court the fact of such destruction.

Judge to charge grand jury at each term of court of offences in violation of this act.

4. *And be it enacted*, That it shall be the duty of the presiding judge of every court of sessions or oyer and terminer within this state, especially to charge the grand jury at each term of said court, to take notice of all offences committed in violation of any of the provisions of this act; and it shall be the duty of all overseers of the poor and treasurers of charities and schools to prosecute and recover the penalties in this act.

Act how construed in relation to physicians.

5. *And be it enacted*, That this act shall be deemed a public act, and take effect immediately; though nothing in it shall be so construed as to render it unlawful for a physician, authorized according to statute to practice medicine in this state, to keep on hand and to prescribe any medicine he may judge to be useful and proper.

Approved March 28, 1873.

CHAPTER CCCCX.

An Act to Repeal "A Supplement to an act entitled 'An Act Respecting the Orphans' Court and the Powers and Authority of Surrogates,'" approved April sixteenth, one thousand eight hundred and forty-six, which supplement was approved March thirteenth, one thousand eight hundred and seventy-two.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "A Supplement to an act entitled 'An act respecting the Orphans Court

and the powers and authority of surrogates,'" approved April sixteenth, one thousand eight hundred and forty-six, which supplement was approved March thirteenth, one thousand eight hundred and seventy-two, be and the same is hereby repealed.

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

Passed April 1, 1873.

CHAPTER CCCCXI.

An Act for the Prevention of Cruelty to Animals.

Penalty for cruelty to animals.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person who shall overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance, or unnecessarily or cruelly beat, or otherwise abuse or needlessly mutilate or kill, or who shall cause or procure to be over-driven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, or to be unnecessarily or cruelly beaten, or otherwise abused, or needlessly mutilated or killed any living animal or creature; and any person having the charge or custody of any living animal or creature, either as owner or otherwise, who inflicts unnecessary cruelty upon the same, or unnecessarily fails to provide the same with proper food, drink, shelter or protection from the weather shall be deemed guilty of a misdemeanor, and for every such offence shall on conviction thereof be punished by fine not exceeding two hundred and fifty dollars, or by imprisonment in the county jail not exceeding six months, or both, in the discretion of the court.

Penalty for keeping or being interested in any place kept for the purpose of fighting any bull, bear, dog, &c.

2. *And be it enacted*, That any person who shall keep or use, or in any way be connected with or interested in the management of, or who shall receive money, or other consideration for the admission of any person to any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock, bird, or other living animal or creature, and every person who shall be present and witness, encour-

age, aid or assist therein, or who shall permit or suffer any place owned or controlled by him to be so kept or used, shall be deemed guilty of a misdemeanor, and for every such offence, shall on conviction thereof be punished by fine not exceeding one thousand dollars, or by imprisonment at hard labor not exceeding two years, or both at the discretion of the court.

Agent, when deputized by the sheriff of any county, may make arrests violations of this act.

3. *And be it enacted*, That any agent of the New Jersey Society for the Prevention of Cruelty to Animals who has been especially deputized by the sheriff of any county in this state may enter any place, building or tenement where there is an exhibition of the fighting or baiting of any bull, bear, dog, cock, bird or other living animal or creature, or where preparations are being made for such an exhibition, and without warrant arrest all persons there present; and take possession of all bulls, bears, dogs, cocks, birds or other living animals or creatures engaged in fighting or there found, and also all implements or appliances used or to be used in such exhibition; such persons so arrested shall be taken before the nearest police magistrate, or justice of the peace, and proceeded against according to law.

Proceedings in case of seizure of any articles which may be forfeited and so .

4. *And be it enacted*, That the person so seizing such living animals, creatures, implements or appliances, shall within twenty-four hours after such seizure make application to a justice of the peace, to have the same forfeited and sold; which application shall be in writing and shall specify the articles seized, the place where they were seized, and state for what reason the same were seized; and the said justice shall thereupon cause a notice to be published in a newspaper circulating in the neighborhood of the place where such seizure was made for at least three times, if in a daily paper, or one time if in a weekly paper, stating that a seizure has been made, the names of the articles seized, the place where the same were seized and the reason for such seizure; and in such notice shall appoint a time and place, not less than five nor more than ten days from the date of such seizure, when and where all parties may be heard, and show cause why the application should not be granted, and if upon the hearing of such application it shall be found and adjudged that at the time of said seizure the same were engaged in said exhibition, or were owned, possessed or kept by any person with the intent that the same

should be so engaged, they shall be adjudged forfeited, and the said justice shall order the same sold in such manner as he shall deem proper, and after deducting the costs and expenses, shall pay one-half the proceeds of such sale to the District Society for the Prevention of Cruelty to Animals, if one is in existence in his county, and if not, then to the New Jersey Society for the Prevention of Cruelty to Animals, and the other half to the person making the seizure aforesaid; should it be found and adjudged that any such birds or animals are of no use or value, the same shall be set at liberty or disposed of as the justice may direct, but should the same be adjudged not forfeited they shall be returned to the owner, and the party making the seizure shall pay all the costs and expenses of the same.

Fees.

5. *And be it enacted*, That the justice of the peace for his services in the foregoing section named, shall be allowed the following and no other fees, to wit:

For drawing the application, per folio, fifteen cents;
For drawing the notice, per folio, fifteen cents;
For printing, (the fees now allowed by law to printers, to be paid to the printer by the said justice);
For the hearing, one dollar
For swearing each person, twenty-five cents
For making order in regard to forfeiture and sale, or other disposition of said articles, fifty cents;

and such other fees as are now allowed by law; and in addition the justice shall pay all expenses of the custody of said articles, and retain the same out of the proceeds of sale; or in case of no sale, cause the same to be paid by the party making the seizure.

Proceedings in case of arrest of person and seizure of vehicle and contents.

6. *And be it enacted*, That any person who shall carry or cause to be carried, in or upon any vehicle, or otherwise, any living animal or creature, in a cruel or inhuman manner, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished as is provided in section one of this act; and the person arresting such person shall take charge of such vehicle and its contents; and all necessary expenses which may be incurred for taking charge o , and keeping and sustaining the same, shall be a lien thereon, to be paid before the same can be lawfully redeemed; and if the same shall not be redeemed within ten days from the time the same is seized, then the person so seizing the same shall cause the same to be advertised to be sold, by adver-

tisements published in a newspaper circulating in the neighborhood in which the said seizure was made, for at least three times in a daily paper, or one time if in a weekly paper, stating the time and place of such sale, the articles to be sold, and the reason for selling the same; and at the time and place so appointed, he shall sell the same to the highest bidder, and out of the proceeds of said sale he shall pay all necessary expenses incurred, and the balance he shall pay to the owner or owners of said articles; and if the proceeds of said sale shall not be sufficient to pay such expenses, the balance may be recovered by the person seizing said articles, from the owner or owners thereof, in an action of debt, before any court of competent jurisdiction.

Penalty for using dogs for purpose of drawing cart, carriage, or other vehicle.

7. *And be it enacted*, That any person who shall hereafter use any dog or dogs for the purpose of drawing or helping to draw, any cart, carriage, truck, barrow, or other vehicle, for business or other purposes, shall forfeit and pay a fine of one dollar for the first offence, and ten dollars for each subsequent offence, such offender together with the dog or dogs, cart, carriage, truck, barrow, or other vehicle, shall be taken before a justice of the peace or police magistrate, who upon being satisfied, shall impose said fine, which said fine as soon as imposed shall have the force and effect of a judgment, and execution may be immediately issued thereon, and the articles so seized, levied upon, and sold to pay and satisfy the said fine together with the costs.

Impounded animals to have food and water.

8. *And be it enacted*, That any person who shall impound or confine, or cause to be impounded or confined in any pound or other place, any living animal or creature, shall supply to the same during such confinement a sufficient quantity of good and wholesome food and water, and in default thereof shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished as is provided in section one of this act.

Cost of food and water may be collected of owner or owners.

9. *And be it enacted*, That in case any living animal or creature shall be at any time impounded or confined as aforesaid, and shall continue to be without necessary food and water for more than twelve successive hours, it shall be lawful for any person from time to time, as often as shall be necessary, to enter into and upon any pound in which such living animal or creature shall be so impounded or confined, and to supply it with necessary food and water so long as it

shall remain so impounded or confined; such person shall not be liable to any action for such entry, and the actual cost of such food, water and bedding, together with twenty per centum additional, may be collected by such person of the owner or owners of such animal or creature, in an action of debt before any court of competent jurisdiction, and the said animal or creature shall not be exempt from levy and sale upon an execution issued upon a judgment therefor.

Penalty if any maimed, sick, infirm or disabled animal or creature shall be abandoned to die in any public place.

10. *And be it enacted*, That if any maimed, sick, infirm or disabled animal or creature shall be abandoned to die by any person in any public place, such person shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished as is provided in section one of this act; and it shall be lawful for any justice of the peace, or sheriff of the county, or agent of the New Jersey Society for the Prevention of Cruelty to Animals in this state, to appoint a suitable person to destroy such animal or creature if unfit for further use, or to advertise and sell the same in such manner as such justice of the peace, sheriff or agent shall direct, and to pay the proceeds, after deducting expenses, to the District Society for the Prevention of Cruelty to Animals, if one is in existence in the county, if not then to the New Jersey Society for the Prevention of Cruelty to Animals.

Justice of the peace may issue search warrant when complaint is made on oath or affirmation.

11. *And be it enacted*, That when complaint is made on oath or affirmation before any justice of the peace that the complainant believes and has reasonable cause to believe that the law in relation to cruelty to animals has been or is being violated in any particular building or place, such justice of the peace, if satisfied that there is reasonable cause for such belief, shall issue a search warrant, authorizing any sheriff, under sheriff, constable, police officer, or agent of the New Jersey Society for the Prevention of Cruelty to Animals to enter and search such building or place, but no such search shall be made between the hours of six o'clock in the afternoon and six o'clock in the morning, unless specially authorized by such justice of the peace upon satisfactory cause shown.

How to be construed.

12. *And be it enacted*, That nothing in this act contained shall be construed to prohibit or interfere with any properly conducted scientific experiments or investigations, which experiments or investigations shall be performed only under the authority of some regularly incorporated medical society of this state; nor shall the same be construed to prohibit or interfere with the killing or disposing of any animal or

creature by virtue of the order of any of the constituted authorities of this state.

13. *And be it enacted*. That any person or persons who shall overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance, or cruelly beat or otherwise abuse, or needlessly mutilate or kill, or who shall by their agents, servants, employees, or otherwise cause or procure to be overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, or to be unnecessarily or cruelly beaten or otherwise abused or needlessly mutilated and killed, any living animal or creature, and any person having the charge or custody of any living animal or creature either as owner or otherwise, who inflicts unnecessary cruelty upon the same, or unnecessarily fails to provide the same with proper food, drink, shelter or protection from the weather, and any person who shall keep or use, or in any way be connected with or interested in the management of, or who shall receive money or other consideration for the admission of any person to any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock, bird or other living animal or creature, and every person who shall be present and witness, encourage, aid or assist therein, or who shall permit or suffer any place owned or controlled by him to be so kept or used, and any person who shall carry or cause to be carried, in or upon any vehicle or otherwise, any living animal or creature in a cruel or inhuman manner, and any person who shall hereafter use any dog or dogs for the purpose of drawing or helping to draw any cart, carriage, truck, barrow or other vehicle, for business or other purposes, and any person who shall impound or confine, or cause to be impounded or confined in any pound or other place, any living animal or creature, and shall fail or neglect to supply to the same during such confinement a sufficient quantity of good and wholesome food and water; and any person who shall abandon to die in any public place any maimed, sick, infirm or disabled animal or creature, shall forfeit and pay such sum, not to exceed one hundred dollars, as the court shall determine, to be sued for and recovered in an action of debt, with costs of suit, by any person or persons, in the name of "The New Jersey Society for the Prevention of Cruelty to Animals," before any court of competent jurisdiction in the county where the defendant resides, or where

Penalty for overdriving, overloading, overworking, &c.

For tormenting, mutilating, beating or killing.

For using dog or dogs for purpose of drawing, &c.

For abandoning to die.

How arrested and held to answer.

the offence or offences were committed; and that any justice of the peace in the county where any offence shall have been committed under this act, is hereby authorized and directed, upon receiving sufficient proof by affidavit of the violation of the provisions of this section, by any person or persons being temporarily within the jurisdiction of said justice, but not residing therein, or who is likely to evade judgment by removal therefrom, or any person whose name and residence are unknown, to issue his warrant and have such offender arrested and tried for such offence, or committed or held to bail to answer, and abide the judgment of said justice; and it shall also be the duty of said justice, on being satisfied by affidavit that the owner or owners of any animal which has been, or is being cruelly treated within the provisions and meaning of this act, is the party properly chargeable with such offence under this section, and that said owner or owners reside out of the county or local jurisdiction of said justice, to order and enforce a summary attachment against such animal so cruelly treated, and the vehicle, truck, cart, barrow or wagon to which said animal is or may be fastened yoked, hitched or harnessed, at the time of said offense, together with the appurtenances; and said justice shall have such proceedings on said attachment as are or may be provided for by law in other cases of attachment before a justice of the peace, so far as the same may be applicable; but in all prosecutions and proceedings under this section, an affidavit of the violation thereof shall be a sufficient demand or pleading; and in case of an attachment against such animal or property as hereinbefore provided for, all necessary expenses which may be incurred for taking charge of and keeping and sustaining said animal or property, shall be a lien upon the same, and shall be added to the amount of the forfeiture or penalty imposed by said justice under this section and recovered therewith.

Any agent of the New Jersey Society for the Prevention of Cruelty to Animals may make arrests, who has been specially deputized by the sheriff of any county in this state.

14. *And be it enacted*, That any agent of the New Jersey Society for the Prevention of Cruelty to Animals who has been specially deputized by the sheriff of any county in this state, may within such county, make arrests and bring before any court or magistrate thereof having jurisdiction, offenders found violating the provisions of this act; and of all fines, penalties and moneys imposed and collected for any offence being in violation of this act, or under the provisions of this act, and not herein specially provided for, one-half shall be

paid by the justice, or by the clerk, or other officer of the court receiving the same to the informer, complainant or prosecutor, and shall pay within thirty days and without demand the other half to the District Society for the Prevention of Cruelty to Animals of the county where the same were imposed and collected, if one is in existence in that county, and if not, then to The New Jersey Society for the Prevention of Cruelty to Animals, to be used by said society in aid of the benevolent objects for which it was incorporated.

Fines, how disposed of.

15. *And be it enacted*, That where by the laws of this state, or any ordinance of any city, town or borough, any police justice, recorder or other magistrate shall collect any fine or fines for cruelty to animals, that henceforth all moneys collected from such fines shall be paid to the District Society for the Prevention of Cruelty to Animals of the county where the same were imposed and collected if one is in existence in that county, and if not, then to the New Jersey Society for the Prevention of Cruelty to Animals; and that the term cruelty in this section mentioned shall be held to include all the acts mentioned in the preceding sections of this act.

In this act certain words shall be held to include.

16. *And be it enacted*, That in this act the words "animal" or "animals," "creature" or "creatures," shall be held to include the whole brute creation, and the words "owner" and "person," or "owners" and "persons," shall be held to include corporations as well as individuals, and the knowledge and acts of agents of, and persons employed by corporations in regard to animals transported, owned or employed by or in the custody of such corporations, shall be held to be the knowledge and acts of such corporations.

Repealer.

17. *And be it enacted*, That the acts entitled "A supplement to the act entitled 'An act for the punishment of crimes,'" approved March twenty-seventh, one thousand eight hundred and sixty-seven; A further supplement to the act entitled "An act to incorporate the New Jersey Society for the Prevention of Cruelty to Animals," approved April third, one thousand eight hundred and sixty-eight, which supplement was approved April second, one thousand eight hundred and sixty-nine; "An act for the Prevention of Cruelty to Animals," approved March twenty-second, one thousand eight hundred and seventy-one; A further supplement to the act entitled "An act to incorporate the New Jersey Society for the Prevention of Cruelty to Animals,"

approved March fifth, one thousand eight hundred and seventy-two, and all acts and parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall be deemed and taken as a public act, and shall take effect immediately.

Approved April 1, 1873.

CHAPTER CCCCXIII.

An Act to Authorize the Formation of Railroad Corporations and Regulate the Same.

Proceedings for the formation of a company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any number of persons, not less than thirteen, may form a company for the purpose of costructing, maintaining and operating a railroad for public use in the conveyance of persons and property, or for the purpose of maintaining and operating any unincorporated railroad already constructed for the like public use; and for that purpose may make and sign articles of association, in which shall be stated the name of the company; the number of years the same is to continue; the places from and to which the road is to be constructed, or maintained and operated; the length of such road as near as may be, and the name of each county in this state through or into which it is made, or intended to be made; the amount of the capital stock of the company, which shall not be less than ten thousand dollars for every mile of road constructed or proposed to be constructed, and the number of shares of which said capital stock shall consist, and the names and places of residence of thirteen directors of the company, a majority of whom shall be residents of this state, who shall manage its affairs for the first year, and until others are chosen in their places; each subscriber to such articles of association shall subscribe thereto his name, place of residence, and the number of shares of stock he agrees to take in said company; on compliance with the provisions of the next section, such articles of association may be filed in the office of the secretary of state, who shal endorse thereon the day they are filed, and record the same

Capital stock.

Articles of association to be filed in the office of the secretary of state.

in a book to be provided by him for that purpose; and upon tendering the said articles to the secretary of state to be filed, the persons who have so subscribed such articles of association, and all persons who shall become stockholders in such company, shall be a corporation by the name specified in such articles of association; every corporation formed under this act, in addition to the general powers set forth in an act entitled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, and the several supplements thereto, shall have power:

General powers.

1. To cause such examination and surveys for its proposed railroad to be made as may be necessary to the selection of the most advantageous route, and for such purpose by its officers and servants to enter upon the lands or waters of any person, but subject to responsibility for all damages which shall be done thereto;

Surveys.

May hold voluntary grants of real estate.

II. To take and hold such voluntary grants of real estate and other property as shall be made to it, to aid in the construction, maintenance and accommodation of its railroad, but the real estate received as a voluntary grant shall be held and used for the purpose of such grant only;

May purchase and hold real estate.

III. To purchase, hold and use all such real estate or other property as may be necessary for the construction and maintenance of its railroad, and the stations and other accommodations necessary to accomplish the object of its incorporation;

May lay out and construct road.

IV. To lay out its road as hereby provided, and to construct the same, and for the purposes of cuttings and embankments, to take as much more land as may be necessary for the proper construction and security for the road.

V. To exercise all other powers hereby granted.

When articles of association may be filed.

2. *And be it enacted*, That such articles of association shall not be filed and recorded in the office of the secretary of state until at least two thousand dollars of stock for every mile of railroad proposed to be made, is subscribed thereto, and ten per centum paid thereon in good faith, and in cash, to the directors named in said articles of association, nor until there is endorsed thereon, or annexed thereto, an affidavit, made by at least five of the directors named in said articles, that the amount of stock required by this section has been in good faith subscribed, and ten per centum paid in cash thereon as aforesaid, and that it is intended in good aith to construct or to maintain and operate the road

mentioned in such articles of association, which affidavit shall be recorded with the articles of association as aforesaid.

Certified copy to be evidence of incorporation.

3. *And be it enacted*, That a copy of any articles of association filed and recorded in pursuance of this act, or of the record thereof, with a copy of the affidavit aforesaid indorsed thereon or annexed thereto, and certified to be a copy by the secretary of this state, shall be presumptive evidence of the incorporation of such company and of the facts therein stated.

Directors may receive subscriptions until whole capital stock is subscribed.

4. *And be it enacted*, That when such articles of association and affidavit are filed and recorded in the office of the secretary of state, the directors named in said articles of association may, in case the whole of the capital stock is not before subscribed, continue to receive subscriptions until the whole capital stock is subscribed; at the time of subscribing every subscriber shall pay to the directors ten per centum on the amount subscribed by him, in money, and no subscriptions shall be received or taken without such payment.

Annual election for directors shall be held.

5. *And be it enacted*, That there shall be a board of thirteen directors of every corporation formed under this act to manage its affairs; said directors shall be chosen annually by a majority of the votes of the stockholders voting at such election, in such manner as may be prescribed in the by-laws of the corporation, and they may and shall continue to be directors until others are elected in their places; in the election of directors, each stockholder shall be entitled to one vote for each share of stock held by him; vacancies in the board of directors shall be filled in such manner as shall be prescribed by the by-laws of the corporation; the inspectors of the first election of directors shall be appointed by the board of directors named in the articles of association; no person shall be a director unless he shall be a stockholder, owning stock absolutely in his own right, and qualified to vote for directors at the election at which he shall be chosen; at every election of directors the books and papers of such company shall be exhibited to the meeting, provided a majority of the stockholders present shall require it.

Directors to appoint president and other officers.

6. *And be it enacted*, That the directors shall appoint one of their number president; they may also appoint a treasurer and secretary, and such other officers and agents as shall be prescribed by the by-laws, and shall establish and

fix such salaries to them and to the president as to said board of directors shall appear proper.

Proceedings in case of forfeiture of stock.

7. *And be it enacted*, That the directors may require the subscribers to the capital stock of the company to pay the amount by them respectively subscribed, in such manner and in such installments as they may deem proper; if any stockholder shall neglect to pay any installment as required by a resolution of the board of directors, the said board shall be authorized to declare his stock and all previous payments thereon, forfeited for the use of the company; but they shall not declare it so forfeited until they shall have caused a notice, in writing, to be served on him personally, or by depositing the same in the post office, properly directed to him at the post office nearest his usual place of residence, stating that he is required to make such payments at the time and place specified in said notice; and that if he fails to make the same, his stock and all previous payments thereon, will be forfeited for the use of the company; which notice shall be served as aforesaid at least thirty days previous to the day on which such payment is required to be made; *provided*, that if said company shall not declare such stock forfeited then such neglecting stockholder shall be individually liable to said company for the amount unpaid upon the stock so held by him, until the whole amount of the capital stock so held by him shall have been paid to the company.

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Stock to be deemed personal estate.

8. *And be it enacted*, That the stock of every company formed under this act shall be deemed personal estate, and be transferable in the manner prescribed by the by-laws of the company, but no shares shall be transferable until all previous calls thereon shall have been fully paid in.

Capital stock may be increased.

9. *And be it enacted*, That in case the capital stock of any company formed under this act, is found to be insufficient for constructing and operating its road, such company may, with the concurrence of two-thirds in amount of all its stockholders, increase its capital stock from time to time, to any amount required for the purpose of constructing, maintaining and operating its railroad; such increase may be sanctioned by a vote in person or by proxy, of two-thirds in amount of all the stockholders of the company, at a meeting of such stockholders called by the directors of the company for that purpose, by a notice in writing to each stockholder, to be served on him personally, or by depositing the same,

properly folded and directed to him, at the post office nearest his usual place of residence, in the post office, at least twenty days prior to such meeting; such notice must state the time and place of the meeting, and its object, and the amount to which it is proposed to increase the capital stock; the proceedings of such meeting must be entered on the minutes of the proceedings of the company, and thereupon the capital stock of the company may be increased to the amount sanctioned by a vote of two-thirds in amount of all the stockholders of the company as aforesaid.

Proceedings in case of indebtedness by contractor for labor performed in construction of road.

10. *And be it enacted*, That as often as any contractor for the construction of any part of a railroad which is in progress of construction, shall be indebted to any laborer for thirty or any less number of days' labor performed in constructing said road, such laborer may give notice of such indebtedness to said company in the manner herein provided; the said company shall thereupon become liable to pay such laborer the amount so due him for such labor, and an action may be maintained against said company therefor; such notice shall be given by such laborer to said company within twenty days after the performance of the number of days' labor for which the claim is made; such notice shall be in writing, and shall state the amount and number of days' labor, and the time when the same was performed for which the claim is made, and the name of the contractor from whom due, and shall be signed by such laborer or his attorney, and shall be served on an engineer, agent, or superintendent employed by such company having charge of the section of the road on which such labor was performed, personally, or by leaving the same at the office or usual place of business of such engineer, agent or superintendent, with some person of suitable age; but no action shall be maintained against any company under the provisions of this section, unless the same is commenced within thirty days after notice is given to the company by such laborer as above provided; *provided*, that the liability of the company under this section shall not exceed its liability to the contractor; *and provided further*, that any payments made to such laborers shall be a full discharge to the company from such contractor for the amount so paid.

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Proviso.

Width of road.

11. *And be it enacted*, That any railroad constructed under the provisions of this act shall not exceed a hundred feet in width, unless more land shall be required for the

slopes of cuts and embankments, with as many sets of tracks and rails as such company incorporated under this act may deem necessary; and it shall be lawful for the said company its agents, engineers, superintendents, or others in its employ, to enter at all times upon all lands or waters for the purpose of exploring, surveying, leveling, and laying out the route or routes of such railroad, and of locating the same, and to locate all necessary works, buildings, conveniences, appurtenances and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such railroad and the location or locations of other works, buildings, conveniences, appurtenances and appendages thereof shall have been determined upon, and a survey of such route or routes, location or locations, deposited in the office of the secretary of state, then it shall be lawful for every corporation formed under this act, upon payment or tender of such compensation as is hereinafter provided, by its officers, agents, engineers, superintendents, workmen and other persons in their employ, to construct, maintain and operate a railroad with a single or double track, with such side tracks, turnouts, offices and depots as they may deem necessary between the points named in the articles of association, commencing at or within and extending to or into any town, city or village named as the place of the termini of such road, and construct, maintain and operate branches from the main line to other towns or places within the limits of any county through which said road may pass, lay rails, and for that purpose to enter upon, take possession of, hold, have, use, occupy, and excavate any lands, and to erect embankments, bridges, and all other necessary works and to do all other things which may be suitable or necessary for the completion, repairs or management of said railroad, and for the conveyance of passengers and freight to and from the terminus thereof by steam or other motive power; *provided, always*, that the payment or tender of the payment of all damages for the occupancy of all lands through, under or upon which the said railroad and its conveniences, appurtenances and appendages may be laid out or located be made before the said company, or any person under their direction or employ shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said railroad and its conveniences, appurten- Proviso.

ances and appendages, and of locating the same, unless the consent of the owner or owners of such lands be first had and obtained.

Proceedings when company and owner cannot agree.

12. *And be it enacted*, That when any company incorporated under this act or its agents cannot agree with the owner or owners of such required lands for materials, or the use or purchase thereof, or when by the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of such company incorporated under this act in the construction of said road, 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 any company incorporated under this act 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, 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 land or materials in controversy lie or the owners reside, commissioners to examine and appraise the said land or materials 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 land or materials, 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 company for such lands or materials and damages aforesaid, which 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 land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials 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 lands or materials 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 company incorporated under this act, to have, hold, use, occupy, possess and enjoy the said land or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the company if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the 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 justice of the supreme court, 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 company; *provided, always*, that should any company incorporated under this act, or the owner or owners of any of the land or materials, feel aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the next circuit court in the county wherein the said land or material may be. Proviso.

13. *And be it enacted*, That every appeal from the decision of the commissioners appointed under the preceding section shall be made in writing, and in the form of a petition to said court, and filed with the clerk of the said circuit court of the county wherein the land or materials 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 circuit court full right and power to hear Proceedings in case of appeal from decision of commissioners.

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 land or materials 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 company incorporated under this act, 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 the 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 the said jury or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said land, upon filing the aforesaid report; *provided*, that in no case whatever shall said company incorporated under this act enter upon or take possession of any land of any person or persons for the purpose of actually constructing said railroad, or of making any erection or improvements whatever, or otherwise appropriating said lands to the use of any company incorporated under this act, until they have paid to the party or parties entitled to receive the same the amount assessed by the commissioners as the value of such land or damages, in case the report of commissioners is not appealed from or if the same is appealed from then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal, and in case of appeal, the amount found by the jury, 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 or found as aforesaid, into the circuit court of the county wherein the said lands lie, shall be deemed a valid and legal payment; *and further*, that the party or parties entitled to receive the amount assessed by the commissioners, may upon tender thereof being made receive the same without being barred thereby from his or

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Proviso.

their appeal from the report of the commissioners; and on such tender or payment of the money into court, in case it be refused, as aforesaid, the said company shall be empowered to enter upon and take possession of said lands and proceed with the work of constructing its road.

Shall keep in repair and maintain bridges over public roads, &c.

14. *And be it enacted*, That it shall be the duty of any company incorporated under this act to construct and keep in repair good and sufficient bridges and passages over, under and across the said railroad where any public or other road now or hereafter laid, shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be impeded thereby; and also where the road shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon ways over, under and across the said railroad, and shall also construct and maintain suitable and proper cattle guards at all road crossings; *provided*, that in case said railroad shall cross any street or highway in any city, it shall be either above or below the grade thereof, at such distance as shall not interfere with the free and uninterrupted use of said streets or highways; *provided further*, that the common council of any city may grant permission to said company to cross such streets or highways at grade, if they shall deem it to be to the best interest of said city.

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Proviso.

May transport freight and passengers,

15. *And be it enacted*, That any company incorporated under this act, shall have power to have constructed, or to purchase with the funds of the company, all machinery, engines, wagons, carriages or cars for transportation of persons or any species of property on the said railroad, and any such company shall have power and be authorized to demand and receive such sums of money for the transportation of persons and property on said railways and their connections, and for any other services connected with the business of transportation on or over said railways or to and from the same as it from time to time shall think reasonable and proper; *provided*, that said company shall not charge more than three cents per mile for carrying each passenger, and tickets for passengers shall be good until used, but no charge shall be required in the aggregate to be less than ten cents, nor shall said company charge more than ten cents per mile per ton for the transportation of any description of property; *provided*, that any

Rates of fare and freight.

Proviso.

Proviso.

company formed under the provisions of this act shall not be entitled to charge or receive any greater sum of money for freight upon goods, wares or merchandize transported between way stations, or between a terminal station and a way station than they charge and receive for freight upon such goods, wares, and merchandize between the terminal stations of such railroad, and the said railroad with its appendages, and the lands over which the same shall pass, and all the work and improvements, and all other property whatsoever belonging to the company shall be and are hereby declared to be vested in the said company, and its successors, for and during the continuance of its charter.

Dividends.

16. *And be it enacted*, That the president and directors of any company incorporated under this act shall declare and make such dividends as they may deem prudent and proper from time to time, out of the net profits of the said railroad.

May purchase and hold real estate at commencement and termination of road, &c.

17. *And be it enacted*, That any company incorporated under this act may purchase, have and hold real estate at or near the commencement and termination of the said road, or at any other point on the line of the said road where the directors may think proper to establish a depot, not exceeding ten acres at each place, and may also erect and build thereon houses, warehouses, workshops and such other buildings and improvements as they may deem expedient for the safety of their property, and for other necessary uses appertaining to their business, and receive the rents and emoluments thereof, and may build and maintain over such streams as the road may cross, such piers and bridges as they may deem expedient; and that all lands, tenements, hereditaments and real estate acquired by any such company not used by it for the immediate use and occupancy of its rails, tracks, depot and freight buildings shall be subject to the same tax as the property of individuals, and said tax shall be assessed, levied and collected by the authorities where the same may lie, in the same manner as other taxes are levied, assessed and collected, any law, custom or usage to the contrary notwithstanding; and that it shall be lawful for any corporation incorporated under this act at any time during the continuance of its charter to lease its road, 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, and franchises and road with

May lease to other corporations.

those of any other company or companies, of this or any other state, 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 and road with said company, or to do both, and after such lease or consolidation the company or companies so acquiring said stock, property, franchises, and road, may use and operate such road and their own roads, or all or any of them and transport freights and passengers over the same, and take compensation therefor, according to the provisions and restrictions contained in this act, notwithstanding any special privilege heretofore granted, or hereafter to be granted to another corporation for the transportation of freights and passengers between any points on the lines of said roads or any other points within or without this state; *provided however*, that nothing in this act shall authorize any railroad companies incorporated under a special act of the legislature, to charge for transportation of freight or passengers over the roads constructed under said special act more than they may be authorized to charge by the provisions of their respective acts of incorporation. Proviso.

18. *And be it enacted*, That if any person shall willfully impair, injure, destroy or obstruct the use of the railroad enjoyed under the provisions of this act or of any of their necessary works, wharves, bridges, carriages, or machines, such person or persons so offending, shall forfeit and pay to such company incorporated under this act, the sum of fifty dollars, to be by them recovered in any court having competent jurisdiction, in an action of debt; and further shall be liable for all damages sustained. Penalty for injury to property.

19. *And be it enacted*, That as soon as any railroad or any part thereof, is in operation, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipment, appendages and all expenses, in the office of the comptroller of the state, and annually thereafter on the first Monday of January of each year, he shall, under oath or affirmation, make a statement to the comptroller of the state, of the cost, equipment, appendages and expenses of said road, including the cost of road bed; and after the said railroad or any part therof shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipments and appendages of said Statement of cost of road shall be filed with comptroller. State tax.

road, including the cost of road bed, to be paid annually thereafter on the first Monday of January of each year, and such other taxes as may be assessed from time to time by a general law, applicable to all railroads over which the legislature shall have power for that purpose, at the time of the passage of such law or laws, and the said corporation shall be regularly assessed and pay tax for the value of its real estate, (excepting the road bed one hundred feet in width,) improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purposes, and by the same person or persons, as the other taxes assessed in said city or cities, township or townships.

May borrow money and issue bonds therefor.

20. *And be it enacted*, That any company incorporated under this act, shall have power to borrow such sum or sums of money, from time to time, not to exceed in the whole its paid up capital stock, as shall be necessary to build, construct or repair their road, and furnish all necessary engines and other equipments for the uses and objects of said company, and to secure the repayment thereof by the execution, negotiation and sale of any bond or bonds, and secured by mortgage on said lands, privileges, franchises and appurtenances of and belonging to the said company; *provided*, that said company shall not plead any statute or statutes against usury in any court of law or equity in any suit instituted to enforce the payment of any bond or mortgage executed under the provisions of this section; *and provided further*, that said bonds shall constitute a first lien on the railroad, its cars, real estate and franchises, and the proceeds of said bonds shall be used for the purpose of aiding in the construction of said railroad.

Proviso.

Proviso.

Proceedings when additional lands are taken.

21. *And be it enacted*, That whenever the track of a railroad constructed by a company formed under this act shall cross a railroad, a highway, turnpike, or plank road, such highway, turnpike or plank road may be carried under or over the track, as may be found most expedient; and in cases where an embankment or cutting shall make a change in the line of such highway, turnpike or plank road desirable, with a view to a more easy ascent or descent, the said company may take such additional lands for the construction of such road, highway, turnpike or plank road, on such new line as may be deemed requisite by the directors, unless the

lands so taken shall be purchased for the purposes aforesaid, compensation therefor shall be ascertained in the manner prescribed in this act for acquiring title to real estate, and duly made by said corporation to the owners and persons interested in such lands, the same, when so taken, shall become a part of such intersecting highway, turnpike or plank road, in such manner and by such tenure as the adjacent parts of the same highway, turnpike or plank road may be held for highway purposes.

Conductors, brakemen, &c., to wear badge.

22. *And be it enacted*, That every conductor, baggage master, engineer, brakeman, or other servant of any railroad corporation employed in a passenger train or at stations for passengers, shall wear upon his hat or cap a badge which shall indicate his office, and the initial letters of the style of the corporation by which he is employed; no conductor or collector without such badge shall be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, and no officer or servant without such badge shall have authority to meddle or interfere with any passenger, his baggage or property.

May connect with other railroads.

23. *And be it enacted*, That companies whose roads shall be constructed under the provisions of this act shall have the right to connect their roads with any railroads within this or any other state upon such terms as may be agreed upon by those who have the management of said roads, and in case of a failure of an agreement on the part of those having the management of said roads within this state, then and in that case either of said parties may apply to the supreme court within the jurisdiction in which said connection is proposed to be made, whose duty it shall be to appoint three disinterested citizens as herein provided for the condemnation of land, who shall determine and fix said terms, which, when approved by said court, shall be conclusive, and thereupon said companies shall be required to carry said terms into effect; and all companies whose railroads are or shall hereafter be crossed, intersected, or joined, shall receive from each other and forward to their destination all goods, merchandise, and other property intended for points on their respective roads, with the same despatch and at a rate of freight not exceeding the local tariff rate charged for similar goods, merchandize, and other property received at and forwarded from the same point for individuals and other corporations.

Proceedings when agreement cannot be made for carrying the mails of the U. S.

24. *And be it enacted*, That any such corporation shall, when applied to by the postmaster general, convey the mails of the United States on their road or roads respectively; and in case such corporations shall not agree as to the rate of transportation therefor, and as to the time, rate of speed, manner and condition of carrying the same, it shall be lawful for the governor of this state to appoint three commissioners, who, or a majority of them, after fifteen days' notice in writing of the time and place of meeting to the corporation, shall determine and fix the prices, terms and conditions aforesaid; but such price shall not be less for carrying said mails in the regular passenger trains than the amount which such corporation would receive as freight on a like weight of merchandize transported in their merchandize trains, and a fair compensation for the post office car; and in case the postmaster general shall require the mail to be carried at other hours, or at a higher speed than the passenger trains are run, the corporation shall furnish an extra train for the mail, and be allowed an extra compensation for the expenses and wear and tear thereof for the service, to be fixed as aforesaid.

Proceedings in case of refusal to pay fare.

25. *And be it enacted*, That if any passenger shall refuse to pay his fare, it shall be lawful for the conductor of the train and the servants of the corporation to put him and his baggage out of the cars, using no unnecessary force, at any usual stopping place, or near any dwelling house, as the conductor shall elect on stopping the train; *provided*, that no passenger shall be put off on any bridge or in any dangerous place.

Proviso.

Notice to be made of the time of starting and running cars.

26. *And be it enacted*, That every such corporation shall start and run their cars for the transportation of passengers and property, at regular times, to be fixed by public notice; and shall furnish sufficient accommodations for the transportation of all such passengers and property as shall within a reasonable time previous thereto be offered for transportation at the place of starting, and the junctions of other railroads, and at usual stopping places established for receiving and establishing way passengers and freights for that train; and shall take, transport and discharge such passengers and property at, from and to such places, on the due payment of the freight or fare legally authorized therefor; and shall be liable to the party aggrieved in an action for damages for any neglect or refusal in the premises.

Checks fo baggage.

27. *And be it enacted*, That a check shall be affixed to every parcel of baggage when taken for transportation, by the agent or servant of such corporation, if there is a handle, loop or fixture, so that the same can be attached upon the parcel or baggage so offered for transportation, and a duplicate thereof given to the passenger or person delivering the same on his behalf; and if such check be refused on demand the corporation shall pay to such passenger the sum of ten dollars, to be recovered in a civil action; *and further*, no fare or toll shall be collected or received from such passenger, and if such passenger shall have paid his fare, the same shall be refunded by the conductor in charge of the train, and on producing said check, if his baggage shall not be delivered to him, he may himself be a witness in any suit brought by him to prove the contents and value of said baggage.

Lumber or freight cars not to be placed in rear of passengers cars.

28. *And be it enacted*, That in forming a passenger train, baggage, freight, merchandize or lumber cars shall not be placed in rear of the passenger cars; and if they or any of them shall be so placed, the officer or agent who so directed or knowingly suffered such arrangement, and the conductor of the train, shall be deemed guilty of a misdemeanor and be punished accordingly.

Bell on locomotive to be rung at street and road crossings

29. *And be it enacted*, That a bell shall be placed on each locomotive engine and rung at the distance of at least eighty rods from the place where the railroad shall cross any traveled public road or street, and be kept ringing until it shall have crossed such road or street; or a steam whistle shall be attached to each locomotive engine and be sounded at least eighty rods from the place where the railroad shall cross any such road or street, except in cities, and be sounded at intervals until it shall have crossed such road or street, under a penalty of twenty dollars for every neglect of the provisions of this section, to be paid by the corporation owning the railroad, to be sued for by any informer within ten days after such penalty was incurred; one-half thereof to go to the informer and the other half to go to the county; and said corporation shall also be liable for all damages which shall be sustained by any person by reason of such neglect.

Sign boards to be erected.

30. *And be it enacted*, That every such corporation shall cause boards to be placed, well supported by posts or otherwise, and constantly maintained across each traveled public

road or street, where the same is crossed by the railroad on the same level; said boards shall be elevated so as not to obstruct the travel and to be easily seen by travelers; and on each side of such boards shall be painted in capital letters, of at least the size of nine inches each, the words "look out for the locomotive;" but this section shall not apply to streets in cities or villages, unless the corporation shall be required to put up such boards by the officers having charge of such streets.

Penalty for intoxication while in charge of engine, &c.

31. *And be it enacted*, That if any person shall, while in charge of a locomotive engine running upon the railroad of any such corporation, or while acting as the conductor of a car or train of cars on any such railroad, be intoxicated, he shall be deemed guilty of a misdemeanor.

Fences to be kept up and maintained, and cattle guards at road crossings.

32. *And be it enacted*, That every corporation formed under this act shall erect and maintain fences on the sides of their road, of the height and strength of a division fence required by law, with openings or gates or bars therein, and farm crossings of the road for the use of proprietors of lands adjoining such railroad; and also construct and maintain cattle-guards at all road crossings suitable and sufficient to prevent cattle and animals from getting on to the railroad; until such fences and cattle-guards shall be duly made, the corporation and its agents shall be liable for all damages which shall be done by their agent or engines to cattle, horses or other animals thereon; and after such fences and guards shall be duly made and maintained, the corporation shall not be liable for any such damages, unless negligently or willfully done; and if any person shall ride, lead or drive any horse or other animal upon such road, and within such fences and guards other than at farm crossings, without the consent of the corporation, he shall, for every such offense, forfeit a sum not exceeding ten dollars, and shall also pay all damages which shall be sustained thereby to the party aggrieved; it shall not be lawful for any person other than those connected with or employed upon the railroad, to walk along the track or tracks of any railroad, except where the same shall be laid along public roads or streets.

Company not liable for injury to passengers riding on platform.

33. *And be it enacted*, That in case any passenger on any railroad shall be injured while on the platform of a car, or on any baggage, wood or freight car, in violation of the printed regulations of the company, posted up at the time

in a conspicuous place inside of its passenger cars then on the train, such company shall not be liable for the injury; *provided*, said company at the time furnished seats inside its passenger cars sufficient for the proper accommodation of its passengers. Proviso.

34. *And be it enacted*, That the said company shall commence the proposed road within six months from the date of their organization, and if the said proposed road be not more than fifty miles in length, the said company shall open and complete at least one track of said road, within two years from the date of commencement, as aforesaid; and if the said road shall exceed fifty miles in length, the said company shall have an additional six months to complete their road for each twenty miles more than the fifty miles aforesaid; *provided*, the road shall be opened for public use in all cases when fifty miles of the track are laid; *provided further*, that any company organized under this act and failing to comply with the provisions of this section, shall thereby forfeit the franchises given it by this act. Time for commencement and completion of road. Proviso. Proviso.

35. *And be it enacted*, That any company, association, person or persons, violating or neglecting to comply with any of the provisions of the first or second sections of this act, shall be liable to a penalty of two hundred and fifty dollars for each and every offence, to be sued for and recovered in the name of the state of New Jersey; one-half of which fines when recovered, shall be paid to the informer, and the other half into the county treasury, where the action shall be tried or the conviction had. Penalty for violation of certain provisions of this act.

36. *And be it enacted*, That it shall be lawful for any company incorporated under this act, in addition to the power hereinbefore given, to build viaducts over any navigable or other rivers, streams or bay of water which said railroad may cross, putting in such viaduct a pivot draw with two openings, each of no less width than the widest opening of any viaduct or bridge now built over any such river, stream or bay of water at right angles to the main channel, located at a point convenient for navigation, and such company shall at all times, when such river, stream or bay is navigable, for the safety of persons navigating the same, cause to be kept a red light at each outer side of said draws, and a white light on each inner side of said draws, which shall be lighted every evening at or before sunset, and be kept lighted till daylight, and shall also keep or cause to be kept, Power to build viaducts over navigable streams, &c.

a suitable person or suitable persons at each of said bridges to open the draws for the free passage of all vessels with standing masts or pipes; and for each and every neglect to keep such light, and to open the draws when necessary, the said company shall forfeit and pay the sum of one hundred dollars, to be recovered with costs, in any court having jurisdiction thereof, by any persons who shall sue for the same, within six months after the time of such neglect;

Proviso. *provided*, that corporations formed under this act shall not take any land under water belonging to this state until the consent of the riparian commissioners shall first be had and obtained, who are hereby authorized to convey the same on receiving such compensation as they may fix; *provided*

Proviso. *further*, that no corporation organized under this act shall be authorized to take, use or occupy by condemnation any lands belonging to the state of New Jersey, or any franchise, lands, or located route of any bridge, railroad, canal, turnpike, or other corporation chartered for the purpose of facilitating transportation, except for the purpose of crossing said lands or route of said corporation, and except the lands of such other corporations not necessary for the pur-

Proviso. poses of their franchises; *and provided further*, that a railroad may be located or constructed under this act on the surveyed route or location of any other railroad, with the consent of such corporation, and not otherwise; *and*

Proviso. *provided further*, that no railroad under this act shall cross another railroad at a less angle than forty-five degrees.

Who may ride free. 37. *And be it enacted*, That the governor, the chancellor, vice chancellor, the justices of the supreme court and the judges of the court of errors of this state, secretary of state, state treasurer, comptroller of the treasury, clerk in chancery, clerk of the supreme court, adjutant general, quartermaster general, state librarian, state prison keeper and superintendent of public schools of New Jersey, while traveling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state shall pass and repass, free of charge on the railroad of any company incorporated under this act.

Franchise heretofore or hereafter to be granted not to be exclusive. 38. *And be it enacted*, That no franchise heretofore granted to construct a railroad, or to build or establish bridges or ferries, or operate any line of travel, and take tolls or fares therefor, shall hereafter continue to be or be

construed to remain exclusive, and that no like franchise hereafter granted shall be or be construed to be exclusive, unless in such grant heretofore made or hereafter to be made it be so expressly provided, and the provisions of the second section of the act entitled "An act to prevent accidents on railways," approved March thirtieth, one thousand eight hundred and sixty-nine, shall not be considered to extend to or to affect in any way or manner corporations which may be formed under this act; all corporations organized under this act shall be subject to all general laws, now or hereafter to be passed, regulating railroads and their operations.

Public act.

39. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately, and the legislature may alter, amend or repeal the same, but such repeal or alteration shall not affect any corporations heretofore organized, unless the act making such repeal or alteration shall so expressly declare.

Approved April 2, 1873.

CHAPTER CCCCXLIII.

Supplement to an act entitled "An Act relating to Commercial Paper," approved March twelfth, one thousand eight hundred and sixty-two.

Bills of exchange, &c., when due and payable.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all bills of exchange or drafts drawn, payable at no fixed time or period, or on demand or on presentation at any place within this state, other than those upon banks or banking associations, shall be deemed due and payable at the expiration of three days' grace, after the same shall be presented for acceptance.

Approved April 2, 1873.

CHAPTER CCCCXLIV.

A Supplement to the act entitled "An Act for the better securing the Property of Married Women."

Married women may execute valid receipt without concurrence of husband.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any married woman who has received or shall hereafter receive, by gift, devise or bequest, any real or personal property, or the rents, issues and profits thereof, may execute without the concurrence of her husband, a valid receipt, release or discharge therefor in the same manner and with the like effect as if she were sole and unmarried; which receipt, release or discharge, duly acknowledged in the same manner as deeds of real estate are by law required to be acknowledged, may be recorded in the surrogate's office of the proper county, in the same manner and with the like effect as other receipts and discharges may now be recorded in said office.

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

Approved April 2, 1873.

CHAPTER CCCCXLV.

An Act for the Safety of Railway Passengers.

Rope or cord to be attached to locomotives, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no train carrying passengers shall be run upon any railroad in this state without a rope or cord being attached at one end to a bell, gong or whistle on the locomotive, and said rope or cord led from there through every baggage, express and passenger car in the train and the other end attached to the rear part of the rear car of said train.

2. *And be it enacted*, That any corporation violating the provisions of this act shall be subject to a fine of four hundred dollars for each offence, to be recovered by any inhabitant of this state who may sue for the same in any court having cognizance of the same; one-quarter of said fine to go to the person suing for the same and three-quarters thereof to the state. Penalty for violation of this act.

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

Approved April 2, 1873.

CHAPTER CCCCXLV

A Further Supplement to an act entitled "An Act to fix the Salaries of the Officers of the Senate and General Assembly of the State of New Jersey," approved February twenty-fifth, one thousand eight hundred and sixty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the Staty of New Jersey*, That the secretary of the senate, the clerk of the general assembly, the assistant secretary of the senate, the assistant clerk of the general assembly, the engrossing clerks, journal clerks, sergeants-at-arms, assistant sergeants-at-arms, doorkeepers and pages of both houses, shall receive the same amount of compensation, or pay, as was granted by the legislature to officers of similar grade for the services rendered during the session of one thousand eight hundred and seventy-one. Salaries of certain officers.

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

Approved April 2, 1873.

CHAPTER CCCCXLVII.

An Act relative to the State Normal School Scholarship Fund.

Board of trustees authorized to expend fund.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the yearly fund appropriated by the sixth section of the act, approved April fourth, one thousand eight hundred and seventy-two, entitled "A further supplement to an act entitled 'An act to establish a system of public instruction,'" approved March twenty-first, one thousand eight hundred and sixty-seven, for scholarships, until a system of scholarships as contemplated by said act shall be perfected by the board of trustees of the state normal school, shall be paid toward and for such purposes connected with the state normal school and boarding house property belonging to the state, as in the judgment of said trustees will be for the best interest of the state and the advantage of the cause of education.

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

Approved April 2, 1873.

CHAPTER CCCCXLVIII.

A Further Supplement to an entitled "An Act to Provide for the Support of the Government of this State, and to Fix the Salaries of Public Officers," approved April fourth, one thousand eight hundred and forty-five.

Per diem allowance to judges.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the judges of the inferior courts of common pleas in the several counties of this state,

shall hereafter each receive a per diem allowance of five dollars for every day they shall actually attend in the discharge of their duties, at any stated or special term of the courts, holden in their respective counties, which allowance the collector of the county is hereby authorized and required to pay upon a certificate of the clerk and surrogate of the county of the number of days they shall so attend and the amount due for such allowance; *provided*, nothing in this act shall apply to the county of Camden. Proviso.

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

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

Approved April 2, 1873.

CHAPTER CCCCXLIX.

A Further Supplement to the act entitled "An Act to Regulate Fees," approved April fifteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the constables of the several counties of this state shall receive per day for each and every day engaged in attending the circuit court, court of oyer and terminer and general jail delivery, court of common pleas and general quarter sessions of the peace in their respective counties, the following fees: those residing within two miles of the court house, two dollars; those residing more than two miles from and within five miles of the court house, two dollars and fifty cents; those residing more than five miles from and within ten miles of the court house, two dollars and seventy-five cents; those residing more than ten miles from the court house, three dollars. Fees of constables.

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

Approved April 2, 1873.

CHAPTER CCCC

An Act to establish just rules for the Taxation of Railroad Corporations, and to induce their acceptance and uniform adoption.

Preamble.

WHEREAS, for the encouragement of railroad enterprise, laws creating and regulating railways in this state usually provide for the payment by them, in consideration of their chartered privileges, of a fixed rate upon their capital stock or the cost of their works, in lieu of all other public impositions whatever; *and whereas*, it is nevertheless contended that the property of such corporations being largely acquired for, or through the growth and extension of their prosperity, should contribute to the charges and expenses essential for municipal and county purposes; *and whereas*, it is desirable in order to the avoidance of litigation and future dissatisfaction that such municipal and county taxation shall be authorized, and that the same shall be permanently fixed and regulated; now, therefore,

Taxation on railroad companies, how made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all taxation upon all railroad companies occupying and using railroads in this state, whether as lessees or otherwise, shall hereafter be made as follows: First, such companies shall pay upon the cost, equipment and appendages of said railroads respectively, a state tax after such rate of taxation as may have heretofore been fixed by law upon such companies, or in default thereof, after the rate of one-half of one per centum upon such cost: Second upon all the real property by them as aforesaid occupied, used or owned for the purposes of their road or otherwise, excepting their main stem or road bed and track, not exceeding one hundred feet in width, such companies shall pay a county and municipal tax for the benefit of the counties, townships and cities respectively where the same is situate, after the rate of one per centum upon a valuation thereof, and of all improvements thereon,

not by way of repairs, now or hereafter to be made, which valuation shall be made as hereinafter stated; *provided, however*, that at the termini of their said roads, each company may hold a tract of land not exceeding ten acres, to be in one parcel, which with the buildings and improvements thereon, shall be free from the payment of county, township, and municipal taxes whatsoever. Proviso.

2. *And be it enacted*, That on or before the first day of January, in each year, the president of every railroad corporation shall, on oath or affirmation, make return to the comptroller of this state, of the cost of said road and cost of the equipment and appendages of said railroad used by or belonging to said corporations in this state, respectively, specifying the items and locality thereof, and further showing the cost of said property whereon said state tax is laid as aforesaid, specifying its particular items and their cost; and thereupon, within ninety days after such return, payment shall be made by the said company of the said tax to said treasurer, in default of which payment, remedy may be had therefor by suit. President of corporation to make oath and return to state comptroller of cost of road, &c.

3. *And be it enacted*, That if the state comptroller shall be dissatisfied with any statement and return aforesaid, it shall be lawful to bring suit in the supreme court in the name and for the use of the state, against such corporation making such return as for a false return, and to recover in such action, upon proof thereof, the tax aforesaid due upon any property or cost omitted or erroneously stated, and that, whether or not payment has been made according to such erroneous return and statement; *provided*, that no such action shall be brought after the expiration of six months from the day of making such statement and return to such state comptroller, and that costs shall be recovered by the successful party therein, as in all civil cases. Proceedings if state comptroller shall be dissatisfied with return. Proviso.

4. *And be it enacted*, That on or before the close of the legislative session in every year, the governor shall appoint some responsible citizen of the state, commissioner of railroad taxation, to hold office for the space of one year, whose duty it shall be to make, certify under his hand, and return to the state comptroller a statement and valuation of all the said property occupied, used or owned by or for the purposes of any railroad corporation in any county, city or township in this state, and hereby made subject to county, township and Commissioner of railroad taxation shall be appointed by the governor

municipal taxation, particularly specifying the same and stating also the township or city wherein the same is situate; such returns and statements shall be made separately for each railroad corporation, and arranged by counties, townships and municipal subdivisions in such a manner as to be of easy reference, and shall be recorded in books in the office of said state comptroller to be provided by him for that purpose, and shall be public records, subject to public inspection.

Commissioner to give notice before making valuation, &c.

5. *And be it enacted*, That before making such valuation and assessment, said commissioner shall give written notice to said railroad corporation and each township or municipality interested respectively, for at least ten days, of the time and place at which he will proceed to perform said duty; such notice to be served in the manner provided by law for serving writs or summons upon such corporations, and shall then and there, or at such other time as he shall then and there or on any other adjourned day, appoint, judicially fix such valuation, of which such return shall be the evidence, and from which there shall be no appeal.

Valuation not required to be made oftener than three years.

6. *And be it enacted*, That nothing in this act shall be held to require that such valuation shall be made by such commissioner of the said property taxable for county, townships and municipal purposes belonging to any particular railroad corporation, oftener than once in three years, and that after the first of such valuations is made no other shall be made for the space of three years thereafter; during said intervening period such valuation shall be final, and said tax of one per centum thereon shall be annually paid thereon to the collectors of the various townships or cities in which said property is situate, as if the same had been laid under the tax laws governing the same; all laws for the collection of ordinary taxes in any such township or city shall be applicable so far as possible to the collection of the tax hereby authorized, or the same may be collected by suit; and it is hereby declared to be the intent hereof, that valuations, in manner aforesaid, of the property of each railroad corporation in this state, for the purpose of county and municipal taxation, shall be made once every three years, but not oftener, and that every such valuation shall be the basis of such taxation yearly, during the intervening period.

7. *And be it enacted*, That said returns by said commis-

sioner shall be made prior to the first day of July in every year, and that the said tax thereon shall be payable within thirty days thereafter. Returns of commissioner to be made before July in each year.

8. *And be it enacted*, That the said commissioner shall receive a salary of one thousand dollars per annum, payable quarterly and in the manner as other state officers are paid. Salary.

9. *And be it enacted*, That all railroad corporations shall be liable for city improvements, beneficial to such property for the purposes for which it is used by the said company, except that hereby made subject to state tax; *provided*, that nothing in this or any act shall have the effect to alter any law now existing in relation to such improvements; Liable for city improvements.

AND WHEREAS, certain railroad corporations owning or occupying railroads in this state, claim exemption from all taxation, whether state, county or municipal, further than is provided for by their charters or by special laws for their benefit now existing, which claims, even if legal subject said corporations to public ill will, and make it their interest to forego the same and agree to the scheme of taxation hereby established; now, therefore, Preamble.

10. *Be it enacted*, That any such railroad corporation may within six months from the approval of this act, make and execute under their common seal and the signature of their president, and file in the office of the secretary of state, a declaration in writing, surrendering all claim to exemption from taxation by them heretofore had or made, and accepting the provisions of this act in lieu thereof. Corporation may file certificate surrendering claim to exemption.

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

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

Approved April 2, 1873.

CHAPTER CCCCLI.

A Supplement to an act entitled "An Act for the better Preservation of the Early Records of the State of New Jersey," approved April sixth, one thousand eight hundred and seventy-one.

Comptroller to distribute to members of legislature, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That six copies of the three manuscripts now in the state library, containing the minutes of the colonial and revolutionary history of the state, be distributed by the comptroller to each member and officer of the senate and general assembly, and the distribution of the remaining copies be under the supervision of the governor, comptroller and treasurer.

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

Approved April 2, 1873.

CHAPTER CCCCLII.

A Further Supplement to an act entitled "An Act respecting the Court of Chancery," approved April sixteenth, one thousand eight hundred and forty-six.

Chancellor may allow counsel fee instead of retaining fee in taxed bill of costs.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in all suits and proceedings in the court of chancery, instead of the retaining fee now allowed to counsel by statute, it shall be lawful for the chancellor on final decree to allow and order paid to the counsel in the cause such sum as the chancellor may consider justly warranted by the interests involved in the litigation and the services rendered, which allowance shall

be included in the bill of taxed costs and collected with the other items of said bill in the same manner that the retaining fee has been heretofore; and the retaining fee now allowed to counsel by statute shall not hereafter be allowed in the cases herein provided for.

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

Approved April 2, 1873.

CHAPTER CCCCLXVI.

A Further Supplement to an act entitled "An Act appointing Commissioners for a Sinking Fund and defining their duties," approved March twenty-fifth, one thousand eight hundred and sixty-four.

Interest received to be applied to the payment of annual interest on bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the moneys received in each year by the commissioners of the sinking fund as interest upon the principal of said fund shall be appropriated and applied by the said commissioners to the payment of the interest accruing annually upon the outstanding bonds issued by this state in pursuance of an act entitled "An act authorizing a loan for the purposes of war and so forth," approved May tenth, one thousand eight hundred and sixty-one, and the several supplements thereto.

Commissioners to furnish comptroller statement of amount of income.

2. *And be it enacted*, That immediately upon the approval of this act the commissioners of the sinking fund shall furnish to the comptroller of the treasury a statement of the estimated amount of income to be derived as interest upon the principal of said fund for the current year, and annually thereafter on or before the thirty-first day of October in each year, the commissioners of the sinking fund shall furnish to the comptroller of the treasury, a statement of the estimated amount of income to be derived as interest upon the principal of the sinking fund for the succeeding year, and the said comptroller shall furnish in his annual report to the legislature, a statement of the amount required to

pay such portion of the interest accruing during the succeeding year upon the outstanding bonds of the state as the income of the sinking fund shall not suffice to pay.

Repealer.

3. *And be it enacted*, That the provision of the fourth section of the act to which this is a supplement, requiring that the commissioners of the sinking fund shall reinvest the interest received, and all other acts and parts of acts inconsistent with this act, be and the same are hereby repealed.

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

Approved April 3, 1873.

CHAPTER CCCCLXVII.

A Further Supplement to an act entitled "An Act Concerning Taxes," approved April fourteenth, one thousand eight hundred and forty-six.

Treasurer authorized to demand interest when certain taxes are withheld for a stated period.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when the collector of any county or the treasurer of any corporation chartered by the laws of this state, shall fail to pay into the state treasury any state or school tax levied, assessed and collected in accordance with the laws of this state, or due the state under the provisions of any act of incorporation, and shall withhold the same for more than fifteen days after the time that the law requires the said tax to be paid to the state treasurer, then the said treasurer shall be and he is hereby authorized to demand interest at the rate of ten per centum per annum upon the amount so withheld from the time the said amount was due up to the date of payment into the treasury.

Treasurer authorized to bring suit against delinquents.

2. *And be it enacted*, That upon the failure of any county collector, or the treasurer of any corporation, to pay interest as required by the foregoing section, upon the demand of the state treasurer, then the comptroller of the treasury shall be and he is hereby authorized and directed

to bring suit against such delinquent collector or treasurer for the amount of such interest, to be recovered in action of debt with costs of suit; and all interest moneys received in pursuance of this act shall be paid into the state treasury, to be used and applied in the same manner as now is or shall be provided by law for the use or application of the principal thereof.

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

Approved April 3, 1873.

CHAPTER CCCCLXXIX.

A Further Supplement to the act entitled "An Act constituting Courts for the Trial of Small Causes," approved April sixteenth, one thousand eight hundred and forty-six.

When copy of book or account of original entries shall be received as competent evidence.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where the nature of the account or demand of the plaintiff or plaintiffs is such that the book or account of original entries of the plaintiff or plaintiffs is competent and legal evidence of such account or demand, and the defendant or defendants do not appear at the hearing of the cause, or if appearing, do not require the said book or account to be produced and proved, a copy of the entry or entries in such book, or a copy of the plaintiff's account, with an affidavit of the plaintiff, or some other person, taken before any officer authorized to take affidavits, that the copy produced has been truly taken therefrom and is a true copy thereof, and that the money demanded therein is justly due and owing, shall be received in evidence, and be of the same effect as if the said book or account were produced and proved, and the said copy and affidavit shall be filed with the papers in the cause, and the time of filing thereof entered on the docket.

2. *And be it enacted*, That in actions upon promissory notes, bills of exchange, checks or drafts, if the defendant

Proof of the signature of defendant to note, check, &c., not necessary when copy is produced.

or defendants do not appear at the hearing of the cause it shall not be necessary to prove the signature of the defendant or defendants to said note, bill, check or draft, but on producing the note, bill, check or draft, purporting to be signed by the defendant or defendants, and filing a copy thereof, the said note, bill, check or draft shall be received in evidence the same as if the signature of the defendant or defendants had been duly proved, and said copy shall be filed by the justice, and the time of filing thereof entered on the docket.

Copy to be delivered to justice.

3. *And be it enacted*, That the copy of the account or state of demand of the defendant intended to be set off against the plaintiff may be delivered to the justice on or before the day to which the hearing shall be first adjourned;

Proviso.

provided, said defendant, if such copy be filed on said adjourned day, shall then consent to an adjournment of said hearing if the plaintiff shall request the same, and shall also pay the witness fees of said plaintiff for that day, including fees for subpœnas and service; upon which consent being given and fees paid, the justice shall adjourn the same to such day as he may deem proper.

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

Approved April 3, 1873.

CHAPTER CCCCLXXX.

An Act to Provide for the Compilation and Publication of an Index of all the Public Laws of this State.

Index of the public laws authorized to be compiled.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Hood, of Camden, be and he is hereby authorized to compile and publish a complete index of all the public laws of this state, including those passed by the colonial government, to be arranged in the same manner as near as may be as said Hood's index of corporations of this state, said work to be done under the supervision and subject to the approval of the chief justice of the supreme court.

2. *And be it enacted*, That the state treasurer be and is hereby authorized and directed to purchase from said John Hood one thousand copies of said index, to be well printed on good paper and bound in good law sheep, at the price of five dollars per copy. Treasurer to purchase copies of Index.

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

Approved April 3, 1873.

CHAPTER CCCCXCI.

A Further Supplement to an act entitled "An Act respecting Annual Reports to the Legislature of Railroad and Canal Companies," approved February twenty-fourth, one thousand eight hundred and fifty-two.

WHEREAS, the act to which this is a supplement provides that each railroad and canal company in this state shall make an annual report to the legislature, which reports are now required by law to be transmitted to the secretary of state; *and whereas*, the duties in connection with such reports have by subsequent enactments been transferred from the state department to that of the comptroller; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the reports required to be made annually to the legislature by the several railroad and canal companies of this state, as provided by the act to which this is a supplement, and by a supplement thereto, approved March eleventh, one thousand eight hundred and fifty-three, shall hereafter be transmitted to the comptroller of the treasury, who shall file the same in his office, there to remain of record; and the comptroller shall cause printed copies of said reports to be laid before the legislature. Reports to be made to the comptroller.

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

Approved April 3, 1873.

CHAPTER CCCCXCII.

A Further Supplement to "An Act to fix the Salaries of the Officers of the Senate and General Assembly of the State of New Jersey," approved February sixth, one thousand eight hundred and sixty-seven.

Appointment of clerk to committee on engrossed bills.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the chairmen of the committees on engrossed bills in the senate and general assembly, be and they are hereby authorized to appoint a proper person, clerk of their respective committees, whose duty it shall be, under their control and supervision, carefully to read and to compare with the printed copy, all bills engrossed before being reported to the senate or general assembly; and who shall receive for their services the sum of ten hundred dollars, said sum to be paid to each of said clerks in the same manner as the salaries of the officers of the legislature are now paid.

Compensation.

Compensation to calendar clerk, &c.

2. *And be it enacted*, That the calendar clerk of the senate, shall receive for his services the sum of one thousand dollars; the assistant calendar clerk shall receive the sum of seven hundred dollars; and the private pages of the president of the senate and of the speaker of the house of assembly, shall each receive for their services the sum of six hundred dollars.

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

Approved April 3, 1873.

CHAPTER CCCCXCIII.

Supplement to an act entitled "An Act respecting the Court of Chancery."

Appeal to the Court of Errors and Appeals to be made within three months after filing final decree or order.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all causes now or hereafter pending in this court where the complainant has or shall file the notice mentioned in the fifty-seventh section of the act to which this is a supplement, no appeal from the final decree or order in said court shall be taken to the court of errors and appeals, unless taken within three months after filing the order or decree appealed from; and in all such cases where any decree has already been filed, no person or persons now entitled to appeal to the court of errors and appeals shall take such appeal unless the same be taken within three months after this supplement becomes a law.

Approved April 3, 1873.

CHAPTER CCCCXCIV.

An Act for the Protection of Buoys and Beacons.

Penalty for mooring vessels to or damaging or destroying any buoy or beacon.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person or persons who shall moor any vessel or vessels of any kind or name whatsoever, or any raft or part of a raft to any buoy or beacon placed in the waters of New Jersey by the authority of the United States Light House Board, or shall in any manner hang on with any vessel or raft or part of a raft to any such buoy or beacon, or shall willfully remove, damage, or destroy any such buoy or beacon, or shall cut down, remove, damage or destroy any beacon or beacons erected on land in this state by the authority of the said United States

Light House Board, shall for every such offence be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be punished by a fine not to exceed two hundred dollars, or by imprisonment not to exceed three months; one-third of the fine in each case shall be paid to the informer and two-thirds thereof to the Light House Board, to be used in the repairing the said buoys and beacons.

Cost of repairing buoy or beacon to be a lien upon the vessel damaging the same.

2. *And be it enacted*, That the cost of repairing or replacing any such buoy or beacon which may have been misplaced, damaged or destroyed by any vessel or raft whatsover having been made fast to any such buoy or beacon, shall, when the same shall be legally ascertained, be a lien upon such vessel or raft, and may be recovered against said vessel or raft and the owner or owners thereof in an action of debt in any court of competent jurisdiction in this state.

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

Approved April 3, 1873.

CHAPTER CCCCXCV.

An Act Appropriating Money to Erect a Monument in Memory of New Jersey Soldiers.

Preamble.

WHEREAS, there is located in the township of Beverly, and county of Burlington, a "National Cemetery," wherein are buried one hundred and forty-three of the nation's defenders, mostly New Jersey soldiers, and the general government has enclosed it with a neat and substantial wall, thereby giving evidence of its permanency; *and whereas*, this is believed to be the only national cemetery in this state, and the memory of said soldiers is dear to the heart of every loyal citizen of the state; therefore,

Amount of appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of ten thousand dollars be and is hereby appropriated for the purpose of erecting a suitable monument in said cemetery.

2. *And be it enacted*, That the governor shall appoint a committee of five citizens of this state, who shall select a plan, advertise for proposals, contract for and have said monument erected at the earliest possible date, at a cost not exceeding the above appropriation. Governor to appoint a committee to advertise.

3. *And be it enacted*, That the state treasurer shall pay out of any moneys not otherwise appropriated, the amount agreed upon in said contract, if not exceeding the amount above appropriated, to the said contractor, as soon as the committee shall have notified him, under their several hands and seals, that the monument has been completed in accordance with the plans and specifications adopted. State treasurer to pay for amount of contract.

4. *And be it enacted*, That the principal inscription on said monument shall be: "Erected by the state of New Jersey in memory of her patriot dead." Inscription.

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

Approved April 3, 1873.

CHAPTER CCCCXCVI.

A Further Supplement to the act entitled "An Act relative to Oaths and Affidavits," approved February fourteenth, one thousand eight hundred and thirty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be necessary to the validity or sufficiency of any oath, affirmation or affidavit hereafter made or taken by and before a notary public of this state, that the same shall be certified under the official seal of such notary public. Official seal not required.

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

Approved April 3, 1873.

CHAPTER DXII.

A Further Supplement to the act entitled "An Act for the Preservation of Sheep," approved April fourteenth, one thousand eight hundred and forty-six.

Fees to assessors and collectors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assessors and collectors of the several townships, cities, wards and boroughs of this state, shall each be entitled to receive five cents, and no more, for every dog or bitch assessed according to the said act and the several supplements thereto; *provided*, that nothing herein contained shall be construed to affect any special law of any township, city, ward or borough of this state.

Proviso.

Repealer.

2. *And be it enacted*, That the further supplement to the said act approved March twenty-third, one thousand eight hundred and seventy-one, be and the same is hereby repealed.

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

Approved April 3, 1873.

CHAPTER DXXXIV.

A Supplement to the act entitled, "An Act to authorize the Discharge of Executors, Administrators and Guardians, in certain cases."

Provisions extended to trustees appointed under will.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement, be and the same are hereby

extended to all cases of trustees appointed by last will and testament.

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

Approved April 3, 1873.

CHAPTER DXXXV.

A Supplement to an act entitled "An Act appointing Commissioners for a Sinking Fund and defining their duties," approved March twenty-fifth, one thousand eight hundred and sixty-four.

Commissioners of Sinking Fund to be trustees for the reduction and payment of the war debt and interest.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the persons now holding the office of commissioners of the sinking fund of this state, under the provisions of the act to which this is a supplement, and their successors in office, be and they are hereby constituted and appointed trustees of the fund for the reduction and payment of the war debt of this state and of the interest thereon, arising either from appropriations heretofore made or which hereafter may be made by law, or which may arise from the gift, grant, bequest or devise of any person or persons whatever, which trustees shall be known by the name, style and title of "The Commissioners of the Sinking Fund of New Jersey."

Funds to be held in trust.

2. *And be it enacted*, That the public stocks and moneys heretofore appropriated by law, and the assets and securities now held by the persons aforesaid, by whatever name, style or title said persons may be designated in said securities, and all public stocks and moneys hereafter appropriated by law for the purposes of the sinking fund, shall be vested in and held by the said trustees, in trust, and the said fund and the interest and dividends arising therefrom shall be invested and applied by the said trustees in the mode now prescribed or hereafter to be prescribed by law for the payment of the war debt of this state.

Compensation.

3. *And be it enacted*, That the said trustees shall perform all the duties prescribed by the provisions of the act to

which this is a supplement, and such other duties respecting said sinking fund as may hereafter be prescribed to them by law, and that each of said trustees shall hereafter receive an annual salary of one thousand dollars, to be paid in quarterly payments by the treasurer of this state.

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

Approved April 3, 1873.

CHAPTER DXXXVI.

A Further Supplement to an act entitled "An Act to establish a State Industrial School for Girls," approved April fourth, one thousand eight hundred and seventy-one.

Trustees empowered to sell certain land.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the State Industrial School for Girls be, and they are hereby authorized and empowered to sell such portions of the land recently purchased by them in the township of Ewing, county of Mercer, as are not necessary for the purposes of said school, and apply the proceeds of such sale or sales for the improvement of their property or benefit of said school.

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

Approved April 3, 1873.

CHAPTER DXXXVII.

An Act concerning Reports and Taxes of Railroad and Canal Companies in this State.

1. BE IT ENATED *by the Senate and General Assembly of the State of New Jersey*, That the comptroller of this state be and he is hereby directed to cause to be compiled and

submitted to the legislature at its next annual session, a report containing the names of all railroad and canal companies now in operation in this state, under acts of incorporation granted by the legislature, together with the terms and provisions under which the said companies are required to pay tax to the state; what companies, if any, have failed to pay the taxes imposed upon them by their charters; the amount of property reported by the several railroad and canal companies for the year one thousand eight hundred and seventy-two; the amount and per centage of tax paid thereon, and what legislation, if any, is necessary and practicable to secure the payment of tax from any company or companies which may be delinquent, or whose charters are not sufficiently explicit to determine the amount of their annual tax; and the said comptroller is hereby authorized to employ such assistance as he may deem necessary in the examination of said charters, and in preparing said compilation at an expense to be determined by the governor and comptroller.

Comptroller to compile and submit to the legislature a report containing the names of railroad and canal companies in this state, and amount of tax paid.

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

Approved April 3, 1873.

CHAPTER DXXXVIII.

An Act respecting Conveyances of Lands made, and to be made by Wills.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the probate of the will of any person, resident in this state at the time of his or her decease, which has been or may hereafter be duly admitted to probate in this state, as to any real estate devised by said will, shall be conclusive evidence of the formal execution of said will, (so far as the same appears by said probate) in any suit, action or proceeding not commenced within seven years from the time of such probate; *provided always*, that the time during which any person claiming as or under the heir

Probate of will to be evidence of execution of will.

Proviso.

of said testator, shall be under the age of twenty-one years, shall not be taken or computed as part of said period of seven years; *and provided further*, that nothing herein contained shall affect any suit, action or proceeding heretofore commenced and now pending.

Proviso.

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

Approved April 3, 1873.

CHAPTER DXXXIX.

A Further Supplement to an act entitled "An Act for the Organization of the National Guard of the State of New Jersey."

Rank of brevet brigadier general, how conferred.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor and commander in chief be and is hereby authorized to confer upon such citizens of this state, not exceeding two, as shall have served long and meritoriously as colonels of the National Guard, the rank of brevet brigadier general; *provided*, that the governor shall nominate the said officers to the senate, and the rank shall be conferred by and with the advice and consent of the senate.

Proviso.

Approved April 3, 1873.

CHAPTER DXLI.

Supplement to an act entitled "An Act relative to the Office of the Secretary of State and Register of the Prerogative Court," approved April seventeenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, it shall be lawful for the secretary of this state to

appoint an assistant in his office, who shall be commissioned by the governor to be assistant secretary of state, and said assistant secretary of state shall hold his office during the pleasure of the secretary of state making the appointment, but in no case to extend beyond the term for which the said secretary of state is commissioned, and the said assistant secretary of state shall be required to take and subscribe an oath of like form and character as that required to be made by the secretary of state, and he shall give bond to the state in the sum of two thousand five hundred dollars, with like conditions, and to be approved in like manner as is required by the first section of the act to which this is a supplement, and the assistant secretary of state shall, during the absence or inability through sickness or other cause of the secretary of state, have the same powers and perform all the duties which are now imposed by law upon the secretary of state; and the assistant secretary of state shall receive for his services a salary at the rate of two thousand dollars per annum, to be paid out of the treasury of this state upon the warrant of the comptroller.

Appointment of assistant secretary of state authorized.

Bond and oath.

Duties.

Compensation.

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

Approved April 4, 1873.

CHAPTER DXLIV.

A Further Supplement to the act entitled "An Act to appoint Commissioners to erect an addition and make repairs to the State House," approved March thirty-first, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there be appropriated out of any funds in the treasury not otherwise appropriated the sum of three thousand dollars, to be expended by the commissioners named in the act for the improvement and addition to the front of the state house, making such repairs to the present roof on the state house as may be deemed necessary to prevent its leaking.

Appropriation for repairs to State House.

2. *And be it enacted*, That there be appropriated the

Appropriation for unfinished repairs and paying debts already incurred.

further sum of forty thousand dollars for completing the unfinished repairs and improvements now in progress, and for paying the debts already incurred on account of building and furniture, and for fitting up the library for the accommodation of the increased number of books, agreeably to a plan adopted by the commissioners of the library.

Comptroller to draw warrants.

3. *And be it enacted*, That the comptroller shall, from time to time, draw his warrants upon the treasurer in favor of said commissioners, for such sum or sums as shall be necessary for the purposes aforesaid; and the said commissioners shall account to the said comptroller for the expenditure as aforesaid, as required in the act to which this is a further supplement.

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

Approved April 4, 1873.

CHAPTER DXLVII.

An Act to defray Incidental Expenses of New Jersey Legislature, for the Session of one thousand eight hundred and seventy-three.

State treasurer to pay certain amounts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of the state to pay upon the warrant of the comptroller, to the several persons hereinafter named, the following amounts, viz.:

Item No. 1.—To William Temple, for slippers furnished pages of the house of assembly, certified to by the speaker, twenty-three dollars and seventy-five cents, $23 75

Item No. 2.—To William Temple, for slippers furnished pages of the senate, certified to by the sergeant-at-arms, twelve dollars, 12 00

Item No. 3.—To George T. Dudley, for stationery for senate, certified to by the sergeant-at-arms of the senate, two hundred and sixty-nine dollars and seventy-five cents, 269 75

Item No. 4.—To George T. Dudley, for mucilage and pens for house of assembly, certified to by the clerk, thirty-two dollars and five cents, $32 05

Item No. 5.—To George T. Dudley, for stationery for senate, certified to by the secretary, two hundred and ten dollars and thirty-five cents, 210 35

Item No. 6.—To George T. Dudley, for stationery for house of assembly, certified to by the sergeant-at-arms and chairman committee on stationery of the house, five hundred and eighty-nine dollars and sixty-five cents, 589 65

Item No. 7.—To George T. Dudley, for stationery for house of assembly, certified to by engrossing clerk, two hundred and thirteen dollars and sixty-seven cents, 213 67

Item No. 8.—To George T. Dudley, for stationery for senate, certified to by the engrossing clerk, two hundred and ninety-seven dollars and eight cents, 297 08

Item No. 9.—To George T. Dudley, for stamp and ribbon furnished speaker of the house of assembly, thirteen dollars and seventy-five cents, 13 75

Item No. 10.—To Louisa Antworth, for cleaning and slop work about senate and assembly chambers, session of one thousand eight hundred and seventy-three, one hundred and fifty dollars, 150 00

Item No. 11.—To Joseph D. Hall, for parchment rolls for senate and house of assembly, at the usual rates, twenty-five dollars, 25 00

Item No. 12.—To John P. Lansing, for services rendered the joint committee on state treasurer's accounts, one hundred dollars, 100 00

Item No. 13.—To John B. Courtney and John H. Goodin, for services as door tenders in the senate, for session of one thousand eight hundred and seventy-three, each four hundred dollars, 400 00

Item No. 14.—To Theodore Daws, for services as extra page in senate, as certified to by sergeant-at-arms, twenty-dollars, 20 00

Item No. 15.—To Alexander Jacobus, sergeant-at-arms of the house of assembly, and E. M. Beesley, sergeant-at-arms of the senate, for extra services, two hundred dollars each, 200 00

Item No. 16.—To Murphy and Bechtel, for stationery for engrossing clerk of the house of assembly, one hundred and twenty-three dollars, $123 00

Item No. 17.—To Murphy and Bechtel, for stationery for secretary of the senate, six hundred and twenty-four dollars and fifty cents, 624 50

Item No. 18.—To Murphy and Bechtel, for stationery for clerk of the house of assembly, two hundred and thirty-one dollars and forty-two cents, 231 42

Item No. 19.—To Murphy and Bechtel for balance on stationery bill furnished the house of assembly, session of one thousand eight hundred and seventy-two, as certified to by George W. Smith, sergeant-at-arms, five hundred and fifty-one dollars and forty cents, 551 40

Item No. 20.—To H. Jacobs, for pens for senate, certified to by John F. Babcock, secretary of the senate, session of one thousand eight hundred and seventy-two, thirty dollars, 30 00

Item No. 21.—To Isaac D. James, for mucilage and bands for senate, certified to by secretary, twenty-seven dollars, 27 00

Item No. 22.—To George T. Dudley, for stationery furnished speaker's room, house of assembly, certified to by the speaker, thirty dollars, 30 00

Item No. 23.—To William S. Sharp, for stationery for senate, certified to by president of the senate, nineteen dollars, 19 00

Item No. 24.—To William S. Sharp, for stationery for house of assembly, certified to by speaker of the house, twenty-four dollars and fifty cents, 24 50

Item No. 25.—To William S. Sharp, for calendar book furnished engrossing clerk of the senate, eight dollars, 8 00

Item No. 26.—To the clergy of the city of Trenton each, ten dollars for services in opening the sessions of the legislature with prayer in the year one thousand eight hundred and seventy-three; *provided*, that no clergyman shall receive more than ten dollars,

Item No. 27.—To J. Frank Fort, for services as clerk to incidental committee, the usual sum of fifty dollars, 50 00

Item No. 28.—To the officers of the senate and general assembly elected or appointed, the usual additional compensation of twenty per centum upon their salaries for the present session.

Item No. 29.—To Somers H. Vaughn, for services as page of the house of assembly during first part of the session of one thousand eight hundred and seventy-three, one hundred dollars $100 00

Item No. 30.—To the several pages of the senate and general assembly, an addition of twenty per centum to the amount of compensation received by them by the act of March twenty-nine, one thousand eight hundred and seventy-one,

Item No. 31.—To George K. Russell, for engrossing resolutions passed by the house on the decease of Hon. Moses H. Williams and Hon. Charles Hemmingway, the sum of fifty dollars, 50 00

Item No. 32.—To James S. McDanolds, state librarian, for extra services, lighting up nights, &c., two hundred dollars, 200 00

Item No. 33.—To Naar, Day and Narr, for stationery furnished president of senate, certified to by president of senate, twenty-two dollars and twenty-five cents, 22 25

Item No. 34.—To Ivins and Lalor, for horses and carriages furnished members, as certified to by A. J. Smith, four hundred dollars, 400 00

Item No. 35.—To Dyer and Reeves, for horses and carriages furnished members, certified to by J. Z. Budd, forty dollars, 40 00

Item No. 36.—To William Silvers, for services as extra page in the house of assembly, certified to by engrossing clerk, twenty dollars, 20 00

Item No. 37.—To Anthony H. Ryder, for expenses special committee on Stanhope investigation of the house, one hundred and fifteen dollars, 115 00

Item No. 38.—To William Moore, for expenses special committee on Stanhope investigation of the senate, one hundred and twenty-eight dollars and fifty cents, 128 50

Item No. 39.—To William G. Allen, for carriage hire, certified to by chairman of joint committee on lunatic asylum, ten dollars, 10 00

Item No. 40.—To William G. Allen, for carriage hire, certified to by chairman of joint committee on state prison, fifteen dollars, $15 00

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

Approved April 4, 1873.

CHAPTER DXLVIII.

A Supplement to an act entitled "An Act to authorize the Formation of Railroad Corporations, and Regulate the same," approved April second, one thousand eight hundred and seventy-three.

Railroad corporations may establish and operate ferries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That railroad corporations, formed under the provisions of the act to which this is a supplement, may establish and operate ferries where the terminus or termini of the railroads of said corporations may be on the shores of any rivers or navigable waters of this state, for the transportation of persons and property on or across the same, subject to the rates of fare for passengers and tolls for freight, as provided in said act on railroads, and may buy or build all vessels and boats, and do all things necessary or convenient to carry on such ferry or ferries, or the said corporations may make contracts or engagements with other ferry companies for the transportation of the passengers and freight of such corporation.

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

Approved April 4, 1873.

CHAPTER DLIV.

A Further Supplement to an act entitled "An Act appointing Commissioners for a Sinking Fund and defining their duties," approved March twenty-fifth, eighteen hundred and sixty-four.

Preamble.

WHEREAS, a supplement to the above recited act, which supplement was approved April third, one thousand eight hundred and seventy-three, repeals the provision of the act to which this is a supplement requiring that the interest received upon the principal of the sinking fund shall be reinvested; *and whereas*, the commissioners of the sinking fund have made provision for the investment of certain interest moneys now on hand or soon to be received; therefore,

Commissioners to invest interest money in their hands or that may become due and payable, during the month of April.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That nothing in the said supplement, approved April third, one thousand eight hundred and seventy-three, shall be construed as prohibiting the said commissioners from investing any interest moneys now in their hands, or that may be now due or become payable during the month of April, one thousand eight hundred and seventy-three.

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

Approved April 4, 1873.

CHAPTER DLXIII.

A Further Supplement to an act entitled "An Act for Suppressing Vice and Immorality," approved April fifteenth, one thousand eight hundred and forty-six.

Railroad companies may run passenger trains on Sunday.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any railroad company in this state to run one passenger train each way over their roads on Sunday, for the accommodation of the citizens of this state.

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

Approved April 4, 1873.

CHAPTER DLXIV.

An Act relative to County Lunatic Asylums.

Allowance to be paid by the state for each county patient in county lunatic asylum.

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

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

Approved April 4, 1873.

CHAPTER DLXV.

A Further Supplement to the act entitled "An Act declaring when the death of persons absenting themselves shall be presumed," passed March seventh, one thousand seven hundred and ninety-seven.

Death of person shall be presumed after an absence of seven years in certain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any personal property or any interest therein, has been or shall be given or bequeathed, in and by any last will and testament, either to or for the use of any person or persons for life, or for a term of years, or for any other limited period, or in remainder, after the death of any other person or persons who shall have remained beyond the sea, or have been absent from or concealed in this state for seven years after the death of the testator or testatrix, it shall be lawful for the chancellor, in any proceeding to be had in the court of chancery, upon the petition of any one interested in the matter, and after due proof of such absence or concealment, to order, adjudge and decree that the executor or executors of said will and testament, or the administrator or administrators, cum testamento annexo, or otherwise, shall pay and deliver such property, or such interest therein with any accumulations thereof, unto or for the use of the said person or persons so entitled to receive the same after the death of such other person or persons so absent or concealed, upon his, her or their giving to said executor or executors, administrator or administrators, a refunding bond or bonds, without any sureties whatever, but otherwise in the form or to the effect mentioned or prescribed in and by the seventeenth section of the act entitled "An Act concerning executors, and the administration and distribution of intestates' estates," approved April sixteenth, one thousand eight hundred and forty-six; and such bond or bonds shall be a full and complete protection to said executor or executors, administrators, in case said person or persons so absent or concealed, or his, her or their

Refunding bond to be given.

legal representatives shall at any time afterwards appear and claim said property, or interest therein, and said accumulations or any part thereof.

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

Approved April 4, 1873.

CHAPTER DLXVI.

A Supplement to the act entitled "An Act regulating Proceedings on Forfeited Recognizances, and appropriating the moneys arising from the same, and from Fines and Amercements," approved April fifteenth, one thousand eight hundred and forty-six.

Per centage given to sheriffs shall extend to fines received by him on convictions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the per centage given to the sheriffs of the several counties of this state, by the fifth section of the act to which this is a supplement, shall extend and apply to all fines received by him on convictions, whether upon indictments or other proceedings before any court of criminal jurisdiction, and whether such fines are payable to the treasurer of this state, or to the collector of the county where the conviction is had.

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

Approved April 4, 1873.

CHAPTER DLXVII.

A Further Supplement to an act entitled "An Act for the Organization of the National Guard of the State of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine.

Transportation to be furnished upon requisition.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any regiment, battalion or battery, shall be ordered to parade for inspection, transportation shall be furnished by the quartermaster general upon the requisition of the commanding officer of such regiment, battalion or battery, approved by the brigade commander.

Muster and inspection rolls to be furnished.

2. *And be it enacted*, That it shall be the duty of the inspector general, on or before the first day of September in each and every year, to see that each command is furnished with muster and inspection rolls in sufficient quantities to make out triplicate returns.

Annual inspection.

3. *And be it enacted*, That the annual inspection of each company of the national guard shall be made by the brigade inspector between the first day of September and the fifteenth day of October, except that whenever any regiment or battalion is unattached to any brigade, the inspector general be and he is hereby authorized to detail any field or line officer of the national guard to inspect such unattached regiment or battalion, at which inspection there shall be furnished by each company commander to the inspector, muster rolls in triplicate of the company, which rolls shall have endorsed thereon a certificate of the commanding officer of the average present at all company drills and parades throughout the year, which muster rolls shall then be examined by the inspecting officer, and by him certified, and the three copies disposed of as follows: one shall be sent to the regimental paymaster, and two forwarded by the brigade inspector or the inspecting officer to the inspector general's office; one to be used by him in making out his annual report,

and filed by him in the office of the adjutant general, and the other to be certified to by him and forwarded to the headquarters of the national guard.

Forfeiture of annual appropriation.

4. *And be it enacted*, That the annual appropriation of every company that shall fail to parade for inspection within the time fixed by law, or whose reports are not duly forwarded to the inspector general's office on or before the thirtieth day of October, succeeding such annual inspection, be and the same is hereby forfeited.

Annual appropriation to be paid the division paymaster.

5. *And be it enacted*, That an appropriation of five hundred dollars be made annually for the expenses of division headquarters which shall be paid to the division paymaster on the first Monday of April of each year.

Commanding officer of battery to be member of brigade board.

6. *And be it enacted*, That in addition to the officers now by law composing the brigade board of each brigade, the commanding officer of any battery attached to a brigade, is hereby declared to be a member of the brigade board.

Ex officio members.

7. *And be it enacted*, That in addition to the officers now composing the "State Military Board," brigade commanders shall be ex-officio members of said board.

Who are exempt from taxes.

8. *And be it enacted*, That in addition to the exemption from general and special poll tax now allowed by law, all general and staff officers, all commissioned and non-commissioned officers, musicians and privates of the national guard of this state, shall be exempted from state, county and municipal taxation upon five hundred dollars, during the period they shall be actually serving in the national guard.

Term of enlistment to be five years.

9. *And be it enacted*, That in lieu of two terms of enlistment of three years each, the term of service in the national guard shall hereafter be five years, and that it shall be upon one enlistment; but that any person now serving in the national guard, who under the existing law has re-enlisted for his second term of three years, shall be entitled to a full discharge, when he shall have served two years of his said second enlistment.

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

Approved April 4, 1873.

CHAPTER DLXVIII.

An Act to repeal an act entitled "An Act better to secure the Safety of Travelers on Railroads," approved April sixth, one thousand eight hundred and sixty-five.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act better to secure the safety of travelers on railroads," approved April sixth, one thousand eight hundred and sixty-five, be and the same hereby is repealed.

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

Approved April 4, 1873.

CHAPTER DLXIX.

A Further Supplement to an act entitled "An Act authorizing the Incorporation of Rural Cemetery Associations," approved March fourteenth, one thousand eight hundred and fifty-one.

Owner may convey share or interest to widower, widow or next of kin of deceased person.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the eleventh section of the act to which this is a supplement, is hereby amended so as to permit the owner or owners of any such lot or plat, or of any share or interest therein, or in any portion thereof, to convey and release such share or interest, or any portion thereof, unto the widower, widow or next of kin of any deceased person whose body may then be interred in such lot or plat.

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

Approved April 4, 1873.

CHAPTER DLXX.

An Act to open Public Roads to and from Railroad Depots.

Freeholders to make application to open road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon the application of ten freeholders of the county in which any depot of a railroad company shall be located other than upon an already existing thoroughfare legally laid out and opened, to the board of chosen freeholders, board of commissioners of any township, or town or village or other authority having control of the roads, avenues or streets therein, it shall be the duty of such authorities upon such application being petitioned for, to map, survey, lay out, open and improve the road or roads necessary to get to and from the said depot from the several sides thereof to the place or places on the first cross road where necessary to accommodate the public; the necessary cost of land over and above benefits derived and all other expenses of opening and improving said road or roads shall be made and collected in the same manner and by the same authorities that are now in control of the roads and streets in such district or township, and it shall be a lien upon the assessed property adjacent thereto until paid, with interest and costs.

Cost and expenses to be a lien.

Repealer.

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

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

Approved April 4, 1873.

CHAPTER DXCIV.

A Further Supplement to an act entitled "An Act to regulate the business of Fire, Life, Accident, Marine and Live Stock Insurance, by Companies or Associations not incorporated by this State," approved April ninth, one thousand eight hundred and sixty-seven.

Acts, how to be construed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "A supplement to an act to regulate the business of fire, life, accident, marine and live stock insurance by companies or associations not incorporated by this state," approved April ninth, one thousand eight hundred and sixty-seven, which said supplement was approved February sixth, one thousand eight hundred and seventy-two, and the act entitled "A further supplement to an act entitled 'An act to regulate the business of fire, life, accident, marine and live stock insurance, by companies or associations not incorporated by this state,'" approved April ninth, one thousand eight hundred and sixty-seven, which said further supplement was approved March fifth, one thousand eight hundred and seventy-two, shall be held and construed to apply to and include any and all rules, regulations, requirements or impositions of whatever kind, as well by any department or officer of the government of any state or nation, as by the laws thereof; and it is hereby expressly made and declared to be the duty of the secretary of state of this state to strictly enforce the provisions of this act, and those to which this is supplementary.

Duty of the secretary of state.

Approved April 4, 1873.

New Jersey State Library

CHAPTER DXCV.

An Act to Provide for the Preservation of Ruffled Grouse or Prairie Chickens within the State of New Jersey.

Penalty for killing within certain period.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the period of five years from and after April first, one thousand eight hundred and seventy-three, namely, until April first, one thousand eight hundred and seventy-eight, it shall not be lawful for any person or persons to shoot or otherwise injure or kill any ruffled grouse, otherwise known as prairie chickens, within the limits of the state of New Jersey; and any such act shall be considered a misdemeanor, and shall be punished by a fine of fifty dollars, and such imprisonment in the county jail of the county in which such act shall have been committed, not exceeding thirty days, as the court trying the same may inflict.

Persons adjudged to be guilty.

2. *And be it enacted*, That any person in whose hands any ruffled grouse or prairie chicken may be found, which shall have been killed or injured contrary to the provisions of this act, shall be deemed, taken, and adjudged to be guilty of the crime aforesaid, unless the contrary is duly proved.

Justices of the peace to impose penalties.

3. *And be it enacted*, That any justice of the peace in and for the state of New Jersey, be hereby duly empowered to take cognizance of, try and impose the penalties for all offences under this act.

Fines, how disposed of.

4. *And be it enacted*, That of the fines collected for offences under this act, one-half shall be paid to the person or persons giving evidence which shall lead to the apprehension and conviction of offenders.

Repealer.

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

Approved April 4, 1873.

CHAPTER DXCVI.

A Supplement to an act entitled "An Act to regulate the mode of Docketing Judgments of the Circuit Court in the Supreme Court," approved March nineteenth, one thousand eight hundred and forty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after the decease of the plaintiff or plaintiffs in any judgment of a circuit court, said judgment may be docketed in the supreme court in the name of the executors, administrators or legal representatives of any party thereto, upon request of said executors, administrators or legal representatives. Judgment may be docketed in Supreme Court in name of executors, &c.

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

Approved April 4, 1873.

CHAPTER DXCVII.

A Further Supplement to the act entitled "An Act to incorporate Trustees of Religious Societies."

WHEREAS, it is represented that it is in accordance with the customs and usages of the Baptist churches that such churches should possess the right to determine as to the acquisition, use and disposition of their property, and that the trustees of the same should be elected by the members of such churches, and that in other respects the provisions of the act to which this a supplement, are not in accordance with the usages and customs of the said churches; Preamble.

Notice to be given by advertisement when members intend to form themselves into a body corporate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when the members of any Baptist church in this state, now or hereafter to be organized, according to the usages and customs of Baptist churches, into a Baptist church, shall desire and intend to form themselves into a body corporate, notice shall be given of such intention by an advertisement signed by the clerk, or clerk pro tempore, of such church, and set up in open view, at least ten days previous to the day named therein, at or near the place where the members of such church usually assemble for public worship, and designating the day and hour when, and the place where they design to meet for such purpose; upon the day and hour so named in said notice, the members of said church shall assemble at such place so named, and by a majority of the votes of such members so present may adopt a corporate name, and may also, by a similar vote, elect any number of persons, not less than three nor more than seven, being members of such church or of the congregation meeting therewith for public worship, to be a board of trustees of the said church; at such meeting, the pastor, or any member of said church called to the chair, shall preside, and the clerk of such church shall be the secretary of said meeting, and shall record the proceedings of the same; in the absence of any regulation upon the subject previously adopted by such church, five of the members thereof shall constitute a quorum at such meeting, but a smaller number may adjourn the same from time to time, and where such regulation exists, the number of members necessary to constitute a quorum, shall be determined by such regulation.

Certificate of incorporation to be filed in office of the county clerk.

2. *And be it enacted*, That after the aforesaid proceedings shall have been had, a certificate of the same in writing under the hands and seals of the president and secretary of said meeting, shall be transmitted to the clerk of the court of common pleas of the county, whose duty it shall be to file and record the same, for which service the said clerk shall be entitled to receive the sum of one dollar, and upon the filing of said certificate with said clerk, the members of said church, and their successors, shall be and thereafter continue to be a body politic and corporate in fact and in law by the name so adopted and expressed in such certificate, and shall by such name of incorporation, be capable of acquiring by gift, grant, purchase or other manner, and of

having and holding any lands, tenements, hereditaments, legacies, donations, moneys, goods and chattels, to an amount not exceeding the yearly value of two thousand dollars, and the same, or any part thereof to sell, grant, assign, demise, alien and dispose of; but any conveyance of lands or interest in lands, or other written contract, made by said corporation shall be executed under the hand of the president of the board of trustees, and the common seal of said corporation; and such corporations shall have the powers, and be subject to the liabilities of the corporations named in the act to which this is a supplement, and any devise or bequest to any such corporation shall not be defeated by reason of any misnomer, if the intention of the testator can be ascertained.

Duties of the trustees.

3. *And be it enacted*, That the trustees of every such corporation shall as soon as practicable after their election, organize for business by appointing one of their number as president, who shall have the custody of the deeds and muniments of title of the property of said corporation; the said board shall keep and report to the church annually, and oftener, if required, a full and accurate account of their transactions, and the financial condition of the church; all proceedings, acts and orders of said board shall be by a majority vote of all the members thereof.

Trustees to have the care of church property.

4. *And be it enacted*, That the said board of trustees shall have the care, custody and oversight of the property of the church so incorporated, except moneys raised for the support of the pastor or for benevolent objects, but they shall not have power to alienate, sell or encumber such property, close the house of worship to the business or religious meetings of such church, or permit the same to be used for other than such meetings, buy, build or otherwise involve the church in expense aside from the ordinary expenditures incurred by the proper care, repairs and preservation of its property, without express authority from the church itself for so doing.

Term of office.

5. *And be it enacted*, That the term of office of said trustees may be regulated by by-law or resolution of such church, adopted before their election, and in the absence of such regulation, the said trustees shall continue in office one year from the date of their election and until their successors are chosen.

6. *And be it enacted*, That for perpetuating a line of

Election of officers.

succession in the trustees of any such church so incorporated, it shall be lawful for the members of such church so incorporated to assemble at any time they may think proper, giving notice thereof as hereinbefore is directed, for the election of the first trustees, or may so assemble for the election of any other trustee or trustees in the stead of those or any of those before elected, in case they see cause for the removal of any of the said trustees, and also to

Vacancies, how filled.

fill any vacancy occasioned by the death or resignation of any trustee or by his moving out of the limits of the congregation worshipping with said church, and when so assembled may fill such vacancies, or elect such new trustees, or elect such new board of trustees by the same vote herein required for the election of the first trustees.

Title to vest in new corporation.

7. *And be it enacted*, That if any Baptist church, the trustees of which are now incorporated under the provisions of the act to which this is a supplement, shall desire to become incorporated under the provisions of this act, and shall comply with the requirements of this act, the said church, upon taking the proceedings prescribed in section one of this act, and filing the certificate thereof as provided in the second section of this act, shall thereupon become a corporation in fact and in law, with all the privileges granted and subject to all the liabilities imposed by this act, and thereupon the corporation composed of the trustees thereof shall be dissolved, and the title to all property, real and personal, held by the same shall instantly vest in the new corporation so created.

Elections not to be invalid for want of notice.

8. *And be it enacted*, That no election of trustees under this act, except the first election, shall be deemed invalid by reason of failure to give the notice hereinbefore required, in any case where the time of election of trustees is regulated by a rule or standing resolution of the church so failing to give such notice.

May make rules and regulations.

9. *And be it enacted*, That any church incorporated according to the provisions of this act shall have power to make such rules and regulations for the transaction of its business, number and election of its officers, the support of public worship, the calling to and dismissal from the pastoral office and the regulation of the proceedings of the board of trustees and the defining of the duties and power of such board, as may be deemed from time to time necessary or expedient.

10. *And be it enacted*, That the provisions of the act to which this is a supplement shall continue to apply to such Baptist churches as do not avail themselves of the provisions of this act. Provisions of original act not repealed.

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

Approved April 4, 1873.

CHAPTER DXCVIII.

A Further Supplement to "An Act for the Preservation of Deer and other Game, and to Prevent Trespassing with Guns," approved April sixteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall not be lawful for any person or persons to hunt for rabbits with ferrets, or to capture or kill any rabbit or rabbits by means of any ferret or ferrets, and whoever shall offend against the provisions of this act, shall forfeit and pay for each and every such offence, the sum of fifteen dollars, to be sued for before any justice of the peace, and recovered in an action of debt with costs of suit by any person who shall sue for the same, and on non-payment thereof, such offender shall be committed to the workhouse or common jail of the county for any period not exceeding sixty days, and until said fine and costs are paid. Penalty for hunting rabbits with ferrets.

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

Approved April 4, 1873.

CHAPTER DXCIX.

An Act relating to the Sanitary Condition of the Public Schools.

Annual reports of superintendents to be specific on certain facts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That each city and each county superintendent in his annual report to be made to the state superintendent shall hereafter specifically set forth any and all such facts within his purview as touch and describe the location and capacity of each school healthfully to accommodate the pupils in attendance, to the end that a full observation may be deduced favorable or otherwise as to an ample supply of sittings, suitability of conveniences, eligibility of position, attention to ventilation, and as to all such other pertinent subjects as may clearly and fully exhibit the sanitary condition of the public schools under his official inspection.

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

Approved April 4, 1873.

CHAPTER DC.

An Act to provide Ways and Means to defray the expenses of the State, and a further supplement to an act entitled "An Act Concerning Taxes," approved April fourteenth, one thousand eight hundred and forty-six.

Assessment of one and onehalf mills on a dollar to be made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be assessed, levied and collected, on the inhabitants of this state, and upon the taxable real and personal property, as exhibited by the

abstracts of ratables from the several counties, made out by the several boards of assessors for the year one thousand eight hundred and seventy-two, and filed in office of the comptroller of the treasury, a state tax of one and one-half mills on each dollar of the valuations contained in said abstracts, and the proceeds of the said tax is hereby appropriated, and shall be applied as follows, to wit, there shall be paid to the commissioners of the sinking fund, one hundred thousand dollars, to pay that portion of the principal falling due on the first day of January, one thousand eight hundred and seventy-four, of a loan authorized by an act entitled "An act authorizing a loan for the purposes of war, &c.," approved May tenth, one thousand eight hundred and sixty-one, and the several supplements thereto; and there shall also be paid to the said commissioners the necessary amount to pay such portion of the interest due upon the said loan on the first day of January, one thousand eight hundred and seventy-four, and the first day of July, one thousand eight hundred and seventy-four, as the income of the sinking fund for the then current year shall not suffice to pay; and the residue of said tax shall be paid into the state fund, and shall be applied to the purpose of defraying the necessary expenses of the state; which tax and the sums required to be raised for county, city, township and other public purposes, shall be levied, assessed and collected on the persons and property, and in the manner directed by the above recited act, entitled "An act concerning taxes," and the several supplements thereto, and the laws of the state, which shall be in force at the time the said taxes shall be assessed, regulating the assessment and collection of taxes, except as in and by this act otherwise ordered and directed.

Proceeds of tax, how appropriated.

Residue, how disposed of.

How levied, assessed and collected.

2. *And be it enacted*, That it shall be the duty of the comptroller aforesaid to apportion the said tax, and at the rate aforesaid, among the several counties in proportion to the amount of taxable real and personal estate, in said counties respectively, as shown by the abstracts respectively as aforesaid; and it shall be his duty to transmit within thirty days after the approval or passage of this act, to the county collector of each county, a statement of the amount of said tax apportioned to said county, and said county collector shall lay said statement before the assessors of the townships or wards within his county, at their next meeting, to apportion the township taxes, and the said assessors

Comptroller shall apportion.

And transmit statement to county collectors.

shall thereupon proceed to assess said tax according to law.

Comptroller to furnish collectors printed forms for assessors' returns of ratables.

3. *And be it enacted*, That it shall be the duty of the comptroller to furnish to the collector of the several counties, printed forms, on which the boards of assessors shall make their returns of the amount of ratables of their respective counties, upon which forms there shall be printed the oath required to be taken by the assessors as provided by section twelve of 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 supplement was approved April eleventh, one thousand eight hundred and sixty-six, and no abstract of the amount of ratables from any county shall be deemed to have been made according to law, unless said oath shall have been taken and subscribed by each member of the board of assessors, and no assessor shall be entitled to receive compensation for his services until he shall have taken and subscribed the said oath as herein provided.

Former acts applied.

4. *And be it enacted*, That the provisions of the act entitled "A further supplement to the act entitled 'An act concerning taxes,'" approved April fourteenth, one thousand eight hundred and forty-six, which said further supplement was approved April first, one thousand eight hundred and sixty-nine, shall be and the same are hereby held to apply and be in force so far as they do not conflict with the provisions of this act.

Governor, comptroller, and treasurer to negotiate for or dispose of securities when they may deem it expedient so to do.

5. *And be it enacted*, That the governor, comptroller and treasurer of this state be and they are hereby authorized to dispose of or negotiate any securities now in the state fund, whenever it may be in their judgment, or in the judgment of a majority of them, expedient or necessary to do so in order to prevent embarrassment to the treasury, and the proceeds of any securities so disposed of or negotiated, shall be paid into the state fund, and shall be applied to the purpose of defraying the necessary expenses of the state.

Repealer.

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

Approved April 4, 1873.

CHAPTER DCI.

Supplement to an act entitled "An Act to prevent Injuries by Fire from Locomotive Engines on Railroads, and to provide for compensation therefor," approved April sixth, one thousand eight hundred and sixty-five.

Locomotives to be supplied with screens.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of every railroad company in this state, and of every company or person operating or using any railroad in this state with a locomotive engine, or locomotive engines, to provide such engine or engines, with a screen or screens, or cover or covers, on the smoke stack or smoke pipe of such engine or engines, so as to prevent as much as practicable the escape of fire, either from wood, soft coal, or hard coal, from the smoke stack or smoke stacks, smoke pipe or smoke pipes of said engine or engines.

Proof in action for recovery of damages.

2. *And be it enacted*, That in every action now or hereafter brought, for the recovery of damages for an injury done to the property of any person or corporation, by fire communicated by a locomotive engine of any person or railroad corporation, in violation of the first section of this act, proof that the injury was so done shall be prima facie evidence of such violation, subject nevertheless to be rebutted by evidence of the taking and using all practicable means to prevent such communication of fire as by said section required.

Penalty for refusal to comply with provisions of act.

3. *And be it enacted*, That if any company or person shall refuse or neglect to comply with the provisions of this act, or with the provisions of the act to which this is a supplement, they shall forfeit for every such refusal or neglect the sum of one hundred dollars to any person who may sue for the same, to be recovered with costs, in an action of debt, in any court having cognizance thereof, one-half of the sum recovered to go to the person suing, and one-half to the state for the public school fund.

Approved April 4, 1873.

CHAPTER DCII.

An Act granting the consent of the State of New Jersey to the purchase by the United States, of certain lands for the purpose of the erection of a public building, at Jersey City, in the county of Hudson, and ceding jurisdiction over the same.

Consent of the State to the purchase of land by the United States.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the consent of the state of New Jersey is hereby given to the purchase by the United States of one or more pieces of land situated in the city of Jersey City, in the county of Hudson, not exceeding one acre in quantity, on which to erect a building for a post office and other public purposes, and the said United States shall have, hold, use, occupy and own the said land or lands when purchased, and exercise jurisdiction and control over the same and every part thereof, subject to the restrictions hereinafter named.

Jurisdiction ceded.

2. *And be it enacted*, That the jurisdiction of the state of New Jersey in and over the said land or lands mentioned in the foregoing section, when purchased by the United States shall be and the same is hereby ceded to the United States, but the jurisdiction hereby ceded shall continue no longer than the said United States shall own the said land or lands.

Consent and jurisdiction ceded conditionally.

3. *And be it enacted*, That the said consent is given, and the said jurisdiction ceded, upon the express condition that the state of New Jersey shall retain concurrent jurisdiction with the United States in and over the said land or lands, so far as that all civil process in all cases, and such criminal or other process as may issue under the laws or authority of the state of New Jersey against any person or persons charged with crimes or misdemeanors, committed within said state, may be executed therein, in the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

4. *And be it enacted*, That the jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said land or lands by purchase or grant, and so long as the said land or lands shall remain the property of the United States, when acquired as aforesaid, and no longer, the same shall be and continue exonerated from all taxes, assessments, and other charges which may be levied or imposed under the authority of this state. Exemption from taxes.

5. *And be it enacted*, That any malicious, willful, reckless or voluntary injury to, or mutilation of the grounds, buildings or appurtenances, shall subject the offender or offenders to a fine of not less than twenty dollars, to which may be added, for an aggravated offence, imprisonment not exceeding six months in the county jail or workhouse, to be prosecuted before any court of competent jurisdiction. Penalty for injury to grounds or buildings.

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

Approved April 4, 1873.

CHAPTER DCIII.

A Further Supplement to an act entitled "An Act to Regulate Fisheries in the River Delaware and for other Purposes," passed November twenty-sixth, one thousand eight hundred and eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "An Act to regulate the fisheries in the river Delaware and for other purposes," passed November twenty-sixth, one thousand eight hundred and eight, and of the several supplements and acts supplementary thereto, be and the same are hereby extended and applied to the Delaware river and bay and their tributaries within the jurisdiction of this state. Provisions extended to Delaware river and bay.

2. *And be it enacted*, That the ten days' notice required by a further supplement to an act entitled "An Act to regulate fisheries in the river Delaware and for other purposes," Ten days' notice required when not to apply.

approved February twenty-eighth, one thousand eight hundred and seventy-two, shall not apply to gilling seines, and drift nets, anchored, staked or fastened in violation of the supplement to said act, approved February twenty-sixth, one thousand eight hundred and fifty-eight, in the tidal portions of the Delaware river and bay and their tributaries.

Amendment. 3. *And be it enacted*, That the first section of the supplement of "An Act to regulate fisheries in the river Delaware and for other purposes," approved February twenty-sixth, one thousand eight hundred and fifty eight, be amended by

Proviso. adding to the same the following proviso; *provided*, that the prohibition shall not extend to the use of gilling seines of a larger mesh than ten inches for taking sturgeons.

Approved April 4, 1873.

CHAPTER DCIV.

A Further Supplement to an act entitled "An Act to Regulate the State Library."

Compensation. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state librarian shall be entitled to receive an annual salary of fifteen hundred dollars.

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

Approved April 4, 1873.

CHAPTER DCV.

An Act for the Protection of Fire Alarm Telegraphs, and the apparatus connected therewith.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person or persons shall willfully or maliciously destroy or injure any of the

wires, posts, machines, bells, boxes, locks, or other apparatus of any fire alarm telegraph of this state, or shall maliciously or willfully interfere with the same, or any part thereof, with intent to create a false alarm, or shall in any way willfully or maliciously obstruct or attempt to obstruct the efficient operation of the same or any part thereof, or hinder or impede any of the operations lawfully intended to be accomplished thereby, he, she or they so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or imprisoned not exceeding one year, or both, at the discretion of the court, and shall also be liable for the damages occasioned thereby. Penalty for injury to fire alarm telegraph or apparatus.

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

Approved April 4, 1873.

CHAPTER DCLXXXVIII.

Supplement to the act relative to the Publication of the Public Laws.

WHEREAS, certain notices have in accordance with an order of the common council of the town of Harrison, in the county of Hudson, been published in The Harrison Dispatch, a newspaper printed and published in the said town and county; *and whereas*, it is expedient that the publication of said notices in said newspaper should be legalized, and said newspaper declared to be a legal newspaper, with authority to publish the like laws and notices as are published by the other newspapers published in said county of Hudson; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That The Harrison Dispatch is hereby declared to be a legal newspaper, with authority to publish such laws and notices as are by law authorized to be published in other newspapers published in the county of Hudson, and that the publication of said notices hereto- Declared to be a legal newspaper and authorized to publish the laws.

fore published in said newspaper are hereby validated and declared to have been legally published.

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

Approved April 4, 1873.

CHAPTER DCLXXXIX.

Supplement to the act relative to the Publication of the Public Laws.

Preamble.

WHEREAS, certain notices have in accordance with an order of the common council of the city of Lambertville, in the county of Hunterdon, been published in The Lambertville Record, a newspaper published in the said city and county; *and whereas*, it is expedient that the publication of said notices in said newspaper should be legalized, and said newspaper declared to be a legal newspaper, with authority to publish the like laws and notices as are published by the other newspapers, published in said county of Hunterdon; therefore,

Declared to be a legal newspaper and authorized to publish the laws.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That The Lambertville Record is hereby declared to be a legal newspaper, with authority to publish such laws and notices as are by law authorized to be published in other newspapers published in the county of Hunterdon, and that the publication of said notices heretofore published in said newspaper are hereby validated and declared to have been legally published.

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

Approved April 4, 1873.

CHAPTER DCXC.

An Act for the Foreclosure of Mortgages, where the mortgagor has absconded, conceals himself, is unknown, or has died, and his heirs are unknown or some part of them.

Proceedings when mortgagor has absconded, is unknown or has died.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any person holds a mortgage against any lands or real estate situate in the state of New Jersey, and the mortgagor or those holding under him, has absconded, concealed himself, is unknown to the holder of said mortgage, or is dead, and his heirs or devisees are wholly unknown, or some part of them are unknown, it shall be lawful for the holder of any such mortgage to file a bill in the court of chancery setting up any of the facts above stated, and naming in said bill the mortgagor, or person holding under him, and said suit may proceed in the same manner as if all the owners of such real estate were known, making such absent or unknown owner or owners of said real estate a party or parties thereto, by a publication, according to the law and practice of said court, in case of absent defendants; and the order of said publication describing such real estate in such manner and terms as will identify the same (by abuttals and boundaries or otherwise) and naming the mortgagor or other person last owning the said real estate, which order of the chancellor may be published, in one or more of the newspapers of this state, or elsewhere, directing such absent or unknown owner or owners to appear, plead, answer or demur to the said bill, within such time as the chancellor shall direct, not less than six months from the date of such order, which order shall be published as aforesaid, within twenty days from the date thereof, and continued in said newspaper or newspapers at least once a week, to within ten days of the expiration of the time limited to appear, plead, answer or demur, and at the expiration of the time limited in said order, the chan-

Chancellor to make decree.

cellor shall make such decree against said unknown owner or owners, as if they were known to the court, and as may be equitable and just, and shall have power to decree a sale of said mortgaged premises, and that the equity of redemption be foreclosed and cut off, in the same manner as if all the owners or persons in interest were known, and by name had been made parties to said suit; and the chancellor shall further decree that the proceeds of sale after the payment of the complainant's mortgage, with the costs of foreclosure and sale, and such other liens and encumbrances as may have been established and ordered paid by the chancellor in such foreclosure proceeding, shall be deposited with the clerk of the court, and by him deposited by order of the court in any designated depository of moneys paid into the court of chancery for the benefit of such absent or unknown owners, and the chancellor shall order the payment thereof from time to time, to those who are entitled to receive the same, and as they shall be ascertained by the court.

Chancellor to be governed by rules and practice of Court of Chancery.

2. *And be it enacted*, That in the proceedings aforesaid the chancellor shall be governed by the rules and practice of said court, and by the provisions of existing laws in the foreclosure and sale of mortgaged premises in said court, except only as the same may be inconsistent with this act, and all estates by courtesy and dower in said real estate may be sold by the decree of said court, and the equity of redemption foreclosed and cut off, and out of the surplus money a certain sum may be ordered to be paid in lieu thereof, or a certain share of the surplus money may be invested for the benefit of the person or persons entitled to such estate, in the same manner as existing laws provide.

Decree against absent defendant shall cut off the equity of redemption of such defendant.

3. *And be it enacted*, That any decree heretofore made in a foreclosure of any mortgage in a suit against an absent defendant, shall cut off the equity of redemption of said absent defendant, or if any person acquiring any right or interest under him which did not appear upon the records of the county where said mortgaged premises are situated, at the time of the filing of the foreclosure bill in the court of chancery, and any such person holding or acquiring any such right as purchaser or heir, shall have their right and interest in the surplus money only; *provided*, that said absent defendant shall be entitled to the benefit of all the provisions of the sixty-first section of the act entitled "An

Proviso.

act respecting the court of chancery," revision, approved April sixteenth, one thousand eight hundred and forty-six.

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

Approved April 4, 1873.

CHAPTER DCXCI.

Supplement to an act entitled " An Act authorizing the Sale of Lands held in Trust in Certain Cases," approved April sixth, one thousand eight hundred and seventy-one.

Trustees of trust estate may sell real estate under decree, and be free of such trust in certain cases

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever by any last will and testament lands and real estate are devised to any person or persons, with a proviso in said will that the share or shares of such devisee or devisees, shall during the life of said devisee or devisees, be held in trust, or are devised to any person or persons in trust to hold for the life of any other person or persons, and said lands and real estate so devised shall become chargeable with or liable to taxes and assessments, for the payment whereof no adequate provision is made in such will or afforded by the estate of the testator, and such lands and real estate shall be liable to be sold for such taxes or assessments by virtue of any laws of this state, whereby the interests of the cestui que trusts or any of them may be injured or impaired; it shall be lawful for the court of chancery of this state, upon application of the trustee or trustees, or of any cestui que trust in such will named, and upon consideration of the circumstances of the case, to order and decree that such trustee or trustees, or the survivor or survivors of them shall sell and convey such land and real estate or any part thereof; and whenever such decree shall be made, the said trustee or trustees may sell and convey said lands or real estate fully and effectually, to all intents and purposes free, clear and discharged of the said trust, the proceeds of such sale after the payment of

such taxes and assessments shall be held by such trustee or trustees, subject to the provisions of such will in such manner as the court of chancery may direct.

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

Approved April 4, 1873.

CHAPTER DCXCII.

Supplement to an act entitled "An Act for the Relief of Creditors against Absconding and Absent Debtors."

Judge of the court issuing writ of attachment may order the officer executing writ to sell, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where goods and chattels have been or may be seized by virtue of a writ of attachment issuing out of the supreme or circuit court, it may be lawful for a judge of the court out of which said writ issued in his discretion, to order the officer executing said writ, or the auditors appointed in the case, to sell such goods and chattels, in which case advertisements set up for the space of five days prior to the time of sale, in four of the most public places in the town, township, precinct or ward shall be sufficient.

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

Approved April 4, 1873.

CHAPTER DCCVIII.

A Supplement to an act entitled "An Act to regulate in certain cases the Issuing of Writs of Certiorari to the Courts of General Quarter Sessions and Justices of the Peace," passed February sixth, one thousand seven hundred and ninety-nine.

Proceedings for removal of indictment, &c., by writ of certiorari.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supreme court of this state or any judge or justice thereof may, in its or his discretion, on motion made for that purpose, award a writ of certiorari to remove into the said court either in term time or in vacation, any indictment or presentment before trial from any of the courts of general quarter sessions of the peace of this state, for the purpose of having the sufficiency in law of the said indictment or presentment passed upon by the said court upon the following terms, that is to say: the person or persons so indicted or presented and prosecuting such certiorari shall, before the allowance thereof, make an application to the said court or judge in writing, stating the reasons on which he or they rely to establish the insufficiency in law of the said indictment or presentment which shall be signed by the said person or persons, and to which shall be appended his, her or their affidavit that the application is made in good faith and is not intended for the purpose of delay, and to which shall also be appended a certificate of one of the counsellors of the said court, certifying that in his opinion the reasons assigned are sufficient in law to warrant the allowance of the said writ; and the said person or persons shall also, before the allowance thereof, enter into recognizance to the state of New Jersey with two sufficient sureties in such sum as the said court or judge shall direct, conditioned that he, she or they will appear at the next term of the said supreme court on the return of the said writ and prosecute the same with effect, unless the said court shall grant

further time, and then at such other time so appointed, and shall not depart the said supreme court until discharged by the same, and shall pay the costs of the said proceedings; and upon the further condition that in case the said indictment or presentment shall by the said court be deemed sufficient in law that he, she or they will appear at the next term of the court from which the said indictment or presentment was removed and plead thereto, and abide the judgment of the said court, and pay costs if convicted of the offense charged in the said indictment or presentment.

Proceedings in Supreme Court.

2. *And be it enacted*, That in case the said supreme court shall determine that the said indictment or presentment is not sufficient in law, that the person or persons so indicted or presented shall thereupon be discharged, and all further proceedings thereon cease; and in case the said court shall determine that the said indictment or presentment is sufficient in law, that the same shall immediately thereafter be returned by the clerk of the said supreme court to the court from whence the same was removed, and the said court shall proceed thereon in the same manner as if the said writ had not been allowed.

Forfeiture of recognizance.

3. *And be it enacted*, That the recognizance taken by virtue of the first section of this act shall be filed in the court from which the said indictment or presentment is removed, and in case the same shall be forfeited the same proceedings may be had and taken therein and in the same manner as if the said recognizance had been taken by the said court.

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

Approved April 4, 1873.

CHAPTER DCCXIII.

A Supplement to an act entitled "An Act further supplementary to the act entitled 'An Act to incorporate Trustees of Religious Societies,'" approved March twenty-second, one thousand eight hundred and sixty-five.

Act extended

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That said act be extended in its operation, and the word "heretofore" in the first section thereof, stricken out.

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

Approved April 4, 1873.

CHAPTER DCCXIV.

An Act to Prevent and Punish Certain Fraudulent Practices in relation to Counterfeit Money.

Penalty for printing or circulation of any publication offering for sale, &c., counterfeit paper money or coin.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person who shall print for distribution or circulation, or cause to be printed for distribution or circulation any circular, letter, card, pamphlet, handbill or other publication, offering or purporting to offer for sale, exchange, or as a gift, any counterfeit paper money or coin, or of national or other bank notes; or any person who shall distribute with intent to commit any fraud, any such circular, letter, card, pamphlet, handbill or other publication, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the county jail not less than six months, and not more than one year,

or shall be fined not less than five hundred dollars, and not more than one thousand dollars, or both, in the discretion of the court.

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

Approved April 4, 1873.

CHAPTER DCCXV.

An Act to repeal an act entitled "An Act to repeal an act relative to the Probate of Wills from other or Foreign States," approved March twenty-seventh, one thousand eight hundred and seventy-two.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to repeal an act relative to the probate of wills from other or foreign states," approved March twenty-seventh, one thousand eight hundred and seventy-two, be and the same is hereby repealed.

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

Approved April 4, 1873.

JOINT RESOLUTION.

NUMBER 1.

Joint Resolution relative to the Pay of Certain Officers of the Senate and General Assembly.

Preamble. WHEREAS, the existing legislature of the present session has rendered the work of the door-keepers of the legislature exceedingly arduous; therefore,

Compensation. 1. BE IT RESOLVED, [*by the Senate and General Assembly of the State of New Jersey*], That to the assistant door-keepers of the senate and general assembly, and to the keepers of the gentlemen's and ladies galleries, there shall be paid the sum of one hundred dollars each, for extra services.

2. *Be it resolved*, That this joint resolution shall take effect immediately.

Approved April 4, 1873.

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SPECIAL PUBLIC LAWS.

SPECIAL PUBLIC ACTS

PASSED BY THE

NINETY-SEVENTH LEGISLATURE.

CHAPTER III.

An Act for the Relief of Kenneth Tilton.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one hundred dollars be paid by the treasurer of this state to Kenneth Tilton, of Dover township, Ocean county, a soldier during the war of one thousand eight hundred and twelve; the sum of one hundred dollars per annum during his natural life, in equal quarterly payments of twenty-five dollars each, first payment to be made May first, one thousand eight hundred and seventy-three. Pension.

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

Approved January 29, 1873.

CHAPTER IV.

An Act for the Relief of Jacob McKelvey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one hundred dollars be paid by the treasurer of this state to Jacob McKel- Pension.

vey, of Dover township, Ocean county, a soldier during the war of one thousand eight hundred and twelve; the sum of one hundred dollars per annum during his natural life, in equal quarterly payments of twenty-five dollars each, the first payment to be made May first, one thousand eight hundred and seventy-three.

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

Approved January 29, 1873.

CHAPTER VI.

A Further Supplement to an act entitled, "An Act to Describe, Apprehend and Punish Disorderly Persons," approved June tenth, one thousand seven hundred and ninety-nine.

Provisions extended to county of Union.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the provisions of the supplement to the above act, approved April seventh, one thousand eight hundred and sixty-eight, be and the same are hereby extended to the county of Union, and shall have the same force and effect in the county of Union as in the county of Essex.

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

Approved January 29, 1873.

CHAPTER XIV.

An Act for the Relief of Isaac Wardell.

Pension.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one hundred dollars be paid by the treasurer of this state to Isaac Wardell, of Brick township, Ocean county, a soldier during the

war of one thousand eight hundred and twelve; the sum of one hundred dollars per annum during his natural life, in equal quarterly payments of twenty-five dollars each, first payment to be made May first, one thousand eight hundred and seventy-three.

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

Approved February 4, 1873.

CHAPTER XVIII.

A Supplement to an act entitled "An Act to reorganize the Local Government of Jersey City," passed March thirty-first, one thousand eight hundred and seventy-one.

Preamble. WHEREAS, at a public election held in the township of Greenville, in the county of Hudson, on the tenth day of December, anno domini one thousand eight hundred and seventy-two, the inhabitants of said township did, by a vote of two hundred and ninety-one in favor of consolidation, to fifty-five against it, express their desire to be consolidated with Jersey City; *and whereas*, it is reasonable and proper that the popular will so expressed should be complied with; therefore,

Territorial limits to include Greenville township. 1. BE IT ENACTED *by the Senate and General Assembly of State of New Jersey*, That Jersey City shall hereafter consist of not only the territory hitherto comprised within its limits, but also the territory now comprised within the limits of the said township of Greenville.

Corporate name. 2. *And be it enacted*, That all persons resident within the said limits of Jersey City and of Greenville, as hitherto existing, shall hereafter constitute a body politic and corporate, known as "The Mayor and Aldermen of Jersey City."

Township property transmitted to mayor and aldermen of Jersey City. 3. *And be it enacted*, That all property and rights, whether in possession, in expectancy, or in action, now belonging to the township committee of the township of Greenville, or the street commissioners of Greenville, or to the inhabitants of said township as a body politic and corpo-

rate, are hereby transmitted to the Mayor and Aldermen of Jersey City, and all liabilities for trusts or contracts now existing against the street commissioners of Greenville aforesaid, or the said body politic and corporate, shall hereafter exist with the same effect against the Mayor and Aldermen of Jersey City, and all suits or proceedings against or in behalf of the street commissioners of Greenville aforesaid, or the said body politic and corporate shall proceed against or in behalf of the mayor and aldermen of Jersey City, in the same manner and with the same effect as they would against or in behalf of the original party, in case this act has not been passed.

To be a part of the sixth aldermanic district.

4. *And be it enacted*, That the territory hitherto composing the said township of Greenville, shall hereafter compose a part of the sixth aldermanic district of Jersey City, and the act to which this is a supplement, and all the supplements of said act are hereby extended to said territory and the inhabitants thereof, with the same force and effect as said act and supplements have in any other district of said city.

Repealer.

5. *And be it enacted*, That all acts and parts of acts, by which any separate municipal government for the said township of Greenville is established, or which are inconsistent with this act, or with the act to which this is a supplement, and with the supplements to said act, are hereby repealed.

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

Approved February 4, 1873.

CHAPTER XIX.

An Act to Authorize the Inhabitants of the Township of Hardyston, in the County of Sussex, to vote by ballot at their Town Meetings.

Elections to be by ballot.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Hardyston, in the county of Sussex, who are or shall be entitled to vote at town meetings, shall, at their town

meetings to be hereafter held, elect all such officers as they are or may be by law authorized to elect (except overseers of the highways, who shall be elected as heretofore), and to determine the sums of money to be raised for such several purposes as are or may be authorized by law, and also the place of holding their town meetings, and election for state and county officers, by ballot and not otherwise.

Who shall constitute the board of election.

2. *And be it enacted*, That the judge of election, assessor and collector of the next preceding year, shall constitute the board of election at such town meeting; and said board shall be empowered to determine who are, by law, entitled to vote at such town meetings, and shall be invested with the same powers, be liable to the same penalties, and be governed by the same rules in conducting the election at such town meeting as at the annual election for state and county officers.

Vacancies, how filled.

3. *And be it enacted*, That in case of the absence, inability, or neglect to serve, of any member of the board of election, the lawful voters present at the opening of the poll, shall elect, viva voce, a person, being a lawful voter in such township, to fill such vacancy during such election; and that the township clerk shall be the clerk of such election; and in case of his absence, inability or neglect to serve, the board of election shall choose a person to serve as clerk during such election; and that such clerk of election shall take an oath or affirmation, to be administered by one of the board of election, faithfully and impartially to perform his duties therein.

Form of oath.

4. *And be it enacted*, That previously to the opening of the poll, the clerk shall administer to each member of the board of election, the following oath or affirmation:—"You do swear (or affirm) that you will faithfully and impartially perform the duties required of you by law as one of the judges of this election; that you will not knowingly receive, or assent to receive, the vote of any person who is not lawfully entitled to vote at this election; and that if any person shall offer his vote, whom you shall suspect or believe not to be entitled to vote at this election, you will challenge and refuse to receive the same until you shall be fully satisfied that he is legally entitled to vote therein."

Time for opening and closing the polls.

5. *And be it enacted*, That the poll shall be opened at ten o'clock in the forenoon, and close at four o'clock in the afternoon, at the place appointed for holding the annual

town meeting; and that immediately upon the closing of the poll, the board of election and clerk shall, without adjournment or delay, proceed, in an open and public manner, to determine the result of such election; which result shall be recorded by the clerk in the minutes of said town meeting, and the record signed by the said board of election, or the majority of them, and by the said clerk; that the board of election may adjourn such election at any proper time between the opening and closing of the polls, for a space of time not exceeding one hour.

Plurality vote to elect.

6. *And be it enacted*, That a plurality of votes cast shall be sufficient to elect any and all officers voted for, and to determine all matters which are herein directed to be decided by ballot.

Decision in case of tie, made by township committee.

7. *And be it enacted*, That in case of a tie between two candidates for the same office, or between any two sums of money voted for, or in any other matter, the township committee, or a majority of them, shall decide; which decision shall be by resolution, and shall be recorded in the book of minutes of said township.

Fees for services.

8. *And be it enacted*, That the officers of the board of election, and the clerk, shall be allowed, for their services in attending every such election, the sum of two dollars each, to be paid by the township committee, out of the funds of the said township; and no officer shall be incompetent to act, by reason of his being a candidate for any office to be voted for at such election.

Duty of township committee and clerk.

9. *And be it enacted*, That it shall be the duty of the township committee to meet at least twelve days before the day of any town meeting, and prepare their report, as now directed by law; and it shall be the duty of the clerk to attend such meeting of the township committee, and to cause copies of said report to be put up at least six days prior to the then next town meeting, in three or more such public places as the said committee shall direct, and receive such compensation as the committee shall allow.

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

Approved February 4, 1873.

CHAPTER XX.

A Further Supplement to the 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.

Time of holding town meetings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the town meetings in the township of Wayne, in the county of Passaic, shall hereafter be assembled and held on the third Thursday in February, in each and every year; and that the town committee of said township shall hold their first meeting on the next Wednesday following such town meeting in each and every year.

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

Approved February 5, 1873.

CHAPTER XXVI.

A Supplement to an act entitled "An Act to Prevent Horses, Cattle, Sheep and Swine from Running at Large in the Township of Clinton, in the County of Essex, and the Township of Rahway, in the County of Union, and Townships of Springfield and Chesterfield, in the County of Burlington."

Repealer as to Randolph township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to prevent horses, cattle, sheep and swine from running at large in the township of Clinton, in the county of Essex, and the township of Rahway, in the county of Union, and

townships of Springfield and Chesterfield, in the county of Burlington, as refers to the township of Randolph, in the county of Burlington, be and the same is hereby repealed.

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

Approved February 12, 1873.

CHAPTER XXVII.

A 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.

Township committee not to be of the same political party.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the persons qualified to vote at town meetings shall have full power and authority, and shall be required at their annual meetings in the township of East Brunswick, of Middlesex county, to elect in said township three persons, only two of whom shall belong to the same political party, who shall be denominated the township committee, a majority of whom shall be a quorum, instead of five as now authorized by law; and further, that no ballot cast at any annual election for said committee in said township shall contain thereon the names of more than two persons of the same political party, in which case all such ballots shall be void and of no effect; and that all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

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

Approved February 12, 1873.

CHAPTER XXIX.

A Further Supplement to the act entitled "An Act to incorporate Morristown."

May borrow money to purchase steam fire engine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of Morristown be and it is hereby authorized to borrow on the credit of said town, the sum of four thousand dollars, to be expended in the purchase of a steam fire engine for the use of the fire department of said town, and that such loan may be effected by means of a promissory note or notes, signed by the mayor and countersigned by the town clerk, and made payable at such time or times as may be convenient for negotiation, and the same to renew from time to time, until the same are finally paid as hereinafter provided.

Additional tax to be levied for the payment of principal and interest.

2. *And be it enacted*, That the said common council shall provide for the payment of said sum of four thousand dollars and all accumulations of interest and expenses thereon by an addition to the tax to be levied by said town for the years one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, respectively, that is to say: one half thereof, as near as may be, in the year one thousand eight hundred and seventy-three, and one-half thereof in the year one thousand eight hundred and seventy-four.

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

Approved February 12, 1873.

CHAPTER XXXII.

An Act to provide for the Assessment and Collection of Taxes in the township of Clinton, in the county of Essex.

Time when commissioners of appeal shall meet.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the duty required of the assessors of the several townships by the third section of the act entitled "An Act concerning taxes," shall be performed by the assessor of the township of Clinton, within fifteen days after the second Monday in July hereafter; and that the commissioners of appeal in cases of taxation in said township shall meet annually on the fourth Tuesday of September, instead of the fourth Tuesday of November, as heretofore.

Duty of the collector to be performed on certain days.

2. *And be it enacted*, That the duty which the collector of said township is now required to perform by the fourth section of the act aforesaid, shall be performed on the first day of August, instead of the first day of October, in each year hereafter; and that the time of payment of moneys to the collector of the county of Essex, shall be the twenty-second day of October, instead of the twenty-second day of December, in each year; and that the duty required of the collector of said township by the twelfth section of said act, shall be performed on the twentieth day of October instead of the twentieth day of December, in each year.

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

Approved February 12, 1873.

CHAPTER XL.

An Act to authorize the Funding of the Floating Debt of the City of Paterson, and to Provide for the Speedy Collection of Certain Arrears of Taxes.

WHEREAS, the municipal corporation of the city of Paterson has become seriously embarrassed by reason of large amounts of money being due the city for unpaid taxes and assessments for street improvements, the payments for which in advance of the collection have depleted the treasury of said corporation; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for "The Mayor and Aldermen of the city of Paterson" to issue coupon bonds under the corporate seal of said city and the signature of the mayor thereof, for an amount of money not exceeding two hundred and fifty thousand dollars, which bonds shall be of such denominations and issued in such sums as to the said mayor and aldermen may seem expedient, and shall bear interest at a rate not exceeding seven per centum per annum, payable semi-annually; and the property and credit of said city shall be pledged for the payment of said bonds, and it shall be lawful for the said mayor and aldermen or their assigns, to sell and assign, and for any vendee or assignee to purchase and hold the bonds hereby authorized, which bonds shall be called "Paterson City Funding Bonds—Third Series," and the proceeds of such bonds shall be applied exclusively to the payment of any existing debts or liabilities of said city which cannot be lawfully paid by the proceeds of any bonds heretofore authorized by law. Authorized to issue coupon bonds.

2. *And be it enacted*, That for the payment of the interest and principal of the bonds hereby authorized, it shall be the duty of the mayor and aldermen of the city of Paterson to include in the annual tax ordinance for the year one thousand eight hundred and seventy-three the sum of forty-eight Payment of bonds and interest, how provided for.

thousand dollars, and for the year one thousand eight hundred and seventy-four the sum of fifty-five thousand dollars, and for the year one thousand eight hundred and seventy-five the sum of sixty-three thousand dollars, and for the year one thousand eight hundred and seventy-six the sum of sixty-nine thousand dollars, and for the year one thousand eight hundred and seventy-seven such sum as may be necessary to fully discharge and pay off the remaining interest and principal of said debt then due or outstanding; the said sums hereby required to be raised shall be in addition to the sums authorized and required by the twenty-seventh section of "An act to provide for the more efficient government of the city of Paterson," and the limitation as to the tax rate, in said section contained, shall not apply to the sums hereby required to be raised by special tax in each year; the proceeds of said special tax herein provided for shall be applied exclusively to the payment of the interest of the debt hereby authorized, and such portion of the principal as shall fall due in each year and for no other purpose.

Advertisement for proposals for purchase and sale of bonds to be made.

3. *And be it enacted*, That it shall be the duty of the mayor and aldermen to solicit proposals for the purchase and sale of such bonds, or for any portion or portions thereof, by advertisements inserted in one or more newspapers published in Paterson, in Newark, in Jersey City and in New York city, giving two weeks' notice by one or more insertions in such newspapers of the nature and terms of said bonds, and of the time and place when and where sealed proposals therefor will be received and opened, which shall be publicly done; which proposals the said mayor and aldermen are hereby authorized to accept or reject, in whole or in part, as to them may seem most to the advantage of said city of Paterson; and such advertisements may be renewed from time to time, soliciting new proposals if deemed expedient by the said mayor and aldermen; but no bond shall be sold at private sale till after proposals have been solicited, as hereinbefore provided, at least once, and the time shall have passed for the reception of such proposals, nor shall any of said bonds ever be sold at private sale for less than par.

Preamble.

AND WHEREAS, owing to a delay in the organization of the board of aldermen of the city of Paterson in the year one thousand eight hundred and seventy-one, the said

board was unable to order the tax warrant for the sale of arrears of taxes for the preceding year at the time required by law; *and whereas*, such tax warrant has since been issued and is now being published according to law; therefore,

Receiver of taxes directed to proceed with the collection of arrears of taxes.

4. *Be it further enacted*, That it is hereby made the duty of the receiver of taxes and assessments of said city to proceed forthwith with the collection of arrears of taxes in said city for the year one thousand eight hundred and seventy, in accordance with the provisions of "An act to provide for the more efficient government of the city of Paterson," approved March twenty-third, one thousand eight hundred and seventy-one; and any tax warrant already prepared and delivered to the said receiver by the said board of aldermen, and any notice or advertisement of intended sale of property for arrears of taxes already given or published, or now being published by said receiver or by his orders; and any and all sales of property for such arrears of taxes, conducted by said receiver or by his orders in accordance with the authority heretofore possessed by or hereby conferred upon him, shall be as valid and effectual in law as though such acts or such sales had been performed, done or made in accordance with law, *provided*, nothing herein contained shall affect any suit or legal proceedings now pending in any court of this state; *and provided further*, nothing in this act contained, shall be construed to legalize or affect in any way or manner any assessments for street openings or street improvements heretofore made.

Proviso.

Proviso.

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

Approved February 13, 1873.

CHAPTER XLII.

A Supplement to "An Act to provide for the More Efficient Government of the City of Paterson," approved March twenty-third, one thousand eight hundred and seventy-one.

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

Ordinances to be revised and codified.

board of aldermen of the city of Paterson to cause the ordinances of said city to be revised and codified so as to conform to the provisions of "An act to provide for the more efficient government of the city of Paterson," approved March twenty-third, one thousand eight hundred and seventy-one, and when such revised and codified ordinances shall have been duly passed, they shall be published in a printed volume, and when so published, such ordinances shall take effect without the publication thereof in two daily newspapers printed and published in the city of Paterson, as required by the twenty-fourth and twenty-fifth sections of the act to which this is a supplement.

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

Approved February 13, 1873.

CHAPTER XLIII.

An Act to repeal an act entitled "An Act for the purpose of Raising Money to Construct and Complete a Public School Building in District Number Eleven, of Readington township, Hunterdon county," approved February fourteenth, one thousand eight hundred and seventy-two, and also to repeal a supplement to said act, approved March twentieth, one thousand eight hundred and seventy-two.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act for the purpose of raising money to construct and complete a public school building in district number eleven of Readington township, Hunterdon county," approved February fourteenth, one thousand eight hundred and seventy-two, and the supplement to amend said act, approved March twentieth, one thousand eight hundred and seventy-two, be and each of them are hereby repealed.

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

Approved February 13, 1873.

CHAPTER XLV.

A Further Supplement to an act entitled "An Act to authorize the President and Directors of the Water Works, to convey their Works and Franchises to the City of Trenton, and to provide for the management of said Works," approved March first, one thousand eight hundred and fifty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of the city of Trenton from time to time, to borrow such sums of money on the credit of the city as shall appear to them to be necessary for the purpose of paying the expenses which may be incurred in making necessary extensions, repairs and improvements, to the mains, works and machinery of the Trenton water works, and to loan said moneys to "the water commissioners of the city of Trenton" for the purposes aforesaid; *provided* that the moneys borrowed under the authority of this act, shall not exceed in the whole the sum of one hundred thousand dollars. May borrow money to pay expenses for improvement of water works. Proviso.

2. *And be it enacted*, That to secure the payment of the loan authorized by this act, it shall be lawful for the common council of said city, upon the written application of the water commissioners, to issue the bonds of the city of Trenton at such times as to them shall seem expedient for an amount not exceeding in the whole the sum of one hundred thousand dollars, which bonds shall be sealed with the city seal and be signed by the mayor and treasurer of said city, and shall bear interest at the rate of six per centum per annum, payable semi-annually, and shall not be liable to any tax which may be levied or assessed by order of the common council of said city; *provided*, that such bonds shall not be issued in any case, unless a majority of the whole number of said common council shall concur therein. May issue bonds therefor. Proviso.

3. *And be it enacted*, That the bonds hereby authorized, shall constitute part of the "water loan" of the city of Trenton, and that none of the said bonds shall be sold or Not to be sold for less than par.

disposed of for less than their par value, and the proceeds thereof shall be appropriated exclusively to the purposes contemplated by this act, and to no other purpose whatever.

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

Approved February 13, 1873.

CHAPTER XLVIII.

A Supplement to an act entitled "An Act to re-organize the Local Government of Jersey City."

Preamble. WHEREAS, the act of the above title, purporting to be approved April fourth, one thousand eight hundred and seventy-two never passed the house of assembly of this state, but the signatures of the speaker of the said house and of the governor were procured to such act by practice, and the operation of said act was to force the board of finance of said city to discontinue the Jersey City Times, a newspaper before then, and then, and from thence hitherto, published in said city, as one of the official papers of said city, to the injury of James A. MacLauchlan, the proprietor thereof; *and whereas*, the said MacLauchlan still esteeming it his right to publish in said newspaper all matters which were proper to be published in the official newspapers of said city, has notwithstanding said act published in his said newspaper said matters and is justly entitled to compensation; therefore,

Repealer. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said act so purporting to be approved April fourth, one thousand eight hundred and seventy-two, be and the same is hereby repealed; and that the several boards of said city and all the officers thereof shall act upon the claim of said MacLauchlan for said services, in the same manner as if said act had never been passed or any action taken by such boards or officers under the same.

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

Approved February 13, 1873.

CHAPTER LVIII.

An Act to legalize certain Expenditures for the Celebration in Jersey City of the Ninety-sixth Anniversary of our National Independence.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the expenditure of the sum of three thousand five hundred dollars for the celebration of the ninety-sixth anniversary of our national independence, and also the sum of sixty-five dollars for expenses incurred on decoration day in Jersey City, be and the same is hereby ratified and confirmed; and that the board of aldermen of Jersey City are hereby authorized to pass resolutions for the payment of claims for said celebration, and the mayor of said city is hereby directed to sign the warrants for the payment of said claims. Claims legalized and confirmed.

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

Approved February 17, 1873.

CHAPTER LXIX.

An Act to set off a new Township in the County of Salem, to be called the Township of Quinton.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Upper Alloways Creek, in the county of Salem, lying within the boundaries and description following, to wit: beginning at a corner where the lines of Upper Alloways Creek township and Lower Alloways Creek township meet on the north side of Alloways creek, near the farm of Boundaries.

Thomas T. Hancock, running thence northwardly along the the present division line between the said townships to the corner where the four townships of Upper Alloways Creek, Lower Alloways Creek and Elsinboro and the city of Salem meet; thence eastwardly and northeastwardly, following on the present dividing line between the townships of Upper Alloways Creek and Mannington, crossing the road leading from Salem to Quinton, and to the Quaker Neck road to the middle of the road leading from Salem to Allowaystown, at or near the village of Middletown; thence in a southeastwardly course, parallel with the long boundary line between the townships of Upper Alloways Creek and Lower Alloways Creek, in a straight line to the division line between Salem and Cumberland counties; thence southwardly and westwardly along the said division line of said counties, to the corner of the townships of Upper Alloways Creek and Lower Alloways Creek and the county of Cumberland; thence northwestwardly in a straight line on the long boundary line between the said townships of Upper Alloways Creek and Lower Alloways Creek to the north side of Alloways Creek; thence down said creek along the north side thereof, following the several courses of the same, to the place of beginning, shall be and hereby is set off from the township of Upper Alloways Creek, and made a separate township, to be called and known by the name of "The Township of Quinton."

Corporate name.

2. *And be it enacted*, That the inhabitants of the township of Quinton shall be and they are hereby constituted a body politic and corporate, and shall be styled and known by the name of "The Inhabitants of the Township of Quinton, in the county of Salem," and shall be entitled to all the rights, powers, authority, privileges and advantages, and subject to the same regulations, government and liabilities as the inhabitants of the other townships in the county of Salem.

Annual town meetings, when held.

3. *And be it enacted*, That the inhabitants of the said township of Quinton, hereby created, shall hold their first annual town meeting at the school house in the village of Quinton, on the day appointed by law for holding the annual town meeting in the other townships of said county of Salem, and annually, thereafter, at such place in the said township of Quinton as a majority of the legal voters of said township shall determine; that at said town meetings they shall

vote by ballot until it shall be otherwise determined according to law, and that all the provisions and restrictions of an act entitled "An Act to authorize the inhabitants of the several townships of this state to vote by ballot at their town meetings," approved March twenty-second, one thousand eight hundred and sixty, and of the supplement thereto, shall apply to the inhabitants of the township of Quinton.

Names of judges and clerk of first town meeting.

4. *And be it enacted*, That William Shimp, Samuel Patrick and John G. Hummel be, and are hereby appointed judges of election to hold and preside over the first town meeting, and William F. Elkinton, is hereby appointed town clerk of said township of Quinton, to hold their respective offices until their successors are elected and qualified in their stead; *provided*, that in case of the absence, inability or refusal to serve, of any of said persons so appointed by this act, a majority of the legal voters present may fill such vacancy.

Names of persons to divide township into road districts

5. *And be it enacted*, That Gilbert D. Sheppard, Charles H. Walker and Stephen R. Allen, or a majority of them be, and are hereby authorized and required to divide the said township of Quinton into convenient road districts, and to report the same in writing to the clerk of said township, who shall lay the same before the legal voters present at the opening of the polls on the morning of the first annual town meeting, which said districts shall remain in force until otherwise altered or changed by the township committee.

Election of township officers.

6. *And be it enacted*, That the inhabitants of said township of Quinton shall elect at their first annual town meeting, such officers as are authorized to be chosen in the other townships of Salem county, and shall vote on the same ballot for the amount of money to be raised for school purposes, for the making and repair of roads, and for such other purposes as may be authorized by law.

Township committees to allot and divide township property, &c.

7. *And be it enacted*, That the town committee of the township of Quinton, together with the town committee of the township of Upper Alloways Creek, shall meet on the second Tuesday in April next, at the inn of Daniel Keen, in the village of Quinton, in the township of Quinton, at ten o'clock in the forenoon, and shall then and there proceed, by writing signed by a majority of the members of both township committees, to allot and divide between the said townships all property and moneys on hand or due, in

proportion to the taxable property and ratables as valued and assessed by assessors, within their respective limits of the said townships at their last assessments; and the inhabitants of the said township of Quinton, shall be liable to pay their just proportion of the debt, if any there be due; and if any of the persons composing either of the said town committees shall refuse or neglect to meet as aforesaid, those assembled may proceed to make the said allotment and division, and the decision of a majority of those present shall be final and conclusive; *provided*, that it shall and may be lawful to adjourn the said meeting to such time and place within the said township of Quinton as a majority of those assembled may think proper.

Proviso.

Not to interfere with officers now elected.

8. *And be it enacted*, That nothing in this act shall be so construed as to interfere with the officers now elected in that part of the township of Upper Alloways Creek set off and called the township of Quinton, nor with the commissions of justices of the peace, nor commissioners of deeds, until they shall expire by their own limitation.

Entitled to benefit of surplus revenue of U. S.

9. *And be it enacted*, That the inhabitants of the township of Quinton shall be entitled to the benefit of the surplus revenue of the United States of America, deposited with the county of Salem, and also to the advantages and subject to the liabilities of the mode of sustaining public paupers in Salem county, in the same manner as the inhabitants of the other townships of the county of Salem.

Boundary lines to be surveyed.

10. *And be it enacted*, That the committee of the said township of Quinton shall cause boundary lines of said township to be surveyed and marked when necessary.

Part of second assembly district

11. *And be it enacted*, That the township of Quinton shall form part of the second assembly district of the county of Salem.

Repealer.

12. *And be it enacted*, That all acts and parts of acts, so far as they may be inconsistent with the provisions of this act, be and the same are hereby repealed; and that this act shall take effect immediately.

Approved February 18, 1873.

CHAPTER LXXII.

A Supplement to an act entitled "An Act to incorporate the city of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

WHEREAS, in the year one thousand eight hundred and seventy-one, the sum of twenty-five thousand eighty-one dollars and eighty-three cents was raised by taxation in the city of Hoboken for state and county purposes over and above the amount lawfully required to be raised in said city for said purposes; *and whereas*, the said sum of money remains in the treasury of said city of Hoboken unappropriated: Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken be and they are hereby authorized to appropriate and use a portion of said money not exceeding the sum of ten thousand dollars, to purchase and provide such additional engines, hose and other apparatus for the extinguishment of fires as they may deem necessary. Appropriation, how applied.

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

Approved February 18, 1873.

CHAPTER LXXIII.

An Act for the Improvement of East Millstone.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the limits of the town of East Millstone, Franklin township, in the county of Somerset, for the purposes of this act shall be as follows: beginning Boundaries.

on the Delaware and Raritan Canal, at a point or corner of line of lands between John V. C. Wyckoff and Garret Cropsey; thence running along said line of lands, in an easterly direction to a corner in the fence of said lands, said corner being on the westerly side of public road running across said lands, and designated by an iron stake driven in the ground in corner of said fence; from thence in a southerly direction along the line of road fence of said John V. C. Wyckoff, to a corner in fence of said road, and Amwell avenue; from thence in a southerly direction across lands of said John V. C. Wyckoff, John B. Welsh and Henry V. D. Garretson, to a point in line of fence of Henry V. D. Garretson and Cornelius T. Hoagland, and designated by an iron stake driven in the ground under said fence; from thence in a westerly direction along the line of said lands of Henry V. D. Garretson and Cornelius T. Hoagland to the bank of the Delaware and Raritan Canal; from thence along the line of said canal to the place of beginning.

Election for board of commissioners.

2. *And be it enacted*, That the freeholders who are also residents of the said town as above bounded and limited, shall make and hold an election in said town on the first Monday of May next, and on the first Monday of May in each and every year thereafter, at which election there shall be chosen, by a plurality of votes cast, five of the freeholders of the said town, who shall be denominated the board of commissioners of East Millstone, and shall be a body corporate, and by that name they and their successors in office may sue and be sued, make contracts and agreements, make regulations and ordinances, and impose penalties not exceeding fifty dollars in amount, for the purpose of carrying out and effecting the objects and purposes of this act.

First election of commissioners.

3. *And be it enacted*, That the first election of said commissioners shall be held at the house of Charles Smith, in said town, and subsequent elections shall be held at such place in said town as, by resolution of the board of commissioners for the time being shall be appointed; of which subsequent elections such board shall give two weeks' notice, by five advertisements conspicuously posted in five of the most public places in said town, under the direction of said board; that said election shall be by ballot, and shall be opened at five o'clock in the afternoon, and closed at seven in the evening of the same day; that of the free

holders present at the opening of the polls, there shall be chosen by the electors then present, a judge and clerk of election, who shall conduct the same in the manner that township elections are conducted, by ballot, which officers of election shall possess the same powers and be subject to the same duties and restrictions as the officers of township elections are subject to; and that, at the close of said polls, the said judge and clerk of election shall canvass the votes cast, and publicly declare who have been chosen, and shall make out under their hands, and deliver to the commissioners so chosen, a certificate of their election, which certificate shall be recorded in the minutes of the proceedings of said board.

Election of president, &c.

4. *And be it enacted*, That the commissioners so chosen shall, at one of the meetings of said board, as soon after their election as may be practicable, elect from their number a president, secretary, and treasurer; that the first meeting of said board shall be held on the Monday next succeeding their election, at seven o'clock in the evening, at the place where such elections should be held, and that subsequent meetings may be held at such times and places as the board may determine; that meetings of said board may be called by the president, or in his absence or disability by the treasurer, upon two weeks' notice by two or more printed or written notices put up in conspicuous places, which meeting so called may be publicly adjourned to another time and place without further advertisement; that the treasurer shall give his bond to said board, with satisfactory sureties, in such amount as they may require for the faithful performance of his office, and shall render annually, and as often as required by resolution of the board, an account of all moneys received and disbursed by him, and shall pay out no moneys except upon resolution of the board, upon bills countersigned by the president; that the secretary shall keep a minute of the proceedings of said board, and record the same in a book provided for that purpose.

Powers and duties of the commissioners.

5. *And be it enacted*, That it shall and may be lawful for the said board of commissioners to have the general supervision, management and control of the public streets, sidewalks and roads of said town, and of all public commons therein or adjoining thereto, and of the fire engines and all apparatus for the suppression of fires, belonging to said

town; and for this purpose may by resolutions or ordinances, make all needful rules and regulations for the promotion and advancement of the interest of said town, touching and concerning the matters above mentioned; and more particularly, that they may by such resolutions or ordinances cause the streets and roads of said town, or such parts thereto as they may deem advisable, to be graded, graveled, or otherwise to be improved and repaired, and to prevent and cause to be removed all obstructions thereon, so that they may be kept open to the width at which they were laid out by the surveyors of the highways, or by any deed, donation or dedication thereof, by the original owner or owners thereof; and also that they may fix and determine the width, grade and construction of the sidewalks of said town, and cause the same, or such part thereof as they may deem necessary, to be paved, flagged, bricked, graveled and curbed, or either of them, at the expense of the several owner or owners of the improved property of said town adjoining said sidewalks; and in case any owner or owners shall neglect or refuse to comply with and carry out any such regulations or ordinances touching the sidewalks in front of and opposite their improved lots of land, then that said commissioners may cause the same to be done and carried out by their workmen, laborers or agents, keeping a particular account of the expense attending the same, to and with reference to the several owners of such improved lots respectively; and in default of payment of such expenses by any such owner or owners, then the said board of commissioners, by their above mentioned title of office, may sue for and recover the same in any court of competent jurisdiction, which moneys when recovered shall be by them applied to carry out the purposes of this act; and the said commissioners shall have power to cause to be constructed, enlarged, repaired and extended any culverts, sewers, drains or ditches in or along any of said streets or roads, and therein or thereby to direct, receive and discharge the drainage of said streets and roads, with reference to the greatest public convenience, and doing the least private injury possible.

No compensation to be allowed for services of commissioners.

6. *And be it enacted*, That no compensation shall be paid to any of said commissioners for their services; that they shall not have power to levy any tax or make any assessment upon the owners of real estate or other inhabitants of said town, excepting only for the construction and repairs

of sidewalks against the several owners of improved property for the amount of the construction and repairs of such parts thereof as may lay in front of and adjoining to the improved property of such respective owner or owners; that the taxes which shall hereafter be assessed, levied and collected upon and from the taxable inhabitants of said town, and upon the real estate therein, for roads, or for the improvement or repairs of roads, by the officers of the township of Franklin, shall not be applied to the roads without the boundaries of said town; but that the assessor and collector of the said township shall hereafter assess and collect upon and from the taxable inhabitants of said town, and on all lands liable to be taxed therein, the road tax which shall have been ordered to be raised at the previous annual township election, in the same manner as the same have been heretofore assessed, levied and collected; and it shall be the duty of the collector or collectors of said township to pay over the amount of the road tax by him or them received, which shall have been assessed and collected upon the taxable inhabitants of said town, and upon all lands liable to be taxed therein, to the treasurer of the said commissioners, to be expended and applied by them in carrying out the purposes of this act, and for this purpose the said assessor of said township shall by some convenient mark in his duplicate, designate the road taxes of the taxable inhabitants of said town, and in case of any dispute respecting such designation, or of the apportionment of said taxes, the same shall be determined by the commissioners of appeal in cases of taxation of said township.

Assessment and collection of taxes for road purposes.

7. *And be it enacted*, That this act shall be deemed and taken in all courts and places to be a public act, and shall take effect immediately.

Approved February 18, 1873

CHAPTER LXXIV.

A Supplement to an act entitled "An Act to incorporate the Town of Hammonton, in the township of Mullica, in the county of Atlantic."

Town to be divided into school districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the county superintendent of public schools for the county of Atlantic, with the president of council and town clerk of Hammonton, shall divide said town into convenient school districts.

Board of trustees.

2. *And be it enacted*, That the district clerks of the several districts shall together constitute a town board of trustees, who shall have the management and control of the graded schools in said town.

Examination of scholars.

3. *And be it enacted*, That an examination of scholars for admission to the graded schools, shall be held in each district, once in each year, at such times as may be prescribed by the county superintendent.

Expenses to be assessed.

4. *And be it enacted*, That the expense of maintaining the graded schools shall be assessed upon the respective districts, in proportion to the number of scholars attending from each district.

Offices abolished.

5. *And be it enacted*, That the office of town superintendent and school examiners in said town, be and are hereby abolished.

Salaries to be fixed by vote.

6. *And be it enacted*, That the salaries of the officers of said town shall be fixed annually hereafter by a vote at the annual town meeting.

Repealer.

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

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

Approved February 18, 1873.

CHAPTER LXXVIII.

An Act to repeal "An Act concerning roads in the township of Lebanon, in the county of Hunterdon," approved April sixth, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "An Act concerning roads in the township of Lebanon, in the county of Hunterdon," approved April sixth, one thousand eight hundred and seventy-one, be and the same is hereby repealed. Repealer.

2. *And be it enacted*, That the road board now elected and in office in said township shall cease to act, and turn over all moneys in their custody to the township committee of said township, at their annual meeting held on the first Monday of April next ensuing, at which time this act shall take effect. Road board to turn over moneys to town committee.

Approved February 19, 1873.

CHAPTER LXXXII.

An Act to repeal "A Further Supplement to the act entitled 'An Act Concerning Roads.'"

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "A Further Supplement to the act entitled 'An Act concerning roads,'" approved April sixteenth, one thousand eight hundred and forty-six, which supplement was approved February twenty-second one thousand eight hundred and seventy-one, be and the same is hereby repealed; *provided however*, that nothing in this act contained shall affect any road heretofore laid, or Repealer. Proviso.

assessment made, or proceedings pending for the laying out or opening of any road in said township.

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

Approved February 19, 1873,

CHAPTER LXXXIII.

A Further Supplement to the act entitled "An Act to facilitate Judicial Proceedings in the County of Hudson," approved March twenty-second, one thousand eight hundred and sixty, extending said act to the county of Passaic.

Compensation.

1. BE IT ENATED *by the Senate and General Assembly of the State of New Jersey*, That the said clerk of the grand juries shall receive from the board of chosen freeholders of said county of Passaic, at each term at the rising of the grand jury, the sum of one hundred dollars as compensation for his services.

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

Approved February 19, 1873.

CHAPTER XC.

An Act repealing an act entitled "A Supplement to an act amendatory of 'An Act to regulate sale of real estate made under a public statute or the direction of a Court,'" which supplement to said amendatory act was approved April sixteenth, one thousand eight hundred and sixty-eight.

Preamble.

WHEREAS, the supplementary act, whereof this is a repealer, imposes upon Hunterdon county certain legislation, unlike that which regulates the same matters in the other coun-

ties of this state, without any special reason existing therefor, and without the approval or consent of the county which such special legislation affects; therefore,

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplementary act aforesaid, which requires that certain advertisements in and for the county of Hunterdon be printed and published in the two newspapers at the county seat of the said county, and those only, be and the same is hereby repealed; *provided*, that this enactment shall not in any way affect the validity of advertisements whose publication may have been commenced at the time when this act shall go into effect, but that the same shall be completed the same as if this act were not in force.

Proviso.

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

Approved February 24, 1873.

CHAPTER XCII.

A Further Supplement to the act entitled "An Act to incorporate the city of Millville," approved February twenty-sixth, one thousand eight hundred and sixty-six.

School property within city limits vested in the corporation of the city.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the tracts of land, school houses and other property now belonging to and vested in the school districts or the several boards of trustees of the school districts within the limits of the city of Millville, shall be and hereby are vested in the corporation of said city, and that the common council of said city shall have power to hold the same, and to raise money for the preservation and repair thereof, and to purchase other land and build school houses thereon, as may from time to time be required for the use of the public schools of said city; and all actions brought in any court against any person or body corporate for damages for or on account of any injury to any school property in said city, shall be in the name of the mayor and common council of the city of Millville.

Election of school trustees.

2. *And be it enacted*, That at the next annual election for city officers in the said city of Millville, there shall be elected three school trustees in each ward of said city, and the said trustees shall constitute the board of education of the city of Millville, and the said trustees shall at their first meeting after their election, arrange themselves by lot into three classes to hold their offices, one class, consisting of one trustee from each ward for one year; one class, consisting of one trustee from each ward for two years; and one class for three years from that time; and afterwards there shall be annually elected three trustees, one in each ward to hold their offices for three years, and the said board of education shall have power in case of any vacancy to fill the same, until the next annual election.

Duties of the board of education.

3. *And be it enacted*, That it shall be the duty of the said board of education to select and employ teachers duly licensed by the board of examiners; to fix the salaries of all teachers employed; to remove any teacher for conduct prejudicial to the school system of the city; to organize the public schools of the said city in such way as shall best promote their efficiency, and to control regulate and manage the same; to admit to said public schools, under such rules and regulations as the board may adopt, any child from the age of five to eighteen, inclusive, whose parents or guardians reside in said city; and such other children as are under the charge and control of a resident of said city, but nothing herein contained shall be construed to prohibit the admission of persons more than eighteen years of age to such evening schools as the board may from time to time establish; to provide school furniture, books, stationery, fuel and such other articles for the maintenance of said public schools as may be necessary; to draw from the moneys which shall be raised for the purposes of public instruction in said city, such sums as may be required to defray the necessary current expenses of the board incurred under the provisions of this act, but at no time to exceed the amount appropriated for such expenses; to dispose of personal property under the charge of the board when it may be deemed for the interest of the schools of the city so to do, the proceeds of the sale of such property to be paid into the city treasury; to visit every public school in said city at least four times in each year, and advise and consult with the teachers; to prepare and transmit to the common council of said city, on or before the

first day of July in each and every year, a certified statement of the amount of money considered by the board of education to be necessary for the support of the public schools under its charge in said city for the ensuing year, which statement shall particularly specify the sums required under the respective heads of salaries of teachers and janitors, incidental repairs of school houses, incidental expenditures for school furniture, cost of school books and stationery, cost of fuel, light and other incidental expenses, together with such other items of information in regard to the progress and management of the schools as the board may deem advisable.

Common council to consist of nine members.

4. *And be it enacted*, That the common council of the city of Millville shall hereafter consist of nine members, who shall at their first meeting after the annual city election, choose one of their number to be president of said council, and to hold his office for one year.

Election of members of council and term of office

5. *And be it enacted*, That at the city election to be held on the second Tuesday of March, one thousand eight hundred and seventy-three, there shall be elected one member of the common council in the first ward of said city, who shall hold his office for three years; two in the second ward, one of whom shall hold his office for two years, and one for three years; and two in the third ward, one of whom shall hold his office for two years, and one for three years; and at the city election on the second Tuesday of March, one thousand eight hundred and seventy-four, there shall be elected one member of the common council in the second ward, and one in the third ward, to hold their offices for three years; and at the city election on the second Tuesday of March, one thousand eight hundred and seventy-five, there shall be elected two members of the common council in the first ward, one to hold his office for two years, and one for three years; and annually thereafter, at the charter election, there shall be chosen one member of the said common council from each ward, to hold his office for three years.

Recorder to be appointed by council.

6. *And be it enacted*, That hereafter the recorder of the said city of Millville, shall not be elected at the annual election for other officers of the said city, but shall be appointed by the common council, and be liable to removal from office at any time by the common council, for neglect of duty, or for any other cause.

7. *And be it enacted*, That it shall be the duty of the

Duties of ward collectors.

several ward collectors of the city of Millville, to pay to the city treasurer all moneys collected by them as soon as received, and to settle their respective accounts with the city recorder on or before the first day of January, in each and every year.

Ordinances to be approved by mayor.

8. *And be it enacted*, That every ordinance passed by the common council of the city of Millville, shall be presented to the mayor, and if he approve he shall sign it, but if not he shall return it, with his objections to the said council at their next meeting, and if after reconsideration, a majority of the whole council shall agree to pass the ordinance, it shall become an ordinance of the city notwithstanding the objections of the mayor.

Members of council or board of education not to be interested in contracts.

9. *And be it enacted*, That no member of the common council or board of education shall be interested directly or indirectly in any job, bill or contract that is to be paid for out of any money in the city treasury under the penalty of twice the amount of said bill or contract, to be recovered in an action of debt, in the name of the treasurer of said city for the use of said city.

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

Approved February 24, 1873.

CHAPTER XCIII.

An Act relative to certain Sewers in Jersey City.

Board of public works authorized to pay for construction of sewers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of public works of Jersey City to pay whatever in the opinion of said board, may be fair and just for the construction of the sewers heretofore built in Vanvorst street between Grand street and Essex street, and in Essex street between Vanvorst street and Warren street, and in Henderson street between Grand and York streets, Jersey City, in the same manner as if said sewers had been constructed after advertisement and contract made by said board.

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

Approved February 24, 1873.

CHAPTER XCIV.

An Act to authorize the Township Committee of the township of Bloomfield to Light the Streets of said township.

Establishment of lamp districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the township committee of the township of Bloomfield, in the county of Essex, in this state, from time to time, as they may deem expedient, to establish by ordinance or resolution, within the limits of said township, one or more districts to be called lamp districts.

Public notice to be given.

2. *And be it enacted*, That whenever said township committee shall determine to establish any such lamp district, they shall give public notice of their intention by advertisement put up at five of the most public places within the proposed district and by two consecutive insertions in any paper published in said township, and shall also appoint a time specifying the hour of day and a place within the proposed district at which said committee will meet to hear objections, if any, against the formation of said district.

Committee shall meet to hear objections.

3. *And be it enacted*, That the said township committee, or a majority of them shall meet at the time and place so appointed, and shall hear the objections, if any, against the formation of the proposed district; if, after hearing objections, if any are made, said committee shall deem it expedient, they or a majority of them may proceed to form and establish such district by the passage of an ordinance or resolution which shall clearly define the limits and bounds of said district.

Ordinance or resolution shall be published.

4. *And be it enacted*, That it shall be the duty of the said committee, within ten days after the passage of any ordinance or resolution establishing any lamp district, to post at five or more of the most public places within the district so formed, and by two consecutive insertions in any paper published in said township, true copies of such ordinance or resolution, signed by the chairman of said committee and the town clerk.

New Jersey State Library

May erect lamp posts and burners, &c.

5. *And be it enacted*, That it shall and may be lawful for the said committee to put up, erect and place upon any or all of the roads, streets, highways and public squares of the lamp districts, so formed as aforesaid, any and all necessary lamp posts, and furnish the same with lamps and burners, and the necessary apparatus, except the main pipes, for the purpose of introducing gas or other lighting materials for lighting said roads, streets, highways and public squares, or to enter into any contract or agreement with any person or persons, or corporation or corporations, for putting up, erecting and placing in and upon said roads, streets, highways and public squares, such lamp posts and furnishing the same with lamps and burners, and for providing all the necessary gas or other lighting materials and apparatus, except the main pipes, for lighting said roads, streets, highways and public squares.

Expenses to be raised by tax.

6. *And be it enacted*, That whenever and so soon as the said committee shall have established any district in the manner contemplated by this act, the committee shall proceed forthwith to ascertain the whole amount of expense necessary to furnish said district with the necessary lamp posts, lamps, burners and apparatus, and shall certify to the assessor of the said township the amount of such expense to be raised by tax, within said lamp district, and it shall then be the duty of the said assessor to assess the amount of such expense in the same manner, at the same time and upon the same persons and property, both real and personal, within said lamp district as other taxes in said township are now or may hereafter be assessed; which tax shall be collected by the same officer, at the same time and in the same manner as all other township taxes are or may hereafter be collected, and shall be placed to the credit of the lamp district, in which the same are raised, and shall be paid out only for defraying the expense authorized by the fifth section of this act.

Assessment of taxes for lighting, &c.

7. *And be it enacted*, That it shall be lawful for the said committee, so soon as practicable after their election, in each and every year hereafter, to ascertain the amount necessary to be expended for lighting the roads, streets, highways and public squares within the said lamp district or districts as the case may be, for the then coming year, and certify such amount or amounts to the assessor of said township, to be raised by tax within said lamp district or districts; and it

shall be the duty of the said assessor to assess such amount or amounts in the same manner, at the same time and upon the same persons and property, both real and personal, within said lamp district or districts as the case may be, as other taxes in said township are now or may hereafter be assessed, which tax so assessed, shall be collected by the same officer, at the same time and in the same manner, as all other township taxes in the said township now are or hereafter may be collected, and shall be placed to the credit of the district or districts, as the case may be, in which the same were raised, and shall be paid out only for the purposes of defraying the expense mentioned in this section; *provided*, that the cost of the lamps and lamp posts, and maintaining the same in the public squares, shall be raised by tax to be assessed upon all the property, real and personal, and taxable persons of the whole township, and to be collected in the same manner as other taxes in said township; and all unpaid taxes provided for in this act, shall be a lien upon the property, upon which the same shall be assessed, and shall be collected in the same manner as all other unpaid taxes now are or hereafter may be in said township. Proviso.

8. *And be it enacted*, That in case the said committee shall so determine, it shall and may be lawful for them to distribute the amount necessary to be raised for the first expense of erecting such lamp posts, and furnishing the same with lamps and burners, and the necessary apparatus, among the taxes to be raised for five or a less number of years. Amount to be raised may be distributed for term of years

9. *And be it enacted*, That it shall and may be lawful for the said town committee, in anticipation of said taxes, to borrow money in the corporate name of said township, and to give as security for the same, notes and other evidences of indebtedness in the corporate name of said township; and that all contracts, agreements, covenants, notes or other evidences of indebtedness which may be given by the said committee, in the corporate name of said township or otherwise, in pursuance of any of the provisions of this act shall be binding upon and may be proceeded upon by the lawful holders thereof by suit and prosecuted to final judgment and execution in any court of competent jurisdiction against the inhabitants of said township, in their corporate capacity and by their corporate name. Town committee may borrow money.

Penalty for injury to posts or lamps.

10. *And be it enacted*, That any person or persons who shall willfully or negligently break, damage, destroy or injure the said lamp posts or lamps, burners or apparatus, or shall light or extinguish the same without lawful authority, shall be deemed guilty of malicious mischief, and upon being convicted in a court of competent jurisdiction, shall be fined any sum, not exceeding one hundred dollars, or be imprisoned in the common jail of said Essex county, at hard labor, for a period not exceeding six months or both, at the discretion of the court.

Repealer.

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

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

Approved February 24, 1873.

CHAPTER CII.

A Supplement to an act entitled "An Act to empower the Board of Chosen Freeholders of the County of Union to build a Draw Bridge over Rahway river in the City of Rahway," approved March nineteenth, one thousand eight and seventy-two.

Authority to build bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders of the county of Union are hereby empowered to build the draw bridge over Rahway river mentioned in the act to which this is a supplement, at the place in said act specified, or over and across said Rahway river at any other place in the option of said board between the west line of the Woodbridge road as laid down on the map made by the commissioners appointed to lay out streets, avenues and squares in the city of Rahway, and the easterly boundary line of said city.

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

Approved February 26, 1873.

CHAPTER CIII.

An Act to authorize the Chosen Freeholders of the County of Union to borrow money.

Preamble. WHEREAS, the county of Union has a floating indebtedness of one hundred thousand dollars incurred in years past, for the payment of which no provision has been made; therefore,

May borrow money and issue coupon bonds. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said corporation to borrow a sum not exceeding one hundred thousand dollars, to be used in liquidating the said indebtedness, and for such purposes to issue, from time to time, their coupon bonds, with interest not exceeding seven per centum per annum.

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

Approved February 26, 1873.

CHAPTER CX.

An Act to provide for the Transcribing of certain Deeds and other Official Records relating to lands now in the county of Passaic.

Authorizing official records to be transcribed for Passaic county. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the board of chosen freeholders of the county of Passaic to have all deeds, partitions and conveyances now on record in the office of the surveyor general, of East Jersey, at Perth Amboy, and in the offices of the clerk and the register of deeds of the county of Essex, and in the office of the clerk

of the county of Bergen, which relate to or affect lands now situate in the county of Passaic, together with the acknowledgments or proofs of execution thereof, and the entry of the time when the same were received to be recorded, transcribed by the said surveyor general, register and clerks, under the direction and supervision of the clerk of the county of Passaic, in a good fair hand, in suitable books to be provided by the said board for that purpose; which books shall each be certified by the said surveyor general, register and clerks respectively, under their respective hands and official seals, to contain true and complete copies from the records in their respective offices of the deeds, partitions and conveyances therein transcribed.

Copies of maps to be filed.

2. *And be it enacted*, That where reference is made in any of such records so transcribed to any map, a tracing shall be made of such map and filed in the office of the clerk of the county of Passaic, who shall keep a separate index of such copied maps.

Registry of mortgages in Essex and Bergen counties relating to Passaic county to be transcribed for use of said county.

3. *And be it enacted*, That it shall be lawful for the said board of chosen freeholders of the county of Passaic to cause the registry of all mortgages registered in the offices of the register of deeds and the clerk of the county of Essex, and the clerk of the county of Bergen, before February twenty-eighth, one thousand eight hundred and thirty-seven, and which are uncanceled of record, and which relate to or affect lands in the county of Passaic, to be transcribed by the aforesaid officers, at length, under the direction and supervision of the clerk aforesaid, with the entry of the time when the same were lodged to be registered, in suitable books to be provided for the purpose by the said board, each of which books shall be certified by the said officers respectively, to be true copies of the registry of said mortgages so transcribed; and the cancellation of any mortgage so transcribed may be made and entered in such books by the clerk of the county of Passaic, as if it had been originally registered in his office.

Transcripts to be in the custody of clerk of Passaic county.

4. *And be it enacted*, That said transcripts of deeds and mortgages shall contain in the margin opposite to such deed or mortgage, the designation of the office and the book and the page thereof, from which it shall be taken; and such transcripts shall, when completed, be placed in the office and custody of the clerk of the county of Passaic, who shall at the expense of the county cause proper indexes to be made

thereof; and when so deposited all persons shall be entitled, at proper times, to have access to the same, and shall be entitled to copies thereof, upon paying for searches and copies such fees as are allowed by law, for the same services in searching and copying the records of deeds and mortgages recorded in said clerk's office.

Certified copies to be evidence.

5. *And be it enacted*, That the said transcripts of deeds and mortgages, and certified copies thereof, under the hand and official seal of the clerk of the county of Passaic, shall be evidence in the same manner as the original books from which the transcripts were made, or copies certified by the officers in whose custody such original books are respectively.

When transcripts shall be made.

6. *And be it enacted*, That when the board of chosen freeholders of the county of Passaic shall require the aforesaid transcripts to be made, and shall furnish the proper books therefor, the officers in whose custody such original records may be, shall cause such transcripts to be made within twelve months thereafter, and signed and sealed, as herein required, and delivered unto the said board.

Compensation.

7. *And be it enacted*, That the said officers, in whose custody such original records may be, shall be entitled to receive from the collector of Passaic county the fees, per folio, allowed by law for furnishing copies from the records in their office, and such additional compensation, if any, for searches, certificates and maps, as may be allowed by the director of the board of chosen freeholders of Passaic county, the president judge of the court of common pleas of said county, and the clerk of said county, or a majority of them; and all expenses incurred under this act shall be paid from time to time by the aforesaid county collector, only upon the order of the said director, president judge and clerk for the time being, or a majority of them.

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

Approved February 27, 1873.

CHAPTER CXII.

An Act to authorize Trustees to dispose of the property belonging to the Industrial School District.

Preamble.

WHEREAS, the Industrial School District at Elizabethport, formerly in the township of Elizabeth, county of Essex, now in the city of Elizabeth, county of Union, was incorporated according to law, and tax was levied and collected of the inhabitants and property of said district for the purpose of building a school house, and lots of land were purchased in the name of the district, but no building was erected, and when the city of Elizabeth was incorporated provision was made for the support of public schools by the city of Elizabeth; *and whereas*, no provision was made in the city charter for disposing of said lots or the property of the district, and it is just that said property should be appropriated for the support of schools within said district, and the last trustees elected for said district were Jonathan M. Ropes, Samuel L. Moore and Luther T. Hand; therefore,

Trustees authorized to sell and convey real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Jonathan M. Ropes, Samuel L. Moore and Luther T. Hand are hereby authorized to sell and convey, at public or private sale, all real estate owned by the Industrial School District, and to give a good and sufficient deed for conveying the same, and to collect and receive all money due said district and invest the same in bonds of the United States, state of New Jersey, county of Union or city of Elizabeth, and yearly appropriate the interest of said money in procuring public scientific lectures in said district; that the said Jonathan M. Ropes' term of office shall expire on the first day of April, eighteen hundred and seventy-four, Samuel L. Moore on the first day of April, eighteen hundred and seventy-five, and Luther T. Hand on the first day of April, eighteen hundred and seventy-six; and on the first day of April, eighteen hundred and seventy-four, and on the first day of April in each and

every year thereafter, the mayor of the city of Elizabeth shall appoint one trustee, a resident in the territory of said school district, to hold office for the period of three years; and that if any vacancy shall at any time occur the said mayor shall be authorized to fill such vacancy for the unexpired term; and that said board of trustees shall keep said money invested and apply the interest as above stated.

2. *And be it enacted*, That said trustees before entering upon the discharge of their duties, shall make oath or affirmation before the said mayor faithfully to perform their duties as said trustees; that said trustees shall not receive any compensation for their services.

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

Approved February 27, 1873.

CHAPTER CXIII.

A Further Supplement to an act entitled "An Act to facilitate Judicial Proceedings in the County of Hudson," approved March seventeenth, one thousand eight hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to facilitate judicial proceedings in the county of Hudson," be and the same is hereby amended by striking out the words in the first section of the said act "of at least three years' standing." Amendment

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

Approved February 27, 1873.

CHAPTER CXVII.

An Act to Prevent Goats and Swine from running at large in the township of Englewood, in the county of Bergen.

Goats or swine trespassing or running at large may be impounded or killed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any freeholder within the township of Englewood, in the county of Bergen, in this state, his servant or tenant, finding any goat or goats or swine trespassing on his or her enclosed lands, or running at large on the public highways, to either impound said goat or goats or swine in the manner now provided by law, or to kill such goat or goats or swine and inform the owner thereof, if easily to be found, and if no owner can be so found or if found shall not appear and take such goat or goats or swine away, then the person, his tenant or servant, who shall kill such goat or goats or swine shall, within fifteen hours after such killing, give notice to the overseer of the poor of said township, who shall dispose of such goat or goats or swine for the use of the poor of the township of Englewood, in the county of Bergen aforesaid.

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

Approved March 4, 1873.

CHAPTER CXVIII.

A Further Supplement to an act entitled "An Act concerning Roads in the Township of Hackensack," approved March tenth, one thousand eight hundred and seventy.

Township committees authorized to borrow money for road purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That each of the township committees of the townships of Ridgefield, Englewood and Palisades, is hereby authorized to borrow money in antici-

pation of the sums to be raised annually by tax for road purposes, in the several districts of said townships; and thereupon if the commissioner of any district shall in writing, require the committee of his township to advance the sum voted in such district, such committee shall pay the same over to the president of the road board within thirty days after such requisition, and take his receipt for the same; the moneys so advanced to be repaid by the said president when he shall receive the amount levied by tax from the township collector.

Awards and assessments to be valid notwithstanding any mistake in the name or names of owner or owners.

2. *And be it enacted*, That notwithstanding any mistake in the name or names of the owner or owners of any lands, tenements, and real estate, in the said townships, in making awards or assessments, or in giving or addressing notice of the same, in pursuance of the eighth section of the act to which this is a further supplement, or of this act, such awards and assessments shall be valid and effectual in law, against such lands, tenements and real estate; and the same may be proceeded against and sold in the manner prescribed in the twelfth section of the act to which this is a further supplement.

Commissioners to have exclusive control.

3. *And be it enacted*, That the act to which this is a further supplement, shall be construed so as to give the commissioners a general and exclusive supervision, control and management of all sidewalks and gutters along the public highways within their respective road districts, and to pay for their repair and regulation out of the moneys voted by the annual assemblies and raised by tax, as in said act provided.

Powers and duties of the road board.

4. *And be it enacted*, That said public road board shall have full power and authority upon the application in writing of twelve freeholders of any of said townships for that purpose, to excavate, build and construct, in any road, street or avenue, and with the consent of the owner, in any private land, such sewer or sewers as they may deem requisite or proper, for purposes of drainage, and for the preservation of the public health; that whenever said board shall deem it advisable to construct such sewer or sewers, they shall cause notice to be given by publication in a newspaper printed and published in the county of Bergen, once a week for four weeks, that it is proposed to construct the same, and that all persons interested are required to appear before said board, at a convenient time and place, to be

specified in said notice, when and where said board shall hear and weigh all objections to the construction of the same; that said board shall thereupon, or at a subsequent meeting, decide and determine upon the propriety of constructing said sewer or sewers, and, if they shall decide in favor of the same, shall make their decision in writing, and shall assess such lands as they may deem benefited in proportion to the benefit in their judgment received by the owners thereof; that within ten days after making such assessment as aforesaid, a printed or written, or partly printed and partly written notice, shall be addressed to each individual or party so assessed, and deposited in the post office at Englewood, stating the amount of said assessment against said individual or party for said construction of said sewer or sewers, and that said assessment will remain open at some convenient place, for examination and inspection by all persons interested therein, at all reasonable times during the fifteen days next succeeding the depositing of said notice in said post office, and that said board will attend at their office on a day subsequent to the expiration of said fifteen days, and also on one or more evenings, not exceeding three evenings in all, if so required by any party or parties interested, to hear and weigh all objections thereto; that said board shall thereafter reconsider said assessment and make any alterations therein they may deem just, and thereupon they shall confirm said assessment, and within ten days after such confirmation, file their aforesaid written decision, and the alterations so made therein, if any, and the assessment so confirmed, in the office of the clerk of the county of Bergen; that the said board shall give notice of such filing by publication in a newspaper printed and published in the county of Bergen, once a week for four weeks; and the determination of said board shall be final and conclusive in the premises, unless an appeal is taken to the court of common pleas of the county of Bergen, within the time and in the manner provided for in the act to which this is a further supplement in the case of the assessments authorized by said act.

Assessments to be a lien on lands.

5. *And be it enacted*, That section twelve of the act to which this is a further supplement be, and the same hereby is further amended, so that any assessment laid by virtue of said act, or of this act, shall be a lien on the lands on which it is laid; and the said commissioners shall procure a certi-

fied copy of their decision to be placed in the hands of the collector of taxes for the time being of the township, and thereupon it shall be the duty of such collector to collect the same within sixty days from the time of placing such copy in his hands, and to pay the same over to the president of the board.

Accounts to be presented annually and published in newspapers.

6. *And be it enacted*, That at each annual meeting or assembly, held as provided in the act to which this is a further supplement, the commissioner presiding shall present his accounts, which shall give, in separate items, a statement of work done, the location of it, and the amount paid therefor, and to whom paid, and also, in separate items, a statement of all other expenditures for the past year; which accounts shall be read to the meeting, and be examined by it or by a committee of three persons appointed by said meeting, who shall report the result of their examination to the meeting; and within two weeks thereafter the commissioner presiding shall cause said accounts to be published in full, in a newspaper printed and published in the township, if there be one; and if not, then in a newspaper printed and published in the town of Hackensack.

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

Approved March 4, 1873.

CHAPTER CXIX.

An Act to establish District Courts in the City of Newark.

Courts, how designated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be constituted in the city of Newark, in the county of Essex, two courts, to be called respectively, "The First District Court of the city of Newark," and "The second District Court of the city of Newark."

Shall be courts of record.

2. *And be it enacted*, That said courts shall be courts of record, and have official seals, and all persons shall be amenable to punishment for contempt of said courts, in the same manner as in other courts of record of this state, and

licensed attorneys shall not be necessary in the prosecution or defense of any suit or proceeding in said courts.

Appointment of judges.

3. *And be it enacted*, That the judge of said courts shall be counsellors-at-law of this state, and shall be appointed by the supreme court of this state, and commissioned by the governor under the great seal of the state, and shall continue in office for five years from the date of their commission.

Appointment of clerk.

4. *And be it enacted*, That the ministerial officers of each of said courts shall be a clerk, and the constables of said city and county; the clerk of each of said courts shall be appointed by the judge thereof, and shall hold his office until the appointment of his successor.

Civil jurisdiction.

5. *And be it enacted*, That from and after the first day of April next, the civil jurisdiction heretofore exercised by or conferred upon justices of the peace, within the corporate limits of the city of Newark, under and by virtue of an act entitled "An Act constituting courts for the trial of small causes," approved April sixteenth, one thousand eight hundred and forty-six, and the various supplements thereto, and of an act entitled "Supplement to an act concerning landlords and tenants," approved March fourth, one thousand eight hundred and forty-seven, and the various supplements thereto, and of an act entitled "An Act for the relief of creditors against absconding and absent debtors," approved April sixteenth, one thousand eight hundred and forty-six, and of the various supplements thereto, and of 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, shall become vested in, and be exclusively exercised by said district courts; and said acts, and all other acts, which modify said acts, shall apply to said courts, and regulate the practice and proceedings thereof, except where they conflict with the provisions of this act; but this act shall not affect any suit or proceeding, instituted in any court for the trial of small causes, prior to the first day of April next, such suit or proceeding may be prosecuted or continued, any judgment therein may be docketed, and any writ, process or execution therein may issue as if this act had not been passed.

To have exclusive jurisdiction.

6. *And be it enacted*, That said district courts shall have jurisdiction exclusive of all other courts whatsoever in all civil cases arising under any of the above recited acts, where

the parties, plaintiff and defendant, both reside within the corporate limits of the city of Newark.

Warrants, writs, &c., how issued.

7. *And be it enacted*, That the warrants, writs and other process of each of said courts shall be tested in the name of the judge, and signed by the clerk thereof; the clerk shall issue the same in the manner directed by the several above recited acts, and for nonconformity to said acts except in the particulars in this section specified, shall be liable to the penalties in said acts prescribed.

Clerks may administer oath.

8. *And be it enacted*, That any oath or affirmation proper to be made or administered in any action or proceeding in either of said courts may be administered by the clerk thereof.

Adjournment.

9. *And be it enacted*, That the judge of either district court may from time to time adjourn said court or the hearing or further hearing of any cause or proceeding, in such manner as to the judge may seem fit.

Proceedings when money is paid by defendant for satisfaction of demand of plaintiff.

10. *And be it enacted*, That it may be lawful for any defendant within such time as shall be directed by the rules made for regulating the practice of said courts, to pay into court such sum of money as he shall think in full satisfaction for the demand of the plaintiff, together with the costs incurred by the plaintiff, up to the time of such payment, and notice of such payment shall be communicated by the clerk to the plaintiff by the post, or by causing the same to be delivered at his usual place of abode or business, and said sum of money shall be paid to the plaintiff; but if he shall elect to proceed, and if the plaintiff shall recover no further sum in the action than shall have been so paid into court, the plaintiff shall pay to the defendant the costs incurred by him in said action after such payment, which costs may be collected as other costs are collected in said courts.

Judge shall have power to non-suit and to order a new trial.

11. *And be it enacted*, That if the parties to any action or proceeding in either of the said courts fail to demand a trial by jury, in cases where such demand is necessary, and so elect to permit questions of fact to be determined by the judge, then such determination of the judge, or in cases where there is a jury, then the verdict of a jury or judgment thereupon or any order, shall be final and conclusive between the parties upon questions of fact, except as herein provided; but the judge shall have power to non-suit the plaintiff in every case, in which satisfactory proof shall not be given to him, entitling either plaintiff or defendant

to the judgment of said court, and shall also in every case whatever, have the power if he think fit, to order a new trial to be had upon such times as he shall think reasonable, and in the meantime to stay proceedings.

Proceedings in case of appeal.

12. *And be it enacted*, That if either party in any such action or proceeding shall be dissatisfied with the determination or direction of said court in point of law or upon the admission or rejection of evidence, such party may appeal from the same to the court of common pleas, in and for the county of Essex; *provided*, that such party shall, within ten days after such determination or direction, give notice of such appeal to the other party or his attorney, and enter into bond to the other party with at least one sufficient surety, being a freeholder, to be approved by the judge, for the costs of the appeal, whatever be the result thereof, and for double the amount, if any, of the judgment rendered against him, conditioned for the payment thereof, if the appeal be not prosecuted by the appellant, or be dismissed; nevertheless, such security, so far as regards the amount of the judgment, shall not be required in any case where the judge shall permit the party appealing to pay the amount of such judgment into the hands of the clerk, and the same shall have been paid accordingly; but such appeal shall operate as a stay of proceedings, only after such security has been given or money paid; and the said court of common pleas may either order a new trial on such terms as it thinks fit, or may order judgment to be entered for either party, as the case may be, and may make such order with respect to the dismissal and costs of the said appeal as such court may think proper.

Proviso.

Proceedings when parties cannot agree upon form of case.

13. *And be it enacted*, That such appeal shall be in the form of a case agreed on by both parties or their attorneys, and if they cannot agree, the judge on being applied to by them or their attorneys, shall settle the case and sign it, and such case shall be transmitted by the appellant to the clerk of the said court of common pleas, and filed by him in his office.

Case shall be settled within fifteen days.

14. *And be it enacted*, That such case shall be agreed upon or settled within fifteen days after such determination or direction, unless the judge shall grant further time for that purpose.

Time of hearing.

15. *And be it enacted*, That such case shall be heard by the said court of common pleas, at the next term after such

determination or direction, unless said court shall, on good cause shown, postpone the hearing thereof to some subsequent term; *provided*, that there be fifteen days between such determination or direction and said next term. Proviso.

16. *And be it enacted*, That such order, determination or decision of the court of common pleas may be removed into the supreme court by writ of certiorari, said writ shall remove said order or determination, and the case agreed upon or settled as hereinbefore mentioned; *provided*, the party applying for the same comply with the provisions of the sixty-eighth section of the act entitled, an act constituting courts for the trial of small causes. Writ of certiorari. Proviso.

17. *And be it enacted*, That no judgment, order or determination, given or made by the judge of either of said courts, in any cause or matter brought before him or pending in said courts, and over which he has jurisdiction, shall be removed by appeal, motion, writ of error, certiorari or otherwise, into any other court whatever, save and except in the manner and according to the provisions hereinbefore mentioned. Judgment, order, &c., not to be removed.

18. *And be it enacted*, That any judgment of either of said district courts may be docketed in the said court of common pleas, in all cases where the judgments of courts for the trial of small causes may now be docketed, and the transcript required to be filed with the clerk of the court of common pleas shall be under the seal of the said district court, and signed by the clerk thereof. Docketing judgment.

19. *And be it enacted*, That the judges of said district courts shall meet as often as may be necessary to make rules for the orderly conduct of the business and proceedings of said courts; the rules of said courts shall be uniform, and shall be approved by and subject to the revision of such justice of the supreme court as shall hold the circuit court in and for the county of Essex; the judge of either of said district courts may preside in and conduct the business of the other of said courts, when requested so to do by the judge thereof; and in case of the sickness or unavoidable absence of the judge of either of said courts, the same may be held by one of the judges of the said court of common pleas, to be designated by the judge so sick or absent, and approved by the aforesaid justice of the supreme court. Rules of the court subject to revision and approval by justice of Supreme court in Essex circuit.

20. *And be it enacted*, That the clerks of said district courts shall perform the duties required to be performed by Duties of clerks of District Courts.

the fifty-sixth section of the act entitled "An Act constituting courts for the trial of small causes;" they shall file all such writs, pleadings, returns and papers as justices of the peace are required to file, by any of the acts or supplements mentioned in section five of this act; they shall enter or keep a record of any cause or proceeding, where justices of the peace are required to enter or keep a record of the same; they shall tax and subscribe all bills of costs, and shall perform all such other duties as are incident to the office of clerk of a court of record.

Taking of depositions.

21. *And be it enacted*, That the depositions authorized to be taken by the seventy-ninth and eightieth sections of said act, entitled "An Act constituting courts for the trial of small causes" may be taken before the clerk of either of said district courts, or before any master in chancery.

Judges to take and subscribe oath.

22. *And be it enacted*, That the judges of said courts shall, before entering upon the execution of their offices, take and subscribe the oath contained in the fourth section of an act entitled "An act prescribing certain oaths" approved April seventeenth, one thousand eight hundred and forty-six, and the clerks, before entering upon the execution of their office, shall take and subscribe the oath contained in the fifth section of said act.

Compensation to judges and clerks.

23. *And be it enacted*, That the judges of said courts shall each receive, in lieu of all fees whatever, an annual salary of three thousand dollars to be paid by the mayor and common council of the city of Newark, out of the treasury of said city, in quarterly installments, which shall be computed from the day of appointment of said judge; and the clerks of said courts shall each receive an annual salary of one thousand dollars, to be paid in like manner, and in addition thereto, shall receive five per centum of all fees paid into said courts by the suitors therein; *provided*, that such additional compensation do not exceed the sum of four hundred dollars per annum.

Proviso.

Judges shall not practice in county courts.

24. *And be it enacted*, That the judges of said court shall not be permitted to practice in any of the courts of Essex county.

Judges to designate constables to attend sittings.

25. *And be it enacted*, That the judges of said courts may designate constables to attend the sittings of said courts and to preserve order therein.

26. *And be it enacted*, That the mayor and common coun-

cil of the city of Newark shall provide suitable rooms or buildings for the transaction of the business of said courts and procure suitable furniture therefor and such books and stationery as may be necessary. Suitable rooms to be provided by common council.

27. *And be it enacted*, That the clerk of each of said courts shall enter into bond to the state of New Jersey, with at least two good and sufficient sureties being freeholders of Essex county in the sum of three thousand dollars; such bond shall be similar in all respects to the bond required to be executed by the clerk of the court of common pleas and general quarter sessions of the peace for any of the counties of this state, by virtue of an act entitled "An Act respecting the clerks of the courts of common pleas and general quarter sessions," approved April seventeenth, one thousand eight hundred and forty-six, and shall be approved, and together with the oath or affirmation of office, filed in the manner directed by the first section of said act; and if said clerk before he enter into the security aforesaid shall perform any of the duties required of him by law in said office, he shall incur the penalty in said first section mentioned, and all persons or corporations shall have such remedies upon said bond as may be had upon a bond entered into by the clerk of the court of common pleas and general quarter sessions of the peace for any of the counties of this state, in accordance with the provisions of said act. Clerk to give bond.

28. *And be it enacted*, That the clerk of either of said courts, if the business of the court require it may with the approval of the judge thereof, appoint assistants to be approved of by said judge; the clerks shall be responsible for the acts of their assistants who shall be removable at pleasure; such assistants shall be sworn to the faithful performance of the duties of their office and shall receive from the mayor and common council of the city of Newark such compensation for their services not exceeding the sum of one thousand dollars per annum, as the mayor and common council of the city of Newark shall from time to time determine. Clerk may appoint assistants with the approval of the judge.

29. *And be it enacted*, That all fees now required by any of the acts and supplements mentioned in section five of this act to be paid to justices of the peace, shall be paid to the clerks of the said district courts, at the time and in the manner prescribed by said acts; the clerks shall keep an accurate account of all moneys so received by them, and of all moneys paid by them in cases where justices of the peace Clerks to keep account of all moneys received and pay balances to city treasurer.

are required to pay any moneys, and to whom paid, and they shall render detailed monthly statements to the treasurer of the city of Newark of such receipts and disbursements, and pay over to such treasurer monthly, the balance remaining in their hands.

Fees of constables and jurors.

30. *And be it enacted*, That the fees of constables, jurors and others shall be those prescribed in the acts and supplements mentioned in section five of this act, and shall be payable at the same time and in the same manner, save and except that the fees allowed to justices of the peace by said several acts and supplements shall be paid to said clerks, to be by them accounted for in the manner hereinabove directed.

Additional fees to be paid.

31. *And be it enacted*, That in addition to the fees allowed by said acts and supplements, the following fees shall be allowed: to the clerk of the court of common pleas for filing every case agreed upon or settled, the sum of one dollar; fifty cents whereof shall be paid by said clerk to the judges of said court as their fees thereon; to the constables for each day's actual attendance on the sittings of said courts, when such attendance shall be required by the judge, the sum of one dollar, to be paid by the mayor and common council of the city of Newark, out of the treasury of said city; to any judge of the court of common pleas, the sum of three dollars per day for each day that he shall actually preside in said district courts, to be paid as last aforesaid.

Certain words shall be taken to include.

32. *And be it enacted*, That the word "plaintiff," wherever used in this act, shall be taken to include "plaintiffs" or "person or persons instituting proceedings," the word defendant shall be to taken to include "defendants" or person or persons proceeded against.

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

Passed March 4, 1873.

CHAPTER CXXIV.

A Supplement to an act entitled, "An Act to provide for a Free Bridge across the Passaic River, at North Belleville," approved April third, one thousand eight hundred and seventy-two.

Commissioners to be appointed by the chosen freeholders within four months.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the three chosen freeholders of the county of Essex, and the three chosen freeholders of the county of Bergen, as commissioners in the first section of the act to which this is a supplement, be appointed by the respective boards of chosen freeholders of the counties of Essex and Bergen, at a regular meeting of said boards respectively held at any time within four months next after the approval of this act; and if no regular meeting of said boards shall be held within said four months, then at a special meeting of said boards respectively to be called for that purpose within six months next after the approval of this act.

Duties of the commissioners.

2. *And be it enacted*, That the said commissioners so appointed, or a majority of them, shall perform all the duties imposed by the act to which this is supplement, according to the provisions thereof, within four months from the date of their appointment.

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

Approved March 5, 1873.

CHAPTER CXXV.

An Act relating to the repair of bridges owned by Railroad, Canal or other Private Corporations and their lessees, in the county of Hudson.

Proceedings when corporation or corporations neglect to maintain and keep in repair bridge for roads or streets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any railroad, canal or other private corporation or their lessees has erected any bridge for roads or streets over their works, for the use of the public, in the county of Hudson, and said corporations and their lessees are liable to repair and maintain said bridge; and if said corporation or their lessees being so liable to repair and maintain said bridge, shall neglect the same, and said bridge shall become unsafe and dangerous, it shall be lawful for the committee on bridges of the board of chosen freeholders of Hudson county, to give notice to the president of said corporation or their lessees liable to repair said bridge, to the effect that said bridge must be put in a good state of repair in thirty days from the service of said notice, and if said corporation or their lessees fail to repair said bridge within said thirty days, it shall be the duty of the said committee on bridges, to report their action to the board of chosen freeholders of said county, who shall have authority to order said bridge to be put in a good state of repair, under the direction of said committee on bridges, and when the expense thereof shall be ascertained it shall be lawful for the county collector to pay the same; and it shall be the duty of said board of chosen freeholders, to serve on the president of said company or their lessees, a certified copy of the cost of said repairs, and said corporation or their lessees shall be liable to pay the same to the county collector, within thirty days after service of said certified bill; and if said corporation or their lessees shall fail to make said payment within said thirty days, it shall be lawful for the board of chosen freeholders to sue and recover from said corporation or their lessees in any of the

courts of this state having jurisdiction of the same, in an action of assumpsit the money so paid out and expended for the use of said corporation or their lessees in making said repairs, with costs of suit.

Bridges to be under the supervision of committee of board of freeholders.

2. *And be it enacted*, That for the purpose of ascertaining and deciding whether any bridge owned by a railroad, canal, or other private corporation or their lessees is fit and safe for public use, all such bridges are hereby put under the supervision of the committee on bridges of the board of chosen freeholders of said county: and when any corporation owning or leasing the franchises of any such corporation owning said bridges is a foreign corporation, and the president of said corporation does not reside in this state, it shall be lawful to serve the notice and certified copy of the bill of repairs mentioned in the first section of this act, on such president by mailing the same, postage paid, directed to the chief or head office of such corporation, and to publish the same for four weeks, once a week, in one of the daily papers of Jersey City; *provided*, that the notice and certified copy of the bill of repairs under the first section of this act may be served upon the president of any corporation of this state, personally, or by leaving the same at his place of residence, with any member of his family, or upon the secretary of the company at their chief office in this state.

Proviso.

Act to apply to all bridges hereafter erected.

3. *And be it enacted*, That this act shall apply to all bridges hereafter erected by any railroad, canal, or other private corporation or their lessees.

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

Approved March 5, 1873.

CHAPTER CXXXIII.

A Further Supplement to an act entitled "An Act concerning Roads," approved April sixteenth, one thousand eight hundred and forty-six.

Overseers of roads shall be elected in township meetings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseers of roads for each district in the township of Woodbridge in the county of Middlesex, and in the township of Clark in the county of Union, shall hereafter be elected by the legal voters of each road district in said townships at a meeting to be by them held on the fourth Monday in March in each year, at some convenient place within the district, to be selected and appointed by the overseer who shall be in office and at an hour to be by him fixed, of which time and place of meeting he shall give at least fifteen days' previous notice in writing, set up in two public places in his district; and that said legal voters when assembled shall choose a moderator and clerk, and proceed in such way and manner as they may determine to elect by a majority of voices or votes an overseer of roads for the district for the ensuing year; and that the said moderator and clerk shall certify the result of such election in writing, under their hands, to the town clerk of said townships respectively within ten days after said election.

Neglect to give notice, how remedied.

2. *And be it enacted*, That in case the overseer of any road district in said townships, shall neglect to give notice of said meeting within the time provided in the first section of this act, or in case there is no overseer in such district to give said notice, then any three legal voters of such road district may call said meeting, in the same manner above provided, by giving at least ten days' notice thereof, which notice shall be signed by them.

In case of failure to elect, vacancy may be filled.

3. *And be it enacted*, That in case of the failure of the legal voters of any district or districts to meet in accordance with the provisions of this act, or in case of

their failure to elect an overseer at any such meeting, or in case the said office shall from any cause be or become vacant, then in either such case the township committee of said townships shall and may at any subsequent meeting by them held, appoint for such district or districts an overseer or overseers of the roads to serve until the fourth Monday in March thereafter.

4. *And be it enacted*, That acts inconsistent with this act, so far as relate to said townships, are hereby repealed, and this act shall take effect immediately. Repealer.

Approved March 5, 1873.

CHAPTER CXXXV.

A Further Supplement to the act entitled "An Act to facilitate Judicial Proceedings in the County of Bergen," approved March tenth, one thousand eight hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the salary of the judge for the county of Bergen to be appointed as authorized by the first section of the said act, to which this is a supplement, shall hereafter be the sum of two thousand dollars per annum, said salary to commence on the first day of January, one thousand eight hundred and seventy-three, to be paid to him as provided in said first section. Compensation to judge.

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

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

Approved March 5, 1873.

CHAPTER CXXXVI.

A Supplement to an act to facilitate Judicial Proceedings in the County of Passaic.

Application when made for immediate trial shall be delivered by jail keeper.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the application for immediate trial, authorized by the fifth section of "An act to facilitate judicial proceedings in the county of Passaic," approved March twenty-eighth, one thousand eight hundred and seventy-one, to be made to the prosecutor of said county by any prisoner in the common jail of said county, upon waiving indictment and trial by jury, shall be made out and delivered to the said prosecutor by the keeper of said jail at the request of any such prisoner, and for every such application so prepared and delivered the said keeper of said jail shall be entitled to receive the sum of fifty cents, which shall be taxed in the bill of costs and paid as other costs of like criminal proceedings are taxed and paid.

Keeper shall explain the meaning of the application.

2. *And be it enacted*, That it shall be the duty of the keeper of said jail to read and explain to such prisoner the nature and meaning of such application before he shall sign the same.

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

Approved March 5, 1873.

CHAPTER CXXXVII.

A Further Supplement to an act entitled "An Act to authorize the President and Directors of the Trenton Water Works to convey their works and franchises to the City of Trenton, and to provide for the management of said works," approved March first, one thousand eight hundred and fifty-nine.

Commissioners empowered to make rules and regulations respecting the introduction of water.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the security and proper management of the Trenton Water Works, and to prevent the waste and improper use of the water, the board of water commissioners shall have power and authority to make rules and regulations respecting the introduction of the water into or upon any premises where the same may be required, and from time to time to regulate the use thereof in such manner as to them may seem necessary and proper; and the members of said board and their officers, superintendents and agents are hereby authorized and empowered to enter at all reasonable hours, any house, tenement or other place where the water from said water works is taken or used, and where unnecessary waste, or improper, or unlawful use thereof is known or suspected, and to examine and inquire into the cause thereof; and they shall have full power at all reasonable hours to examine all service pipes, draws, spiggots, stopcocks, hydrants and other apparatus connected with the water works, for the purpose of ascertaining whether the same are of the number, character and dimensions specified in the permits issued therefor, and are fixed in the manner therein directed and in accordance with the rules and regulations of the board of commissioners; and if any person or persons shall refuse to permit such examination, or oppose, or obstruct any such commissioner, superintendent or officer in the performance of such duty, each and every person so offending shall forfeit and pay to "The Water Commissioners of the City

Penalty for obstructing commissioner or other officer.

of Trenton" the sum of fifty dollars for each offence: and the supply of water may also be shut off until the required examination is made and such alterations and repairs are completed as may be found necessary.

Penalty for illegally taking or using water.

2. *And be it enacted*, That if any property owner, tenant, plumber or other person shall make any connection with the mains or water works without having first obtained a permit therefor, or shall without a permit connect with or attach to any service pipe now or hereafter laid, any draw, spiggot or other fixture or device for drawing water, or make any connection or attachment not provided for or allowed in said permit, or contrary to the rules and regulations of the water commissioners, or shall knowingly violate such rules or regulations, such person or persons so offending shall forfeit and pay to the water commissioners of the city of Trenton the sum of twenty-five dollars for each offence, and the supply of water may also be cut off from the premises where the water is so illegally taken or used until such rules and regulations are complied with.

Fines, how collected.

3. *And be it enacted*, That all fines, forfeitures and penalties imposed by or under authority contained in this act may be sued for and recovered in the name of "The Water Commissioners of the City of Trenton," in an action of debt, with costs of suit, before any justice of the peace of said city or any court of competent jurisdiction.

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

Approved March 5, 1873.

CHAPTER CXXXVIII.

A Further Supplement to an act entitled "An Act to Incorporate the City of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

Financial statement to be published in pamphlet form for distribution.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual financial statement by the thirty-fifth section of the act to which this is a supplement, required to be published shall hereafter, a

least once a year not more than thirty and not less than twenty days before the annual city election, be printed and published in pamphlet form; and within the time aforesaid at least one thousand copies thereof deposited in the city clerk's office to be by the city clerk freely distributed and given to the citizens and tax-payers of said city, and that no other publication of said financial statement than as herein provided for shall be required.

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

Approved March 5, 1873.

CHAPTER CXXXIX.

An Act to enable the Trustees of School District Number Five, comprising the Village of Passaic, in the County of Passaic, to purchase land and erect a School House thereon, and to raise money to pay for the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of school district number five, described in the title to this act, be and they are hereby authorized to purchase and hold in their corporate name, a suitable lot of land and to erect thereon a building for a public school in said district, with the necessary fences, out-houses and conveniences, and to provide said school with proper furniture, apparatus and fixtures; and to pay the costs and expenses thereof, the said trustees are hereby authorized to borrow such sum or sums of money as may be necessary, not exceeding sixteen thousand dollars in the whole, and to issue bonds in the corporate name of said trustees for the payment of the moneys so borrowed, with interest, as hereinafter provided. Trustees empowered to purchase land and erect school building.

2. *And be it enacted*, That the bonds to be issued as aforesaid shall not exceed in the aggregate, sixteen thousand dollars of principle, and shall be of such denominations as the Aggregate amount of bonds that may be issued.

said trustees shall deem proper, but not exceeding one thousand dollars each, and shall bear interest at the rate of seven per centum per annum, payable half yearly, and the sum of one thousand dollars of the principal of said bonds shall be made payable in five years after the date or issue thereof; and the sum of one thousand dollars at the expiration of each year thereafter; and the said bonds may be sold or disposed of by the said trustees at not less than their par value.

Payment of bonds and interest to be made by taxation.

3. *And be it enacted*, That to provide for the payment of the interest accruing upon said bonds, and the principal sums becoming due, the said trustees shall notify, in writing, the assessor of the Village of Passaic, before making his annual assessments, of the amount of money required to be assessed and raised in that year for the purpose of this act, in said district; and the same shall be assessed and levied, raised and collected, in each year in the said school district by the assessors and collectors respectively of the said Village of Passaic; and be paid over to the trustees of said district at the same time, and in the same manner, and under the same liabilities, as the other moneys raised for said district are assessed, collected and paid, until all the bonds authorized by this act shall be fully paid and satisfied; and the moneys so to be paid to said trustees shall be appropriated to the purposes authorized by this act; and the taxable property within the said school district and of the inhabitants thereof, shall be and remain liable to assessments and taxation from time to time, for the purposes provided by this act, until all the bonds to be issued by virtue hereof shall have been fully paid and redeemed.

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

Approved March 5, 1873.

CHAPTER CXL.

A Supplement to an act to provide for the establishment of a graded school, in the town of Keyport, in the county of Monmouth, and State of New Jersey, approved April fourth, one thousand eight hundred and seventy-one.

Election of additional trustees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the two members of the board of education and trustees, to be appointed by the county superintendent, as named in the act to which this is a supplement, shall hereafter be elected by the legal voters of the aforesaid town of Keyport, as provided for the election of the three other trustees in said act named, and the respective terms of their office shall be the same as under the appointment of the county superintendent.

Trustees to be elected by ballot.

2. *And be it enacted*, That at the next annual election, and at every annual election thereafter, the said legal voters of the said town of Keyport shall elect such member of said board of education and trustees as, under the aforesaid act to which this is a supplement would have been appointed by the county superintendent, and the ballots cast for such member shall designate the term of years for which he is elected.

Repealer.

3. *And be it enacted*, That nothing in this supplement contained shall interfere in the manner of electing the other three members of said board of education and trustees, and that such part or parts of the aforesaid act to which this is a supplement, in anywise conflicting with the provisions of this act, be and the same are hereby repealed.

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

Approved March 5, 1873.

CHAPTER CXLI.

A Supplement to an act entitled "An Act to Divide the Township of Bordentown into Two Election Districts."

Election of judges of election.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at all elections hereafter held in the several election districts in the township of Bordentown, in the county of Burlington, for judges of election, no ballot for the said judges of election shall contain more than two names; in case more than two names are voted for, the ballot shall only be void as to said judges and the three persons who receive the highest number of votes shall be deemed and taken to be elected judges of election; in case two persons shall receive an equal number of votes, the first person named on the ballot for judge of election shall be elected.

Repealer.

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

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

Approved March 5, 1873.

CHAPTER CXLII.

A Supplement to an act entitled "An Act to set off from the Township of Mansfield, in the County of Burlington, a New Township, to be called the Township of Florence."

Election of commissioners of appeal and township committee.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the next annual town meeting of the said township of Florence, after the passage of this act and annually thereafter, there shall be chosen, by

the persons qualified to vote at town meetings therein, from among the residents in said township, three persons to serve as commissioners of appeal and three other persons to serve as township committee for such township.

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

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

Approved March 5, 1873.

CHAPTER CXLIII.

An Act to revise and amend the Charter of the Town of Harrison.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that district of country, in the county of Hudson, now contained within the boundary lines of the town of Harrison, and all the inhabitants of this state, within the limits aforesaid, shall continue forever hereafter, to be a body corporate and politic in fact and in name, by the name of the "The Town of Harrison," and by that name 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 all courts and places whatsoever in all manner of actions, suits, complaints, matters and causes whatsoever, and they and their successors may have a common seal and alter the same at their pleasure; and also by their corporate name aforesaid, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of the said corporation, and that the said "the town of Harrison," and their successors shall, by virtue of this act, become and be absolutely and completely vested with, possess and enjoy all the lands, tenements, hereditaments, property, rights, causes of action and estate whatsoever, both in law and equity, in posession or remainder or

Boundaries.

Corporate name and powers.

reversion, which, at the time of the passage of the original charter of the said town of Harrison, were vested in or belonged to the inhabitants of the town of Harrison, in their corporate capacity as then incorporated by the name of "The Inhabitants of the Township of Harrison, in the county of Hudson," according to such estate and interest, as the said "the inhabitants of the township of Harrison in the county of Hudson," at the time of the passage of the original charter of the town of Harrison had, or of right ought to have had in the same, or which since that time have become vested in and belonging to the said town of Harrison in their corporate capacity; and the said territory of said town shall be divided into four (4) wards, the boundaries of which shall be described as follows:

First ward boundaries.

I. All that part of said town, bounded as follows: beginning at a point in the centre of the Passaic river, on a line with the centre of Harrison avenue, thence along the centre of said river to the Kearny line; thence along the said line to a point at right angles with the centre line of Second street; thence along the centre line of Second street to a point at right angles with the centre line of Harrison avenue; thence along the centre line of Harrison avenue to the place or point of beginning, shall constitute the First Ward of said town;

Second ward boundaries.

II. All that part of said town bounded as follows: beginning at a point in the centre line of Harrison avenue at right angles with the centre line of Third street, then along the centre line of Third street straight to the Passaic river; thence following the centre line of said river to a point at right angles with the centre line of Harrison avenue; thence along the centre line of said avenue to the point or place of beginning, shall constitute the Second Ward of said town;

Third ward boundaries.

III. All that part of said town bounded as follows: beginning at a point on Harrison avenue at right angles with the centre line of Third street; thence along the centre line of Third street straight to the Passaic river; thence along the centre line of said river to the Kearny line; and thence along said Kearny line to the centre line of Harrison avenue; thence along the centre line of said avenue to the point or place of beginning, shall constitute the Third Ward of said town;

Fourth ward.

IV. All the residue of the said town shall constitute the Fourth Ward of said town.

2. *And be it enacted*, That the common council of said town shall consist of two councilmen in and for each of the wards of said town, who shall be divided into two classes, one of which councilmen in each ward shall hold office for one year, and one for two years; and each of the wards of said town shall, at each annual election, elect one person as common councilman who shall serve as such for the space of two years; *provided, nevertheless*, that the two councilmen now holding over by virtue of their election at the last annual charter election, shall continue to represent the several wards of said town in which they reside until their term of office shall expire; no councilman shall receive any salary or pay for their services as such councilmen. Election of councilmen. Proviso.

3. *And be it enacted*, That the board of education of said town of Harrison shall consist of four school trustees; that is to say, one school trustee in and for each ward, who shall be elected at each annual charter election, and who shall hold office for the space of one year; *provided, nevertheless*, that the present school trustees who hold over by virtue of their election to such office at the last annual charter election shall represent the several wards in which they now reside until their term of office shall expire. Board of education. Proviso.

4. *And be it enacted*, That the other officers of said town shall consist of a town clerk, one assessor, a collector of taxes, one overseer of the poor, two poundkeepers, one chosen freeholder, two surveyors of the highways; all of whom shall hold office for the term of one year, except said town clerk, who shall be elected for two years, and shall receive two hundred dollars per annum, and no more, and do all the duties required of him by this act, except those specified by section fifty-three; said assessor shall receive one hundred and fifty dollars per annum; the collector of taxes one hundred dollars per annum, and fees for collection as mentioned in section fifty-two; and the ward officers in and for each ward of said town shall consist of one constable, one commissioner of appeal in cases of taxation, two inspectors of election, one school trustee, one clerk of election; *provided, nevertheless*, that the town clerk shall act as clerk of election for the ward in which he resides, and in which ward no special clerk of election shall be elected; which officers shall be elected annually in each ward of said town, at the annual charter election, and whose term of office shall be for one year, except as hereinbefore or hereinafter provided; all other Term of officers, term of office and compensation. Ward officers. Proviso.

officers shall be entitled to the same fees as like officers in townships now receive; all said officers, including the councilmen and school trustees, shall be elected by ballot on the second Tuesday of April, in each year, in the same manner as township officers are now elected.

Commencement of official term.

5. *And be it enacted*, That the official term of the several officers who shall be elected in pursuance of this act shall commence on the last Monday in April next after their election, except justices of the peace, whose terms shall commence at the time prescribed by law.

Annual election.

6. *And be it enacted*, That the aforesaid annual charter election shall be held and conducted in the several wards of said town by the judges of election and the clerks of election, at the same hour, in the same manner and under the same regulations, in all things as prescribed by law, for the state elections for members of the legislature; except as hereinafter provided, and in case of the absence, disqualification or inability of any of the said judges of election, the vacancy shall be supplied in the manner now prescribed by law; the common council shall designate the place or places, at which all elections shall be held in said town and notice of the time and place of such elections shall be published by the town clerk, at five of the most public places in said town, at least ten days prior to any such election, and in a newspaper generally circulated in said town.

Who may vote.

7. *And be it enacted*, That every person entitled to vote by the existing laws of this state at an election for members of the legislature, shall be entitled to vote for all or any of the officers to be chosen at such elections.

Statement of result of election.

8. *And be it enacted*, That the statement of the result of such election and the certificate thereof, in the manner required by law at the state elections for members of the legislature, shall be made within five days after such election by the proper officers, and shall be filed without delay with the town clerk.

Votes to be canvassed by common council.

9. *And be it enacted*, That the common council of the said town, for the time being, shall convene on the Monday next succeeding such election, at seven o'clock in the evening, at their usual place of meeting, for the purpose of canvassing the votes given at such election, and the original statements of the votes, filed with the town clerk, shall then be produced by the said clerk; the common council shall make a written statement of the whole number of votes given at

such elections for the several officers to be elected in and for said town, the names of the persons for whom such votes were given, and the number of votes given for each, and shall thereupon determine and declare what person or persons have received the highest number of votes for each of the offices mentioned in such statement; the statement and final declaration of the common council shall be certified by the presiding officer and the clerk, and be filed in the office of the town clerk; and within five days after the said common council shall have determined what persons have been elected to the several offices in the said town, the town clerk shall cause a written notice of his election to be given to each of the persons so elected.

Proceedings in case of tie.

10. *And be it enacted*, That the person or persons receiving the highest number of votes of those given in the said town, for any town office, shall be elected to that office, and if at any election for officers authorized by this act, any officer, except councilman and justice of the peace, shall not have been chosen by reason of two or more candidates having received an equal number of votes, the common council of said town shall, by ballot, elect such officer from the two or more candidates having the highest number of votes.

Elector and resident eligible to office.

11. *And be it enacted*, That no person shall be eligible to any office at any such election unless he shall then be an elector and resident of said town, and when any officer, elected at any such election, shall cease to reside in said town his office shall thereby become vacant.

Vacancy in office of councilmen, how filled.

12. *And be it enacted*, That whenever a vacancy shall occur in the office of councilman by the refusal or neglect of such officer to take the oath of office within the time required by law, by his resignation, death, ceasing to be an inhabitant of the said town or ward, or by any other cause, the common council of said town shall immediately appoint a special election to be held in said ward or wards to supply such vacancy, of which special election ten days' notice, in writing, put up at five of the most public places in said ward or wards, shall be given by the ward clerk, and such special election shall be conducted and the result determined and certified in the manner prescribed in this act for conducting and determining the result of the annual election in said town for the same officer; in case any such vacancy shall occur in the office of councilman within three months before the first Tuesday in April in any year, it shall be

within the discretion of the common council to appoint a special election or not as they shall deem expedient.

Vacancies when filled at annual election.

13. *And be it enacted*, That if at any annual election to be held in the said town there shall be one or more vacancies to be supplied in any office, and any person is to be elected for the full term thereof, the term for which each person is to be voted for the said office shall be designated on the respective ballots.

When offices shall be deemed vacant.

14. *And be it enacted*, That if any person who shall be elected to any office at the annual election shall not qualify according to law, for the space of thirty days after such election, or if any person who shall be elected or appointed to fill any vacancy in any of the said offices shall not qualify according to law, for the space of ten days after such election or appointment his office shall be deemed vacant.

When vacancy may be filled by common council.

15. *And be it enacted*, That in case a vacancy shall occur in the office of any of the aforesaid offices, except councilmen or justice of the peace, by death, resignation, neglect to qualify according to law, or by any other cause, the common council may, in their discretion, proceed to fill such vacancy by the appointment of a suitable person who is eligible to such office according to the provisions of the eleventh section of this act.

Persons in office to hold over until others are elected.

16. *And be it enacted*, That in case of the failure on the part of the inhabitants of the said town, at any of the elections contemplated by this act, to elect any of the officers of said town, those then in office shall hold over until others are elected.

Common council may appoint collector of arrears of taxes, and other officers.

17. *And be it enacted*, That the common council may, from time to time, as the exigencies of the said town may require, appoint, by a majority of the whole number of the members of said common council, a collector of arrears of taxes, who shall always be a constable; a street commissioner, town surveyor, sealer of weights and measures, town counsel, town attorney, chief of police, chief engineer of the fire department, one or more assistant engineers, and such other subordinate officers as they shall think necessary for the better ordering and governing the said town, and the carrying into effect the powers and duties conferred and imposed, upon the said common council by this act, which said several officers shall hold office at the pleasure of said common council.

18. *And be it enacted*, That such of the officers of said

town, whether elected or appointed, as the common council may require, shall before they enter upon the duties of their respective offices, give bonds to the said town in its corporate name in such sums and with such sureties as the common council may direct and approve, for the faithful performance of the duties of their respective offices. Officers to give bond.

19. *And be it enacted*, That the common council shall annually elect a president from its own body and in his absence, a president pro tempore, choose officers, appoint its times and places of meeting, determine the rules of its own proceedings, be the sole judges of the election returns and qualification of its own members, 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 the 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 defence. Election of president of council.

20. *And be it enacted*, That a majority of the whole number of the common council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time and compel the attendance of absent members; the president of the common 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 two or more members of the common council, in writing, addressed to the president, it shall be his duty to call a special meeting. Special meetings of council.

21. *And be it enacted*, That no ordinance or resolution shall be passed by the common council, except with the concurrence of a majority of all the members; every ordinance shall be read three times before its final passage, and shall be published between the second and third readings in one newspaper, generally circulated in said town, and shall also be posted by the said clerk at five of the most public places in said town for the same length of time. Of the passage of ordinances and resolutions.

22. *And be it enacted*, That the common council shall have power within the said town to make, establish, publish and modify, amend or repeal ordinances, rules, regulations and by-laws for the following purposes: General powers.

I. To manage, regulate and control the finances and property, real and personal, of the town; Finances.

To preserve order.

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

To suppress gaming houses.

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

To regulate victualling houses, &c.

IV. To regulate victualling houses or cellars, billiard tables and bowling saloons;

To regulate exhibitions.

V. To prohibit, restrain and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions and circuses, or other public performances and exhibitions for money;

To establish boundaries of streets, &c.

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

To regulate and keep in repair streets, &c.

VII. To regulate, clean and keep in repair the streets, highways, bridges, wharves, docks and slips in said town, and to prevent all obstructions in the river Passaic, near or opposite to such wharves, docks and slips; to take care of, protect and keep in repair the levees or embankments on the banks of said Passaic river in said town, and the drains and sluice-gates connected therewith, and assess the necessary costs and expenses incurred in such taking care of, protecting and keeping in repair said levees, embankments, drains and sluice-gates on the land, real estate and hereditaments drained and benefited thereby, and collect such assessments in the same manner as is provided in this act for the collection of any other assessments; to prevent and remove obstructions and incumbrances in and upon all streets, sidewalks and crosswalks, lanes, alleys, bridges, aqueducts, wharves, docks or slips in any manner whatever; to direct and regulate the planting, rearing, trimming and preserving of ornamental trees in the streets, parks and grounds of said town, and to enforce the removal of snow, ice or dirt from the sidewalks and gutters by the owners or occupants of the premises fronting thereon;

To prevent obstructions to side walks.

VIII. 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 other post or erection, or any projection or otherwise in, over or upon any

street or avenue, and to remove the same at the expense of the owner or occupant of the premises;

IX. To prevent and punish horse-racing or immoderate driving or riding in any street, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street, and to regulate the speed and running of locomotives, engines and railroad cars through the said town; To prevent immoderate driving.

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

XI. To regulate, protect and improve the parks, public burial grounds, and other public grounds in said town; To improve public grounds.

XII. To provide lamps and gas fixtures, and to light the streets, parks and public places of every description in said town; To provide for lighting streets, &c.

XIII. To preserve the aqueducts in said town, and to regulate wells, pumps and cisterns in the public streets and squares; To regulate wells and cisterns.

XIV. 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 the same; To establish pounds.

XV. 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; To prevent dogs running at large.

XVI. To regulate and prohibit the keeping of swine; To regulate keeping of swine.

XVII. To locate, regulate and remove slaughter-houses and cattle-yards, establish and regulate public markets, license and regulate butchers, designate the places, times and manner of selling meats and fish, and to prohibit persons from selling without license; To license and regulate butchers.

XVIII. To prescribe and regulate the places of vending or exposing for sale hay, straw and wood from wagons or other vehicles; To prescribe places for selling hay.

XIX. To regulate and prohibit any practice having a tendency to frighten animals or to annoy persons passing in the streets or on the sidewalks in said town; To prevent annoyance to persons.

XX. To restrain and punish drunkards, vagrants, mendicants and street beggars; To punish vagrants.

To establish board of health.

XXI. To establish a board of health, to define its powers and duties, and to provide for the protection and maintenance of the health of the town;

To remove nuisance.

XXII. To abate or remove nuisances of any kind, and to compel the owner or occupant of any lot, house, building, shed, cellar or place wherever may be carried on any business or calling, or in and upon which there may exist any matter or thing which is or may be detrimental to the health of the inhabitants, to cleanse, remove, or abate the same, from time to time, as often as they may deem necessary for the health of the inhabitants of said town, at the expense of the owner or occupant thereof;

To regulate and prohibit interments.

XXIII. To regulate the burial of the dead, prohibit interments within such limits as it may prescribe, purchase lands 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 said town as the health, quiet and good order of the town may, in their opinion, require;

To license cartmen, porters, &c.

XXIV. To license and regulate cartmen, porters, hack, cab, omnibus, stage and truck owners and drivers, carriages and vehicles used for the transportation of passengers and merchandise, goods or articles of any kind, or to authorize the president of the common council to grant such licenses, and to require the owners to mark said carriages or vehicles and in such manner as the common council shall designate; auctioneers, common criers, hawkers, pedlers, pawnbrokers, junk-shop keepers, sweeps and scavengers, and to fix the rates of compensation to be allowed to them, and to prohibit unlicensed persons from acting in such capacities;

To regulate the ringing of bells.

XXV. To regulate the ringing of bells, and the carrying of goods and other commodities for sale by auction or otherwise, and to prevent disturbing noises in the streets;

To regulate bathing in waters of town.

XXVI. To regulate swimming or bathing in the waters of or bordering the town;

To regulate weights and measures.

XXVII. 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 merchandize, or property of any description, which is sold by measure or weight, to cause his or her weights and measures to be sealed by the town sealer, and to be subject to his inspection;

XXVIII. To establish regulate and control a day and

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

XXIX. 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; To establish fire department.

XXX. 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 ordinances, the building of any dwelling house, stores, stable, or other building of wood or other combustible materials; 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; to authorize any town officer, or person or persons, whom they may designate for that purpose, to examine and inspect by day any place or places, for the purpose of ascertaining whether the same is or are in a safe condition, and if not to direct or cause 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 fire-works and the use of fire-arms in said town; to regulate or prohibit the keeping, selling and conveying gunpowder, camphene, spirit gas and other dangerous materials, and the use of lights in barns, stables and other buildings; to raze or demolish any building or erection when necessary to prevent the extension of a conflagration, and to provide for the ascertainment and payment of just compensation to owners of property destroyed in such cases; to require all such other and further acts to be done, and to regulate or prohibit the doing all such other and further acts as they may deem proper, to prevent the occurrence of and to provide for the extinguishment of fires in said town; To regulate and control manner of building dwelling-houses, &c., and to guard against fires.

XXXI. To level, grade, curb and pave, flag or gravel the sidewalks in any street, highway, lane or alley, to prescribe the manner in which the said work shall be performed, and to cause the expense thereof to be assessed on the adjoining To curb and pave sidewalks and streets.

lots, whether improved or unimproved, and collected in the same manner as for regulating, grading and paving streets;

To cause public notice to be given of intended improvements.

XXXII. To direct the digging down, draining, filling up or fencing of lots, pieces or parcels of ground in all cases where such digging down, draining, filling up or fencing is necessary to prevent or abate a nuisance, to prescribe the manner in which the said work shall be performed, and to cause the expense thereof to be assessed on such lots, pieces or parcels of ground, whether improved or unimproved, and collected in the same manner as for regulating, grading and paving streets; but no special ordinance shall be introduced to authorize or compel the performance of any work or improvement mentioned in this or the last preceding subdivision or paragraph of this section until public notice shall be given of the intention of the common council to cause such work or improvement to be done and performed, and to that end it shall be the duty of the town clerk, by direction of the common council, to give notice by posting the same in five of most public places in said town of Harrison, and publishing the same in a newspaper circulating in said town for the space of ten days, of the intention of the common council to cause such work or improvement to be done and performed, briefly describing such work or improvement and requesting such persons as may object thereto to present their objections in writing at the town clerk's office on or before the expiration of ten days from the date of such notice, and at any time thereafter the common council may proceed to consider such special ordinance as aforesaid;

Collection of taxes.

XXXIII. To adopt all legal and requisite measures for levying and collecting the taxes;

To prescribe duties of officers and their compensation.

XXXIV. To prescribe and define the duties of all officers appointed by the common council, and their compensation and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the town for the discharge of their duties, and the time for execution of the same in cases not otherwise provided for by law;

To fix compensation when not otherwise provided for.

XXXV. To fix and determine a reasonable compensation to be paid to any officer of said town, or other person employed by said common council for any service required by this act, or by any ordinance or resolution passed by said

common council for which no specific fee or compensation is provided by this act.

May alter and repeal ordinances.

23. *And be it enacted*, That the common council shall have power to make, establish, alter, modify, amend and repeal all 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.

Penalty for violation of ordinances.

24. *And be it enacted*, That in all cases when by the provisions of this act the common council have authority to pass ordinances on any subject, they may prescribe a penalty or penalties for the violation thereof, either by imprisonment not exceeding ten days or by fine not exceeding fifty dollars, to be recovered with costs in an action of debt in the name of "the town of Harrison" for the use of the said town, before the police justice thereof or a justice of the peace in and for the county of Hudson, in which action the first process may be either by warrant or summons, and in which action it shall be lawful to declare generally in debt for such penalty and give the special matter in evidence; *and further*, it shall be lawful for any such justice before whom judgment of imprisonment shall be given, to carry such judgment into effect by warrant of commitment, under his hand and seal directed to the keeper of the common jail of the county of Hudson; the book of records of the ordinances of the town of Harrison shall be taken and received as evidence of the passage, according to law, of all ordinances duly recorded therein; *and further*, any volume of ordinances printed by authority of the common council shall in like manner be taken and received as evidence of the due passage thereof, and the publication of the said ordinances according to law shall in all cases be presumed to have been made until the contrary is proved.

May borrow money and issue bonds.

25. *And be it enacted*, That the common council shall have power to borrow money from time to time for the purposes of purchasing street lamps and real estate and for erecting thereon a town hall, not exceeding in the whole the sum of fifteen thousand dollars, and to secure the payment thereof by bond or other instrument under their common seal and the signature of the president of said common council of said town, payable in twenty years from date and to provide by tax for the payment thereof; but, not-

withstanding the limitation aforesaid, it shall be lawful for the common council to make temporary loans, for a period not exceeding, with any renewals thereof, one year, and to secure the payment thereof in manner aforesaid, which loans shall only be in anticipation of town taxes and of assessments for laying out and opening, straightening, altering or widening any street, road, highway or alley, and for the constructing of sewers and the regulating, grading and paving of streets and sidewalks, and shall not exceed the amount of such anticipated assessments and taxes.

Duty of clerk of council.

26. *And be it enacted*, That the town clerk shall be the clerk of the common council, he shall keep accurate minutes of the proceedings of the common council and shall perform such other duties as may be prescribed for him by said common council.

To be clerk of annual town election.

27. *And be it enacted*, That the town clerk shall in addition to the duties required of him by this act or any other act of this state, be clerk at said annual town election at such polling place as is herein elsewhere directed, and the

Clerk to have charge of records, &c.

said town clerk shall have charge of all the records, books and documents of the town except when the common council shall otherwise direct; he shall keep a record of the proceedings of the common council, he shall engross all the ordinances of the common council in a book provided for that purpose, with proper indices, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the president or acting president of the said common council and said clerk; copies of all papers duly filed in his office and transcripts thereof, and of the records and proceedings of the common council and copies of the laws or ordinances of said town, certified by him, under the corporate seal of said town, shall be evidence in all courts and places.

Assessor to be part of the county board of assessors.

28. *And be it enacted*, That the said assessor shall form part of the board of assessors of the county of Hudson, and have the like vote in said board which the assessors of townships or cities may have by the laws of this state.

Constable to subscribe an oath, &c.

29. *And be it enacted*, That every constable of said town shall, before he enters upon the duties of his office, take and subscribe before the town clerk an oath or affirmation in the form prescribed for constables of townships by the act entitled "An Act incorporating the inhabitants of townships designating their powers and regulating their meetings," or

any supplement thereto, using the word "town" instead of the word "township" and said clerk shall endorse on said oath or affirmation the day and year on which the same was taken and subscribed, and file the said oath or affirmation and endorsement thereon in his office, and every constable of said town before he enters upon the execution of the duties of his office, shall enter into bond to "the town of Harrison," with one or more sureties, to be approved by the said common council, in such sum as said common council shall direct, in the form as near as may be prescribed by the act entitled "An act respecting constables;" which bond shall be delivered to the town clerk, who is hereby directed and required to record and file the same in his office, and all suits or actions on such bonds shall be conducted and prosecuted in the manner prescribed by law in such cases.

Constable to give bond.

30. *And be it enacted*, That every councilman shall have the power, and it shall be his duty, without warrant, to arrest or cause to be arrested any person engaged in his presence in disturbing the public peace or violating any law of this state or ordinance of the town for the preservation of the peace or of good order or of morality, and to bring or cause such person to be brought before the police justice or other justice of the peace, to be dealt with according to law.

Councilmen may arrest persons disturbing the public peace.

31. *And be it enacted*, That the common council shall, at least once a year, not more than twenty nor less than fifteen days before the annual town election, publish a full statement of all the receipts and expenditures of every description, for the fiscal year preceding such statement, including all the moneys which have passed through the hands of the treasurer for any purpose whatever, together with the different sources of revenue, and the amount received under each, with all such other information as may be necessary for a full understanding of the financial concerns of the town.

Annual statement of receipts and expenditures to be published.

32. *And be it enacted*, That the several officers of said town, whether elected or appointed, shall, respectively possess the powers, rights and privileges, and perform the duties and be subject to the like penalties 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 members of the common council of the said

General powers conferred on councilmen and town officers.

town, collectively and individually, shall possess the powers, rights and privileges, and perform the duties and be subject to the like penalties, which by law belong to or are imposed upon members of the township committee of any township in this state, collectively or individually, so far as such powers and duties are consistent with the provisions of this act, and that all other officers, not herein named, who may be appointed by the said common council, shall possess the powers and privileges, perform the duties, and be subject to the obligations and penalties given, conferred and imposed upon them by law or by the ordinances, by-laws, rules and regulations of the said common council.

Appointment and duties of treasurer.

33. *And be it enacted*, That the common council shall appoint a treasurer, holding office at the pleasure of the said common council, who shall receive all moneys belonging to said town of Harrison, and shall pay out the same only upon warrants from the said common council, signed by their president and countersigned by the town clerk, except for the payment of bonds of the town, certificates of indebtedness for improvements given by the said town, interest on the same and for money paid into the treasury for the redemption of property sold for taxes and assessments; no warrant on the treasurer shall be drawn, except in pursuance of an order passed by the common council and entered on their minutes; all such warrants shall be made and numbered, payable to the order of the person or persons to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid.

Police justice to be appointed by council.

34. *And be it enacted*, That there shall be in and for the said town one police justice, to be appointed by the council, who shall hold office for the term of two years, and who shall take an official oath as such police justice, in the manner prescribed by law for other officers; and shall be invested with and possess all the power of a special police justice in and for said town of Harrison, and shall be entitled to use and exercise the like power, authority and jurisdiction, in all criminal matters and complaints arising in said town, as the justices of the peace in and for the several counties of this state are or may be entitled by law to use and exercise, and liable to the like penalties; all actions for the violation of any ordinances of said town, shall be instituted before such police justice, and to him shall all complaints of criminal offences committed in said

town be made, unless the emergencies of the said police justice shall otherwise require.

Proceedings before police justice, how regulated and conducted.

35. *And be it enacted*, That unless when otherwise directed, all actions or proceedings before such police justice, under the provisions of this act, shall, as nearly as may be, be regulated by the provisions of and conducted in the manner prescribed in and by an act entitled "An Act constituting courts for the trial of small causes" and the several supplements thereto, and that the court, held by such police justice in and for the said town of Harrison, shall be a court of record, and vested for the purposes mentioned in this act, with all such power as is usual in courts of record of this state; and said police justice shall have full power and lawful authority, upon such complaints and trials, to carry out and put in execution any and all punishments, by way of fine, penalty, imprisonment or otherwise, as are or may be imposed by such ordinances or by the laws of the state of New Jersey, by judgment and execution against the goods and chattels, or the bodies of parties convicted by and before him, and by commitment, if necessary, to the common jail of the county of Hudson; and said police justice shall also be entitled to demand, collect and receive such fees on all complaints, suits and trials made, instituted and tried before him, as justices of the peace in New Jersey are now entitled to by law for performing the like services.

May issue writs of subpœna.

36. *And be it enacted*, That such police justice may, in all matters or causes pending before him, award and issue writs of subpœna ad testificandum in any county of this state.

May issue warrant for arrest in case of violation of ordinances.

37. *And be it enacted*, That such police justice shall be empowered on oath, affirmation or affidavit, made according to law and filed in his office, that any person or persons has or have been guilty of a violation of any of the ordinances of the said town, to issue a process either in the nature of a warrant or a summons against the person or persons so charged, 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 five nor more than fifteen days, that such process shall state what ordinance the defendant or defendants named therein has or have violated, when and in what manner the same has been violated, and that on the return of such process or at the time to which

the justice shall adjourn the same, the said justice shall proceed to hear the testimony and to determine and give judgment in the matter without the filing of any pleadings; *provided*, that nothing herein contained shall prevent the enforcement of the ordinances of the said town in the manner hereinbefore provided.

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Oath or affirmation to be filed before issuing warrant.

38. *And be it enacted*, That no warrant or process in the nature of a warrant shall be issued by such police justice against any person or persons, on any complaint made as aforesaid for the violation of any of the ordinances of said town, unless upon oath or affirmation made and filed before said justice, establishing to his satisfaction by one or more particulars mentioned therein that such process is necessary to secure the due enforcement of the ordinance in the matter of said complaint against such person or persons.

Fines to be paid to police justice.

39. *And be it enacted*, That all fines and penalties for the violation of ordinances of said town of Harrison, shall be paid to said police justice, and his receipt shall be sufficient discharge for such payment.

Police justice to pay over to treasurer.

40. *And be it enacted*, That all fines and penalties received by said police justice for the violation of said ordinances, shall, immediately after the receipt thereof by said police justice, be paid by him to the treasurer of said town of Harrison.

Police justice shall keep a docket.

41. *And be it enacted*, That the said police justice shall keep a docket of all complaints made before him and of all suits and trials commenced, instituted and held before and by him, in which he shall enter truly and faithfully all matters and proceedings touching and concerning such complaints, suits and trials, and said docket shall at all proper and reasonable times be open to the inspection and examination of said common council or any of the members thereof; the said police justice shall also carefully file and preserve all complaints and papers connected with any complaints, suits or trials made, instituted or held by or before him and he shall also quarterly, at the first meetings of the said common council in the months of January, April, July and October, make a true and correct report of all his proceedings as such police justice.

Taxes for certain purposes.

42. *And be it enacted*, That the common council shall have power to raise, by tax in each year such sum or sums of money, as they may deem expedient for the following purposes:

I. For lighting the streets of the town;

II. For the maintenance and support of the poor;

III. For regulating, cleaning and keeping in repair the streets and highways;

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

V. For the construction of bridges and crosswalks;

VI. For the support of public schools;

VII. For the support of the police department;

VIII. For the support of the fire department;

IX. For supplying the town with water for the extinguishment of fires;

X. For the support of public markets;

XI. For the payment of the interest upon the town debt and upon temporary loans and such part of the principal thereof as may be due and payable;

XII. For the contingent expenses of the town and for all other objects and purposes authorized by this act.

Assessment and collection of taxes.

43. *And be it enacted*, That such sum or sums of money, as may be necessary for the purposes of the said town of Harrison, or for county or state purposes, shall be assessed by the assessor and collected by the collector of the said town in the manner in which the taxes of the county of Hudson are assessed and collected, except that so much of the said taxes, as may be raised for lighting the streets of the town, shall be assessed and collected upon and from all persons residing and lands located within the district of said town to be established, from time to time, by an ordinance of the common council and to be called the lamp district of the said town, which taxes, when collected, shall be paid to the treasurer of the said town and be subject to the order of said common council.

All property to be assessed in the name of the owner.

44. *And be it enacted*, That the said assessor of said town, in making his assessments as now provided by law, is hereby directed and required to assess all lands, tenements, hereditaments and real estate, whether said lands and real estate be improved or not, in the names of the owners thereof respectively, and to designate the same by the street where situate, and by the number thereof, when the same is numbered, and if not numbered or not situate on any street, then by such other short description as will be sufficient to ascertain the location and extent thereof; that only one assessment shall be made on any improved lot, together with un-

improved lands adjacent thereto and connected therewith and belonging to the same owner or owners and that the said assessor shall, when maps are provided for that purpose by the common council, make his assessments as nearly as may be according to such maps.

Time when assessments shall be made.

45. *And be it enacted*, That the said assessor shall make his assessments before the twentieth day of July, in each year hereafter, and shall make such assessments according to law, and in such a manner that the same shall be in all respects on all property in the said town, whether real or personal, as just and as nearly equal as possible, which assessments shall be the assessments for the said town of Harrison, subject as heretofore to the action of the commissioners of appeals in case of taxation; and, within ten days after making his assessment, he shall make a report thereof, in all respects, to the said common council.

Assessment of taxes to remain a lien for amount of assessment with interest.

46. *And be it enacted*, That any assessment of taxes hereafter to be made in the town of Harrison against any person or persons shall be and remain a lien on all the lands and real estate of such person or persons within the said town for the amount of such assessment, with interest thereon and all costs and fees for the space of two years from the twentieth day of July of the year in which said assessment shall be made, and any assessment of taxes hereafter made upon any lands and real estate within the said town shall be and remain a lien upon such lands and real estate, with interest thereon as provided by this act, and all costs and fees for the space of two years from the twentieth day of July of the year in which such assessment shall be made, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereof, and notwithstanding any mistake in the name or names of the owner or owners, or omission to name the owner or owners of such lands and real estate, and any assessment of taxes in which such mistake or omission occurs shall be valid and effectual in law, and if unpaid shall be returned in the list of delinquent taxes, and such lands and real estate may be proceeded against and sold in the manner provided by this act.

Commissioners of appeals in cases of taxation to meet annually.

47. *And be it enacted*, That the commissioners of appeals in cases of taxation in and for the said town shall meet annually on the third Tuesday in September in each year hereafter, to perform the duties required of them by law, at which time the said assessor shall be present.

48. *And be it enacted*, That such taxes shall bear interest at the rate of twelve per centum per annum from and after the twentieth day of December next after assessing the same, and the said collector, within ten days after the twentieth day of December in each and every year, shall make out a list of the names of all persons who shall then be delinquents in the payment of such tax, and deliver the same to said police justice or to a justice of the peace in and for said county of Hudson, who immediately upon the receipt thereof shall administer to the collector returning the same the oath prescribed by the act entitled "An act concerning taxes," and issue his warrant directed to the collector of arrears of taxes of the town of Harrison, containing a list of the names of the several persons and of the sums due from them respectively, either in figures or words at length, as the same shall have been returned to him as aforesaid, and shall thereby command the said collector of arrears of taxes to cause the said several sums of money, with interest thereon as aforesaid and all lawful costs and fees, to be levied and made of the goods and chattels of the several persons therein named, and from whom the same are due respectively, by selling the same by public auction, giving at least four days' notice of the time and place of such sale by advertisements set up in five public places in said town, and in case the said collector of arrears of taxes cannot find sufficient goods and chattels of said persons whereof the tax or taxes due from them respectively, with all costs and fees can be made, and in case there are no lands and real estate of said persons within the said town, then the said warrant shall further direct the said collector of arrears of taxes to take such further proceedings, to be set forth in said warrant, as are mentioned in the said act entitled "An act concerning taxes," which warrant the said police or other justice before delivery thereof to said collector of arrears of taxes shall record in his docket, and if said police justice or any justice of the peace of the said county of Hudson shall neglect or refuse to perform any duty required of him by this act, he shall for every such neglect or refusal forfeit and pay the sum of fifty dollars, to be sued for and recovered, with costs, in the name and for the use of the town of Harrison, before any court of competent jurisdiction, and for performing the duties required of him by this act the said justice shall receive

Collector to make list of names of delinquent tax payers.

Collection of delinquent taxes.

such fees as other justices are entitled to by law for performing like services.

Further duties of the collector of taxes.

49. *And be it enacted*, That it shall be the duty of the said collector of arrears of taxes to execute, according to the command thereof, all warrants which shall be issued and delivered to him as aforesaid, to pay over from time to time, and at least once in each week, without delay, all moneys received by him to the treasurer of said town, and within sixty days from the date of any warrant directed and delivered to him, to make a full return and statement in writing, to the common council of said town of his proceedings on the same, setting forth particularly the amount of money received by him, the several sums then remaining unpaid, the names of the several persons then in arrear and the sums due from each respectively; and on or before the first day of June next after receiving any warrant as fully as practicable to execute the same, and make return thereof to the justice who issued the same, with a full return of all his proceedings thereon, and at the same time, to make a full return and statement to the common council of said town, setting forth the amount of money received by him thereon since his first return and statement, the sums, if any remaining unpaid, the names of any persons still in arrears and the sums due from them respectively, which said return and statement shall be verified by the affidavit of the said collector of arrears of taxes; and in case there are no lands and real estate of said persons, within the said town, it shall be lawful for the justice who issued such warrant, or in case of his death, removal from office or other disability, for any justice of the peace residing in said county of Hudson, thereupon, to issue another warrant for the collection of the sum or sums remaining unpaid with interest, costs and fees, in the like form, and to be proceeded upon in the same manner as hereinbefore mentioned and so until the whole is collected.

Vacancy in office of tax collector, how filled.

50. *And be it enacted*, That in case of a vacancy in the office of collector of arrears of taxes by removal, death or otherwise, the common council shall have power, at any time, to fill such vacancy and any warrant in the hands of said collector of arrears of taxes at the time any such vacancy occurs, may be executed in whole or in part, as the case may require, by his successor, and it shall be the duty of any collector of arrears of taxes, within twenty days

after being removed from office, or the expiration of the term of his appointment, to make a full return of his proceedings upon any warrant or warrants in his hands to the justice or justices who issued the same, together with such warrant or warrants and within the same time, to make and deliver to the common council of said town a full return and statement of his proceedings thereon, including all the particulars mentioned in the preceding section.

Collector of arrears of taxes to be liable for amount of taxes named in warrant.

51. *And be it enacted*, That the said collector of arrears of taxes shall be liable to the said "the town of Harrison" for the amount of taxes mentioned in any warrant directed and delivered to him under this act, with interest, or for such part thereof, as shall not have been paid to the treasurer of said town on or before the first day of June next, after said collector of arrears of taxes shall receive said warrant, unless the deficiency happen without neglect, fraud, or default on his part, to be recovered with interest and costs, in an action of debt, or on the case, for so much money had and received by the said collector of arrears of taxes for the use of the said "the town of Harrison."

Collector to charge interest on unpaid tax.

52. *And be it enacted*, That if any tax shall remain unpaid after the twentieth day of December, it shall be the duty of the collector of arrears of taxes, to charge, collect and receive, in addition to the amount of said tax, interest thereon to be computed at the rate of twelve per centum per annum, from the said twentieth day of December, until the same is paid, and five per centum for collecting said tax and for the fees of such collection; such interest shall be paid over by said collector of arrears of taxes to the treasurer of said town, in like manner and at the same time as he may be required to pay over to said treasurer all the taxes by him collected, and in case the said collector of arrears of taxes shall neglect to charge, collect, and receive such tax and interest, he shall be liable therefor, and may be proceeded against in an action of debt, before any court of competent jurisdiction for the collection thereof, unless he shall be unable to collect such tax and interest.

Property may be sold for taxes.

53. *And be it enacted*, That if any tax or any part thereof, or interest which hereafter shall be levied, assessed or imposed upon any lands, tenements, hereditaments or real estate in said town of Harrison, or the interest thereon, shall not be paid or satisfied before the twentieth day of December in each and every year, or if any assessment or

any part thereof which hereafter shall be levied, assessed, imposed or made upon any land, tenements, hereditaments or real estate in said town of Harrison, authorized by this act or the interest thereon, shall not be paid or satisfied within the time limited for the payment thereof by the seventy-third section of this act, then it shall and may be lawful for the common council to cause such lands, tenements, hereditaments or real estate to be sold by public auction for the shortest time not exceeding fifty years, for which any person will agree to take the same and pay such tax or assessment or the balance thereof remaining unpaid, with the interest thereon and all costs, charges and expenses, and to execute under the common seal of said town of Harrison a declaraton of such sale to be signed by the president of the common council and the town clerk, and to deliver the same to the purchaser, and said purchaser his executors, administrators and assigns, shall by virtue thereof lawfully hold and enjoy the said lands, tenements, hereditaments and real estate for his and their own proper use, against the owner or owners thereof and all persons claiming under him or them until said term shall be completed and ended; *provided*, the said common council shall first have caused said sale to be advertised for at least sixty days in at least one public newspaper generally circulated in said town, and also by advertisements put up in at least five public places in said town, which advertisements shall shortly describe the said lands, tenements or real estate so that the same may be designated and understood and specify the amount of assessment or tax, and the recitals in such declaration of sale shall be evidence of the assessment, advertising and sale; *and provided also*, that the lands, tenements or real estate so sold may be redeemed by the owner, mortgagee, occupant or persons interested therein, or by any other person or persons for or in behalf of the owner, mortgagee or claimant of said lands, tenements or real estate at any time within two years after the sale for taxes or assessments or for both, by paying to the treasurer of the town for the use of said purchaser the purchase money, together with any other sum paid for tax or assessment which the said purchaser may have paid, chargeable on such lands, tenements or real estate and which he is hereby authorized to do, with interest thereon at the rate of fifteen per centum per annum in addition thereto; and the certificate of the treasurer of the

Declaration of sale to be signed by president of council and town clerk.

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town stating the payments and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption; any mortgagee shall have power to redeem at any time until the expiration of the six months' notice hereinafter specified; no mortgagee whose mortgage shall have been duly recorded before sale for any tax or assessment, shall be affected by such sale unless six months' notice in writing shall have been given to him by the purchaser or those claiming under him, either personally or if not to be found in said town of Harrison, then by depositing such notice in the post office in said town, or if there be no post office in said town then in the one nearest thereto, directed to him at his last known place of residence or at the post office nearest thereto; *and provided*, the said term for which any lands, tenements or real estate so sold as aforesaid shall not commence, nor shall said purchaser or those claiming under him have a right of possession to said lands, tenements or real estate until the two years limited for redemption of the same shall have expired; and the said purchaser or those claiming under him shall, at the expiration of the time limited in such declaration of sale quit and surrender the said lands, tenements or real estate in as good state and condition as when he entered thereon, natural wear and accidents excepted; *provided also*, that the said sale may be adjourned or postponed from time to time, or suspended as the common council may direct; *and provided*, that if at any sale of lands, tenements or real estate for assessments or taxes the whole or any part thereof shall remain unsold for the want of purchasers, then it shall be lawful for the said town to purchase the said lands, tenements or real estate for the benefit of the town, subject to the same redemption as hereinbefore provided for; *provided also*, that all moneys paid for the redemption of said lands, tenements or real estate as aforesaid, together with such taxes and assessments paid by any mortgagee, shall be a lien upon said lands, tenements or real estate for the amount so paid, with interest at the rate of seven per centum per annum, and such lien shall have the precedence over all other liens on said lands, tenements or real estate, and on foreclosure of any mortgage by such mortgagee redeeming, shall be directed to be made out of the said lands, and on sale of said lands under any such foreclosure, shall be paid

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Proviso. out of the proceeds of the sale; *provided further*, that a complete record of all taxes and assessments shall be kept in the town clerk's office, which record shall contain the time when such assessments and taxes were laid, the time when they were paid, and, if the property has been sold therefor, the time of sale and to whom sold, and if redeemed, when and by whom; it shall also be the duty of the town clerk to record in a book to be called "record of sales" all declarations of sales, and to give certificates of search in relation to liens to any person or persons applying for the same, and to cancel such declarations when the property for which they were given shall be redeemed, on certificate of the town treasurer of such redemption, and to file such certificate in the said clerk's office; it shall be the duty of the treasurer to make out two certificates for all property redeemed, one for the person redeeming and one to be filed in the said clerk's office, and for performing such duties the said clerk shall be entitled to the following fees in addition to his said salary: for making said search such pay as the clerk or register of the county of Hudson may be entitled to by law for making searches in his office; for recording declarations of sale, fifty cents; for cancelling each declaration, twenty-five cents; for filing each certificate and other papers connected with said sale, ten cents.

Town may become the purchaser.

54. *And be it enacted*, That if the said town become the purchaser of any lands, tenements or real estate, at any sale authorized by this act, the certificate of sale shall be assignable, and all the provisions of this act shall apply to the town as to any other purchaser.

Taxes to be paid over to the county collector.

55. *And be it enacted*, That all state and county taxes shall be assessed and collected by the assessor and collector of said town, and shall be paid over by the town collector to the county collector in like manner and under like penalties as township collectors are directed by law.

56. *And be it enacted*, That it shall be lawful for said common council, whenever in their opinion the public good requires it, by ordinance:

May lay out and open streets and highways &c.

1. To lay out and open any street, road, highway or alley, public park or square, within said town, to order and cause any street, road, highway or alley, already laid out, or which shall be hereafter laid out, to be vacated, straightened, altered or widened, and to take and to appropriate for such purpose any lands and real estate, upon making

compensation to the owner or owners thereof, as is hereinafter mentioned and provided;

Construction of sewers and drains.

II. To order and cause sewers and drains to be constructed in any part of said town, and if necessary, to take and to appropriate for such purpose, any lands and real estate, upon making compensation to the owner or owners thereof as is hereinafter mentioned and provided;

Grading and paving of streets.

III. To order and cause any street or section of a street to be graded, graveled, paved, flagged, macadamized, or otherwise improved or regulated, in such manner as they may deem advisable, under the supervision and direction of the street commissioner, or such other officer as said common council may appoint for that purpose, at the expense of the owners of lands and real estate on the line of said street or section of a street.

Notice to be given of intention to make public improvements.

57. *And be it enacted*, That no ordinance shall be introduced or presented to the common council for making any improvement or performing any work, under and by virtue of the provisions of the last preceding section of this act or either the sub-divisions thereof, 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 town clerk, by direction of the common council, to give notice in at least one newspaper generally circulated in said town, 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 as may object thereto, to present their objections in writing at the office of the town clerk on or before the expiration of twenty days from the date of such notice, and, at any time thereafter the common council may proceed to consider such ordinance as aforesaid.

Orders relating to improvements made by ordinance to be by resolution of council.

58. *And be it enacted*, That whenever any ordinance shall be passed by the common council for making any improvement, or performing any work under and by virtue of the provisions of the fifty-sixth section of this act, or either of the sub-divisions thereof, 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 shall be by resolution and not by ordinance.

Common council may purchase land for the purposes of opening streets, &c.

59. *And be it enacted*, That whenever the common council shall determine by ordinance to lay out and open any street, road, highway or alley, public square or park within said town, or to alter, widen or straighten any street, road, highway or alley, or to make any sewer or drain in any part of said town, and to take and appropriate for such purpose any lands and real estate, they are hereby authorized to treat with the owner or owners thereof for the same and for the purpose expressed in such ordinance; they may purchase such lands and real estate of the owners thereof, and make such a compensation therefor as they shall judge reasonable, and thereupon shall receive from such owner or owners a conveyance of such lands and real estate to the town, 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 the sixty-fifth section of this act.

Proceedings when agreement cannot be made.

60. *And be it enacted*, That in case no agreement for such purchase can be made, it shall be lawful for the common council to appoint three disinterested freeholders of said town, commissioners, to make an estimate and assessment of the damages that any such owner or owners will sustain by taking and appropriating in the manner aforesaid such lands and real estate, and in estimating and assessing such damages the said commissioners shall have due regard, both to the value of the lands and real estate and to the injury or benefit to the owner or owners thereof, by making such improvement as aforesaid, and, if in any case, the commissioners shall estimate the benefits to any such owner or owners to be greater than the damages, they shall so declare in their report and shall specially estimate and assess the value of the lands and real estate, which are necessary to be taken and appropriated for such improvement, and after such awards shall be made, the remaining lands and real estate of any such owner or owners shall be liable to assessment for the payment of the costs, damages and expenses of such improvement, under and in pursuance of the provisions of the sixty-fifth section of this act.

Commissioners to take oath.

61. *And be it enacted*, That the said commissioners, before they enter upon the execution of the duty required of them, shall severally take and subscribe to an oath or affirmation, before the town clerk, to make the said estimate and assess-

ment fairly and impartially according to the best of their skill and judgment.

Commissioners to give notice of time and place of meeting.

62. *And be it enacted*, That the said commissioners shall give public notice of the time and place of their first meeting at least ten days before the time thereof by advertisements set up in five of the most public places in said town, and by advertisement in a newspaper generally circulated in said town, and the said commissioners or a majority of them, when met, shall have power to examine witnesses under oath, to be administered by any one of them, to enter upon and view the premises if they shall deem it necessary, and to adjourn from time to time, and shall make a just and true estimate and assessment as aforesaid, in making which estimate and assessment they shall include only such land or real estate as shall be situate within two hundred feet of each side of such street, road, highway or alley; they shall make and sign a certificate of such estimate and assessment and file the same with the town clerk, and the same being ratified by the common council shall be binding and conclusive upon the owner or owners of any such lands and real estate, and the said commissioners shall cause the same to be converted and used for the purpose aforesaid; *provided*, that any person or persons conceiving himself, herself or themselves aggrieved by the proceedings of the said common council or of the said commissioners, may appeal therefrom to the circuit court of the said county of Hudson within sixty days from the time of making the final order of the common council, and the said circuit court 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.

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Proceedings in case of non-payment of damages.

63. *And be it enacted*, That in case of non-payment by said town on demand of any damages estimated and assessed as aforesaid, with interest from the date of the assessment made by the person or persons entitled thereto, if no appeal to the circuit court as aforesaid be made, the person or persons entitled thereto may sue for and recover the same from the said town of Harrison in an action of debt, with costs, in any court having cognizance thereof, and the proceedings of the said commissioners and common council or the award of said jury, as the case may be, shall be conclusive evidence against the defendants.

64. *And be it enacted*, That the treasurer shall, under

Treasurer to pay amount of assessment and damages.

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

Owners of land and real estate to be assessed upon land benefited.

65. *And be it enacted*, That in order to provide for the payment of the costs, damages and expenses of laying out and opening, altering, widening or straightening any street, road, highway or alley within said town, the common council shall ascertain the whole amount of such costs, damages and expenses, and shall cause to be made a just and equitable assessment thereof upon the owners of all the lands and real estate intended to be benefited thereby in proportion, as nearly as may be, to the advantage each shall be deemed to acquire, which land and real estate shall only be such as lies within two hundred feet of each side of said street, road, highway or alley; and that in order to provide for the payment of the costs, damages and expenses of constructing any sewer or drain in any part of said town, the common council shall ascertain the whole amount of such costs, damages and expenses, and shall cause to be made a just and equitable assessment thereof, either in whole or in part, upon the owners of all the lands and real estate benefited thereby in proportion, as nearly as may be, to the advantage each shall be deemed to acquire; and in case a part only of such amount shall be assessed upon such owners, then the balance of the whole amount of such costs, damages and expenses shall be assessed upon and paid by the town of Harrison.

Commissioners of assessments.

66. *And be it enacted*, That the common council shall appoint three disinterested freeholders of said town, commis-

sioners to make any such assessments, unless in the acts and proceedings of the said common council for the purpose of carrying out such improvement or work, commissioners shall have been appointed to make an estimate and assessment of the damages sustained by any owner or owners for lands and real estate taken and appropriated for such improvement or work as authorized in the fifty-ninth section of this act, in which case the same commissioners appointed as aforesaid shall be the commissioners to make the assessment of the whole amount of the costs, damages and expenses of such improvement or work in the manner herein required.

Commissioners to take oath.

67. *And be it enacted*, That the said commissioners, before they enter upon the execution of the duty required of them, shall take and subscribe an oath or affirmation before the town clerk to make the said assessment fairly and impartially according to the best of their skill and judgment.

Commissioners to make report in writing of assessment made.

68. *And be it enacted*, That the said commissioners shall make a report, by a certificate in writing, of the assessment so made, and before proceeding to sign the same shall place the said report in the office of the town clerk for examination by the parties interested therein, and shall give notice for ten days successively, by posting advertisements in five of the most public places in said town, and by advertisement in a newspaper generally circulated in said town that such report has been deposited as aforesaid, and also of the time and place when and where the parties interested can be heard by the said commissioners, and after hearing the parties the said commissioners shall proceed and complete the report and sign the same, and return the said report, with all objections, in writing, which shall be presented to and left with them by any of the parties interested, to the said common council.

Assessments for grading and paving streets.

69. *And be it enacted*, That the whole amount of the costs and expenses of regulating, grading and paving any street or section of a street, or grading, graveling, flagging, macadamizing or otherwise improving any street or section of a street, shall be assessed upon the owners of lands and real estate upon the line of said street or section of a street; and whenever such improvement shall have been made, under the provisions of this act, the common council shall ascertain the whole amount of the costs and expenses of such improvement in any street or section of a street, and

shall cause to be made a just and equitable assessment thereof upon the owners of lands and real estate on the line of said street or section of a street by the said commissioners; *provided*, that the provisions of this section shall not be construed to apply to necessary repairs to any street, road, highway or alley; *provided also*, that after any street or section of a street shall be once entirely paved or macadamized at the expense of the owners of property as aforesaid, the common council shall take charge of and keep the same in repair without further direct assessment on the property of such street or section of a street.

Proviso.

Proviso.

Certificates of assessment to be submitted to committee of common council.

70. *And be it enacted*, That every certificate of assessment made as aforesaid, under the provisions of the sixty-fifth, sixty-sixth and sixty-seventh sections of this act, and presented to the common council, shall be referred by them to the proper committee for consideration, and in case of any objections in writing being returned with such report, the said committee shall publish a notice by posting the same at five of the most public places in said town, and by publishing the same in a newspaper circulating in said town, for ten days successively, to the parties interested, of the time and place, and when and where they will meet to hear them on the objections and report; the said committee shall thereupon examine the matter and report to the common council, and return to them the said report of the said commissioners, with the objections of the parties, together with the views and opinions of the said committee respecting the said report.

Report and assessment may be corrected.

71. *And be it enacted*, That the common council shall thereupon examine the matter, and may correct said report and assessment, if they deem proper, and ratify the same; and every certificate of assessment, which shall be duly ratified by the common council, shall be final and conclusive, or they may return such report and assessment to the said commissioners who may have signed the same, and the like proceeding shall be had when the report is returned as in the first instance.

Vacancy in office of commissioner, how filled.

72. *And be it enacted*, That in case of the resignation, death or disability of one or more of the commissioners appointed under the provisions of the sixty-sixth section of this act, it shall be lawful for the common council to supply, by appointment, the vacancy or vacancies caused by such death, resignation or disability.

Treasurer to prepare abstract of assessment.

73. *And be it enacted*, That whenever any certificate of assessment as aforesaid, shall be ratified by the common council, such certificate shall be delivered to the treasurer, and, on the receipt by him of such certificate as aforesaid, the treasurer shall prepare an abstract of such assessment, and enter the same in a book, to be kept for that purpose, and shall give notice for ten days successively, by posting the same in five of the most public places in said town, and by publishing the same in a newspaper circulating in said town, stating in general terms the streets or sections of streets comprised in such assessment, and requiring the owners of land and real estate assessed in such certificate to pay the amount to him at his office within sixty days from the first publication of the notice; and from and after the expiration of the said sixty days, every such assessment, so ratified as aforesaid by said common council, shall be payable, with interest thereon, at the rate of seven per centum per annum, until the same be paid, and such interest shall be collected thereon by the same means as the said assessment, and as part thereof, and the same shall, to all intents and purposes, be deemed and held to be part of the assessment, and, as such, a lien upon the lands and real estate in respect whereof the assessment is made.

Mode of collection of assessments when unpaid after a certain period.

74. *And be it enacted*, That if any such assessment upon any lot, tract or parcel of land and real estate, shall not be paid within the time appointed in the said notice the common council of the said town, may, as they shall deem proper, either bring an action on the case in any court of competent jurisdiction, in the name of the town of Harrison, against the owner or owners of such lot, tract or parcel of land and real estate, for so much money laid out and expended by them for the use of such owner or owners, and declare generally, and give the special matter in evidence, and either party, from any judgment rendered therein, may have the same remedy, by appeal or otherwise, as if said parties were private individuals, or the said common council may order and direct the treasurer to collect such assessment by public sale, by auction of the lands and real estate, whereon such assessment has been imposed, or may be a lien; in which case the lands and real estate, so made liable and upon which said assessments are made as aforesaid, shall be sold in the manner provided in this act for the sale

of lands for unpaid taxes which are a lien upon lands and real estate.

Agreement between owner and tenant as to payment of assessment not to be affected by this act.

75. *And be it enacted*, That nothing contained in this act shall be construed to affect any agreement between the owner or owners of any lands and real estate and the occupant or tenant thereof, respecting the payment of any tax or assessment on such lands and real estate, but they shall be answerable to each other in the same manner as if this act had not been passed, and if any such tax or assessment shall be paid by any person when by agreement or by law the same ought to have been paid by some other person, then it shall be lawful for the person paying the same to sue for and recover the amount of such tax or assessment, with interest and costs of suit, in any court having cognizance thereof, as so much money paid for the use of the person who ought to have paid the same, and the proof of such tax and assessment and of the payment thereof shall be conclusive evidence in said suits; and in all cases where there is no agreement to the contrary, the owner or owners of the land and real estate upon which such tax or assessment shall have been imposed or may be a lien, and not the occupant or tenant, shall be deemed the person or persons who in law ought to bear and pay such tax or assessment.

When portion of street is occupied by track of railroad company an equitable assessment shall be made on such company.

76. *And be it enacted*, That whenever any street or part of a street in said town occupied or used by the track of any railroad company, shall require to be altered or widened for the convenience of public travel, and proceedings for the altering or widening the same shall have been taken, under the provisions of this act, it shall be lawful for the commissioners appointed by the common council, and whose duty it may be, to make a just and equitable assessment of the whole amount of the costs, damages and expenses of such altering or widening among the owners of all the lands and real estate intended to be benefited thereby, to assess such portion of said costs, damages and expenses upon the corporation or company owning or using said railroad track, as shall to them seem equitable and just; and such assessment shall be a lien upon any property of said corporation or company in the town of Harrison, and may also be enforced in the same manner as the assessment upon such owners of land and real estate intended to be benefited thereby.

77. *And be it enacted*, That it shall be lawful for the common council, whenever they shall deem it expedient, to

cause surveys to be made and the same to be filed in the office of the clerk of the county of Hudson, and recorded in the book of records of roads and highways for the said county, of such streets, roads, highways and alleys, as they may think proper, which heretofore have been or at any time hereafter may be opened by the owner or owners of any land over which the same runs and which has been, by such owner or owners dedicated to the public by permitting the public to use the same and by selling lots fronting thereon, and all such streets, roads, highways and alleys, when surveyed, and such surveys filed and recorded as aforesaid, shall be deemed and taken to be public streets or highways and shall be made, maintained and treated as such, in all respects.

Surveys to be filed in the office of the county clerk.

78. *And be it enacted*, That no street, road, highway or alley, laid out and opened within said town since the first day of January, one thousand eight hundred and sixty-nine, or hereafter to be laid out and opened, shall be recognized, considered or treated as a public street, road, highway or alley, unless the same has been or shall be laid out and opened under the direction of the common council or has been or shall be surveyed, and such survey filed and recorded as aforesaid.

Streets to be laid out and opened under direction of council to be public.

79. *And be it enacted*, That whereas there are several roads, highways and streets, within the said town the lines of which have not been and cannot be certainly ascertained by reason of the indefinite surveys, and plots and maps thereof, for the better fixing upon and settling the lines and courses of said streets, roads and highways, the common council of said town shall and may appoint from time to time, four disinterested freeholders of said town, as commissioners who shall constitute a commission to run, mark, lay out and designate the lines and courses of any such street, road or highway as are not and have not been ascertained and clearly designated; which said commission shall have full power and authority to run, mark, lay out and designate the lines and courses of any such street, road or highway within said town, and shall make a full and clear map and profile of said street, road or highway, or such part thereof as they shall run, mark and lay out, designating by some notable and prominent marks or monuments the beginnings and endings of said street or part thereof as aforesaid, which said maps or profile, certified under the hands of said commissioners or a majority of them, shall be

Commissioners to settle lines and courses of streets heretofore laid out.

recorded in the office of the town clerk; which said record or original map or profile so filed as aforesaid shall be full evidence of the street, road or highway, or part thereof, as the case may be and of its lines and courses; and the said commissioners shall receive for their services such compensation as shall be made and granted by the said common council.

Certificates of assessments when ratified to be delivered to treasurer.

80. *And be it enacted*, That whenever any certificate of assessment as aforesaid shall be ratified by the common council, and such certificate shall be delivered to the treasurer, and the abstract of such assessment entered in the book to be kept for that purpose, and the notice given of such assessment as required by this act, it shall and may be lawful for any of the owners of the land or real estate so assessed and to whom such notice is given, to enter into a bond to said town, conditioned for the payment of such assessment in five years from the time of the expiration of said sixty days' notice, in payments of twenty per centum per annum, with interest from the time of the expiration of said sixty days' notice upon the amount of said assessment at any time remaining unpaid, at the rate of seven per centum per annum, payable semi-annually, in which case it shall not be lawful for the said town to sell the land or real estate of such owners entering into such bond for the payment of such assessment, unless failure be made in the payment of such assessment according to the condition of said bond, and in case such failure be made the said town may either sue said bond or sell said land and real estate the same as though said bond had not been given; and the amount realized by such suit or sale shall be placed to the credit of said town or paid over to the holder or assignee of said bond or to the legal representatives of such holder or assignees.

Common council to issue bonds for payment of loans.

81. *And be it enacted*, That in all cases where the common council are authorized to make or levy an assessment for any improvement under this act, they shall be authorized to borrow the amount of any such assessment, or any portion thereof, in anticipation of the collection of said assessment, to be expended only in payment of such improvement or loans for the payment thereof, and for that purpose to issue the bonds of the town, to be called "improvement bonds of the town of Harrison," payable in six years from

the date thereof, with interest at the rate of seven per centum per annum.

Inhabitant not to be an incompetent witness or juror by reason of his being an inhabitant.

82. *And be it enacted*, That upon the trial of any issue or upon the judicial investigation of any fact to which the town of Harrison is a party or in which it is interested, no person shall be deemed an incompetent judge, witness or juror by reason of his being an inhabitant, freeholder or freeman of said town, and that if any person shall be sued or impleaded by reason of anything done by virtue of this act, it shall be lawful for such person to plead the general issue and give this act and special matter in evidence at the trial.

Judges of election.

83. *And be it enacted*, That the judges of election, elected at the last annual charter election for the purposes of the next annual election, shall have all the powers and perform all the duties which are by this act conferred and imposed upon the judges of election of said town hereafter to be elected.

Member of council not to hold office of school trustee or police justice.

84. *And be it enacted*, That no member of the common council shall, during the period for which he was elected, be appointed to or be competent to hold any office, the salary or emoluments of which are paid from the treasury of said town, nor shall any councilman hereafter to be elected be competent to hold the office of school trustee or of police justice of said town, but upon being qualified and entering upon the discharge of his duties as a member of the common council, such office of school trustee or police justice, if held by him, shall thereby become vacant, and may be filled according to law; and no member of the common council shall be directly or indirectly interested in any contract as principal, surety or otherwise, the expense or consideration of which is paid from the treasury of said town.

Commissioners of sinking fund

85. *And be it enacted*, That the president of the common council, the chairman of the finance committee, the treasurer of the town for the time being, and two commissioners, to be appointed by the common council, shall constitute and form and be denominated "the commissioners of the sinking fund of the town of Harrison."

Sinking fund, how created and managed.

86. *And be it enacted*, That there shall annually be assessed, levied and raised by taxation in said town, in the same manner in which other taxes for town purposes are assessed, levied and raised, an amount equal to four per centum of the bonds and other evidences of debt made and issued by the said town, except in anticipation of taxes and

assessment as provided by this act, which amount is hereby pledged, appropriated to and shall constitute and form a fund to be called the "sinking fund of the town of Harrison," and said money thus raised shall, from time to time, as the same is received by the treasurer, be paid over by him to the said commissioners and invested by them in some safe and responsible institution for savings in the city of Newark, to be designated by said common council, and only used by the said commissioners for the payment of the said bonds or other evidences of debt, except such as may be given in anticipation of taxes and assessments as aforesaid, as the same severally fall due, and no sooner, except by the order of the said common council; and all interest accruing on such fund shall be regularly credited thereto for the redemption of the said bonds and other evidences of indebtedness except as aforesaid.

Amount to be a lien upon lands, &c.

87. *And be it enacted*, That the amount to be raised by taxation, referred to in the last preceding section, shall be a lien upon the lands and real estate upon which the same is levied or assessed, and if unpaid, may be collected by suit or sale of such land and real estate in the same manner as is provided by this act, or any of the provisions thereof, relative to any unpaid tax or assessment.

Commissioners to make an annual report.

88. *And be it enacted*, That the said commissioners shall have the full management and control of the said sinking fund, subject to any ordinance passed by the said common council prescribing and defining their duties as such commissioners: the said commissioners shall, annually, make a full and detailed report, in all respects, of the state of said fund to the said common council at their first meeting in the month of January, or at such other time as the said common council may direct.

Commissioners shall call in and pay bonds when sinking fund will enable them to do so.

89. *And be it enacted*, That in case the said commissioners shall ascertain at any time before the maturity of the bonds or other evidences of indebtedness for which the said sinking fund is pledged, that the amount thereof will enable them to pay said bonds or other evidences of indebtedness for which said fund is pledged, with interest thereon, they shall immediately report the same to the said common council, who shall thereupon cease to levy the tax for such sinking fund, and the said commissioners shall immediately call in said bonds or other evidences of indebtedness for which said sinking fund is pledged, and pay off and cancel the

same; if after the payment of said bonds or evidences of indebtedness whenever such payment shall be made, any balance of said sinking fund shall remain on hand, the same shall be paid by said commissioners to the town treasurer for the purposes of said town.

Vacancies in commission to be filled by council.

90. *And be it enacted*, That in case of the death, resignation or inability to serve from any other cause, of either or both of the said two commissioners of the sinking fund to be appointed by said common council, the said common council shall have full power and lawful authority to appoint other commissioner or commissioners as the case may be.

Town of Harrison to be consolidated into one school district.

91. *And be it enacted*, That the said town of Harrison shall be consolidated into one school district, and that the said school district shall possess all the powers and privileges and be subject to all the penalties mentioned and set forth in the act of the legislature of the state of New Jersey, entitled "An Act to establish a system of public instruction," approved March twenty-first, one thousand eight hundred and sixty-seven, and the several supplements thereto, so far as may be compatible with the provisions of this act.

Corporate name of the board of education.

92. *And be it enacted*, That the present school trustees elected in said town of Harrison, and such school trustees as shall hereafter be elected in said town of Harrison, in accordance with the provisions of this act, shall constitute and be called "the board of education of the town of Harrison," and shall become and be a body corporate and politic, in fact and in name, by the name of "the board of education of the town of Harrison," and by that name they and their successors forever shall and may have perpetual succession, and shall be persons in law capable of sueing 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.

President of board to be elected annually.

93. *And be it enacted*, 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 times and places of meeting, and determine the rules of its own proceedings; 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 trustees shall constitute a quorum for the transaction of

business, and no resolution or order of the board shall be adopted unless with the consent of a majority of the whole number of trustees; the president of the board shall have the power to call special meetings whenever he shall deem it expedient, or a majority of said trustees shall request in writing.

Board to prepare estimate of amount of money necessary for support of public schools.

94. *And be it enacted*, That the board of education shall prepare and transmit to the common council of the said town of Harrison, on or before the last meeting of said council in the month of April of each year, an estimate of the amount of moneys necessary for the support of public schools in said town during the year; which estimate shall specify particularly, under the several heads of erection and repairs of school houses, salaries of teachers, school books, school furniture, and school libraries, stoves and fuel, and incidental expenses, as nearly as may be, the several sums required by each branch of expenditure, and the said common council shall determine by resolution, the amount of moneys to be appropriated to public schools, during the year, including therein the quota of said town of Harrison, 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 in said town of Harrison, as they may deem expedient and necessary, and all moneys so raised and appropriated, shall be expended by the said board of education for the support of public schools in said town of Harrison, according to the provisions of this act.

Powers and duties of the board of education.

95. *And be it enacted*, That the board of education shall take charge of the erection of any public school house or houses in the said town of Harrison, and of the same after being erected, and shall cause all necessary repairs to be made to the same, and said board is also empowered to establish public schools of different grades, adapted to the age and progress of the pupils, including evening schools; to select and employ teachers, to provide school books, school furniture and school libraries for the schools, to purchase stoves and fuel, and incur such incidental expenses for the maintenance of the said school or schools as may be necessary, and to adopt rules and regulations for the admission of pupils, the visitation and instruction of the schools, and the government and studies to be pursued therein; and

the said board of education, with the concurrence of the common council of said town of Harrison, are further empowered to purchase real estate for school purposes, and to erect a school house or school houses thereon for the use of the public school or schools, and the real estate so purchased as aforesaid, shall be vested in the said "the board of education of the town of Harrison;" *provided, nevertheless*, that the said board shall, at no time, make or incur any expenditure exceeding the amount appropriated by the common council of said town of Harrison for school purposes, and, that all moneys so appropriated shall be expended by the said board in compliance with the laws of this state. Proviso.

96. *And be it enacted*, That the board of education shall, at the close of each fiscal year, prepare a report embracing the number of schools under their charge, specifying their grades, the number and names of the teachers, the number of pupils on the roll and the average attendance in each school, the annual cost of each and every scholar and a full and true account of the expenditures of said board during the year, under the respective heads of erection and repairs of school houses, salaries of teachers, school books, school furniture and school libraries, stoves and fuel and incidental expenses, and shall transmit the said annual report to the said common council and a copy thereof to the state superintendent of common schools; and the said board shall give such other information to the common council, in relation to the public schools, as the said common council shall by resolution require, and shall also notify the said common council of any vacancy which may occur in the said board of education. Board of education to make an annual report.

97. *And be it enacted*, That the said board of education shall have power, from time to time, to appoint a town superintendent of public schools of the said town of Harrison, and such other officers or agents as they may deem necessary for the proper maintenance of the public schools of said town, prescribe their duties and fix their compensation; which appointments shall continue during the pleasure of said board of education and no longer. Town superintendent of public schools.

98. *And be it enacted*, That whenever and as often as the said common council shall by resolution direct the treasurer of said town to credit the said board of education with a

Treasurer to credit board of education with money for support of public schools.

sum or sums of money for the support of public schools in said town, it shall be the duty of the treasurer of the said town, immediately after the receipt of a copy of such resolution, duly certified by the town clerk, to enter on his books the sum or sums of money therein mentioned to the credit of "the board of education of the town of Harrison," and the treasurer of said town shall pay on presentation all drafts drawn upon him by order of the board of education, duly attested by the signatures of the president and secretary of said board, to an amount not exceeding the balance remaining on his books to the credit of the said board of education, and shall preserve such drafts as vouchers to be exhibited in the settlement of his accounts as treasurer of the said town of Harrison.

Assessor to make a list of children between certain ages capable of attending school.

99. *And be it enacted*, That it shall be the duty of the assessor of the said town and he is hereby authorized and required to make out a list of the children capable of attending school, between the ages of five and eighteen years within said town, specifying the age of each child in years together with the names of the parents or guardians of such children, and to transmit the same under proper certificate on or before the first day of August, annually, to the said board of education, and the number of children in said list shall be duly certified by the said board to the county superintendent of the county of Hudson, on or before the first day of September next succeeding the return of said lists as aforesaid, and the quota of the town of Harrison in the apportionment of the moneys appropriated by law to public schools in this state shall be determined by the number of children contained in said list, in like manner as if the same had been duly ascertained and transmitted according to the provisions of an act entitled "An act to establish a system of public instruction," approved March twenty-first, one thousand eight hundred and sixty-seven, and the supplements thereto.

Town of Harrison to be entitled to quota of state appropriation.

100. *And be it enacted*, That the town of Harrison shall be entitled to its just quota of the annual appropriation made by the state for the support of public schools, to be ascertained according to law, which shall from time to time be paid to the treasurer of said town to be expended for the support of public schools in said town, according to the provisions of this act.

101. *And be it enacted*, That it shall and may be lawful

for the said board of education to make and execute in the corporate name of said board of education, and to deliver bonds to the purchaser or purchasers thereof for the payment of money in sums not less than one hundred dollars each, to an amount in the aggregate not exceeding the sum of fifteen thousand dollars, and payable not more than twenty-five years from the date thereof with interest at seven per centum per annum, payable semi-annually; and it shall and may be lawful for the said board of education to negotiate for the sale of said bonds and to secure the payment thereof by a mortgage or mortgages, executed by said board of education, of and upon any school house or school houses and the lot or lots thereto attached, situate within the bounds of the said school district; and the proceeds of the said bonds shall be used and appropriated exclusively by the said board of education for the purpose of purchasing a lot or lots in the said school district, and erecting thereon a school house or school houses and furnishing the same for the educational purposes of said school district.

Board of education may issue bonds for the purpose of erecting school house.

102. *And be it enacted*, That to provide for the yearly payment of said bonds and all the interest accruing upon the same, the said board of education shall, on or before the twentieth day of April, in each and every year hereafter, until the whole principal of said bonds and interest shall be paid, certify under the hands of the president and secretary of said board by resolution, to the assessor of taxes for the said town of Harrison, the amount which will be necessary to pay the interest due on said bonds and also the amount of the principal of said bonds falling due during the ensuing year, which sum the said assessor is hereby authorized and required, when making his annual assessment of taxes, to assess as a special tax upon the personal property of the inhabitants of said school district and upon the real estate, situate within said district, in the same manner as other town taxes are or shall be assessed, which special tax shall be collected at the same time by the same officer and in the same manner as other town taxes are or shall be collected in said town; and said special tax shall be separately accounted for and paid over as soon as may be by said collecting officer to the treasurer of said town who shall place the same to the credit of said board of education, by whom the same may be drawn for the payment of said bonds as

Payment of bonds to be provided for by taxation.

they fall due and of the interest becoming due thereon and for no other purpose whatever.

Tax to be a lien.

103. *And be it enacted*, That the said tax mentioned in the last section, shall be a lien upon the lands and real estate upon which the same is levied and assessed, shall bear the same interest, be payable at the same time and shall and may be collected by suit or otherwise, in the same manner in which all other unpaid taxes in said town are liens, bear interest, are made payable and may be collected.

Bonds not to be sold for less than par.

104. *And be it enacted*, That no bond issued by virtue of this act, or any of its provisions, shall be sold at a less rate than that of ninety-five cents on the dollar.

Repealer not to affect proceedings commenced.

105. *And be it enacted*, That from and after the passage of this act all acts and parts of acts inconsistent with and repugnant to this act or any of its provisions are hereby repealed, but nothing herein contained shall be construed so as to destroy, impair or take away any right or remedy acquired or given by any act hereby repealed and all proceedings commenced under any such former act shall and may be carried out and completed, and all prosecutions for any offence committed or forfeiture incurred, shall be carried on in all respects in the same manner and with the same effect as though this act had not been passed.

Common council authorized to ascertain costs of certain improvements and to make provision for payment of the same.

106. *And be it enacted*, That whereas certain street improvements have been made in the said town by the direction of the councilmen thereof, under the present charter of said town, and thereby certain expenses have been incurred which ought to be paid by the owners of lands fronting on the streets upon which said improvements have been made, therefore, it shall be lawful for the said common council to ascertain the whole amount of the costs and expenses connected with such improvements, and to take such measures for the assessment of said costs and expenses, and for the payment thereof as the common council are authorized by the provisions of this act to use and take, with reference to the future assessment and payment of all costs and expenses connected with the regulating, grading and paving, or otherwise improving any street or a section of a street in said town by this act or the provisions thereof; and all proceedings taken by said common council for the assessment and payment of all the costs and expenses connected with said street improvements shall be legal and binding on the parties interested, the same to all intents and purposes if made

in accordance with the provisons of this act, as if the said street improvements were hereafter to be made and done under and by virtue of the provisions of this act.

107. *And be it enacted*, That this act shall take effect immediately, and shall be deemed and taken to be a public act, but the legislature may, at any time alter, modify or repeal the same. Public act.

Approved March 6, 1873.

CHAPTER CXLVI.

A Further Supplement to the act entitled "An Act to Revise and Amend the Charter of the city of Rahway," approved March twenty-third, one thousand eight hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of said city, by the vote of two-thirds of the whole number of the members, may by ordinance open, vacate, alter the lines and change the course of any street or avenue, or section thereof, and of any public park or square in said city, anything in any law or ordinance now in force to the contrary notwithstanding; *provided*, that no ordinance shall be adopted for such opening, vacating or altering of any streets or avenues, or section thereof, unless petitioned for by the owners of two-thirds of the lineal feet of frontage on said street or avenue, or section thereof; and where such ordinance applies to a section of a street or avenue, the written consent of the owners of a majority of the lineal feet of frontage of the remainder of said street or avenue shall be filed with the common council before the same can be adopted; *and provided further*, that no public park or square already laid out or opened shall be altered, closed or vacated, except on petition of the owners of more than one-half of the superficial area of land embraced within the territory of such public park or square; *and provided further*, that upon the adoption of any such ordinances, or in

Common council authorized to vacate, alter and change the course of any street, &c.

Proviso.

Proviso.

Proviso.

case of any ordinances heretofore legally adopted, relating to the alteration of the lines of any street, the common council may, by resolution, to be adopted by a two-third vote, rescind and annul any action previously taken on the ratification of any assessment of damages for land taken, or buildings or other obstructions to be removed; but the power and authority herein granted shall not embrace any streets or avenues already opened, where the reports of costs, damages and expenses have been ratified, or upon which the common council have caused any improvements to be made.

Amount of unpaid assessments may be set off against equal amount due from city.

2. *And be it enacted*, That where any person or corporation is entitled to any sum of money from said city, and there are unpaid assessments against any land in said city, of such person or corporation, the amount of such unpaid assessments may be set off against an equal amount of such sum so due from said city; and the city treasurer shall pay to such person or corporation only the amount due, after retaining the amount of any such assessments, and when such assessments exceed the amount due such person or corporation, the said amount due shall be applied on account of such unpaid assessments.

Common council to appoint three electors as commissioners of assessments.

3. *And be it enacted*, That in lieu of the appointment by the common council of commissioners to make particular assessments, as now provided by the charter of said city, the common council shall, from time to time, appoint three electors of said city as commissioners of assessments, who shall take the same oaths and perform all the duties required of the commissioners heretofore authorized to be appointed for making such assessments; and when an assessment is to be made in which any one or more of said commissioners are interested, as owners of lands to be assessed, the common council shall appoint a special commissioner or commissioners to act in place of the commissioner or commissioners so interested; *provided*, that in case any assessment for the damages or costs, damages and expenses for any work or improvement, embraces all the lands of said city, or in case the city at large is assessed for the whole or any part of the expenses or costs, damages and expenses of any work or improvement, then the said commissioners of assessment may make said assessments and the fact that any or all of said commissioners are interested as owners of land in said city, shall not invalidate the same.

Proviso.

Transcript of unpaid assessments shall describe parcels of land, &c., according to numbers on city atlas.

4. *And be it enacted*, That the city treasurer, in making a transcript of unpaid assessments shall describe the lots, tracts or parcels of land according to the marks and numbers on the city atlas, in lieu of the mode required by the ninetieth section of the act to which this is a supplement; and the city atlas shall be filed in the office of the city treasurer.

Vacancy in office of councilmen, how filled.

5. *And be it enacted*, That the thirteenth and fourteenth sections of the act to which this is a supplement, be amended by striking therefrom the word "councilmen" where it occurs in said sections; and whenever a vacancy occurs in said office of councilmen, the remaining members of the common council, by the vote of a majority thereof, may fill such vacancy during that official year; and in case such vacancy shall continue beyond that time, the electors of the ward in which such vacancy occurs shall at the charter election next after such vacancy occurs, elect a councilman for the unexpired term, who shall take his seat at the beginning of the ensuing official year.

Authorizing the changing of lines of certain streets and avenues.

6. *And be it enacted*, That the common council of said city shall have authority to reduce the width of Railroad avenue, from Milton avenue to Main street; to alter the lines and vacate any part of Adams street, from Railroad avenue to New Brunswick avenue; to alter the lines of Main street, from Hazelwood avenue to Maple avenue, and of Elm avenue from Main street to Irving street; to lay out and open Church street to Central avenue, and to vacate or change the lines of Commerce street, from Main street to Dock street; such changes to be made by ordinances, to be adopted by the vote of a majority of all the members of the common council, anything in any existing law or the first section of this act to the contrary notwithstanding.

Treasurer to be furnished with monthly statement of amount of taxes received.

7. *And be it enacted*, That the receiver of taxes for said city shall pay over to the city treasurer, at least once in each week all moneys received by him for taxes; and he shall furnish to said treasurer, once in each month, a statement of the amounts received by him for taxes, under the several heads of assessments.

Duties of the assessors.

8. *And be it enacted*, That the district assessors for said city, shall make up their lists of valuations of personal property on or before the twentieth day of April, in each year and the said district assessors shall meet with the assessors at large, and organize as a board of city assessors, on the

first Monday in May, in each year, and may from time to time adjourn; and when so met, it shall be their duty, as such board to review the several assessments made by the assessors at large and district assessors and to diminish, increase or alter any of the assessments made by the said district assessor or assessors at large; and it shall be lawful for the said board, in the performance of their said duties, to require all parties liable to taxation, to render an account of their taxable property, in such manner as they shall direct; and the said board shall finish said revision on or before the first Monday in June, in each year.

Assessors to perform the duties of commissioners of appeal in cases of taxation.

9. *And be it enacted*, That the said board shall perform the duties of commissioners of appeal in cases of taxation, in the manner hereinafter directed, which office is hereby abolished in said city; the said board of city assessors, shall give notice in two newspapers published in said city, that said assessment lists have been completed, and will be open for public inspection, examination and correction, for not less than twenty days at the office of said board: and during said time, said board shall proceed to hear and consider all complaints touching said valuations and assessments, and to increase, alter or modify the lists according to law, and as to them may appear just and equitable; and any member of said board shall have power to administer oaths or affirmations to persons claiming deductions; or to any persons they may summon before them to give testimony in reference to the taxable property of any person assessed in said lists.

Compensation to be fixed by ordinance of the common council.

10. *And be it enacted*, That the common council shall by ordinance establish the compensation of the assessors at large and district assessors, which compensation to the district assessors shall be in lieu of the rates now allowed them by law; and the district assessors elected at the last annual charter election for said city shall continue in office and perform the duties thereof until the first Monday in October next; and the term of office of the district assessors hereafter elected shall commence on the first Monday in October in each and every year, and shall continue for one year and until their successors are respectively elected and qualified.

Fees which may be paid from street improvement fund.

11. *And be it enacted*, That the fees allowed by law for collecting assessments for street improvements, when the amount of such fees has not been included in the reports of costs and expenses or costs, damages and expenses, may be

paid from the general street improvement fund of said city; and hereafter, the reports to the common council of the costs and expenses, or costs, damages and expenses of any improvement, shall embrace the amount of such fees, to be included under the head of "interest, discount and commissions."

Amendment.

12. *And be it enacted*, That the sixteenth section of the act to which this is a further supplement, be amended by inserting after the word city, where it first occurs in said section, the words "except city surveyor or city engineer."

Repealer.

13. *And be it enacted*, That so much of any act or acts as conflict with the provisions of this act are hereby repealed; and this act shall take effect immediately.

Approved March 6, 1873.

CHAPTER CXLVII.

An Act to change the manner of holding Elections in the city of Burlington.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act entitled "A supplement to an act entitled 'An act to incorporate the city of Burlington,'" approved March twenty-sixth, one thousand eight hundred and sixty-eight, as makes it the duty of the inspectors of election of the city of Burlington, to arrange registry lists of the voters of their several wards, be and the same is hereby repealed.

Duties of Inspectors of elections.

2. *And be it enacted*, That the duties of the inspectors of election aforesaid shall be the same as are performed by the inspectors of election of the township of Burlington.

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

Approved March 6, 1873.

CHAPTER CXLVIII.

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 sixty-four.

Election of freeholders in Atlantic county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on and after the passage of this act, there shall be but one chosen freeholder elected by each township, town and city in Atlantic county, to represent the township, towns and cities in the board of chosen freeholders of said county; *provided*, that nothing in this act shall debar or make it unlawful for the chosen freeholders elected previous to the passage and approval of this act, from serving out the time or terms for which they were duly elected.

Proviso.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act, so far as it relates to Atlantic county, are hereby repealed.

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

Approved March 6, 1873.

CHAPTER CLI.

A Further Supplement to the act entitled "An Act to Revise and Amend the Charter of the City of Newark," approved March eleventh, one thousand eight hundred and fifty-seven."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and common council of the city of Newark to issue

bonds of said city, under their corporate seal and the signature of said mayor, for an amount not exceeding one million five hundred thousand dollars, to be designated "city improvement bonds" bearing interest payable semi-annually, with coupons attached at a rate not exceeding seven per centum per annum, and payable at such time as may be fixed by the common council, pledging the credit and the whole property of the city for their payment, which bonds it shall be lawful for the said mayor and common council to sell at public or private sale upon such terms and conditions as the common council may prescribe; the interest upon said bonds shall be paid by the city treasurer as it becomes due out of the moneys collected for assessments for improvements of the nature described in the second section of this act.

Mayor and common council authorized to issue "city improvement bonds."

2. *And be it enacted*, That the proceeds of the sale of the bonds above mentioned, together with the proceeds of the sales of the following issues of bonds of said city amounting to one million dollars, heretofore authorized to be issued by law, to wit: bonds to the amount of three hundred thousand dollars, denominated "street improvement bonds," and bonds to the amount of two hundred thousand dollars, denominated "sewer bonds," both issued under and by virtue of an act of the legislature of this state, approved February sixth, one thousand eight hundred and sixty-nine, entitled "A further supplement to the act entitled an act to revise and amend the charter of the city of Newark, approved March eleventh, one thousand eight hundred and fifty-seven," and bonds to the amount of five hundred thousand dollars denominated "street improvement and sewer bonds," authorized by a further supplement to said act, approved January thirty-first, one thousand eight hundred and seventy-one (the proceeds of the two last herein named issues of bonds, which have been heretofore sold, being represented among the assets of said city by unpaid assessments due from individuals and corporations) and the aggregate amount of said issues being two millions, five hundred thousand dollars, shall be deemed and treated by the said common council as a capital or fund out of which shall be paid from time to time such obligations as have been or may be incurred by said city for improvements of all kinds ordered to be made by the common council in connection with streets, alleys, parks or sewers; all the financial busi-

Proceeds of sales of bonds, how appropriated.

ness of said city in any way connected with or growing out of the work and improvements above mentioned, shall be kept entirely separate and distinct from every other department of the city business, and the said common council shall at no time, order any improvements of the above nature to be made, nor execute contracts for the same, nor incur debts therefor to a greater extent or amount than can be paid for out of the proceeds of the sale of the bonds authorized by the first section of this act, and the unpaid assessments actually due and owing to said city.

Department of finance, its powers and duties.

3. *And be it enacted*, That there shall be a department of the government of said city to be called the department of finance, which shall have a general control and supervision of all the financial concerns of said city and shall manage the same according to law; all accounts rendered to or kept by all officers of the city government shall be subject to the inspection of said department, which shall have power to make or cause to be made copies of all said accounts; the chief officer of said department shall be called the comptroller of the city of Newark, who shall be a resident and elector in said city; the common council shall provide a suitable office and proper accommodations for said comptroller; it shall be the particular duty of the comptroller to keep a record of all the revenues from all sources which may grow due to the city and to see that the same are collected promptly and according to law; in conjunction with and under the direction of the committee on finance of the common council he shall negotiate all city bonds that shall be authorized to be sold by law and deposit the proceeds thereof with the city treasurer; in the same manner he shall make temporary loans in anticipation of taxes and assessments, as provided in the thirty-fifth section of the act to which this is a supplement; he shall consult freely with the said committee and shall from time to time report any matter of a financial nature to the common council that requires attention, and suggest such action in relation thereto as he may deem expedient; he shall be appointed by the mayor (and not by an acting mayor) by and with the advice and consent of the common council, and shall hold his office for five years from the first day of January next preceding his appointment and until his successor is duly appointed and qualified; before entering upon the duties of his office he shall take and subscribe the oaths of office prescribed in the

twenty-fourth section of the act to which this is a supplement, and execute an official bond for the faithful performance of his duties, with such sureties as may be approved by the common council, in the sum of fifty thousand dollars, and shall receive as a compensation for his services such sum as may be fixed by the common council, which shall be not less than three nor more than five thousand dollars per annum, payable quarterly by the city treasurer; in case of a vacancy in said office from any cause, a new appointment shall be made for a full term as is hereinbefore directed; until said vacancy shall be so filled the auditor of accounts shall act as such comptroller and perform all his duties under the direction of said finance committee; the comptroller may be removed for cause, on written charges to be served upon him, requiring him to appear before the common council and answer the same, and he shall be heard before the common council in person or by attorney, and testimony may be given on the same general principles as in a court of law, the mayor shall preside on such trial but shall not vote; a two-thirds vote of all the members of the common council shall be necessary to effect his removal.

Auditor of accounts required to present a full statement to the comptroller of costs and expenses of any improvement.

4. *And be it enacted*, That as soon as the costs and expenses of improvement which are to be assessed by the city surveyor, and of the costs, damages and expenses of any improvement which are to be assessed by commissioners on the owners of land and real estate, have been ascertained by the common council, the auditor of accounts shall present a full statement of the same to the comptroller, who shall see that the said assessments are made according to law, as soon as the nature of the case will admit; whenever any assessment shall be ratified by the common council such certificate shall be delivered to the comptroller, and such proceedings shall thereafter be immediately had and taken by him in relation to the collection of the same as are now by law imposed upon the city treasurer; sales of real estate for unpaid assessments shall as far as practicable be had by the comptroller within six months from the time of ratification of said assessments by the common council; the comptroller shall keep full and accurate accounts of all matters pertaining to such assessments each by itself, and shall present to the common council monthly a full abstract of the same, which report shall be filed in the office of the auditor; and at the end of each year he shall present to the common

council a general resume of the same, and of the indebtedness of the city by bonds, or temporary loan certificates, in detail; whatever moneys shall be collected by the comptroller in the performance of his duties as aforesaid shall be by him paid to the city treasurer on the same day of their receipt, with a statement of the particular assessment on account of which the payment is made, and the treasurer shall give him a receipt for the same; the moneys received from the sale of the bonds authorized to be issued by this act, and the moneys received by the city treasurer from time to time for assessments upon real estate, shall not be used for nor applied to any use or purpose except for the payment of debts and expenses incurred by the common council in the prosecution of improvements authorized by law, the cost of which is to be assessed by the common council upon real estate, from time to time, or for the payment of the principal and interest of the bonds mentioned in the second section of this act, and temporary loan bonds issued in anticipation of assessments.

Interest to be charged on assessments.

5. *And be it enacted*, That interest shall be charged upon the collection of all assessments ratified by the common council, at the rate of seven per centum per annum until the real estate upon which any of said assessments is a lien, shall be sold according to law.

Duties of the commissioners of assessments.

6. *And be it enacted*, That the commissioners appointed to make the assessments upon owners of land and real estate intended to be benefited by any proceeding heretofore taken, or which may be hereafter taken under the provisions of the act to which this is a supplement and the various other supplements thereto, shall commence as soon after their appointment as is practicable to make said assessment, and shall proceed with the same notwithstanding that an appeal has been taken by any party from the award or assessment made for damages in connection with said improvement, and present the same to the common council for ratification, and when the same shall be ratified the comptroller shall proceed to collect the same; and in case, by the final judgment of any court, any such award for damages shall be increased, the comptroller shall thereupon in a summary manner proceed without notice to increase each of said assessments for benefits pro rata, so that the whole amount of such increase together with costs and expenses shall be equitably distributed upon the owners so assessed; and upon the same being

approved by the committee on assessments of the common council, the comptroller shall immediately proceed to collect the same in the manner provided in the case of an original assessment; in case by any such judgment any such assessment shall be reduced the comptroller shall in like manner adjust the same, and upon filing his certificate in the office of the city treasurer the treasurer shall pay the same to the said owners on demand.

Proceedings in case of assessments for benefits.

7. *And be it enacted*, That in case any assessment for benefits has been or shall be hereafter made in connection with any improvement, in the prosecution of which an award for damages has been or shall be made, the said award shall not be payable (except as is hereinafter mentioned) until the assessment for benefits has been ratified by the common council, and only the difference between the same shall be payable to or by (as the case may be) the owner at the time of such settlement of any lot or premises so assessed, and interest upon such award for damages shall commence on the date of the ratification of said assessment for benefits; in case the city shall have taken possession of said lands and premises before the date of said ratification for benefits, said award shall be payable, and said interest commence on the date of said possession.

Comptroller to collect assessments.

8. *And be it enacted*, That whenever any work or improvement ordered by the common council of the nature above described has been fully completed upon any portion or section of a street, the assessment for benefits may be ordered to be made at once by the common council, in their discretion, upon said portion of said street, and upon ratification of the same by the common council, the comptroller shall immediately proceed to collect the same according to law.

Comptroller to increase balance of certain assessments.

9. *And be it enacted*, That if any assessment shall be reduced in part by the common council under the provisions of the one hundred and twelfth section of said last mentioned act, the comptroller, under the direction of the said committee on assessments, shall increase the balance of said assessments pro rata, so that the aggregate of said assessment shall remain the same, and shall proceed to collect the same according to law.

Estimate for work to be filed.

10. *And be it enacted*, That no appropriation shall be made by the common council upon an estimate for work done

under contract until ten days after such estimate shall be filed in the office of the city auditor.

Contracts and bonds given by contractors to be filed.

11. *And be it enacted*, That all contracts and bonds given by contractors for sewer and street improvements shall be filed in the office of the auditor of accounts, and the auditor shall refuse to sign a warrant for the payment of any bill or estimate, notwithstanding it may have passed the common council, that is not in strict accordance with the contract, and shall return the same to the common council at its next meeting thereafter, with a statement of his reasons for so doing, and of the variations of said bill or estimate from the contract.

Final return of receiver of taxes.

12. *And be it enacted*, That the receiver of taxes shall, immediately after the twentieth day of January in each year, make a final return and statement to the comptroller of all unpaid taxes assessed against owners of real estate for the preceding year; the said comptroller shall thereupon proceed at once to perform the duties now imposed by law upon the city treasurer in relation to the collection of the same, after the final return and statement has been made to him by the collector of arrears of taxes, as now provided by law; sales of lands and real estate for said unpaid taxes shall be held by said comptroller during the month of May next succeeding the said twentieth day of January, unless for good cause the said committee on finance shall direct the comptroller to hold the same at a later period; all said taxes with the additions made thereto by law, shall draw interest at the rate of twelve per centum per annum from the said twentieth day of January, until the real estate upon which the said taxes are a lien, shall be sold as is hereinbefore mentioned; all moneys received by the comptroller for taxes shall be by him paid over to the city treasurer in the manner hereinbefore provided in the case of moneys collected by him for assessments.

Statement and return of unpaid taxes.

13. *And be it enacted*, That the statement and return of said unpaid taxes required to be made by the next preceding section of this act by the receiver of taxes to the comptroller, shall be made for the present year only, immediately after the comptroller shall be duly appointed and qualified according to law.

14. *And be it enacted*, That before any purchaser or purchasers, or his or their legal representatives shall be required to deliver up peaceable possession of any lands or premises

at the termination of his term, as is provided for in the ninety-second section of the act to which this is a supplement, the owner or owners of such lands and premises shall pay to such person or persons the value of any buildings thereon which may have been erected in whole or in part after the date of the declaration of sale under which the said title shall have been held; and in case of disagreement between said parties as to said value, the same shall be finally determined by three disinterested persons, one of whom shall be selected by each of said parties, or in case of the neglect or refusal of both or either of said parties so to select for the space of five days after the termination of said term, then by a judge of the supreme court of this state, and the two so selected or appointed shall select the third; and their award or the award of a majority of them shall be final and conclusive.

Proceedings in case of disagreement between parties as to value of buildings, &c.

15. *And be it enacted*, That so much of the supplement to the charter of said city, approved March tenth, one thousand eight hundred and fifty-nine, as provides for the appointment of sinking fund commissioners, is hereby repealed, and all the duties imposed by the said act upon said commissioners are hereby imposed upon the commissioners appointed under and by virtue of the supplement to the charter of said city, approved March thirty-first, one thousand eight hundred and sixty-four; all moneys, bonds, securities, assets and accounts of every kind in the possession or control of said first above named commissioners shall be by them turned over to the commissioners appointed under the last mentioned act; all acts and parts of acts creating or providing for a sinking fund and placing the same under the control of the above commissioners of one thousand eight hundred and fifty-nine, or imposing duties upon them shall be in no wise affected hereby, except that the commissioners under the above act of one thousand eight hundred and sixty-four, shall have the same charge and control of the same, and under the same conditions and responsibilities, and perform the same duties as are imposed by the said acts or parts of acts upon the commissioners appointed by the said act of one thousand eight hundred and fifty-nine; the city treasurer shall be no longer a commissioner under the said act of one thousand eight hundred and sixty-four, but the comptroller to be appointed under this act shall be a member thereof; all the duties now

Comptroller to be a member of board of commissioners of sinking fund

directed by law to be performed by the auditor of accounts and city treasurer in connection with either of said sinking funds shall be performed by the comptroller.

Comptroller to prepare suitable books showing premises upon which unpaid taxes or assessments is at any time a lien.

16. *And be it enacted*, That the comptroller shall prepare in suitable books under the direction of said finance committee, a complete and careful statement of all unpaid taxes and assessments that are a lien upon any lands or real estate in said city, and so arranged and tabulated as to show the particular premises upon which each of said unpaid taxes or assessments is at any time a lien; and any person interested in the same shall have access to said record without charge, under such conditions as shall be prescribed by the comptroller and said committee on finance.

Finance committee empowered to employ clerks.

17. *And be it enacted*, That the said committee on finance shall have power from time to time to employ such clerical help and assistance in the offices of the comptroller, city treasurer, auditor of accounts, and city surveyor as may be necessary to secure a prompt and efficient performance of the duties imposed upon said officers, but the common council shall at all times whenever they shall choose to exercise the same have full control over such appointments.

Auditor to be appointed by the mayor

18. *And be it enacted*, That the said auditor shall hereafter be appointed by the mayor, by and with the consent of the common council; his tenure of office, and duties, however, to be the same in all respects as if the method of appointment had not been changed.

Duties of comptroller and auditor to be prescribed by ordinance of council.

19. *And be it enacted*, That the common council shall have power from time to time by ordinance to prescribe and define more specifically the powers and duties of the comptroller, and also of the auditor and city treasurer, in accordance herewith, and the manner in which their said several duties shall be performed, and from time to time to make such regulations as may be necessary to carry into effect the true intent and meaning of this act.

Appointment of inspectors.

20. *And be it enacted*, That inspectors of any work ordered to be done by the common council, payment for which is to be made by assessment upon real estate, may be appointed by the chairman of the street committee of the common council, the chairman of the sewer committee, the street commissioner, and the comptroller or a majority of them, they having in view in making such appointment the kind of work to be done, and the fitness and qualification of the person so to be appointed; every such inspector shall,

before entering upon his duties, take and subscribe an oath that he will well and faithfully perform such duty; and if any such inspector shall directly or indirectly receive or accept from any contractor, or from any other person or persons, any fee, gift, reward or present in connection with or in any way growing out of his performance of said duty, other than the remuneration awarded him by the common council for his said services, he shall be held and deemed to be guilty of a misdemeanor, and shall on conviction be punished by fine not exceeding five hundred dollars, or imprisonment at hard labor not exceeding one year, or both. Inspector to take and subscribe an oath.

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

Approved March 7, 1873.

CHAPTER CLVIII.

A Supplement to an act entitled "An Act to enable the Township of Maurice River, in the County of Cumberland, to improve its Public Roads."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "An act to enable the township of Maurice River, in the county of Cumberland, to improve its public roads," approved March eighth, anno domini one thousand eight hundred and seventy-two, be and the same are hereby extended, so that it shall and may be lawful for the township committee of said township of Maurice River, county of Cumberland, to issue an additional amount of bonds in the manner prescribed and directed in the act to which this is a supplement, for an amount not exceeding ten thousand dollars in any one year, for the period of three years from the approval of this act; said moneys to be used for the improvement of the public roads in said township as directed in the act to which this is a supplement. Township committee may issue additional bonds.

2. *And be it enacted*, That the inhabitants of the township of Maurice River are hereby authorized and required

Election of road commissioners.

to elect at their annual town meeting, in the same manner as other township officers are elected, three persons who shall be termed and known as road commissioners, who shall hold their office for one year and until others are elected to fill their places; said persons so elected shall have power and are hereby directed to expend the money raised by the issuing of bonds as aforesaid, in such a manner as to them shall seem best calculated to improve the roads in said township; said road commissioner shall receive such compensation for their services as the township committee shall deem proper, not exceeding two dollars per day for the time actually employed.

Compensation.

Repealer.

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

Approved March 10, 1873.

CHAPTER CLIX.

A Further Supplement to the act entitled "An act to create from part of the Township of Orange, in the County of Essex, a new township to be called the Township of East Orange," approved March fourth, one thousand eight hundred and sixty-three.

Election of township officers, votes how canvassed and by whom.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter, at the close of every annual election for township officers in said township, the officers holding the same in the several election districts in said township, shall proceed without delay to count the votes cast for the several candidates voted for in said election, and shall make out under their hands a certificate of the result, and shall deliver said certificate to one of their number appointed by them to receive the same, and the persons so appointed and the clerk of the township shall convene at the usual place of meeting of the township committee, at four o'clock in the afternoon of the Friday next

succeeding such election, and proceed in a public manner to canvass the number of votes given for the said several candidates, and shall declare the candidates having the highest number of votes for any office or offices to be filled at said election, to have been elected, and that the result of such canvass shall within five days thereafter be entered upon the record of the proceedings of the township committee, and also be certified under the hand of the clerk of said township to the clerk of the county, to be filed in his office, "and the same persons shall, in case a justice or justices of the peace shall be voted for in said township, make return of the vote to the secretary of state, which return shall be attested by the township clerk, and shall be prima facie evidence of the person or persons who appear thereby to have been elected, and they shall be commissioned accordingly."

Appointment of township clerk, his powers and duties.

2. *And be it enacted*, That the said township committee shall have the power and they are hereby authorized, at their discretion, and from time to time, to appoint and remove a clerk of said township, and that said clerk shall before entering upon the duties of his office, take and subscribe before some justice of the peace the same oath or affirmation that is by law required of clerks of townships, and shall in addition to the powers and duties herein, or by any ordinance or resolution of the said township committee, conferred or imposed upon him, have all the powers, and perform the duties conferred and imposed upon the clerks of townships by any general law of this state in force in said townships, and shall, in lieu of the fees clerks of townships are by law entitled to, receive such compensation for his services as may be from time to time determined and allowed by the township committee.

Township committee authorized to raise money by taxation for grading and regrading streets and sidewalks.

3. *And be it enacted*, That the township committee, in addition to the taxes already authorized by law in said township, shall have power by ordinance (to be passed before the first day of July in each year) to order to be raised in each of the years one thousand eight hundred and seventy-three, and one thousand eight hundred and seventy-four, by tax upon the persons and property in said township liable to taxation for road purposes, such sum or sums of money, not exceeding in the whole the sum of thirty thousand dollars for each of said years, as the said township committee may deem necessary, or expedient for the grading

and re-grading of such streets and side-walks in said township as have already been, or shall be in said years ordered to be paved or macadamized by the said township committee, pursuant to the provisions of the act entitled "An act to provide for and regulate street improvements in the township of East Orange, in the county of Essex," approved March thirty-first, one thousand eight hundred and seventy-one.

May borrow money and issue bonds.

4. *And be it enacted*, That the township committee shall have power to borrow money from time to time for the purposes specified in the preceding section, and for which they are authorized to raise money by tax as aforesaid, in anticipation of the taxes for said years, to an amount not exceeding in the whole the said sum of thirty thousand dollars, for any period of time not to exceed the term of one year, and to secure the payment of such loans by bond or other instrument, sealed with the common seal of the said township and signed by the chairman of the township committee and the township clerk.

Interest to be charged on unpaid taxes after a certain date.

5. *And be it enacted*, That there shall be added to all taxes ordered to be raised in said township remaining unpaid on the twentieth day of October in each year, one per centum on the amount thereof, and on all such taxes remaining unpaid on the twentieth day of November in each year an additional two per centum, and on all taxes remaining unpaid after that date interest shall be charged at the rate of twenty-four per centum per annum until paid, and that such addition and per centage shall be collected in the same manner said taxes are collected.

General powers.

6. *And be it enacted*, That the township committee shall have power to pass, alter and repeal ordinances for the following purposes:

To preserve good order, &c.

I. To prevent vice and immorality, to preserve public peace and good order, to prevent, disperse and quell crowds, riots, disturbances and disorderly assemblages;

To suppress disorderly houses and prevent gaming.

II. To restrain and suppress disorderly and gaming houses and houses of ill-fame, as well all instruments and devices used for gaming, and to prohibit and prevent all gaming and fraudulent devices of every kind;

To prevent immoderate driving.

III. To prevent and punish immoderate driving or riding in any street or highway, driving or passing over or upon any sidewalk with a vehicle of any description, and any cruelty to any animal or animals, and to authorize the arrest

and detention, without warrant, of any person who may be guilty thereof.

IV. To compel any railroad company to station and maintain flagmen wherever such railroad may cross any streets or highways in said township, and to maintain a fence and gates wherever such railroad may cross Main street in said township; To compel railroad company to station and maintain flagmen at crossings.

V. To regulate and prevent the running at large of dogs, and to authorize their destruction when so found at large; To prevent dogs running at large

VI. To prevent and punish injury to public lamps in said township; To prevent injury to lamps.

VII. To direct and regulate the planting, rearing, trimming and preserving of shade trees in the streets and public places in said township; and to authorize or to prohibit the removal or destruction of said trees, and to restrain and punish persons injuring or defacing the same; to enfore the removal of snow, hail, ice or dirt from the sidewalks and gutters of the streets and highways of said township by the owner or occupants of the premises fronting thereon; and also to forbid and prevent the removal of earth, gravel or any other road making material from any street or highway without the consent of the township committee. To regulate the planting of shade trees, &c.

VIII. To abate or remove nuisances of every kind and to compel the owner or occupants of any lot, house, building, shed, or place wherein may be carried on any business or calling, or in and upon which there may exist any matter or thing which is or may be detrimental to the health of the inhabitants; to cleanse, remove or abate the same from time to time as often as they may deem necessary for the health of the inhabitants of the township at the expense of the owner or occupant thereof; To abate and remove nuisances.

IX. To prevent or regulate the erection or maintenance of any awning, stoop, steps, platform, bay-window, swinging-gate, cellar door, area, descent into a cellar or basement, sign, banner, post or erection or projection of any kind, in, over or upon any street or highway or public place, and to remove the same when already erected, at the expense of the owner or occupant of the premises in front of which the same may be; To regulate the erection of awnings, steps, sign or projection of any kind.

X. To prescribe and define the duties and compensation of all officers or agents appointed by the township committee for any general or special purpose, and the penalty or penalties for failing to perform such duties, and the bonds To prescribe duties and compensation of officers.

and sureties to be given for the faithful discharge thereof except as may already be prescribed and defined by law ;

To offer and pay rewards for conviction of crime

XI. To offer and pay rewards from time to time for the apprehension and conviction of persons engaged in the commission of crime or in the violation of any of the ordinances of the township.

Township committee shall make and repeal ordinances.

7. *And be it enacted*, That the township committee shall have power to make, alter and repeal all such other ordinances 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 the act to which this is a supplement or any supplement thereto or by any other law of this state.

Shall prescribe by ordinance penalty for violation of ordinances.

8. *And be it enacted*, That in all cases where the township committee shall have authority to pass ordinances on any subject they may prescribe a penalty or penalties for the violation thereof, by a fine not exceeding thirty dollars, and when such violation shall be willful or malicious, either by such fine or imprisonment for a term not exceeding ten days or both.

Ordinances to be recorded in book by township clerk.

9. *And be it enacted*, That no ordinance shall be passed except with the concurrence of at least five of the members of said township committee, nor until it shall have been presented and read at a meeting of the committee at least twenty days before its passage, nor until it shall have been published for at least three weeks, once in each week, in two of the newspapers printed in said county and generally circulating in said township; that the enacting clause of all ordinances shall be in the words, " Be it ordained by the township committee of the township of East Orange," that such ordinances shall be recorded by the township clerk in a book to be kept by him for that purpose, and that such book (or any copy of such ordinances printed by the authority of the township committee) shall be taken and received in all courts as evidence of the passage of such ordinances.

Enforcement of penalties.

10. *And be it enacted*, That any penalty or penalties which may be ordained by the township committee for the violation of any ordinance may be enforced or collected, together with all costs of suit and execution in an action of debt, to be brought before any justice of the peace in said county of Essex, in the corporate name of the township of East Orange, and (in case of a fine) for the use of said

township; and that in such action the first process may be either a warrant or a summons, but that a warrant shall not be issued unless upon oath or affirmation made and filed before such justice of the peace and establishing to his satisfaction by one or more particulars mentioned therein that such violation was willful and malicious; that in such action it shall be lawful to declare generally in debt for such penalty and give the special matter in evidence; and further, it shall be lawful for any such justice before whom judgment of imprisonment shall be given to carry such judgment into effect by warrant of commitment, under his hand and seal directed to the keeper of the common jail of the county of Essex.

Township committee to light the streets with gas or other means.

11. *And be it enacted*, That in all cases where the lamp district in said township shall be extended by the addition of new territory, the cost of erecting lamp posts in such added territory shall be assessed upon the property within the same; and the township committee are hereby authorized to light the street with gas or other means of illumination as to them may seem expedient.

Proceedings in case of award for damages.

12. *And be it enacted*, That in all cases where any award shall be made to the owner or owners of any lands or real estate in said township for damages which he, she or they may have sustained by reason of the taking of such lands or real estate for any of the purposes specified in the act entitled "An act to provide for and regulate street improvements in the township of East Orange, in the county of Essex," or in any other act affecting said township; and any dispute shall arise or uncertainty exist as to the person legally entitled to receive such award, then it shall be lawful for the township committee to cause the amount of such award of damages to be paid into the circuit court of the county of Essex, in this state; and the said court shall thereupon determine to whom the said award shall be paid, and direct payment thereof accordingly; and it shall be the duty of the said township committee to cause a certificate signed by their chairman, under the corporate seal of said township and attested by the township clerk, briefly setting forth the reasons for such payment into court, to be filed with the clerk of said court at the time of such payment; and upon the payment into court of the amount of such award, and the filing of such certificate as aforesaid, it shall be lawful for the said township committee to proceed with

the work or improvement by reason of which the said award was made, and complete the same as though the amount of said award had been accepted by such owner or owners, and a proper receipt signed therefor.

Repealer. 13. *And be it enacted*, That all acts and parts of acts, contrary to and inconsistent with the provisions of this act, so far as the same affect the township of East Orange, in the county of Essex, be and the same are hereby repealed, and that this act shall be deemed a public act, and shall take effect immediately.

Approved March 10, 1873.

CHAPTER CLX.

An Act relating to the repairing of Highways and holding of Elections in the Third Road District of the Township of Bordentown, in the County of Burlington.

Overseers of highways to be elected by ballot. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the overseers of the highways for the third road district of the township of Bordentown, in the county of Burlington, shall be elected by ballot by a majority of the inhabitants being legal voters of said third road district aforesaid, assembled for that purpose.

Tax for road purposes, how expended. 2. *And be it enacted*, That the said inhabitants of said road district shall at said election also decide by ballot, by a majority of the legal voters so assembled as aforesaid, the amount to be taxed for road purposes in said third road district, and the same shall be assessed and collected by the officers of the township of Bordentown as other taxes are assessed and collected, and shall also be kept as a separate fund to be used and expended only for road purposes in said third road district.

Annual election. 3. *And be it enacted*, That such election shall be held in said road district on Wednesday following the third Tuesday in March annually, between the hours of eleven o'clock in the forenoon and two o'clock in the afternoon, and at such

place as the judge of the last election held in said road district shall designate, by five days' notice thereof in writing, to be put up at three of the most public places in said third road district; *provided*, that at the first election held under this act the township committee of Bordentown township shall call the same by giving notice as above. Proviso.

4. *And be it enacted*, That at such election a judge of election and clerk shall be chosen, the said judge to preside over said elections to be held under this act, and to decide all questions as to who have and who have not the right to vote according to law at said elections, and any person illegally voting at any election held under this act shall be liable to all penalties for illegal voting. Illegal voting liable to all penalties.

5. *And be it enacted*, That it shall be the duty of the clerk to record the names of all voters in a poll book, to be called the "Third road district poll book" of the township of Bordentown, and to keep a true record of all proceedings of said third road district, which poll book and record shall be signed by the judge of election and himself, and shall, within three days after said election, with the result of such election, be filed with the township clerk of Bordentown township; and the said judge of election and clerk shall receive each for their services the sum of two dollars. Compensation.

6. *And be it enacted*, That all acts or parts of acts conflicting with the provisions of this act, so far as the same relate to the third road district of Bordentown township, be and the same are hereby repealed, and that this act shall be deemed and taken as a public act, and shall take effect immediately. Repealer.

Approved March 11, 1873.

CHAPTER CLXVI.

An Act to authorize the inhabitants of the City of Burlington to purchase the works and franchises of the Burlington Water Company.

City authorized to purchase water works.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the city council of the said city of Burlington to purchase of the said "The Burlington Water Company" all the real estate, works and property, and all the corporate rights, powers, franchises and privileges of said company, for such sum as may be agreed upon, not exceeding thirty-eight thousand dollars; *provided*, that the said agreement be ratified and approved by a majority of citizens voting at an election to be held for the purpose of approval or disapproval, and upon the due execution of such conveyance the legal title to said real estate, works and property and all the corporate rights, powers, franchises and privileges of said company shall pass to and vest in the inhabitants of the city of Burlington, in as full and ample a manner as the same now are or heretofore have been held and enjoyed by the said company.

Proviso.

To be conducted and managed by a board of commissioners.

2. *And be it enacted*, That the said water works shall be conducted and managed exclusively by and through a board of commissioners to be appointed as hereinafter directed, who shall have powers and authority to regulate the supply and use of the water, to fix the prices for the same and the times of payment, to make and prescribe such rules, regulations, conditions and restrictions as they may deem necessary or expedient with reference to the use and mode of drawing the water, the collection of water rents and the mode of enforcing such collection; and they shall have power to impose such penalties in addition to cutting off the water as they may deem expedient for the violation of such rules, regulations and restrictions; and they shall have power to appoint and employ all proper clerks, officers,

agents and assistants necessary or convenient for the purposes aforesaid, at such compensation as they may deem advisable: *provided*, that the said commissioners shall have no power or authority to create loans or borrow money, and shall not be entitled to take or receive any compensation for their services. Proviso.

3. *And be it enacted*, That for the purpose of paying for said water works and provide for the improvement of the same and extension of the pipes, the common council are hereby authorized to issue bonds to the amount of said purchase money, not exceeding the sum stipulated to pay for the same; also for the extension and improvement thereof, upon the written application of said commissioners, to issue the bonds of the city for an amount not exceeding twelve thousand dollars, with lawful interest, payable semi-annually, and which are not to be disposed of for less than par value, and such bonds shall not be issued in any case, except by authority of said common council. Common council may issue bonds in payment for water works.

4. *And be it enacted*, That the net rents and revenues from said water works, after paying all expenses for maintaining the works and extending the pipes, and paying salaries, wages and incidental expenses, shall be appropriated: first to the payment of the interest on the bonds issued in the purchase of the water works, and also on the bonds issued pursuant to the provisions of this act, which shall be deemed part of said loan, and the balance thereof shall be set apart as a sinking fund for the payment of the principal of said bonds; and no part of said rents and revenue shall be appropriated or used for any other purpose whatever until the whole of said debt is paid and satisfied; *provided*, that the said commissioners shall not expend out of said water rents, in any one year, more than five hundred dollars for extending the pipes, and all extensions shall be charged to construction account, and they shall not make any such extension or improvement (necessary repairs excepted), the cost of which shall exceed said amount, in any one year, unless the common council shall have previously authorized the issue of city bonds for the purpose of paying therefor. Rents and revenues, how to be appropriated.

5. *And be it enacted*, That the said commissioners shall, on the last Monday of April, and on the last Monday of October, in each year, pay over to the treasurer of the city of Burlington so much of the net rents and revenue of said Interest to be paid semi-annually.

works for the preceding six months as will be sufficient to pay the semi-annual interest on the bonds mentioned in the last preceding section, and shall on the same day pay over the surplus, if any, to the treasurer as a sinking fund, to be invested and allowed to accumulate as a sinking fund for the payment of said bonds at maturity.

Treasurer to keep separate account of interest of water loan.

6. *And be it enacted*, That the city treasurer shall keep a separate account of all moneys received and paid by him on account of the interest of said water loan.

Majority of commissioners shall be a quorum.

7. *And be it enacted*, That a majority of said commissioners shall constitute a quorum for the transaction of business, and they shall keep regular books of account and books for recording the whole of their official proceedings, and all such books shall be open at all times to the examination of any member of the common council of the city of Burlington, and of any person or persons appointed by said common council for that purpose; the said commissioners shall also on the first Tuesday in February of every year, make a report to the said common council, of the condition of said water works, accompanied by a detailed statement of their receipts and expenditures on account of the same, an abstract of which shall be published with the annual statement of the city treasurer.

Acts of the commissioners to be obligatory as if done by the inhabitants of the city.

8. *And be it enacted*, That all contracts and engagements, acts and doings of the said commissioners within the scope of their duty or authority, shall be obligatory upon, and be in law considered as done by the inhabitants of the city of Burlington, and any judgment recovered against the said commissioners in their official capacity, as provided in the next succeeding section, shall have the same force and effect as a judgment against the city, and shall be enforced by the same process and in the same manner as if the same had been rendered in an action brought against "the inhabitants of the city of Burlington."

Commissioners may sue and be sued in the name of "the water commissioners of the city of Burlington."

9. *And be it enacted*, That the said commissioners may sue and be sued and prosecute or defend any action or process at law or in equity by the name of "the water commissioners of the city of Burlington" against any person or persons for money due for the use of water, for the breach of any contract expressed or implied, touching the execution or management of the works, or the distribution of the water, or of any promise or contract made to or with them, and also for any injury, trespass or nuisance, done or suffered

to the water reservoirs, pipes, machinery, or any apparatus belonging to or connected with any part of the works, or of any improper use or waste of the water, and any vacancy or the filling of any vacancy in the board of commissioners either before or after any cause of action arises, or suit is commenced shall not change the right of said commissioners as a body to commence, maintain or defend such action or suit, but for such purposes and in such cases they shall be considered from the time of the organization of the board as a body corporate.

Fire plugs to be under the control of common council.

10. *And be it enacted*, That it shall be the duty of said commissioners to erect and maintain fire plugs in the public streets of said city, through which water pipes shall have been laid in such number and locations as the common council may from time to time direct, and to supply the same with water; and such plugs shall be under the control and direction of the common council, who are hereby authorized by ordinance to make the necessary rules and regulations respecting the use thereof, and to prescribe penalties for their violation and the mode of collecting such penalties.

Election of president, his powers and duties.

11. *And be it enacted*, That the said commissioners shall elect annually one of their number to be president of the board, who shall, under their direction, have the general superintendence of the water works and the business of the board; the president, or in his absence, one of the commissioners appointed by the board for that purpose, shall sign all contracts and all orders on the treasurer for the payment of moneys which may be authorized by the said commissioners.

Commissioners may require bonds from treasurer, &c.

12. *And be it enacted*, That the said commissioners shall require and take from their treasurer and such officers and agents as they may appoint, such bonds and securities for the faithful performance of their duties as they may deem proper.

Names of first board of commissioners.

13. *And be it enacted*, That Samuel W. Earl, J. Howard Pugh, M. D., Franklin Gauntt, M. D., Richard F. Mott, George I. Miller and John Mitchell, shall constitute the first board of water commissioners, and shall, at their first meeting, determine by lot or otherwise, the terms during which they shall hold their offices, and these shall be as follows: two of them shall remain in office one year, two of them two years and two of them three years, all to be computed from the first day of July next.

New Jersey State Library

Annual election of commissioners.

14. *And be it enacted*, That the common council of said city shall, in the month of June, at their regular monthly meeting in the year one thousand eight hundred and seventy-four, and in the same month in every year thereafter, elect two commissioners, who shall hold their office for three years, to be computed from the first day of July next ensuing their election; and any vacancy that may occur in said commission by death, resignation or otherwise, shall be filled by the common council, at a regular monthly meeting, but the person appointed to fill such vacancy shall hold his office only for the residue of the term for which he may be appointed; Proviso. *provided*, that no member of common council shall be appointed water commissioner, or act as such after his election as a member of said council.

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

Approved March 11, 1873.

CHAPTER CLXVII.

An Act to confirm the Proofs and Acknowledgments of Deeds and other Writings of Daniel P. Naylor, late Commissioner.

Preamble. WHEREAS, it is represented that Daniel P. Naylor, of the township of Burlington, in the county of Burlington, and state of New Jersey, late commissioner, appointed and duly commissioned to take the proof and acknowledgments of deeds and other writings, under misapprehension as to the time when his term of office commenced, took the proof and acknowledgments of certain deeds and other writings after his term of office expired; therefore,

Acts legalized and made valid 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the acknowledgments of deeds and other writings taken and certified to by the said Daniel P. Naylor after his term of office expired, be and the same are hereby declared and made valid and effectual in law, and shall in all courts be held, taken and adjudged

to have the same force and effect as if the same had been taken before the expiration of his term of office.

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

Approved March 11, 1873.

CHAPTER CLXVIII.

A Further Supplement to an act entitled "An Act to incorporate Gloucester City," Camden county, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for "The Mayor and Common Council of Gloucester City," to issue bonds in the name of "The Mayor and Common Council of Gloucester City," under the common seal of the city and the signature of the mayor and city recorder, for an amount of money not exceeding five thousand dollars, in such sums and payable at such times as the said mayor and common council shall deem proper, bearing interest at the rate of seven per centum per annum, payable semi-annually, and to pledge the property and credit of the city for the payment of the same; *provided*, that not more than five hundred dollars of the principal of said bonds shall be made redeemable in any one year; *provided, further*, that the bonds so issued shall be redeemable at a period of time not exceeding ten years from the issuing thereof. Authorized to issue bonds. Proviso. Proviso.

2. *And be it enacted*, That the said mayor and common council of Gloucester City shall yearly and every year until the bonds to be issued by the authority hereof be redeemed and paid off, order to be assessed and collected by tax, at the time and in the manner that other taxes in said city are assessed and collected, a sum of money sufficient to pay the interest on 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, and all such money so raised by virtue of this act shall be applied by Interest and principal of bonds to be raised by taxation.

the city treasurer to pay the principal and interest of said bonds as the same shall become due and payable.

Proceeds of bonds, how employed.

3. *And be it enacted*, That it shall be the duty of the said mayor and common council to apply the net proceeds of the bonds that may be issued by virtue of this act, for the exclusive purpose of building such common sewers, together with the necessary openings, inlets and approaches thereto as the common council may deem necessary and order constructed for the general good of said city.

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

Approved March 11, 1873.

CHAPTER CLXIX.

A Further Supplement to the act entitled "An Act to Create a New Township in the County of Union, to be called the Township of Cranford" approved March fourteenth, one thousand eight hundred and seventy-one.

Expenses incurred in laying out, surveying & altering road &c., to be assessed on owners benefited thereby.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of commissioners of highways in the said township of Cranford, whenever they shall hereafter lay out or alter any public road or highway, shall immediately determine the amount of the expenses incurred in the making of any survey or map, or for any legal service, and for the services of said board in respect to such proceedings, and the amount which in the judgment of a majority of said commissioners will be requisite to grade such road or highway so as to make it passable for public travel, and to lay such cross-walks as a majority of said commissioners shall consider requisite and direct to be laid, and the amounts so determined, they are authorized and required to add to the damages which by the supplement to the act to which this is a supplement, approved the twenty-sixth day of March, one thousand eight hundred and seventy-two, they are required to assess to the owners and lessees of any land, buildings, improvements and real estate

which may be taken or removed in the laying out or altering of said road or highway, and the whole sum of said amounts and damages, said commissioners shall then assess for benefits in the same manner in all respects in which by said supplement they are required to assess said damages for benefits, and the said amounts which were so added to the damages when collected shall be appropriated and applied to the payment of such expenses, and to the grading of said road and the laying of such cross-walks therein as were directed to be laid by said commissioners; *provided*, the expenses authorized to be incurred under this section shall not exceed thirty cents per lineal foot along said road. Proviso.

Proceedings in case of an appeal from assessment made by the commissioners.

2. *And be it enacted*, That whenever an appeal shall be made from any assessment of said board of commissioners of highways pursuant to the provisions of the said supplement, the board of appeal provided for by said supplement, shall hold their first meeting at least within thirty days from the filing of such appeal, and shall make and file their report within twenty days from their first meeting, and not after; and unless such first meeting shall be held and said report shall be filed within the respective times above specified, the said appeal shall be void, and the assessment of the said commissioners shall be final and conclusive.

Manner of collection of assessments.

3. *And be it enacted*, That in the collection of any assessment made by said commissioners pursuant to said supplement, it shall be lawful to seize and make the same by levy upon and sale of any property that may by law be subject to seizure, levy and sale for state, county or township taxes; which seizure, levy and sale shall be made by the same persons and in the same manner as in the case of state, county or township taxes.

Appointment of clerk and compensation.

4. *And be it enacted*, That said commissioners shall appoint a clerk to said board, who shall be a resident of said township, and whose duty shall be to keep the minutes of the proceedings of said board, and to perform such other clerical services for said board as they shall direct, and who shall be paid for his services by the township committee, at the rate of three dollars for every session of said board.

Assessments not to be illegal by reason of any commissioner ceasing to be a freeholder after his election.

5. *And be it enacted*, That no assessment heretofore or hereafter made by virtue of the provisions of the act to which this is a supplement, or any supplement thereto, shall be considered illegal by reason of any commissioner of high-

ways ceasing to be a freeholder after his election; and whenever heretofore or hereafter a majority of the commissioners of highways signing any report, were or shall be competent and disinterested, such report shall not be considered illegal in consequence of any disability on the part of the other commissioners.

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

Approved March 11, 1873.

CHAPTER CLXX.

An Act to repeal an act entitled "An Act to divide Deerfield Township, in the County of Cumberland into four road districts, and to provide for raising money, and for the election of overseers in the same."

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to divide Deerfield township, in the county of Cumberland, into four road districts and to provide for raising money and for the election of overseers in the same," approved March twenty-seventh, anno domini one thousand eight hundred and seventy-two, be and the same is hereby repealed.

Approved March 11, 1873.

CHAPTER CLXXX.

An Act to legalize an agreement between the town of Harrison and the East Newark Gas Light Company.

Preamble.

WHEREAS, the councilmen of the town of Harrison have entered into an agreement with the East Newark Gas Light Company to erect lamp posts, furnish the same with

lamps and to light said town with gas; *and whereas*, the said agreement hath been reduced to writing and duly executed by the contracting parties thereto, and bears date the twelfth day of September, one thousand eight hundred and seventy-two; *and whereas*, in pursuance of said agreement, and since the first day of January, one thousand eight hundred and seventy-two, the said company have erected lamp posts in said town, furnished the same with lamps and lighted said town with gas, and thereby the said town has become and now are indebted to said company; *and whereas*, doubts have arisen as to the legality of the agreement, and whether the said town could, under their present charter, pay said indebtedness and raise by tax the money necessary to meet the payment which ought to be made to said company; therefore,

Agreement declared to be valid and binding.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said agreement shall be and the same is hereby declared to be valid and binding upon both the parties thereto, at all times and places and in all courts of this state to all intents and purposes the same as if the said town of Harrison had full power under their charter to make the same.

Town of Harrison authorized to make agreements for lighting the streets, &c.

2. *And be it enacted*, That it shall and may be lawful for the said "the town of Harrison," to make any other agreement or agreements, either under seal or by parol with the said "East Newark Gas Light Company," upon such terms and conditions, and for such time or times as the councilmen of said town shall deem best for the keeping in repair the said lamp posts and apparatus connected therewith, and for furnishing gas or other lighting material for lighting the streets, roads, highways, lanes, parks, or public buildings of said town, and that any agreement or agreements made in pursuance of this act shall be valid and binding upon both the contracting parties the same to all intents and purposes as if said town had full power by their charter to make the same.

May raise money by tax to meet the expenses incurred.

3. *And be it enacted*, That it shall and may be lawful for the said "the town of Harrison," to raise by tax the necessary money to meet the expenses incurred or to be incurred under and by virtue of said agreement, already made, or of any agreement or agreements hereafter to be made, in pursuance of this act; that such tax shall be assessed, raised, collected and paid in the same manner and to the same

officers, and that payment thereof may be enforced in the same manner as are other taxes now raised in said town.

Amount to be divided among taxes for next three years.

4. *And be it enacted*, That it shall and may be lawful for the said town of Harrison in raising the taxes necessary to be paid in meeting the expenses for erecting said lamp posts and furnishing the apparatus connected therewith, to divide the same among the taxes during the next succeeding three years.

May borrow money in anticipation of taxes.

5. *And be it enacted*, That it shall and may be lawful for the said town of Harrison to borrow money from time to time, as may be necessary, in anticipation of said taxes, or such part thereof as said councilmen may deem best, and to make, execute and deliver the bonds or other evidences of indebtedness of said town for such loans, which bonds or other evidences shall be legal and binding upon said "the town of Harrison," and may be proceeded upon by suit in any court of competent jurisdiction in this state, and prosecuted to judgment and final execution.

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

Approved March 11, 1873.

CHAPTER CCIII.

An Act to authorize the Funding of the Floating Debt of the County of Passaic.

Preamble.

WHEREAS, the board of chosen freeholders of the county of Passaic have for several years been obliged to borrow money for many months in anticipation of taxes, to meet the current expenses of the board, and much inconvenience has been thereby occasioned to said board and to the business public of said county; *and whereas*, it is now deemed desirable to fund the floating debt of said board, amounting to about seventy-five thousand dollars, therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of the county of Passaic, to issue

bonds in the corporate name and under the corporate seal of said county, to be signed by the director of said board, and attested by their clerk, to an amount not exceeding seventy-five thousand dollars, of such denominations and in such sums, and payable at such time or times within fifteen years from the date of issue, as the said board of chosen freeholders shall deem proper, and to pledge the property and credit of the said county for the payment of the same; the said bonds shall bear interest at the rate of seven per centum per annum, payable half-yearly, and shall be sold for not less than their par value.

Authorized to issue bonds for amount not to exceed seventy-five thousand dollars.

2. *And be it enacted*, That the said corporation 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 said county 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, and that all such moneys so to be raised by virtue of this act, shall be exclusively applied to the payment of the principal and interest of said bonds and indebtedness as the same may become due and payable.

Payment to be provided for by taxation.

3. *And be it enacted*, That the proceeds of said bonds hereby authorized to be issued, shall be applied exclusively to the payment of such debts and liabilities of said county as are now existing, or which have been lawfully incurred, and for no other purpose whatever.

Proceeds, how applied.

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

Approved March 12, 1873.

CHAPTER CCV.

A Further Supplement to an act entitled "An Act to revise and amend the Charter of the City of Camden," approved February fourteenth, one thousand eight hundred and seventy-one.

Debt not to exceed one million dollars.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city council of the city of Camden shall not have power to raise by loan in any one year a greater sum than twenty-five thousand dollars, and the said the city council shall not have power to increase the debt of the said city of Camden beyond the sum of one million of dollars.

Annual appropriations

2. *And be it enacted*, That the city council during the month of June in each and every year or as soon after as possible, shall make the annual appropriations for the different departments of the city, and no appropriation shall be exceeded, nor work contracted for or materials ordered, nor proposals asked for either work or materials, unless the cost of said work or materials can be paid for out of the appropriation of the year, unless in cases of extreme emergency, and then only by a vote of three-fourths of the members of the entire city council.

Duties of the city clerk and treasurer.

3. *And be it enacted*, That it shall be the duty of the city clerk and city treasurer to furnish to the city council over their signatures, once in each month, a statement of the balances in the various departments; and it shall not be lawful for the city treasurer to pay any order for work done or materials furnished in excess of the annual appropriation, unless said work is ordered by a three-fourths vote of the city council as provided for in section two.

Appropriations to be by ordinance.

4. *And be it enacted*, That all appropriations for money for any purpose above the sum of five hundred dollars shall be by ordinance, and it shall require a majority of the entire council to pass an ordinance for the appropriation of money.

5. *And be it enacted*, That all bills for taxes, rents and

claims of every kind shall be made out by the clerks or other authorized persons in the various departments, and delivered at the residences or sent to the post office address, if possible, of the person owing such tax, rent or claim. Bills for taxes, &c., to be sent by post or otherwise.

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

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

Approved March 12, 1873.

CHAPTER CCVI.

An Act to authorize the construction of a bridge over Maurice River, at Port Norris, in the County of Cumberland.

WHEREAS, the Bridgeton and Port Norris railroad, recently constructed, has its southerly terminus upon said Maurice river, at Port Norris aforesaid, and there is no bridge at that point by which access to said railroad and other communication across said river may be had by the residents in that neighborhood; therefore, for the convenience of such residents and the traveling public generally, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of said county of Cumberland, to construct a good and sufficient bridge over and across said Maurice river, from such a point at Port Norris aforesaid, to such a point on the opposite shore, as in their judgment may seem best adapted for that purpose, with a suitable draw in the same of not less than seventy-five feet opening, and in such a way as to give the least practicable obstruction to the navigation of said river; *provided*, the said board of chosen freeholders shall keep, or cause to be kept at said bridge, a careful person or persons to open the said draw for the free passage of vessels. May construct a drawbridge. Proviso.

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

Approved March 12, 1873.

CHAPTER CCVII.

A Further Supplement to "An Act for the Preservation of Sheep."

Provisions extended to Cranbury, in Middlesex, and Pompton, in Passaic counties.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the supplement to an act entitled "An act for the preservation of sheep," approved April fourteenth, one thousand eight hundred and forty-six, which said supplement was approved March twenty-fourth, one thousand eight hundred and fifty-two, be and the same are hereby extended to the township of Cranbury, in the county of Middlesex, also township of Pompton, in the county of Passaic, with all the supplements thereto.

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

Approved March 12, 1873.

CHAPTER CCVIII.

Supplement to the act entitled "An Act to incorporate the Borough of Hightstown," approved March fifth, one thousand eight hundred and fifty-three.

All real and personal estate to be taxed in the borough where found.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all taxes hereafter to be assessed in the borough of Hightstown, county of Mercer, for borough purposes, over and above the amount to be raised by a poll tax, shall be assessed and raised by such a per centum upon all real estate, chattels and all personal property taxable by law, by valuing the same at the true, full and fair value thereof, as shall be necessary to make the

amount required for such taxes, and not otherwise; and the assessor shall designate in the assessment the numbers or general description of lots or parcels of land, and the value of chattels and all personal property which he assesses to each person, corporation, association or party; and all real and personal estate shall be assessed in the borough where found.

No deductions for debt that may be a lien on property outside of borough limits.

2. *And be it enacted*, That no deductions from an assessment on real or personal estate lying in the borough shall be made for any debt that may be a lien or a claim upon property lying without the borough limits.

Approved March 12, 1873.

CHAPTER CCXVII.

An Act in regard to certain township officers in the Township of Union, Bergen County, and in regard to the power and duties of the town committee of said township.

Time for holding elections for township officers and justices of the peace.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the election of township officers and justices of the peace of the township of Union, in the county of Bergen, shall be holden upon the second Tuesday in April in each year, and the polls of such election shall be opened at seven o'clock in the morning and shall be closed at seven o'clock in the evening of that day; and said election shall be conducted by the same officers and under the same regulations in all things as are prescribed by law for the election of members of the legislature.

Township committee to consist of five resident freeholders.

2. *And be it enacted*, That the township committee of the township of Union aforesaid, shall hereafter consist of five resident freeholders; that at the first election held after the passage of this act, three members of said committee shall be elected to serve for the term of one year and two members thereof shall be elected to serve for the term of two years; that at all elections held subsequent to the election above mentioned, members of said township committee shall

be elected to fill the vacancies occurring by the expiration of the terms of office of a portion of said committee, and the term of office of members of said township committee, after the election above provided for, shall be two years, three members thereof being elected in one year and two in the succeeding year and so on; and all vacancies occurring by death, resignation or otherwise, may be filled by said township committee till the ensuing annual township election.

Office of overseers of highways abolished.

3. *And be it enacted*, That the office of overseers of the highways in the said township of Union is hereby abolished, and that all the powers of said overseers of highways shall be and they hereby are vested in said township committee, who shall be subject to the same obligations and penalties in regard thereto as said overseers; and in addition thereto the said township committee shall have a general and exclusive supervision, control and management of the public highways in said township, and of their repairs, improvements, regulations and the naming or re-naming of the same, and the time when the same shall be worked or repaired; and the said township committee shall have power, and it is hereby made its duty, to divide and apportion the public road money to be raised as hereinafter provided in each year, to the end that all roads may be kept in repair and good condition; and the said township committee shall have the power, if public necessity or convenience shall in its opinion require it, to accept any road or street after the same shall have been opened, worked and graded in conformity to the grade established by said township committee under section twelve of this act, as a public road or street, without the same having been laid by the surveyors of highways as now required by law; *provided*, that such street, streets or roads, shall not be of a less width than three rods; *and provided also*, that said street or road shall at the time of such acceptance be in good repair, and no public road shall hereafter be opened within said township as a public highway or street without consent of said township committee.

Township committee to have exclusive supervision.

Proviso.

Proviso.

Shall abate nuisances and remove obstructions.

4. *And be it enacted*, That said township committee shall have power to remove or abate all or any nuisance or obstructions on or to any public place, street, sidewalk or avenue within the said township, at the expense of the person or persons causing or permitting the same, on his or their failure to do so after reasonable notice to that end

served upon him or them, or affixed upon the premises, and such expense shall be a lien and be assessed upon such land, and collected in the same manner as other assessments in said township.

May employ surveyors and laborers and fix compensation.

5. *And be it enacted*, That the said township committee may appoint, employ, remove and discharge from time to time such surveyors, employees and laborers as it shall deem necessary, in order more effectually to carry out the intentions of this act, and pay them such compensation or wages as it shall deem fair and reasonable.

Construction of sidewalks, sewers and gutters.

6. *And be it enacted*, That upon the application, in writing, of the owners of a majority of the lineal or running feet between two points, specified in said written application, the said township committee shall have power to construct sidewalks, sewers and gutters, and in such application the width, material and manner of construction of such sidewalk, sewer or gutter, shall also be specified; and the said township committee shall also have like power to keep in repair all existing sidewalks, and to erect lamp posts and lamps, and to contract for the lighting of lamps; and it shall be the duty of the said township committee to assess the charge or cost of such sidewalk, sewer or gutter, and the keeping of the same in order and repair, upon the property adjoining on said street, or between the points named in said application, at such equitable rate per lineal foot as may be necessary to raise the entire amount of the cost thereof; such assessment shall be a lien upon the land affected thereby, and shall be filed in the office of the clerk of Bergen county, within ten days after the same shall have been made; and the said township committee shall give notice of the filing of such assessment in said office of the clerk of the county of Bergen, by printed notice, or a notice partly printed and partly written, and posted up in at least five of the most public places in the said township; that said township committee shall, whenever practicable, contract for the work and labor rendered necessary by any improvement of any public highway, or by any provision of this section, and shall advertise for bids for the same, and let the same to the lowest responsible bidder, requiring, if deemed advisable, security for the due performance of such contract or contracts; but said township committee may reject any or all bids, if not deemed by it for the interest of the township, and said township committee shall re-advertise for new

Erecting lamp posts and lighting lamps.

Assessments to be a lien.

Proviso.

bids for such work or material; *provided always*, that within thirty days from the approval of the aforesaid application by said township committee, it shall be lawful for any property owner or owners to proceed to lay the said sidewalk adjoining the property of said owner, under the supervision of said township committee; and that the assessment made, as aforesaid, shall be collected by the township collector for the time being, within sixty days from the receipt by him from the clerk of said township of written notice of the amount of such assessment, in the manner provided by law for the collection of taxes in said township, and to pay the same over to the president of said township committee; and in case any owner or owners of lands so assessed, as aforesaid, shall fail to pay the assessment laid thereon, within one year, such land of such owner shall be sold in the same manner that land is now authorized by law to be sold for unpaid taxes in said township of Union, so as to raise the amount of such assessment, with interest thereon at the rate of twelve per centum per annum, together with the lawful costs and fees of collection and sale.

Township committee not to receive compensation.

7. *And be it enacted*, That no member of said committee shall receive any compensation for services rendered; and there shall be levied, collected and paid in each and every year, at the time and in the manner provided for the levying and collection of taxes a sum sufficient to defray such fees, advertising expenses, and such other general expenses, costs and charges, which the said committee may become liable for, and that whenever the word committee is used in this act it shall be considered as meaning a majority of the members thereof; and the said township committee shall at least once in each year make and publish in one or more papers in said county a report in writing on or before the first day of April, containing a full and accurate account of its receipts, expenditures, indebtedness outstanding and indebtedness incurred, since the date of its last preceding report, the said township committee may procure the money necessary for the expenses specified in this section which shall be repaid from the money provided to be raised in the manner prescribed in this section.

Directed to have a corporate seal.

8. *And be it enacted*, That the said township committee is hereby authorized and directed to procure and adopt a corporate seal for the said township of Union, which shall

upon its adoption by said committee, thereupon become the corporate seal of the said township.

May borrow money and issue bonds therefor.

9. *And be it enacted*, That the said township committee is hereby invested with power to borrow money at any time or times for the purpose of working and improving said roads pursuant to the provisions of section three of this act, to an amount not exceeding in any one year, ten thousand dollars, and may issue their certificates therefor, bearing interest at the rate of seven per centum per annum, payable semi-annually and redeemable at the pleasure of said township committee after five years, and payable in twenty years from the date thereof; said certificate to be issued under the corporate seal of said township committee, and the signature of the president thereof, and shall be countersigned by the clerk of said township; and the number, date, amount and date of redemption or payment thereof registered in a book by said clerk kept for that purpose; for which services the said clerk shall receive the sum of fifteen cents for each certificate; and it shall be lawful for said township committee and their successors in office to sell and dispose of said certificates at their par value, and use the money raised by the sale and disposition of said certificates for the purposes aforesaid; the aggregate amount for which said certificates may be issued, shall not at any time exceed the sum of two per centum of the assessed valuation of the taxable property of said township; and said township committee is hereby authorized and required to give to the assessor of said township a written notice of the amount necessary to be raised in each and every year to pay the interest of the said certificates and said amount shall be assessed, collected and raised as other taxes in said township; and said township committee is further authorized and required, at the expiration of five years from the date of the issuing of the first certificate and each succeeding year thereafter, to give said assessor a written notice of the amount necessary to be raised to pay one fifteenth of the entire sum secured by said certificate, which shall be a special tax, and shall be assessed, collected and raised as other taxes in said township, and immediately thereafter shall be paid over by the collector of said township to the president of the said township committee to be by him invested in bonds of the United States or of this state, or the bonds of any county or city of this state,

authorized to be issued by the legislature of this state, as may or shall be approved and directed by said township committee, to create a sinking fund out of which said certificates shall be paid, redeemed and canceled from time to time as they may become redeemable or due and payable, until the whole of said certificates hereby authorized shall be paid, and such certificates shall not be taxable.

The president and clerk to give bonds.

10. *And be it enacted*, That before issuing such certificates of indebtedness, or any of them, the president of said township committee, and the clerk of said township shall each enter into a bond to the inhabitants of said township to the amount of double the amount of tax raised, with sufficient sureties, who shall be freeholders residing within the county of Bergen, to be approved by the township committee of said township, for the faithful performance of their duties as such president and clerk, which bond shall be delivered to the clerk of the county of Bergen, who is hereby directed and required to record and file the same in his office.

May enter upon lands for the purpose of constructing sewer or drain.

11. *And be it enacted*, That it shall be lawful for said township committee and all persons acting under it, to enter upon any land or lands for the purposes of this act or which it shall deem necessary to be surveyed for the construction of any sewer or drain, or other purposes, as provided in this act.

Shall fix and establish grade of streets.

12. *And be it enacted*, That said township committee shall have power to establish and fix the grade of any street or streets which may be hereafter opened, worked or graded by the owner or owners of property through which the same shall extend, and which shall be intended for public use.

Profile map to be made.

13. *And be it enacted*, That it shall be the duty of the said township committee to cause to be made a correct map of the lands and roads of the said township, and a profile map showing the established grades of all public streets and highways, which maps shall be kept by the clerk of said township, and shall be open for the inspection of any person upon the payment of a fee of twenty-five cents to the said clerk, and said maps shall be the property of said committee, and may be copyrighted by it if deemed advisable by it.

Penalty for damage to road, sidewalk, shade rees, &c.

14. *And be it enacted*, That any person or persons who shall cut, deface, destroy or wilfully or maliciously damage any sidewalk or road, or any part thereof, or mutilate any

shade tree thereon within said township of Union, shall upon conviction thereof, before any justice of the peace of the county of Bergen (who is hereby directed and authorized and empowered to hear and try the person or persons so charged) pay the amount of such damage to the owner of property so damaged, and in addition thereto shall forfeit and pay said township committee, to be applied for benefit of roads, for each and every such offence a sum not exceeding twenty dollars, and in default of payment of the amount of such damage and of such fine, shall be imprisoned in the county jail of Bergen county for a term not exceeding twenty days; and it shall be the duty of any constable of said township or of any member of said township committee with or without warrant to arrest any such offender or offenders and forthwith bring him, her or them before such justice of the peace.

Confirming provision of existing laws not inconsistent, and repealing such as are.

15. *And be it enacted*, That all powers conferred by any existing statute or law upon the township committee of said township of Union, not inconsistent with the provisions of this act are hereby confirmed, and that all acts or parts of acts inconsistent with this act, except an act entitled "An act to widen, grade and improve Ridge Road in the township of Union, in the county of Bergen," as passed March sixth, one thousand eight hundred and seventy-two, are hereby repealed, and this act shall be and is hereby declared a public act, and shall take effect immediately.

Approved March 13, 1873.

CHAPTER CCXVIII.

A Further Supplement to the act entitled "An Act to authorize the Lehigh Water Company, of Easton, Pennsylvania, to supply the inhabitants of the Village of Phillipsburg and its vicinity, in the County of Warren, with water," approved March eighth, one thousand eight hundred and sixty-one.

May contract for exemption from taxation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "The Lehigh Water Company, of Easton, Pennsylvania," be and they are hereby

authorized to contract with the common council of the town of Phillipsburg to exempt in whole or in part, the stock, works and property of said company from borough taxation, which contract or contracts shall be in writing, under the respective seals of said company and said town; shall be binding on both parties, and may be enforced in all the courts of this state.

2. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall go into effect immediately.

Approved March 13, 1873.

CHAPTER CCXIX.

An Act to authorize the Trustees of School District Number Thirty-eight, in the Township of North Plainfield, in the County of Somerset, and State of New Jersey, to borrow money, by issuing bonds, to purchase land for and erect and furnish a School Building.

Authorized to borrow money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of school district number thirty-eight, in the township of North Plainfield, in the county of Somerset, and state of New Jersey, be and they are hereby authorized to borrow any sum of money, not exceeding twenty thousand dollars in all, that they may find necessary for the purpose of purchasing land and erecting a school building thereon, within said school district, and furnishing the same.

May secure payment by issuing bonds.

2. *And be it enacted*, That for the purpose of securing the payment of said loan, with interest, the said trustees may issue bonds, in their corporate name and capacity, to the lenders of said money, in amounts not less than one hundred dollars each, with coupons attached, said bonds to draw interest at the rate of seven per centum, payable semi-annually, and which bonds shall not be issued and sold by said trustees at any rate less than the par value of the same, and to be redeemable, at the pleasure of the board, in not less than two nor exceeding ten years, and said bonds shall

be registered or not, at the option of the purchaser, in a book to be provided and kept for that purpose by said trustees, and said bonds shall be assignable at law, and shall be a first lien, in the nature of a mortgage, upon the lot of land and buildings thereon, to be purchased and erected with the proceeds thereof; and such lien may be enforced by any court of competent jurisdiction, in the same manner as ordinary mortgage liens now are or hereafter may be enforced; *provided*, that the lien of such bonds may be postponed to the lien of a mortgage for consideration money for said lot of land. Proviso.

3. *And be it enacted*, That it shall be the duty of the legal voters of said school district, at their annual district meetings, hereafter to assess such a special tax upon the inhabitants of said school district, and their estates, and the assessable property therein, in addition to all other taxes raised at such meetings, and required by law, as will be sufficient to pay the interest accruing on said bonds, and also to provide for their ultimate redemption when due, which taxes shall be collected by the officer now or hereafter provided by law for the collection of other township taxes, and shall be separately accounted for by him, and appropriated first, so far as required, to the payment of said interest as it falls due, through orders drawn on him by the clerk of said trustees, as now provided by law with regard to other school funds, and, secondly, to be applied to the redemption of said bonds as the same shall become due. Legal voters at annual district meeting to assess special tax on inhabitants of school district.

4. *And be it enacted*, That the funds raised from the sale of said bonds shall be paid over directly into the hands of the collector of said township of North Plainfield, and shall be appropriated by him solely to the purposes expressed in the first section of this act, upon orders drawn upon him by said trustees, through their clerk. Funds to be paid to the township collector.

5. *And be it enacted*, That before any lender upon said bonds shall pay any money over to said collector, he, the said collector, shall have first entered into bond with the inhabitants of said school district, with two sureties, to be approved by the said trustees, for the faithful appropriation of all money that may come into his hands by virtue of this act, which bond shall be filed with the clerk of North Plainfield township, and recorded in the records of his office. Collector shall give bonds.

6. *And be it enacted*, That this act shall not take effect

Act not to have effect until approved by three-fifths of legal voters.

unless it be first approved by three-fifths of such legal voters of said school district as may attend and vote at a meeting of said voters, held after ten days' notice thereof, given by the district clerk of said district, by at least five written or printed notices, put up in five of the most public places within said district, setting forth the time, place and objects of said meeting, which vote shall be taken by ballot, to be written or printed, or partially written and partially printed, with the words "For approval," or "Against approval," and the board of trustees shall constitute a board of election of the said school meeting, and shall declare the result; and in case of the absence or failure to serve of any or all of said trustees, then the inhabitants so assembled shall choose two of their number, who shall be judges of said election, and the said district clerk shall be clerk of said meeting, and shall keep a list of all voters who shall vote at said meeting, and the polls shall be kept open from four P. M., until eight o'clock, P. M., and the ballots shall be numbered and strung, and the result certified in the same manner, as near as may be, as elections for members of assembly now are; and the said poll-lists and ballots shall be preserved and filed in the county clerk's office; and if the election shall result in an approval of this act, the said judges of election and district clerk shall make, sign and verify, by oath or affirmation, before a competent officer, a certificate of such result, which shall be filed and recorded by the county clerk in the book in which are recorded the certificates of religious societies, and the record thereof, or a duly certified copy, shall be plenary evidence of such result; and the clerk of said district shall annex to such certificate, to be filed and recorded therewith, an affidavit of the posting of the notices of such meeting.

Hours for opening and closing polls.

Repealer.

7. *And be it enacted*, That so much of the present school law of this state as conflicts with this act, so far as it applies to said school district number thirty-eight, in the township of North Plainfield, in said county of Somerset, be and the same is hereby repealed.

When to take effect.

8. *And be it enacted*, That this act shall take effect according to its tenor and provisions, on and from the date of its adoption by three-fifths of the legal voters of said school district, who shall attend and vote at an election to be held for that purpose, as provided for in the sixth section of this act.

Approved March 13, 1873.

CHAPTER CCXX.

A Further Supplement to an act entitled "An Act to incorporate Gloucester City," Camden County, New Jersey.

Mayor and common council authorized to build a wharf and to issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for "The Mayor and Common Council of Gloucester City" to build and complete a wharf at the foot of Mercer street in said city for the public good, and to provide for the expense incurred or to be incurred in the building of said wharf, by the issuing of seven per centum coupon bonds, under the common seal of the city and signature of the mayor and city recorder, for an amount not to exceed the sum of ten thousand dollars in the aggregate, and payable at such time or times as the said common council shall deem proper; *provided*, that not more than one thousand dollars of the principal of said bonds shall be made redeemable in any one year, the interest to be payable semi-annually; and to pledge the whole property, real and personal, of the said city for the payment of the same.

Proviso.

Bonds and interest to be paid by taxes

2. *And be it enacted*, That the said "The Mayor and Common Council of Gloucester City" are hereby authorized and required to provide for the payment of said bonds, and the interest thereon as the same shall from time to time become due and payable, by taxes to be raised, levied, assessed and collected, at the time and in the manner that the other taxes in the said city are assessed and collected.

Bonds to be applied to pay for completion of wharf.

3. *And be it enacted*, That the bonds issued under and by virtue of this act shall be applied by the said "The Mayor and Common Council of Gloucester City" to the payment and satisfaction of such indebtedness as heretofore has been or shall hereafter be contracted in the erection and completion of said wharf at the foot of Mercer street in said city as aforesaid.

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

Approved March 13, 1873.

CHAPTER CCXXI.

An Act to prevent Cattle from running at large in the Township of Lower Alloways Creek and Township of Elsinborough, in the county of Salem.

Provisions of act extended

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "An Act to prevent animals from running at large in the township of Upper Pittsgrove in the county of Salem, approved April the first, one thousand eight hundred and sixty-nine, be and they are hereby extended to the townships of Lower Alloways Creek and Elsinborough in the county of Salem, and the township of Pemberton in the county of Burlington.

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

Approved March 13, 1873.

CHAPTER CCXXII.

A Further Supplement to an act entitled "An Act to Incorporate the City of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

May pass ordinances for improving public squares.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken shall have power to pass, alter and repeal ordinances to take effect within said city of Hoboken, for the purpose of improving the square known as Public Square, and bounded by Garden, Fourth, Willow and Fifth streets; also the square known as Hudson's Square, and bounded by River, Fourth, Hudson and Fifth streets.

2. *And be it enacted*, That the said mayor and council cause to be raised by tax, a sum or sums of money not exceeding fifty thousand dollars in the whole, to improve and enclose the said squares in the city of Hoboken. Cost of improvement to be raised by tax.

3. *And be it enacted*, That it shall and may be lawful for the mayor and council of the city of Hoboken to raise the said sum of money last above mentioned, by issuing bonds under their corporate seal and the signature of said mayor for an amount of money not exceeding the said sum of fifty thousand dollars, in such sums and payable at such time or times as the said mayor and council may deem proper, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually with coupons attached, and to pledge the property and credit of said city for the payment of the same; which bonds it shall be lawful for the mayor and council, and their successors, to sell and assign; *provided*, that no bond shall be sold by said mayor and council for less than ninety-seven dollars on each hundred dollars; *provided also*, that the bonds to be issued by virtue of this act, shall be redeemable at a period not to exceed twenty years from the passage hereof. Authorized to issue coupon bonds. Proviso. Proviso.

4. *And be it enacted*, That the said mayor and council shall have power and authority to provide by taxation for the payment of said bonds and the interest thereon, and that they shall yearly and every year, until the bonds so to to be issued shall be redeemed and paid off, assess or cause to be assessed and collected, by tax at the time and in the manner that other taxes in said city are assessed and collected, a sum of money sufficient to pay and discharge the principal at the several times it shall become due and payable, and the interest on the said bonds as the same shall become due; *provided*, that not less than one thousand dollars, nor more than five thousand dollars of the principal of said bonds shall be made redeemable in any one year. Payment of bonds and interest to be provided for by taxation. Proviso.

5. *And be it enacted*, That it shall be the duty of the mayor and council to apply the net proceeds of said bonds to the purpose of improving and enclosing the said squares. Proceeds of bonds, how applied.

6. *And be it enacted*, That the power to raise by tax a sum or sums of money, not exceeding fifty thousand dollars in the whole, to improve and enclose the above mentioned squares in said city of Hoboken, or any one of them, shall not be exercised by said mayor and council unless a majority of the voters of said city of Hoboken, voting at the next Improvements not to be made until a majority of voters assent thereto.

charter election in said city, shall signify their assent thereto; and at said election the voters in favor thereof shall deposit a ballot having thereon the words, "for square improvements," and those opposed thereto shall deposit a ballot having thereon the words, "against square improvements," and said words shall be upon the general city ticket voted for at said election, and said votes shall be canvassed and a return thereof made to the city board of canvassers.

Repealer.

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

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

Approved March 13, 1873.

CHAPTER CCXXIII.

A Further Supplement to the act entitled "An Act to facilitate Judicial Proceedings in the County of Camden," approved March ninth, one thousand eight hundred and sixty-nine.

Presiding judge shall direct the attendance of constables at the sessions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the presiding judge of the courts of the county of Camden shall be authorized to direct the attendance of as many constables at the sessions of the courts of said county as in his judgment shall be necessary, and only the constables notified by or through him to be present shall attend at said sessions, or be entitled to compensation therefor.

Compensation of the judge.

2. *And be it enacted*, That the salary of the judge of the court of common pleas, quarter sessions of the peace, orphans' court, in and for the said county of Camden, who is a counsellor-at-law, and who acts as presiding judge of said courts in the absence of a justice of the supreme court, shall be from and after the passage of this act two thousand five hundred dollars per annum.

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

Approved March 13, 1873.

CHAPTER CCXXIV.

A Supplement to an act entitled "An Act to reorganize the the local government of Jersey City."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and aldermen of Jersey City be and are hereby authorized to abandon such portions of the following named contracts as they may deem proper; *provided*, that such abandonment be proceeded with in the following manner:

Authorized to abandon portions of certain contracts.

Proviso.

First—The board of public works of Jersey City shall pass a resolution awarding such damages as may to them seem equitable for the work abandoned, which resolution shall be submitted to the mayor of Jersey City for his approval;

Resolution awarding damages to be approved by mayor.

Second—After such resolution shall be approved by the mayor of Jersey City, the party holding contract shall file with the clerk of the board of public works of Jersey City his written consent to the abandoning of portions of contract for which damages have been allowed;

Written consent of parties holding contract to be filed.

Third—The clerk of the board of public works of Jersey City shall transmit to the city clerk of Jersey City a certified copy of the resolution adopted by said board of public works, as approved by the mayor, together with a copy of the consent of the party holding contract, which resolution and consent shall be presented to the board of aldermen of Jersey City for their concurrence;

Copy of resolution and consent to be presented to the board of aldermen for concurrence.

Fourth—If said board of aldermen shall concur in such resolution, the city clerk shall transmit a certified copy of any concurrent resolution adopted by said board of aldermen to said board of public works, and said board of public works shall thereupon pass a resolution ordering the payment of such damages, and declare the portions of contracts abandoned for which such damages have been paid.

Proceedings if board of aldermen concur.

2. *And be it enacted*, That the contracts to which this supplement is applicable, are as follows:

Authorized to abandon certain contracts.

Contract to Jeremiah B. Clevelaud.

First—Contract dated twenty-third of April, one thousand eight hundred and seventy, awarded to Jeremiah B. Cleveland by former city of Bergen, for laying Degolier wood pavement on Montgomery street, from west side of Bergen avenue to west side of Palisade avenue, and from west side of Cornelison avenue to Jersey City line;

Contract to Jno. Hughes and James Mathews.

Second—Contract dated eighth of October, one thousand eight hundred and sixty-nine, awarded to John Hughes and James Mathews by former city of Hudson, for regulating and grading Ravine road from Ferry street to east boundary line of Hudson city;

Contract to John W. Baker.

Third—Contract dated fifth of January, one thousand eight hundred and seventy-two, awarded to John W. Baker by the board of public works for the mayor and aldermen of Jersey City, for improving Washington street from Essex street to East Canal avenue.

Abandonment of contracts not to prevent collection of assessments.

3. *And be it enacted*, That the abandonment of the whole or any portion of such contract shall not prevent the mayor and aldermen of Jersey City from levying and collecting such assessments on work already done, as would have been levied and collected on the same had such improvements been continued to completion under original contracts.

Agreement shall be made as to damages sustained, &c.

4. *And be it enacted*, That no action shall be taken towards abandoning the whole or any portion of aforementioned contracts, unless the party or parties holding the same shall agree with the board of public works of Jersey City concerning the kind and quantity of work to be abandoned and the amount of damages sustained.

Repealer.

5. *And be it enacted*, That so much of the act to which this is a supplement as conflicts with this act, be and the same is hereby repealed.

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

Approved March 13, 1873.

CHAPTER CCXXV.

An Act to aid the Trustees of School District Number Thirty-eight, in the County of Essex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of more readily borrowing money to be used in purchasing land, and erecting thereon a school house and furnishing the same, the trustees of school district number thirty-eight, in the county of Essex, may issue their corporate bonds to an amount not exceeding in the aggregate the sum of fifteen thousand dollars, in sums of not less than one hundred dollars each, with coupons attached; said bonds to bear interest not to exceed seven per centum per annum, payable semi-annually, and the principal thereof to be redeemable at the pleasure of the said trustees in not less than two nor exceeding fifteen years from the date of their issue; *provided*, said bonds shall not be negotiated at less than ninety-five per centum of their par value. Trustees authorized to issue bonds. Proviso.

2. *And be it enacted*, That it shall be the duty of the said trustees to make their certificate in writing, setting forth the total amount of said bonds issued, together with a description of the lands and real estate comprising the school property of said district, to which they shall affix their hands and seals, and which may be acknowledged or proved, and recorded in the records of mortgages of the county of Essex; and said bonds shall be a first lien in the nature of a mortgage upon the lot of land and buildings thereon, to be purchased and erected with the proceeds thereof, and such lien may be enforced by any court of competent jurisdiction in the same manner as ordinary mortgage liens now are or hereafter may be enforced; and it shall be lawful for the said trustees to assume and agree to pay all taxes which may be lawfully assessed upon said securities in the hands of the holder of the same. Bonds to be a lien upon land, &c.

3. *And be it enacted*, That in order to provide for the pay-

Payment of bonds and interest to be provided for by taxation.

ment of the said loan as the same matures, with the interest which shall from time time accrue thereon, it shall be the duty of the said trustees of school district number thirty-eight, in the county of Essex, and their successors, yearly and every year, to prepare a certificate in writing, in form similar to that prescribed by the "Act to establish a system of public instruction," which certificate shall contain a statement of the amount which will fall due within a term of one year from the making of such certificate, for interest on said bonds, and such certificate shall direct the assessor of the township of East Orange to assess such amount of interest, together with the sum of one thousand dollars, to create a sinking fund, upon the taxable property for said school district number [thirty] eight, in the county of Essex; and it shall thereupon be the duty of such assessor to make such assessments upon the taxable property in said district in the same manner now required by the "Act to establish a system of public instruction;" and all moneys to be raised by virtue of such assessment are hereby inviolably pledged to the payment of the interest coupons as they mature, and the ultimate discharge of the principal of said bonds, the said trustees to give preference in the redemption of said bonds in the order of their number; and the taxes so assessed shall be collected by the collector of taxes for the said township, and shall be separately accounted for by him.

Trustees shall invest the moneys to be raised for a sinking fund.

4. *And be it enacted*, That it shall be the duty of the said trustees and their successors to promptly and safely invest from time to time the moneys to be raised for a sinking fund as the same shall be collected, to be applied by them to the redemption of said bonds when due, or as the holders thereof may be willing to receive the principal thereof, prior to maturity; but in all cases the said tax money shall be drawn from the collector only on the orders of said trustees in accordance with the provisions of the school law for other funds.

Funds raised by the sale of bonds shall be paid to the township collector.

5. *And be it enacted*, That the funds raised by the sale of said bonds shall be paid over directly into the hands of the collector of the township of East Orange, and shall be appropriated by him solely to the purposes expressed in the preceding sections of this act, upon orders drawn upon him by said trustees for that purpose; *provided however*, that the said collector before receiving said moneys shall first enter into bond with the inhabitants of said school district, with

Proviso.

two sureties to be approved by the said trustees, for the faithful appropriation of all moneys that may come into his hands by virtue of this act; which bond shall be filed with the clerk of said district.

School building shall be erected by contract.

6. *And be it enacted*, That the trustees shall use and employ the money realized from the sale of the bonds herein authorized in purchasing land for school purposes, and in erecting a building thereon and furnishing the same, and for no other purpose whatsoever; and said school building shall be erected by contract.

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

Approved March 13, 1873.

CHAPTER CCXXVI.

An Act to provide for the Construction of Draw Bridges, by Railroad and other Private or Public Corporations, over the river Passaic, between the counties of Hudson and Essex.

Bridge shall contain an iron draw seventy-five feet in width.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any draw bridge is hereafter authorized to be erected over the river Passaic, between the counties of Hudson and Essex, by any railroad or other private or public corporation authorized by law to build the same, said bridge shall be constructed of substantial stone piers, with iron superstructure, or stone piers and arches, and said piers shall be seventy-five feet wide in the clear between said piers, and said bridge shall contain an iron draw of at least seventy-five feet wide, so that when said draw is opened there shall be at least seventy-five feet of clear passage-way, for the passage of vessels.

Bridge over Newark bay shall have two draws.

2. *And be it enacted*, That whenever any bridge is hereafter to be erected over the Newark Bay at any point South of the present plank road bridge by any railroad or other corporation, authorized by law to build the same, such bridge shall be constructed in the manner prescribed in the fore-

going section of this act, except that it shall contain two draws of at least one hundred (100) feet wide each, so that when said draws are open there shall be at least a clear passage-way of at least one hundred (100) feet for the passage of vessels.

Construction of bridge or bridges to be under the supervision of joint committee of chosen freeholders of Essex and Hudson counties.

3. *And be it enacted*, That the construction of said bridge or bridges, as to the width of span between the piers, the width of draw, and kind of materials to be used in the construction of the piers, so far as the same shall relate to the provisions of this act, shall be under the supervision and control of the joint committee on bridges of the counties of Essex and Hudson, and said joint committee is hereby authorized in the name of the boards of chosen freeholders of the counties of Essex and Hudson, to apply to the chancellor of the state, to restrain by injunction, the construction of any bridge, erected or in the course of erection contrary to the provisions of this act, and it shall be lawful for the chancellor to restrain the erection of said bridge, and the further progress of the work on the same, until the provisions of this act shall have been complied with by the corporation authorized to build said bridge.

Provisions not to be repealed by acts authorizing the erection of bridges.

4. *And be it enacted*, That this act is declared to be a public act and shall take effect immediately; and no act of incorporation authorizing the erection of any bridge over the river Passaic shall repeal any of the provisions of this act, unless the title of this act shall be incorporated at length in said act, and shall apply directly in terms to the repeal of the provisions of this act.

Approved March 13, 1873.

CHAPTER CCXXVII.

An Act to provide for the Construction of Draw Bridges, by Railroad or other Private or Public Corporations over the river Hackensack, in the county of Hudson.

Bridge shall contain an iron draw seventy-five feet in width

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any draw bridge is hereafter authorized to be erected over the river Hackensack in the county of Hudson, by any railroad or other

private or public corporation authorized by law to build the same, said bridge shall be constructed of substantial stone piers, with iron superstructure, or stone piers and arches, and said piers shall be seventy-five feet wide in the clear between said piers, and said bridge shall contain an iron draw of at least seventy-five feet wide, so that when said draw is opened there shall be at least seventy-five feet wide of clear passage-way for the passage of vessels.

Bridges over Newark bay shall have two draws.

2. *And be it enacted*, That whenever any bridge is hereafter to be erected over the Newark bay, at any point south of the present plank road bridge, by any railroad or other corporation authorized by law to build the same, such bridge shall be constructed in the manner prescribed in the foregoing section of this act; except that it shall contain two draws of at least one hundred (100) feet wide each, so that when said draws are open there shall be at least a clear passage way of at least one hundred (100) feet for the passage of vessels.

Construction of bridge or bridges to be under the supervision of committee of chosen freeholders.

3. *And be it enacted*, That the construction of said bridge or bridges as to the width of span between the piers, the width of draw, and kind of materials to be used in the construction of the piers, so far as the same shall relate to the provisions of this act, shall be under the supervision and control of the committee on bridges of the board of chosen freeholders of Hudson county, and said committee is hereby authorized in the name of the board of chosen freeholders of Hudson county, to apply to the chancellor of the state, to restrain by injunction the construction of any bridge erected or in the course of erection contrary to the provisions of this act, and it shall be lawful for the chancellor to restrain the erection of said bridge, and the further progress of the work on the same, until the provisions of this act shall have been complied with by the corporation authorized to build said bridge.

Provisions not to be repealed by acts authorizing the erection of bridges.

4. *And be it enacted*, That this act is declared to be a public act, and shall take effect immediately, and no act of incorporation authorizing the erection of bridges over the river Hackensack shall repeal any of the provisions of this act unless the title of this act shall be incorporated at length in said act, and shall apply directly in terms to the repeal of the provisions of this act.

Approved March 13, 1873.

CHAPTER CCXXVIII.

A Further Supplement to the act entitled "An Act to establish a new Township in the County of Cumberland, to be called the Township of Landis."

Proceedings for obtaining exemption from tax on capital in manufacturing business.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person or persons or corporation, who may establish a manufacturing business within the corporate limits of the township of Landis in the county of Cumberland, after the approval of this act, and who shall have filed an affidavit in the township clerk's office that he or they have established a manufacturing business within the corporate limits of said township and that they have invested in said manufacturing business at least five thousand dollars and desire to enjoy the advantages of this act, then and in that case, all such capital so invested in said manufacturing business shall be exempt from all township taxes for the term of ten years from the date of filing said affidavit.

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

Approved March 13, 1873.

CHAPTER CCXXIX.

A Further Supplement to an act entitled "An Act to Revise and Amend the Charter of the Town of Orange," approved March third, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of the city of Orange shall have power to borrow, from time

to time, any further sum or sums of money, not exceeding, in the aggregate, the sum of twenty thousand dollars, to be used in and for the purpose of increasing the efficiency of the fire department of said city, including the purchase and repairing of fire engines, hose and other apparatus for the extinguishing of fires, as well as the building of cisterns and other reservoirs for the storing of water, the building and repairing of engine houses, and the employment of firemen; and that said council may secure the repayment of the said sum or sums so borrowed, together with legal interest thereon, in such manner and upon such terms as to the said council may seem proper, by the issuing of bonds, to be signed by the mayor and countersigned by the city clerk, and sealed with the common seal of said city; and that the principal and interest moneys shall be paid and extinguished in the same manner as any other indebtedness of the said city is or may be authorized to be done.

Common council may borrow money and issue bonds for the purpose of increasing the efficiency of the fire department.

2. *And be it enacted*, That it shall be lawful for the said council to sell and dispose of the said bonds at and for any rate of discount not greater than five per centum.

Rate of discount at which bonds may be sold.

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

Approved March 13, 1873.

CHAPTER CCLVIII.

An Act to prevent Seine Fishing in the waters of South Shrewsbury River and Pleasure Bay.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be unlawful to fish with a seine in the waters of the South Shrewsbury river, or in the waters of Pleasure bay.'

Declared unlawful to fish with a seine.

2. *And be it enacted*, That it shall be lawful for any person to make complaint, under an oath or affirmation, before a justice of the peace in this state, against any one offending against the provisions of this act, and said justice shall proceed to try the same.

Complaint may be made before a justice of the peace.

Penalty for violation of act.

3. *And be it enacted*, That any person convicted of offending against the provisions of this act shall be fined in any sum not less than twenty-five, nor more than fifty dollars for the first offence, one half of which sum shall be paid to said complainant; and upon conviction of a second offence said offender, in addition to the fine before provided, shall forfeit the seine so used.

Repealer.

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

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

Approved March 14, 1873.

CHAPTER CCLXII.

A Supplement to an act entitled "An Act to authorize the appointment of Commissioners to lay out Streets, Avenues, and Public Squares, in the Township of Clinton, in the County of Essex, and for other purposes."

Powers of the commissioners extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the powers vested in the commissioners under and by virtue of the third section of the act to which this a supplement, approved February nineteenth, one thousand eight hundred and seventy-two, shall be extended to the widening, altering, or straightening of any existing street heretofore laid out by the surveyors of the highways or otherwise, excepting those laid out by the Essex road board, and to define the limits of such improvements; *provided*, that the width of such existing street, after such widening, altering or straightening, shall not exceed one hundred feet.

Proviso.

Commissioners to make an assessment or award of damages.

2. *And be it enacted*, That the owners of the majority of the lineal feet of the lands fronting on any street to be widened, altered or straightened as aforesaid, may apply by written consent or petition to said commissioners to widen, alter, straighten, and work the same, or any part thereof, in which case the said commissioners, after defining the limits

of such improvement, shall proceed to make the assessment or award of the damage sustained by each of said owners, and to assess the damages and other expenses of such widening, altering, or straightening in the same manner as is provided in the eleventh section of the act to which this is a supplement, which said assessments shall be liens upon said lands until the same are paid, and shall be collected in the manner provided in the fourteenth section of the act to which this is a supplement, and upon payment or tender to such owner or owners of the amount or amounts so awarded him or them respectively, such street or streets shall be deemed to be widened, altered, or straightened, and may be occupied and used as any other street, avenue or square.

Expenses how paid.

3. *And be it enacted*, That the cost and expense of working or otherwise maintaining such widened, altered, or straightened streets, shall be borne and paid in the same manner as is provided in the twelfth section of the act to which this is a supplement.

Proceedings when owner is dissatisfied with award or assessment.

4. *And be it enacted*, That any owner or owners dissatisfied with any award or assessment made under the act to which this is a supplement, or under this supplement, may appeal, take, and prosecute the same, and shall be entitled to the same relief provided in section ten of the act entitled "A supplement to the act entitled 'An act constituting a public road board for the laying out, constructing, appropriating, improving, and maintaining public carriage roads in the county of Essex,'" approved February sixteenth, one thousand eight hundred and seventy.

Amendment.

5. *And be it enacted*, That the fifth section of the act to which this is a supplement, shall be so amended that the words "and of the grades thereof" shall be stricken out, and that said section shall be read and construed accordingly.

Commissioners to file surface map.

6. *And be it enacted*, That within twenty days after the passage of this supplement, the said commissioners shall file and exhibit, as provided in the act to which this is a supplement, a full surface map of all that portion of the said township of Clinton lying westerly of the old or upper Elizabeth road, and that such maps shall be held sufficient so far as that portion of the said township is concerned.

Repealer.

7. *And be it enacted*, That the thirteenth section of the act to which this is a supplement, and such other parts of

said act as are inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately.

Passed March 17 ,1873.

CHAPTER CCLXIII.

A Supplement to an act entitled "An Act relative to Taxes in certain counties of this State," approved April second, one thousand eight hundred and sixty-nine.

Provisions of act extended to Bergen county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "An Act relative to taxes in certain counties of this State," approved April second, one thousand eight hundred and sixty-nine, be and the same are hereby extended to the county of Bergen.

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

Approved March 17, 1873.

CHAPTER CCLXIV.

An Act amendatory of an act entitled "A Further Supplement to the act entitled 'An Act to incorporate the City of Millville,'" approved February twenty-sixth, one thousand eight hundred and sixty-six, and which supplement was approved February twenty-sixth, one thousand eight hundred and seventy-three.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the ninth section of the act entitled "A further supplement to the act entitled 'An act to incorporate the city of Millville,'" approved February

twenty-sixth, one thousand eight hundred and sixty-six, and which said supplement was approved February twenty-sixth, one thousand eight hundred and seventy-three, be and the same is hereby repealed.

2. *And be it enacted*, That all acts inconsistent with the provisions of this act, or with those of the act entitled "A further supplement to an act entitled 'An act to incorporate the city of Millville,'" and which further supplement was approved February twenty-sixth, one thousand eight hundred and seventy-three, be and the same are hereby repealed. Repealer.

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

Passed March 18, 1873.

CHAPTER CCLXV.

A Further Supplement to an act entitled "An Act to create a new Township in the County of Union, to be called the Township of Cranford," approved March fourteenth, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases in which awards have been or shall be made in favor of any owner or lessee of real estate for damages sustained by reason of the laying out or altering of any public road under the act to which this is a supplement, or any supplement thereto, such owner or lessee may appeal from such assessment to the circuit court of said county of Union at any time within thirty days next after such assessment shall be filed, in cases of assessments heretofore made, and within three months after the passage of this act in cases where such assessments have been already made, with the clerk of said county, by serving a notice of such intended appeal, within said time, upon the board of commissioners of highways, or their clerk; and said circuit court shall thereupon order a trial by jury to assess the damages sustained by the party so appealing, Owner or lessee may appeal from assessment to circuit court of Union county.

which trial shall be conducted as in other cases of trial by jury, and shall be brought on at the term of said court next after the serving of said notice, unless said court shall give further time, and on failure thereof said appeal shall be dismissed.

Restrictions as to amount to be expended.

2. *And be it enacted*, That said board of commissioners shall in no one year expend in the laying out and altering of public roads a greater sum than one per centum of the value of the taxable property in said township as fixed by the assessor's valuation of that year, which sum shall include all the costs and expenses incurred by said board, together with the damages assessed to the owners of real estate by reason of their land being taken for said improvements, after deducting therefrom the benefits assessed to such owners.

Work not to be prosecuted if remonstrance is made.

3. *And be it enacted*, That whenever said board shall meet to consider an application for the laying out, altering or vacating any road, if a remonstrance against said work shall be presented to said board, signed by the owners of more than one-half the lineal feet along said road, such application shall not be acted upon by said board, and in such case no application touching said road shall be received during the calendar year; no member of the board of commissioners shall act in reference to any street in which he may be interested, or be the owner of property subject to assessment for damages or benefit.

Assessments to be a lien upon the lands assessed.

4. *And be it enacted*, That the board of commissioners of highways may, by resolution, provide that any assessment for benefits to be made under the act to which this is a supplement or any supplement thereto, shall be payable as follows: twenty per centum of said assessment each year for five years next succeeding the date of such assessment, with interest each year at seven per centum on the whole amount then unpaid; that such assessment shall be a lien upon the lands assessed, and shall be collected from the owners of the same at the various times when such annual proportion of the same shall fall due, in the same manner as assessments for damages are now collected under the provisions of the act and supplements thereto to which this act is a supplement.

Township committee authorized to borrow money and issue bonds.

5. *And be it enacted*, That the township committee of said township are hereby empowered to borrow money annually to the amount of the expenditures of said board of

commissioners for that year under the provisions of this act, and to issue the bonds of the township therefor, which bonds shall bear interest at seven per centum, and be payable in five years from their date; and the money so borrowed shall be appropriated for the payment of such expenditures of the commissioners; and all moneys collected by the township collector for benefits assessed against land owners under the provisions of the act and supplements thereto to which this act is a supplement, shall be appropriated toward the payment of such bonds.

Election of commissioners of highways and road districts.

6. *And be it enacted*, That at the annual town meeting to be held in said township, in the year eighteen hundred and seventy-four, there shall be elected one commissioner of highways at large to hold his office for two years, and one commissioner for each of the road districts, and at the first meeting of said board thereafter, the said district commissioners shall divide themselves into two classes, one class to hold office for one year and the other for two years, and thereafter at each annual town meeting there shall be elected commissioners to hold office for two years to fill the offices of those about to become vacant by expiration of time; and that the term of office of all commissioners elected after the said year eighteen hundred and seventy-four, shall be two years and until their successors are elected and qualified.

Proceedings in case owner or owners refuse to make improvements.

7. *And be it enacted*, That whenever a petition in writing shall be presented to the said board of commissioners of public highways, signed by the owners of one-half of the number of lineal feet upon one side of any road, street or avenue in said township, or upon so much of one side thereof as lies between two points named in said petition, requesting to have so much of the sidewalk of said street as lies between the points named, and upon that side of the street named in said petition, laid with stone, plank or composition, in such manner as to make a firm and dry sidewalk, and setting forth the material to be used and the width of the walk to be made; the property owners shall be required to improve the sidewalk in manner set forth in the petition, and in default of any property owner within thirty days after being notified to make said improvement, neglecting or refusing to make such improvement, the said commissioners for the time being shall without delay proceed to lay the same or cause the same to be laid in accordance with the request of such petition; and the township

committee of said township shall pay the costs and expenses of the same to the person or persons entitled to receive the same, upon the certificate of the president or chairman for the time being of said board of commissioners, out of any moneys in their hands for said township; and the said board of commissioners shall immediately assess upon the owners of the lands on that side of such street, avenue or highway, along which such improvement shall be made, and between the beginning and ending points of such improvement, the whole cost of the same, the basis of such assessment in all cases to be the number of lineal feet owned by each person in front of whose lands such improvement shall be made and who shall not have previously made the improvement at his, her or their own expense, the said board of commissioners shall deliver to the township collector a copy of the said assessment when made, and the said collector shall include in the tax bills of the persons against whom such sums shall have been assessed the respective sums so assessed against them, which are hereby made payable and collectable at the same time, in the same manner and by the same means as the ordinary township taxes are assessed and collected.

Repealer.

8. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, shall be and the same are hereby repealed, and that this act shall take effect immediately; *provided*, that any and all proceedings commenced by said board prior to the passage of this bill shall be carried out in the same manner as if this act had not been passed.

Proviso.

Approved March 18, 1873.

CHAPTER CCLXVI.

An Act to provide for the election of a County Collector and of County Auditor in the County of Monmouth.

Election of county collector and auditor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the first annual meeting o the board of chosen freeholders of the county of Monmouth

who shall be elected at the next annual township elections to be holden in and for the said county of Monmouth, after the passage of this act, and at every such succeeding annual meeting of the board of chosen freeholders as aforesaid, there shall be chosen by the qualified members of said board, one person to be county collector of said county, and one person to be county auditor of said county, who shall hold their respective offices for the term of one year; and the election shall be conducted in the same manner as the election of county collector in said county is now provided for by law, save and except that both officers shall not be appointed from the same political party.

Vacancy in office of county collector or auditor, to be filled by the board of chosen freeholders.

2. *And be it enacted*, That in case of vacancy occurring in said offices by death or otherwise, such vacancy shall be filled by the board of chosen freeholders of said county at a special meeting of said board to be held within fifteen days thereafter; and the person elected or appointed to supply such vacancy happening upon the death of said county collector or county auditor may upon giving bond at the said meeting as is hereinafter provided, enter upon the duties of the office and shall continue to hold the same until his successor shall have been elected at the next annual meeting of the board of chosen freeholders of said county and given bond.

Who may be elected.

3. *And be it enacted*, That the persons to be elected county collector and county auditor of the county of Monmouth by virtue of this act, shall be residents of said county at the time of their several elections, and shall have been residents of said county for the term of at least five years next before the election; but it shall not be necessary to be a freeholder of said county to be elected to the said office.

County collector to give bond to be approved by the board of chosen freeholders.

4. *And be it enacted*, That hereafter there shall be a stated meeting of the board of chosen freeholders for the transaction of general business at the hour of eleven in the forenoon on the second Wednesday in the month of May next after the general township elections held in and for the said county, and that at the said meeting the members of the said board shall proceed to elect one person to the said office of county collector and one person to the said office of county auditor of the county of Monmouth; and the person elected to the office of county collector under and by virtue of this act shall before he enters upon the duties of said

office give bond at said meeting, with at least three sureties being freeholders and residents in the county, to the board of chosen freeholders of said county in the penal sum of one hundred thousand dollars, to be approved of by the board of chosen freeholders for the time being, conditioned for the faithful performance of the duties of his said office as collector of said county according to law, which said bond being approved as aforesaid shall be filed in the clerk's office of said county, and said clerk shall issue a certificate under the seal of his office that at the annual meeting then held the said person was duly elected county collector of the county of Monmouth for the ensuing term, which shall be for one year from that time, which certificate shall be deemed legal evidence of his election; and when the county collector shall have given bond as aforesaid it shall be the duty of the clerk of the board of chosen freeholders to issue to him a certificate that his official bond has been approved and filed according to law.

Compensation of county collector.

5. *And be it enacted*, That the county collector of the county of Monmouth hereafter to be elected, shall be entitled to receive for his services the sum of twelve hundred dollars per annum, to be paid as the salaries of other county officers are paid, in lieu of all other compensation for such services.

To hold his office until a successor is elected.

6. *And be it enacted*, That the person now elected to the office of county collector by the board of chosen freeholders of the county of Monmouth shall continue in office and exercise all the rights and discharge all the duties appertaining thereto until his successor shall have been elected at the next annual meeting of the board of chosen freeholders of the county of Monmouth as aforesaid; *provided*, he shall give bonds as aforesaid, and as hereinafter provided to the board of chosen freeholders of said county, at their meeting on the second Wednesday in May next, until such election shall take place, as aforesaid; shall forthwith deposit all moneys received by him belonging to said county in a bank or banks within the county of Monmouth, and no part of said moneys so deposited as aforesaid shall be paid out or withdrawn from said depository except by check signed by said county collector, and countersigned by the county auditor as is hereinafter provided.

Proviso.

7. *And be it enacted*, That if the person so elected to or

continuing in office as county collector, shall use, employ or take any part of said moneys, so received by him for said county, for his own use or benefit, or for any other purpose whatever, than for the payment of the debts and demands of said county to be ascertained and paid, as is hereinafter provided, or as is otherwise provided for by law, he shall be deemed and adjudged to be guilty of a misdemeanor, and on conviction thereof, shall be punished by fine not exceeding five hundred dollars or imprisonment at hard labor not exceeding two years, or both.

Penalty for appropriating county money.

8. *And be it enacted*, That the legislature, in joint meeting assembled, shall appoint a suitable and competent person who shall have been a resident of said county for the term of five years next before said appointment, county auditor of said county, who shall continue in office and exercise all the duties appertaining thereto, as the same are hereinafter defined and prescribed, until his successor shall have been elected at the next annual meeting of the board of chosen freeholders of the county of Monmouth, and taken the oath and given bond as hereinafter provided.

Appointment of county auditor.

9. *And be it enacted*, That at the next annual meeting of the board of chosen freeholders as aforesaid, at which a county collector for the county of Monmouth shall be chosen as hereinbefore provided and directed, one person shall in like manner be elected county auditor.

Election of county auditor.

10. *And be it enacted*, That whenever an election or appointment for auditor of the county of Monmouth shall be held under or by virtue of this act, it shall be the duty of the clerk of said county, upon the filing in his office of the statement of the result of the election held by the board of chosen freeholders, or a certificate of his appointment, to issue to the person who shall by such statement or certificate appear to have been elected or appointed county auditor as aforesaid, a certificate under the seal of his office, that at the annual meeting or election then held, the said person was duly elected or appointed auditor of said county of Monmouth for the ensuing term, which certificate shall be deemed legal evidence of his election.

Clerk to issue certificate of election.

11. *And be it enacted*, That said county auditor so to be appointed and elected as aforesaid, before entering upon the duties of his office, shall take and subscribe an oath or affirmation before one of the judges of the court of common pleas of said county that he will well, faithfully, honestly

County auditor to take oath and give bond.

and impartially discharge all the duties required of him by law, and that he will not allow any claim, demand, charge or account against said county of Monmouth, unless satisfied that the same is justly due, and sworn to according to law, which oath or affirmation shall be filed in the office of the clerk of said county, to be there preserved among the public papers, and shall also enter into bond with two or more securities, to be approved by the judges of the said court of common pleas, when first appointed, and afterwards by the board of chosen freeholders of said county, at their meeting, on the second Wednesday in the month of May next, after the general township elections in and for the county as aforesaid, in the sum of one thousand dollars, conditioned for the faithful performance of his official duties, which bond, upon being approved as aforesaid, shall likewise be filed in the office of the clerk of said county.

Duties of the county auditor.

12. *And be it enacted*, That it shall be the duty of the county auditor so appointed, to superintend the collection of all dues, revenues and other claims of the county of Monmouth now due, payable or collectable, or hereafter to become due, payable or collectable, to institute and direct prosecutions against delinquent officers of the county, and for just claims and debts due to the county, to examine carefully and to audit and adjust all bills, claims, demands and accounts due to or which may be presented against the said county of Monmouth, and to certify the amount so adjusted or allowed by him to the county collector for receipt and payment, and that in the performance of this duty he shall be and is hereby authorized and required to administer an oath or affirmation to the party or person presenting such account or claims, and to any witness or witnesses who may be called or presented with respect to said claims, account or demand and to examine the same as to the truth, fairness, correctness and justice of said accounts or claims, and the said auditor shall keep a record or register of all accounts and claims audited and adjusted, allowed and certified, and the time when the same was due, which said record shall always be open to the inspection and examination of the citizens of said county, and that the said county auditor shall countersign and register all checks drawn by the county collector of said county, and no checks shall be evidence of payment unless countersigned by said auditor, and he shall countersign all receipts for money paid to the

said county collector; *and further*, shall have power to examine the bank accounts of the collector, his checks, bank passbooks and vouchers.

Further duties of the county auditor.

13. *And be it enacted*, That the said auditor shall quarterly, and oftener, if he shall deem it necessary, carefully examine the accounts of the debits and credits in the bank book kept by the county collector, and if he discovers any irregularity or deficiency therein, he shall, unless the same is immediately rectified or explained to his satisfaction, forthwith report the same in writing to the director of the said board of freeholders; and also that he shall in like manner examine into the condition of the funded or other debt of the county, and if he finds that any bonds, obligations, notes or other securities are issued by the county or said board, or any of its officers or committees, to a greater amount or for any other purposes, or in any other manner than is authorized by law, he shall thereupon immediately report the same to the director of said board; and also that the said auditor shall annually, at the regular meeting in May, report to the said board of freeholders the financial condition of the county, an estimate of expenditure for the succeeding year, arranged under appropriate heads, together with all the transactions of his office, which report shall be signed by the said auditor, and be open to the inspection of all the citizens of said county.

County collector shall state and settle his accounts with the board of chosen freeholders semi-annually.

14. *And be it enacted*, That the said county collector of the county of Monmouth shall be under the control and subject to the order of the board of chosen freeholders of said county, and liable in all respects, as heretofore, as is provided by law, except only as in this act is otherwise declared, that he shall also state and settle accounts of his receipts and disbursements, after the same shall have been audited and adjusted by the county auditor, with the said board of chosen freeholders, twice in each and every year, that is to say, at the stated meeting in May, and at a stated meeting to be held for that purpose on the second Wednesday in November, in each and every year thereafter; and that the said board of chosen freeholders of the county of Monmouth shall, twice in each and every year hereafter, within thirty days next after the said stated meetings in May and November, cause to be made and published, a full and complete account, in items, of all their receipts and expenditures for the preceding half year, in the manner as

is now required by law, instead of publishing the same yearly, as heretofore.

Compensation of county auditor.

15. *And be it enacted*, That the said auditor of the county of Monmouth, hereafter to be elected, shall be entitled to receive for his services the sum of eight hundred dollars per annum, to be paid as the salaries of other county officers are paid, and shall not be entitled to have or receive any other fees or compensation whatever.

Repealer.

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

Approved March 18, 1873.

CHAPTER CCLXVII.

A Supplement to "An Act appointing Commissioners in School District Number Two, of South Amboy Township, Middlesex County, for the purpose of purchasing ground and erecting a school house thereon," approved April sixth, one thousand eight hundred and seventy-one.

Preamble.

WHEREAS, the board of commissioners appointed under the act to which this is a supplement, have erected and furnished a school building as therein authorized, but are deficient in a sum sufficient to grade, fence and otherwise complete the said school house and ground, as contemplated by said act; *and whereas*, previous to the approval of said act the sum of three thousand dollars was raised by said district for school purposes; *and whereas*, the said school district has since been divided, and the sum of money authorized to be expended by said act was used entirely by said commissioners for the erection of a school house in what is now known as school district number thirty-eight, in said township of South Amboy, and in the apportionment between said two school districts the sum of sixteen hundred dollars was assigned to school district number thirty-eight, which said sum remains in

the hands of the collector of the township of South Amboy; therefore, to effectuate the purposes of the act to which this is a supplement,

Township collector authorized to pay money to the commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said commissioners, or their successors, be and they are hereby authorized to use the said sum of sixteen hundred dollars for the purpose of grading, fencing and otherwise completing the said school house and grounds in school district number thirty-eight, in said township of South Amboy, in the manner contemplated by said act, and that the township collector of said township shall pay over to said commissioners, from time to time, as they may require, the said sum of sixteen hundred dollars, taking their receipt therefor.

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

Approved March 18, 1873.

CHAPTER CCLXVIII.

A Supplement to the act entitled "An Act to authorize the Inhabitants of the Township of Montclair, in the County of Essex, to elect Commissioners of Public Roads," approved March twenty-second, one thousand eight hundred and seventy-two.

Assessment for expense of laying out, altering and widening roads, &c., to be assessed upon lands and real estate benefited thereby.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after the adoption and ratification by the township committee of said township of any report and map heretofore made, or to be hereafter made, by the said commissioners of public roads, by virtue of the said act to which this is a supplement, for the laying out, widening, altering, straightening or vacating any public road or highway, or for altering the grade of any such road or highway or any part thereof, the said committee shall open and work such road, or alter and work such grade, whenever they or a majority of them shall consider and determine that such opening and working, or altering and

working, are necessary for public convenience; and that such road or grade shall not be opened and worked, or altered and worked until said committee shall so determine; and that the expense of such opening, altering and working, when ascertained, shall be fairly and impartially assessed by said committee or said majority of them, upon the owner or owners of any lands and real estate on the line or in the neighborhood of the improvement, which, in their opinion, is or will be peculiarly benefited thereby; such assessment to be made in such proportions and to such extent as they may consider said lands and real estate to be so benefited; and that if said expense shall exceed said peculiar benefits, the excess shall be assessed upon and paid by the township at large; and that said committee shall consider said assessment at a public meeting, of which the township clerk shall have given at least two weeks' public notice by advertisements, under his hand, set up in at least five of the most public places of the township; and that said committee may consider said assessment at any subsequent or adjourned meeting without further notice; and that at any and all such meetings to be had before their final determination of the matter, the said committee shall hear and consider all objections to said assessment, to be made by parties interested therein; and that, when said committee shall have finally determined upon said assessment, they shall enter the same at full length upon the minutes of their proceedings, and that the same shall be final and conclusive upon all parties affected thereby; and that the township clerk shall furnish a copy thereof to the collector of taxes in said township; and that the amount or amounts so assessed for benefits shall be collected in the same manner as township taxes for the working or repairing of roads are or shall be.

Assessments shall be a lien upon the lands and real estate benefited until the assessments with interest and costs be paid.

2. *And be it enacted*, That any and all assessments for benefits heretofore or to be hereafter made, adopted and ratified, for laying out, widening, altering, straightening or vacating any public road or highway, or for altering the grade of any such road or highway, or any part thereof, shall be and remain a lien or liens upon the lands and real estate so benefited, from the time of the adoption and ratification of the report and map relating thereto, for three years thereafter, or until said assessments with all interest, costs and fees thereon, shall be fully paid and satisfied; notwithstanding any devise, descent, alienation, mortgage or other incum-

brance thereof; and notwithstanding any mistake in the name or names of any owner or owners of such lands and real estate, or omission to name any such owner or owners; and that any assessment in which such mistake or omission occurs shall be as valid and effectual in law as though said mistake or omission had not occurred; and that in addition to the remedy of an action at law given in and by the thirteenth section of said act; the said lien or liens may in the discretion of said committee, be enforced by the sale and conveyance of said lands and real estate in the manner hereinafter prescribed.

Assessments to be charged interest after the expiration of sixty days.

3. *And be it enacted*, That in case any such assessment for benefits, together with interest thereon, and all costs and fees which may have accrued thereon, shall remain unpaid at the expiration of sixty days from and after the service of the notice mentioned in the tenth section of said act; it shall be lawful for the said township committee, in their discretion, and by resolution, to direct that said assessment shall be collected with interest, costs and fees as aforesaid, and it shall then be the duty of the collector of taxes in said township to proceed immediately in the collection thereof, by enforcing the said lien by the sale and conveyance of said lands and real estate upon which said assessment was made as is hereinafter prescribed.

Collector of taxes shall give notice by advertisement before proceeding to sell.

4. *And be it enacted*, That the said collector shall thereupon give a second notice, by an advertisement in a newspaper printed in said county, and circulating in said township, that unless said assessment, together with interest thereon as aforesaid, and all costs and fees shall be paid to him at his office within thirty days after the first publication of said second notice, he shall proceed at a certain time and place therein specified, and between the hours of one and five o'clock in the afternoon, to make sale in accordance with the provisions of this act, of the said lands and real estate whereon said assessment has been imposed or may be a lien; and that said second notice shall contain a brief abstract of said assessment, showing the name or names of said owner or owners, when known, a brief description of said lands and real estate, and the amount of the unpaid assessment due thereupon; and that it shall be lawful to incorporate more than one assessment in said notice.

5. *And be it enacted*, That at the time and place, and

Sales to be made by public auction.

between the hours mentioned in said second notice, the said collector shall proceed to sell by public auction, the several parcels of the said lands and real estate upon which the said assessment still remains due and unpaid, for the lowest term of years, but in no case exceeding fifty years, for which any person will take the same and pay the amount of such assessment, with the interest thereon as aforesaid, and all costs and fees, including the expenses of advertisement and sale; that such payment shall be made by the purchaser before the close of the sale, and that if it be not so made, the said collector may re-sell the property, or the said township may have in its corporate name, its action at law against the purchaser for the payment of the whole amount due, with interest thereon at the rate of two per centum per month; that the sale may be adjourned from time to time at the discretion of said collector, until all of the said lands and real estate shall have been disposed of; and that such parcels as are not bid for when offered for sale or re-sale as aforesaid, shall be struck off to the township for the term of fifty years.

Collector to give to purchaser certificate of sale.

6. *And be it enacted*, That at or after the close of the sale the said collector shall make out under his hand and seal, and deliver to each purchaser a certificate of the sale of each lot or parcel of said lands and real estate so purchased by him; that such certificate shall contain a short description of the property, and shall state the term of years for which it was sold, as well as the time when the right to redeem the same will expire; that such certificate shall also show the particular assessment under which the sale was made, together with the amount thereof, and the amount of interest, costs, and fees; that such certificate shall always be presumptive evidence of the facts stated therein, and shall be recorded in the office of the township clerk in books to be kept for the purpose, and shall constitute a lien upon the lands and premises therein described; and that the said certificate may be assigned, but that no such assignment shall have any effect until the same shall be recorded in like manner in the office of the township clerk; and that no declaration of sale of the said lands and real estate shall be delivered to such purchaser or assignee as is hereafter provided, until the said certificate shall have been cancelled and filed with the township clerk, unless the loss

or destruction thereof shall be established by affidavit to the satisfaction of the township committee.

Collector shall keep record of sales and certificates granted.

7. *And be it enacted*, That the said collector shall keep a full and accurate record in his office of all his proceedings upon such sales, including a statement or list of all certificates granted and all redemptions of property sold by him, to which record all parties claiming to be interested therein shall have free access at all reasonable times.

Township may become a purchaser.

8. *And be it enacted*, That if the township becomes the purchaser of any lands and real estate at any such sale, the certificate of sale shall be assignable as aforesaid, and that all the other provisions of the said act and of this supplement thereto in relation to the said sale shall apply to the township in the same manner as to any other purchaser.

Mortgagee or assignee of mortgagee not to be divested of rights unless six months' notice of sale be given him in writing.

9. *And be it enacted*, That no mortgagee or assignee of any mortgage, whose mortgage or deed of assignment (as the case may be) shall have been duly registered before any such sale for an unpaid assessment, shall be divested of his rights in the property covered by such mortgage, unless six months' notice of such sale shall have been given to him in writing by the purchaser or any person claiming under him; that such notice shall be served personally upon the said mortgagee or assignee if a resident of the said county of Essex, or, if he be not so resident, by being directed to him at his place of residence as stated in the mortgage or deed of assignment, and by being deposited prepaid in the post office of said township, and that in the latter case said notice shall likewise be published for the space of two months in a newspaper printed in said county and circulating in said township; and that, within one month after such service, or service and publication of said notice, it shall be the duty of the person serving, or causing the same to be served, to file in the office of the said collector a copy of said notice, together with the affidavit of some person (who shall be certified by the officer taking the affidavit to be a creditable person), as to the manner of service or service and publication thereof.

Proceedings for redemption of lands sold for assessments, &c.

10. *And be it enacted*, That the owner, mortgagee, occupant, or any person having a legal or equitable interest in any lands and real estate sold as aforesaid, may redeem the same at any time within three years thereafter by paying to the collector, for the use of the purchaser, his legal representatives or assigns, the said purchase money, together with

any assessment for taxes or improvements which the said purchaser may have paid, and of the payment of which he may have filed a written notice in the office of the said collector, together with interest at the rate of two per centum per month upon such purchase money from the time of such sale, and upon such payment or payments from the time of filing such notice or notices as aforesaid; and that the certificate of said collector, stating the receipt of such moneys and showing what property the same were intended to redeem, shall be evidence of such redemption; and that, upon the receipt of such moneys by the said collector, he shall cause the same to be refunded to the purchaser, his legal representatives or assigns, on demand; and that all proceedings in relation to said sale shall then cease and determine; and that if the person so redeeming be a judgment creditor or a mortgagee, or the assignee of a judgment or mortgage, he shall have a lien on the lands and real estate so redeemed by him, by virtue of this act, for the amount so paid by him to effect such redemption, with interest thereon at the rate of twelve per centum per annum, in the same manner as if the same had been included in his mortgage or judgment, and he may enforce the payment thereof in the same manner; and that the said collector shall make out two certificates for all property so redeemed, one to be kept by the person so redeeming the same, and the other to be filed in the office of the township clerk.

Declarations of sale to be given if redemption is not made.

11. *And be it enacted*, That if any lands and real estate so sold, shall not be redeemed as aforesaid, the township committee shall, in the name of said township, execute to the purchaser, or his legal representatives or assigns, a declaration of sale, signed by the chairman or presiding officer of said committee, and attested by the township clerk, containing a short description of the premises sold, together with a brief statement of the facts of assessment, advertisement and sale, including the date of sale, and the term for which said premises were sold; that said declaration shall be recorded in the office of the township clerk in books to be kept for the purpose, and that, until the same shall be so recorded, such lands and real estate may be redeemed as hereinbefore provided, notwithstanding the period of three years from the time of such sale may have expired; that such declaration of sale shall be presumptive evidence in all courts and places, that such sale and pro-

ceedings were regularly made and had, according to the provisions of this act; and that such purchaser and his legal representatives or assigns, shall, by virtue thereof, lawfully hold and enjoy such lands and real estate, with the rents, issues and profits thereof, for his, her or their own proper use, against the owner or owners thereof, and all persons claiming under him, her or them, until the term shall be completed and ended for which the purchaser agreed to take the same, and, at the expiration of the said term, shall peaceably and quietly yield up such lands and real estate to the lawful owner or owners thereof, being liable, however, for any waste or injury done or committed by him, her or them, in the same manner as a tenant for a term of years.

Clerk to give certificates of search, &c.

12. *And be it enacted*, That in addition to the recording of certificates and declarations of sale, and of assignments of such certificates as aforesaid, the township clerk shall also give certificates of search in relation thereto, to any person or persons applying for the same; and that he shall also cancel such certificates, and such assigments thereof so recorded, whenever the lands and real estate for which they were given shall be redeemed, upon the presentation and filing in his office of the collector's certificates of such redemption.

Compensation to the collector and clerk.

13. *And be it enacted*, That for any services to be rendered under the said act and this or any other supplement thereto, the said collector and the said clerk shall be allowed such special compensation as may be, from time to time, determined by the township committee; and that the said collector shall also be entitled to receive from each purchaser the sum of two dollars for every certificate or declaration of sale by him given; and that the said clerk shall also be entitled to receive from said purchaser the sum of two dollars for every certificate or declaration of sale, and every assignment of such certificate, to be recorded by him as aforesaid, and also the sum of one dollar for every search (including the certificate thereof,) made by him in the records of certificates and declarations of sale and assignments as aforesaid; and that the said collector shall also collect for the use of the township, a fee of five dollars from each purchaser, at the time of the delivery of the said certificate of sale, for the cost of advertising and selling each

and every lot or parcel of said lands and real estate by him sold as aforesaid.

Amount realized from sale of building to be deposited with township collector.

14. *And be it enacted*, That so much of the twelfth section of the said act as requires the amount realized from the sale of any building, or part of any building, to be deposited with the township treasurer, and to be by him paid to the former owner or owners thereof on demand, be and the same is hereby repealed, and that instead thereof the said amount shall be deposited with the said township collector, and shall be credited by him to the owner or owners of lands and real estate so assessed for benefits, and in proportion to the amounts of their several and respective assessments as so much money paid by them thereupon.

Proceeding in case of writ of certiorari for the purpose of review, &c.

15. *And be it enacted*, That no certiorari shall be granted or allowed to remove into any court of this state, for the purpose of review, any report, map, assessment, resolution, or other proceeding of any kind whatsoever, made or to be made under or by virtue of the said act or this supplement, after the expiration of sixty days from the time of the adoption and ratification by the said committee of the said report and map of the said commissioners, or of the making of an assessment by the said committee, as the case may be; and that whenever any such report, map, assessment, resolution or other proceeding on being so reviewed shall appear to be irregular or defective, whether in form or substance, the said commissioners and the said committee, and the said clerk, shall have the right to amend and correct the same, in all particulars so that the same shall truly conform to the facts as they may be presented to said court in and by affidavit or otherwise; and that, whenever it shall appear to the said court that the party prosecuting the said certiorari is justly aggrieved because of an assessment having been made, for either damages or benefits, or for both damages and benefits, contrary to the provisions of said act or this supplement, the said court shall set aside such assessment only so far as it relates to the prosecutor, and shall, at the same time, appoint three disinterested freeholders of the said township to act as appraisers in making a new assessment in favor of or against said prosecutor, or both; that said appraisers, or any two of them, shall give ten days' notice in writing, of the time and place of their first meeting, unto the said prosecutor and the said township clerk,

and shall view the premises, and shall give a hearing to all parties claiming to be interested in the matter, and shall make a new assessment as aforesaid in accordance with the provisions of said act and this supplement, and shall certify the same, under their hands, to the said clerk as well as to the said court; and that such new assessment shall be final and conclusive upon all parties; and that after the said clerk shall have recorded the same upon the minutes of the proceedings of the said committee, he shall deliver the same to the township collector, who shall proceed to collect and enforce the payment of the same as in the case of the original assessment; and that the costs of the whole proceeding, as the same may be fixed and determined by the said court, shall be paid by either or both of the parties thereto in such manner or proportions as the court may order; and that, in case more than one assessment shall be thus reviewed in the same matter, the court shall always, if possible, appoint the same freeholders to act as appraisers; and that a new assessment for benefits shall be a lien upon the lands and real estate benefited, in the same manner as the original assessment; and that in case an assessment of damages shall be increased, or an assessment of benefits shall be reduced, by said appraisers, the amount of such increase or deficiency shall be paid by the township at large.

Committee shall have power to cause the roads or streets to be lighted.

16. *And be it enacted*, That it shall be lawful for the said committee from time to time, to create, establish and alter one or more lamp districts, for the lighting of any road or roads mentioned or referred to in this act, or any other road or roads within the limits of said township; and to take all necessary measures for so lighting the same with gas or oil; and to provide and erect posts and lanterns therefor; and to make and enter into contracts with any person or persons, company or companies, for all purposes whatsoever in relation thereto; and to cause the yearly cost thereof to be assessed upon and collected from the people and property in said districts respectively, in the same manner as the general tax for the working and repairing of roads is or may be assessed and collected.

Repealer.

17. *And be it enacted*, That the eleventh section of said act, as well as all other parts of said act, and all other acts or parts of other acts inconsistent with the provisions of this act, be and the same are repealed, so far as they relate

to said township; and that this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 18, 1873.

CHAPTER CCLXXXIII.

A Supplement to an act entitled "An Act to reorganize the Local Government of Jersey City," passed March thirty-first, one thousand eight hundred and seventy-one.

Certified copy of ordinance may be used in evidence.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any proceeding had before any police justice in Jersey City for the purpose of recovering the penalty for the violation of any ordinance or regulation of said city, such ordinance may be proved by a copy thereof, certified under seal of the city clerk, and due publication of all ordinances and regulations of said city shall be presumed to have been made until the contrary is proven.

Amendment.

2. *And be it enacted*, That section one hundred and eleven of the act to which this is a supplement be amended so as to read as follows, namely: that the officers empowered to serve any process issued by any of the police justices shall be, besides the constables elected or appointed within the said city, the policemen of said city, and that said process shall be returned in the same manner, so far as circumstances may permit, as similar processes issued out of the courts for the trial of small causes; and that the defendant or defendants shall, if the police justice see fit to adjourn the hearing of the charge and so order, enter into recognizance, as near as may be, in the manner directed in courts for the trial of small causes, in not less than double the amount of the penalty, with such surety as may be approved by the police justice, unto the mayor and aldermen of Jersey City for appearance on the day to which the said hearing may be adjourned, and in default of appearance the said recognizance may be collected in the same manner as the same

might have been, had the said recognizance been taken in a proceeding in a court for the trial of small causes.

Amendment. 3. *And be it enacted*, That section one hundred and nine of the act to which this is a supplement be amended by striking out the words "two thousand" and inserting in lieu thereof the words "three thousand."

Prisoner may be discharged at any time on payment of fine imposed. 4. *And be it enacted*, That in all cases where any person convicted before a police justice shall have been committed to the county jail or workhouse in default of the payment of a fine or penalty, said person may at any time previous to the expiration of the term of imprisonment be discharged upon the payment of the fine or penalty originally imposed less an amount proportionate to the time already served.

Powers of the police justices. 5. *And be it enacted*, That in addition to the powers now belonging to the police justices of said city, each of said justices shall have all the powers in criminal matters which have been conferred upon justices of the peace in and for the several counties of this state by any general public law enacted by the legislature since the passage of the act to which this is a supplement.

Amendment. 6. *And be it enacted*, That the ninety-eighth section of the act to which this is a supplement be and the same is hereby amended by striking out the word "thirteen" wherever it occurs in said section, and inserting in lieu thereof the word "fifteen."

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

Approved March 20, 1873.

CHAPTER CCLXXXIV.

A Further Supplement to an act to authorize the Inhabitants of Delanco, in the Township of Beverly, in the County of Burlington, to Improve and Regulate their Roads, Crossings and Sidewalks, approved April third, one thousand eight hundred and sixty-six.

Repealer. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act entitled, "A further supplement to an act to authorize the inhabitants

of Delanco, in the township of Beverly, in the county of Burlington, to improve and regulate their roads and sidewalks, approved April three, one thousand eight hundred and sixty-six," approved April one, one thousand eight hundred and sixty-nine, as made it lawful for the commissioners elected in accordance with section three of said act of April three, one thousand eight hundred and sixty-six, "to collect all moneys ordered to be raised," be and the same is hereby repealed.

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

Approved March 20, 1873.

CHAPTER CCLXXXV.

An Act entitled An Act to regulate Elections in the Township of Manalapan, in the County of Monmouth.

Hour for opening and closing polls.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter at all elections for township officers and justices of the peace, the polls shall open at nine o'clock in the forenoon, and close at four o'clock in the afternoon.

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

Approved March 20, 1873.

CHAPTER CCLXXXVI.

A Further Supplement to the act entitled "An Act to revise and amend the Charter of the City of Newark," approved March eleventh, one thousand eight hundred and fifty-seven.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplement to the act entitled "An Act to revise and amend the charter of the city of Newark," approved March eleventh, one thousand

eight hundred and fifty-seven, which supplement was approved the fourth day of April, one thousand eight hundred and seventy-two, being chapter five hundred and sixty-six of the acts of one thousand eight hundred and seventy-two, be and the same is hereby repealed.

Approved March 20, 1873.

CHAPTER CCLXXXVII.

A Further Supplement to an act entitled "An Act to revise and amend the Charter of the City of Elizabeth."

Boundaries to be included in the seventh ward.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the sixth ward of said city of Elizabeth as is comprised within the following boundaries: beginning at the intersection of the centre line of Jersey street with the centre line of Broad street, and running thence westerly along the centre line of West Jersey street to the centre line of Chilton street; thence westerly along the centre line of Chilton street to the centre line of West Grand street; thence easterly along the centre line of West Grand street to the centre of Broad street; and thence southerly along the centre line of Broad street to the beginning, shall henceforth be a part of the seventh ward of said city.

Repealer.

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

Approved March 20, 1873.

CHAPTER CCLXXXVIII.

A Supplement to an act entitled "An Act to incorporate the Hoboken Fire Department Fund, for the Benefit of all Indigent and Infirm Firemen of the City of Hoboken and also their Widows and Orphans," approved March eleventh, one thousand eight hundred and fifty-seven.

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is a supplement be amended by striking out the eighth section thereof, and inserting instead thereof the following: "that all moneys at any time received by the treasurer shall be held by him subject to be drawn upon by order of the trustees until the same shall amount to five hundred dollars, and that all moneys remaining in said treasurer's hands over and above said sum of five hundred dollars, whenever said surplus amounts to one hundred dollars or more, shall be invested by the board of trustees as part of the permanent fund, in such manner as in their judgment will be most beneficial to the interests of said corporations.

Vote to be taken by ayes and nays.

2. *And be it enacted*, That in the disbursement or loaning of any money in the possession of the board of trustees, a vote of two-thirds of the members of said board shall be necessary, and said vote shall be taken by the ayes and nays, and recorded in the minute book of said trustees.

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

Approved March 20, 1873.

CHAPTER CCXC.

A Further Supplement to an act entitled "An Act to regulate Elections," approved April sixteenth, one thousand eight hundred and forty-six.

Township of Shrewsbury to comprise one election district.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be required to divide the township of Shrewsbury, in the county of Monmouth, into election districts, but that said township shall and may comprise one election district.

Repealer.

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

Approved March 20, 1873.

CHAPTER CCCIX.

A Supplement to an act entitled "An Act appointing Commissioners of Streets and Sewers, in the City of New Brunswick," approved March twenty-third, one thousand eight hundred and seventy-one.

Commissioners authorized to use natural water courses for purpose of sewerage.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the commissioners named in the said act to which this act is a supplement, and their successors in office, in the construction of any sewer, drain or culvert, in the said city of New Brunswick, to make use for that purpose, of such natural water courses as have heretofore been used for the purposes of drainage in the said city.

Damages to be paid in case of re-grading part of George street.

2. *And be it enacted*, That in case that part of George street, between Morris street and Hassart street, in the said city, shall be regraded by the said commissioners, they may ascertain and determine and pay such damages done to private property on the said George street, and between the said designated streets, in the performance of the said work as they may deem equitable, to be raised and paid in pursuance of the fifth section of the said act to which this act is a supplement.

Amendment.

3. *And be it enacted*, That the fifth section of the said act, to which this act is a supplement, be and the same hereby is amended so far that it shall not be necessary for the said commissioners to obtain the consent therein and thereby required, in any case where it may be requisite to change the grade of a part of any street in the said city, in order to make the same conform to the grade of any street crossing such street.

Amendment.

4. *And be it enacted*, That the seventeenth section of the said act, to which this act is a supplement, be and the same is hereby amended so as to authorize and require the said commissioners to add interest at the rate of seven per centum per annum upon all payments made on account of the work during its progress, from the time of payment until sixty days after the first publication of the notice mentioned in the said section.

Amendment.

5. *And be it enacted*, That the twenty-second section of the said act to which this act is a supplement, be and the same is hereby amended so as to make the sum in the proviso of the said section mentioned, seven thousand dollars, instead of five thousand dollars.

Commissioners may invest moneys in bonds

6. *And be it enacted*, That the said commissioners may, if they deem proper, invest any of the moneys mentioned in the twenty-sixth section of the said act, to which this act is a supplement, in the bonds issued or to be issued by them under the twenty-fifth section of the said act, or in such other securities as may be be approved by the president, directors and company of the State Bank at New Brunswick.

Commissioners may correct errors in assessments.

7. *And be it enacted*, That it shall and may be lawful for the said commissioners at any time to correct any error in any assessments by them made under the said act to which this act is a supplement, or to assess the owners of any lands omitted; or to reduce the amount of any assessment accord-

ing to the justice of the case, to the end that assessments may be fairly made.

8. *And be it enacted*, That the following words in the twenty-fifth section of the said act, to which this act is a supplement, viz: "five hundred thousand dollars, and that not more than fifty thousand dollars of said bonds shall be issued in any three months," be and the same are hereby repealed, and that the words "one million dollars" be and hereby are substituted in lieu thereof. Repealer.

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

Approved March 21, 1873.

CHAPTER CCCX.

A Further Supplement to the act entitled "An Act for the Preservation of Clams and Oysters;" revision; approved April fourteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the penalty in the first section of the act to which this is a further supplement be increased from ten to fifty dollars. Penalty increased.

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

Approved March 21, 1873.

CHAPTER CCCXV.

A Supplement to an act entitled "An Act to reorganize the Local Government of Jersey City," passed March thirty-first, one thousand eight hundred and seventy-one.

Compensation to the president of the board of aldermen and other officers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That instead of the salaries now paid, the following named officers shall receive only the salaries hereinafter specified, viz.: the president of the board of aldermen shall receive an annual salary of one thousand dollars; each member of the board of public works shall receive an annual salary of fifteen hundred dollars; each member of the board of fire commissioners shall receive an annual salary of five hundred dollars, except that the president of said board shall receive an annual salary of eight hundred dollars; each member of the board of police commissioners shall receive an annual salary of one thousand dollars; each member of the board of finance and taxation, excepting the president of the board of aldermen, shall receive an annual salary of five hundred dollars.

Veto power.

2. *And be it enacted*, That the mayor shall not be ex-officio, a member of any of the boards of the city government, but shall have power to veto the action of any board within ten days thereafter; and all ordinances and resolutions shall be certified and forwarded to the mayor as now required by law; and unless said board shall by a two-thirds vote at its next meeting, after receiving notice thereof, vote to sustain said action, notwithstanding said veto, said action shall be void.

Appointment of city weighers and measurers, and superintendent of public grounds.

3. *And be it enacted*, That the board of aldermen shall have power to appoint city weighers and measurers, and a superintendent of public grounds and buildings, and to define their powers, duties, and fix their compensation; and shall provide for the various officers of the city, proper

places for the transaction of their business; *provided*, that the board of public works, board of police commissioners, board of fire commissioners, board of education, and board of aldermen, shall have control of all buildings pertaining to their respective departments. Proviso.

4. *And be it enacted*, That section twenty-four of the act to which this is a supplement, shall be so amended as to confer upon the board of aldermen the additional power to regulate and prohibit the carrying concealed any loaded pistols, dirk, dagger, sword-cane, slung-shot, or other deadly weapon within the limits of said city; to prevent immoderate, dangerous or reckless driving in the public streets, and riding or driving over or upon sidewalks; to regulate or prohibit bathing in the waters of said city; and to maintain the city armory provided for in said section. Additional powers conferred upon aldermen.

5. *And be it enacted*, That the board of public works shall, at their first meeting, in the months of January, April, July and October, by resolution inform the board of finance and taxation of the probable gross amount of money which will be required by said board of public works during the three months then next ensuing. Board of finance and taxation to be informed as to money required.

6. *And be it enacted*, That the chief engineer of the board of survey may be removed for cause by the board of public works; and in case of any vacancy in that office, the vacancy shall be filled by the board for the unexpired term only. Chief engineer of board of survey may be removed for cause.

7. *And be it enacted*, That the number of men regularly employed on the police force in said city may be increased ten per centum in any year; the police commissioners are hereby authorized to equip and employ six members of the regular police force as mounted policemen, and the salaries of the captains of police shall be increased to fifteen hundred dollars per annum. Police force may be increased.

8. *And be it enacted*, That the tax of fifty cents per lot for cleaning and repairing sewers, authorized by section ninety-three of the act to which this is a supplement, be repealed, and the cost of said work shall annually be estimated and reported by the board of public works to the board of finance and taxation and shall be included in the annual tax levy, and raised by general tax. Costs for cleaning and repairing sewers to be included in annual tax levy.

9. *And be it enacted*, That the board of aldermen shall

Board of aldermen authorized to expend money for specific purposes. Proviso.

have power to expend, annually, such sum of money as they may deem expedient for the purpose of celebrating the anniversary of our national independence and dedication of our soldiers' graves; *provided*, that such sum shall not exceed three thousand two hundred dollars.

Repealer.

10. *And be it enacted*, That section fifty-one, of the act to which this is a supplement, is hereby repealed.

Compensation of city marshal.

11. *And be it enacted*, That section thirty-three, of the act to which this is a supplement, be so amended that the city marshal may receive a salary of one thousand dollars per annum.

Moneys to be appropriated to the sinking fund.

12. *And be it enacted*, That all moneys to be received from licenses and fines, granted and imposed under the provision of the act to which this act is a supplement, and all moneys to be received from the redemption of lands within the present limits of Jersey City, which have been sold for taxes levied prior to the year one thousand eight hundred and seventy-one, and all moneys to be received from the payment of all taxes, interest and penalties levied before that year, shall be appropriated to the sinking fund of Jersey City; that said sinking fund shall be used exclusively to satisfy bonds of Jersey City.

Contract for wood pavement may be annulled.

13. *And be it enacted*, That the board of public works may, by resolution, annul so much of the contract to pave Montgomery street with wood pavement as is still incompleted, and to cause trap rock Belgian block pavement to be laid on said unfinished part; *provided*, the board of aldermen shall concur in said resolution, and the said board of public works are hereby authorized to provide for the payment of that part of said street now completed, and that said change shall not invalidate any assessment that may be made for said improvement.

Proviso.

Amendment.

14. *And be it enacted*, That section fifty-nine of the act to which this is a supplement be amended by striking out the first two provisos, and inserting in lieu and place thereof the following: *and provided*, that the expense of the construction of any main sewer, and the laterals emptying into the same, shall be assessed upon the whole land benefited by the construction of said main sewer and laterals, and upon the whole area of each lot drained; and said assessment shall be made in assessing for main and lateral sewers, in such manner that the whole area drained shall bear an equal

Proviso.

proportion of the cost of the construction of said main sewer and the laterals emptying into the same.

Compensation to assessors.

15. *And be it enacted*, That the terms of office of the present assessors shall expire on the first Monday of April, one thousand eight hundred and seventy-three, and that the new board of finance and taxation shall appoint one assessor for each aldermanic district, who shall hold their offices for one year, and receive an annual salary of two thousand dollars, and may be removed by said board for cause, and the office of assistant assessor is hereby abolished; *provided*, that any assessors or assistant assessors now appointed shall receive his salary until the first day of May, one thousand eight hundred and seventy-three, unless he shall be re-appointed.

Proviso.

Annual statement of indebtedness to be published.

16. *And be it enacted*, That the assessment account, both as to its money and proceeds of issue of bonds, shall be kept separate and distinct from the general account and bonded indebtedness of the city; and it shall be the duty of the new board of finance and taxation, as soon as can be done after their appointment, to classify the bonded debt of the city into three classes, to wit: general bonded debt, bonded water debt, and bonded debt belonging to the assessment account, and to publish the same, in short, in the corporation papers, and annually hereafter, in the month of April in each year, to publish such statement of indebtedness.

Repealer.

17. *And be it enacted*, That section one hundred and fifty of the act to which this is a supplement be amended by making the first five per centum penalty payable on the tenth day of January, in any year, instead of the first day of January, as now fixed, and the five per centum penalty to be added on all taxes which remain unpaid on the first day of February of any year, is hereby repealed.

The board of public works shall advertise for proposals for excavating, &c.

18. *And be it enacted*, That as soon as said board of public works shall have passed a resolution directing any improvement to be made under sections forty-seven, forty-eight and fifty-nine of the act to which this is a supplement and the same shall have been approved by the mayor and aldermen of said city, the said commissioners of assessments, with the aid and assistance of the bureau of survey, shall make and report to the said board of public works, an estimate of the quantity and kind of excavation and filling, and of the amount of work to be done, and of the materials to be furnished for the making and completion of the said

improvement; upon filing such report with the board of public works, the said board shall advertise in a public manner for proposals for doing such work and furnishing such materials; all such proposals shall, after they are opened by the said board of public works, remain on file with the clerk of said board of public works, open to public inspection for the space of one week before the awarding and making of any contract for such improvement; after the expiration of the said week, the said board shall award the contract for the said improvement to the lowest bidder for the whole work and materials; and in determining who is the lowest bidder for the whole work and materials, the said board of public works shall, with the assistance of the bureau of surveys, make a calculation upon the said estimates of the said commissioners of assessments of the cost of the whole work and materials at the prices and charges named in each proposal; and in no case shall the award of such contract be made to any but the lowest bidder for the whole work and materials ascertained as aforesaid; when the lowest bidder to whom any contract shall have been awarded shall fail to enter into such contract, the board of public works shall again advertise for proposals, and the person or persons to whom the said contract was first awarded shall be liable to the city for the costs of such re-advertising, and for all other damages sustained by the city by reason of such default; and each bidder for any contract with the city shall, before he deposits his proposal, deposit or place in the hands of the city treasurer the sum of three hundred dollars, to meet and defray the expenses of re-advertising in case the contract is awarded to such bidder, and he shall neglect or refuse to enter into such contract; the money so deposited shall be returned to every such bidder in all cases where the contract shall not be awarded to him; and if the said contract is awarded to such bidder, the money shall be held and accounted for on settlement of the contract, and in no case shall a contract be awarded to any contractor unless the said contractor shall tender with his bid his bond, with sufficient securities, to be determined by the board of finance and taxation, conditioned for the faithful performance of the said contract.

Contracts shall be awarded to the lowest bidder.

Contractor to give bond.

19. *And be it enacted*, That the commissioners of assessments, in making the preliminary assessment, directed to be made in section forty-one of the act to which this is a

supplement, shall before appraising the value of the land to be taken for any improvement applied for under that section, fix a time and place for meeting to make such appraisal, and to determine the value of the real estate to be taken for such improvement, and the damage which any owner of such real estate or of any interest therein may sustain by reason of such improvement, of which meeting they shall give at least ten days' notice, by publishing the same in the corporation papers of said city, and by sending to each known owner of any such lands through the post office, or otherwise, a written or printed notice of such meeting and its object, at which time and place the said commissioners of assessments shall meet and hear all parties interested in the said improvement, who desire to be heard before them on the value of the lands to be taken for such improvement, and the damages the owners of such lands will sustain by reason of such improvement; and they shall have power to swear and examine witnesses, and to hear evidence on all these questions, after which they shall appraise and determine the value of the lands and real estate to be taken for such improvement, and the damages which each owner of any such real estate or of any interest therein will sustain by reason of such improvement, and shall then proceed as directed in said section forty-one.

Notice to be given of appraisement of land to be taken for improvements.

20. *And be it enacted*, That when the final assessment for any improvement, applied for under section forty-one of the act to which this is a supplement, shall have been made, a report thereof shall be made and filed with the clerk of the board of public works; said board shall thereupon fix a time and place when and where they will meet to hear and consider objections to said final report; of which time and place the clerk shall give two weeks' notice in the official newspapers of said city; they shall also cause notices to the same effect to be posted at points not over four hundred feet apart along the whole of the said improvement, and all objections to such final report made in writing the said board shall consider and adjudicate upon, and shall correct and amend the said report as to them shall seem equitable and just, and confirm the same, after which the assessment so confirmed shall constitute a lien as provided for in said section forty-one.

Notice to be given of the time and place for hearing objections to the report of final assessments.

21. *And be it enacted*, That in making any assessment for improvements under section forty-eight of the act to

Assessments to be made upon property benefited.

which this is a supplement, the expense of excavating rock and all other excavations shall be assessed upon all the property benefited by such excavation, and to be assessed for said improvement.

Who eligible to membership.

22. *And be it enacted*, That no person shall be hereafter elected or appointed to membership in any of the boards of the city government, unless he shall have been a citizen of the United States, resident in the limits of Jersey City, for three years next preceding his election or appointment.

Petition or application for improvement shall be signed by owners of land, &c.

23. *And be it enacted*, That no petition or application for any improvement provided for in section forty-one or forty-seven, or forty-eight or fifty-nine, of the act entitled "An act to re-organize the local government of Jersey City," passed March thirty-first, one thousand eight hundred and seventy-one, shall be of any force, avail or effect, unless the same be signed by the owners of one-third of the frontage of land along the improvement desired; *provided*, that if any such application or petition, not signed by the requisite number of owners, shall be acted upon by the city authorities in good faith, believing the same to be duly signed, and a contract for work or materials shall thereupon be entered into or awards for damages shall thereupon be paid, such application or petition shall be of like force, avail and effect as if duly signed.

Proviso.

Proceedings in case of remonstrance.

24. *And be it enacted*, That if at or before the time appointed for hearing parties in relation to any improvement provided for in sections forty-one, forty-seven, forty-eight, or fifty-nine, of said act, a remonstrance against such improvement shall be presented to the board of public works, signed by the owners of the property liable to more than one-half of the assessment therefor, the said board shall proceed no further with such improvement, and for the information of all persons interested the said board shall in all cases under sections forty-seven, forty-eight, or fifty-nine of said act, advertise for proposals, and determine upon what bid the contract shall be awarded, and cause to be filed in the office of the clerk of said board a sketch showing what property will probably be assessed, and the probable amount of assessment per foot of frontage, before giving notice of the hearing of parties in relation thereto.

Repealer.

25. *And be it enacted*, That section fifty-two of said act shall apply to street or sewer improvements, the expense of

which, under said act, might be paid by assessment, and none others, and so much of said section as follows the words "as provided by law" be and the same hereby are repealed.

26. *And be it enacted*, That no contract shall be hereafter entered into by said city authorities for the laying of any wood pavement, or any patented pavement, in said city.

Advertisements for proposals.

27. *And be it enacted*, That all advertisements for proposals for the doing of work, or furnishing of materials for said city authorities, shall contain an approximate estimate of the amount of the various kind of work or materials required.

Notice of writ of certiorari not to delay filing of resolution to pay awards.

28. *And be it enacted*, That section sixty-six of said act be and the same hereby is so amended that no notice of the purpose of any person to apply for a certiorari shall delay the filing of the resolution to pay awards, or the making of the contract, beyond thirty days from the passage of said resolution, or the acceptance of the bid on which such contract is to be made.

Bureau of engineering and surveying established.

29. *And be it enacted*, That there shall be established in Jersey City a bureau of civil engineering and surveying, at the head of which shall be a chief engineer, to be appointed by the board of public works, and to receive an annual salary not to exceed six thousand dollars; the said chief engineer shall nominate to the board of public works as many assistants as may be necessary, and upon such nominations being confirmed, the said persons so nominated shall be considered appointed assistants; the assistants so appointed shall receive such compensation as the said board shall from time to time direct; *provided*, that all compensation shall be fixed by the day, week, month, or year; the said chief engineer and assistants shall constitute the said bureau, and shall have charge of and perform all surveying, drafting, engineering, estimating, preparing of plans, maps and specifications, and all other work usually pertaining to the business of a civil engineer and surveyor in relation to any public improvement or other work proper to be managed under the direction of said board or board of aldermen.

Proviso.

Chief and assistants to take oath and give bond.

30. *And be it enacted*, That the said chief engineer and his assistants shall each, before entering upon his duties, take the oath required by section eleven of the act to which this is a supplement, and shall give such bond for the honest, faithful and skillful discharge of his duties as the board of finance and taxation may require.

Duties of the bureau.

31. *And be it enacted*, That as soon as may be after the appointment of said chief engineer, the said bureau shall take charge of all works now in progress in said city, and perform in relation thereto all the duties of civil engineers and surveyors, and all other persons engaged as civil engineers or surveyors upon the work so taken charge of by said bureau shall forthwith cease to be so engaged, and shall not be entitled to receive any further compensation therefor.

Term of office.

32. *And be it enacted*, That the term of office of the chief engineer shall be one year, and the term of office of his assistants shall be in his discretion, and he shall have power to discharge them at pleasure.

Expenses of the bureau to be assessed as part of the expense of improvement.

33. *And be it enacted*, That the total expense of said bureau for work done for the city generally, and also for which private property shall be assessed, shall not exceed forty thousand dollars per annum; and the chief engineer shall in all cases of improvements where the expense thereof is to be raised by assessment, make and file with the clerk of said board a certificate of the amount which should be included in such expense for the services rendered by said bureau, and the amount so certified shall be assessed as part of the expense of such improvement.

Surveyor's estimate or certificate of work and materials to be signed by the chief engineer.

34. *And be it enacted*, That no surveyor's estimate or certificate of any work done or materials furnished shall be of any force or effect, unless the same shall be signed by the chief engineer, and he shall keep an accurate record of all duties performed by said bureau, which shall be open for public inspection at all reasonable times, and he shall make written reports quarterly, and as often as required, to the board of public works of all the matters then in progress or lately completed under his charge.

Board of finance and taxation.

35. *And be it enacted*, That the present board of finance and taxation, as now constituted, be abolished after the first Monday of April next, and that all the powers and duties exercised under the act to which this is a supplement, and by this act, by the board of finance and taxation are hereby transferred to and vested in a new board of finance and taxation, whose terms of office shall commence on the first Monday of April, one thousand eight hundred and seventy-three; and said new board of finance and taxation shall consist of seven persons as follows, to wit: the president of the board of aldermen, who shall be ex-officio a member of said board of finance and taxation, and six other persons, to

be appointed by the board of aldermen at any special or stated meeting after the passage of this act, of whom three shall hold office for one year and three for two years.

Term of office.

36. *And be it enacted*, That persons appointed to succeed incumbents in the said board of finance and taxation on expiration of their term, shall hold office for two years; persons appointed to fill vacancies therein arising from other cause than expiration of term shall hold office for the unexpired term only.

Motion, resolution or order of the board of public works shall be concurred in by vote of board of aldermen.

37. *And be it enacted*, That no motion, resolution or order of the board of public works providing for the making of any improvement, or the doing of any work or procuring of any materials or the purchase of any property which may cost over two thousand dollars, or for the employment of any person whose compensation may exceed one thousand dollars per annum, or for the payment of any sum of money exceeding two thousand dollars, shall be of any force or effect unless the same be concurred in by a vote of the board of aldermen; *and provided*, that it shall not be necessary for the board of public works to send to the mayor for his approval, under section ninety-five of the act to which this is a supplement, any resolution or vote that is required to be concurred in by the board of aldermen before it becomes valid.

Proviso.

Records and books to be open to the inspection of the board of finance and taxation.

38. *And be it enacted*, That said board of finance and taxation and its appropriate committee shall have (at all times) the right to examine any records, books, files or other papers pertaining to the business of said city, belonging to or in the possession, or under the control of any board or officer, or any agent, clerk, assistant or employee of any such board or officer; and it shall be the duty of every such board or officer, agent, clerk, assistant or employee, forthwith upon the request of said board of finance and taxation, or its appropriate committee, to furnish for examination, every such record, book, file, or other paper, and to give all requisite information in regard thereto.

When seat of any member may be declared vacant.

39. *And be it enacted*, That in case any member of any of the boards of said city shall absent himself from the board to which he belongs, without the permission of such board, for the space of two months, or shall be guilty of misconduct in office, the said board may, by resolution, declare his seat to be vacated, and thereupon a vacancy

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shall exist in said board to be filled in the manner prescribed by law.

Declarations of sale, when to be issued.

40. *And be it enacted*, That the declaration of sale provided for by section one hundred and fifty-one of the act to which this is a supplement, shall not be issued until the expiration of the two years after sale spoken of in said section, nor until by an affidavit made and filed in the city clerk's office, according to said section, it shall appear that the six months' notice required by said section to be given has been duly given, and the six months named therein have expired; and in the meantime there shall be issued to the purchaser at such sale, signed by the city clerk and the president of the board of finance and taxation, a receipt, showing the land sold, the arrears for which it was sold, and by whom and for how long it was purchased, which receipt may be assigned by the purchaser thereof, and the declaration of said sale shall be issued to the person owning said receipt at the time of such issue, on surrender of such receipt to the city clerk; and if, for any reason, any sale for arrears shall be adjudged insufficient to pass the title of the land for the term for which it was sold, the city shall be liable for the purchase money, with lawful interest on the same.

Supplement not to apply to sale for tax or water rent.

41. *And be it enacted*, That the supplement to the act entitled "An act for the better security of titles to land sold by sheriffs or other officers," approved March twenty-fifth, one thousand eight hundred and sixty-four, which supplement was approved April second, one thousand eight hundred and sixty-nine, shall not apply to any sale made under this act for any tax, assessment or water rent.

Appointment of city collector.

42. *And be it enacted*, That the new board of finance and taxation shall appoint a collector of revenue, to be called the city collector, who shall hold his office for the term of three years, and may be removed by said board for cause, and who shall receive an annual salary of five thousand dollars, and give bonds for the faithful performance of his duties in such sum as the board of finance and taxation shall approve; and the term of office of the present city collector shall expire as soon as the collector designated under this act is appointed and qualified.

Rules and regulations for keeping of accounts.

43. *And be it enacted*, That the board of finance and taxation may make such rules and regulations for the keeping of the accounts between said board, the treasurer, and the city collector, and the city comptroller, so as to fully carry

into effect the plan of receipting for taxes levied, assessments made, and the water rents assessed, and the discharge of said receipts by said board, and so that the balances due on each receipt may at any time be ascertained at the comptroller's office; such rules and regulations not to be inconsistent with the constitution and laws of this state.

Power of sale of water rents, &c., where vested

44. *And be it enacted*, That the power of sale of all delinquent taxes, assessments, and water rents, shall be vested in the city collector and registrar of the water works, respectively.

City collector shall give receipts in triplicate for gross amount of tax levy in his hands for collection.

45. *And be it enacted*, That the city collector shall give receipts in triplicate for the gross amount of the tax levy as soon as the same shall be placed in his hands for collection, and one of said receipts shall be filed with the board of finance and taxation, one with the comptroller and one with the city clerk; he shall have credit on the same for all sums paid to the county collector and city treasurer for all taxes on polls and personal property that are returned under oath of the collector or a deputy collector appointed for that purpose, that the same are uncollectable for want of sufficient property out of which to levy and collect the same, for all amounts of real estate sold for taxes, and for such mistakes and errors in the preparation of the lists by the assessors and appearing on the books in the collector's office as shall seem reasonable and just to the board of finance and taxation; and that the city collector shall sell, on the first Monday in June in each year, all the real estate belonging to delinquent tax payers; at the first sale to parties who will bid and pay the taxes, and after all the bidders are exhausted, the city treasurer may bid at the same sale; and the sale may be adjourned from time to time until all the property is sold, and the city collector shall finally close the tax levy of any one year by the first day of August of the next succeeding year, or by such further time as may be granted to him by the board of finance and taxation, who are hereby authorized to discharge the city collector by resolution when he shall have complied therewith and closed out the tax list of any one year.

Triplicate receipts to be given for gross amount of assessments for collection.

46. *And be it enacted*, That the city collector shall give receipts in triplicate in gross for the amount of every assessment placed in his hands for collection, and one of the said receipts shall be filed with the board of finance and taxation, one with the comptroller and one with the city clerk;

he shall have credit for all money collected on the same paid into the city treasury, and he shall take separate receipts for collections on each assessment, and for all assessments unpaid after the assessment shall have remained in his hands for six months, he shall proceed to sell, and shall have credit for all sales and credit also for all amounts set aside on any assessment by the courts or any lawful commissioners, and also for such mistakes and errors as may be allowed by the board of finance and taxation; and the sales for assessments shall be made on the first Mondays in April and October in each year, and at such sales all lands shall be sold where the assessment has been confirmed for six months and more at the time of advertising the sale, and the sale may be adjourned and conducted the same as the sales provided for taxes, and the assessments to be finally closed and the city collector to get his discharge for every assessment receipted for within eighteen months after he receives the same, unless the board of finance and taxation shall extend the same; and when each assessment is closed the board of finance and taxation shall, by resolution, grant a discharge to the city collector.

Registrar of water works to give triplicate receipts.

47. *And be it enacted*, That the registrar of the water works shall receipt in triplicate for the gross amount of the annual list of water rents, and for such monthly lists as may be made for water sold by meter measurement, one of which receipts shall be filed with the board of finance and taxation, one with the comptroller, and one with the city clerk; he shall have credit for all rents collected and paid into the treasury, for all lands sold for water rents, and for such mistakes in the levy of the same as may be allowed by the board of finance and taxation, and he shall sell the lands in arrear for all unpaid water rents on the first Monday in June in the next year after their levy, and said sale shall be advertised at the same time as the sales for taxes, and conducted in all respects as sales for taxes, and his yearly list to be closed by the first day of August in the year after the levy, unless the board of finance and taxation shall give him further time to collect the same; and when said yearly list shall be closed, the board of finance and taxation shall, by resolution, discharge the said registrar of the water works from his said receipts.

48. *And be it enacted*, That it shall be the duty of the

city collector to give twenty days' notice of the time, amount and place of sale to each person assessed, by letter or circular, for all assessments; but the omission of this notice not in any way to invalidate the sale. City collector to give notice of time and place of sale.

49. *And be it enacted*, That the aldermen and members of the board of education elected at the next succeeding charter election shall at the first meeting of their respective boards after the first Monday in May next ensuing, proceed to determine, by lot, their respective terms of office; and that one alderman, and one member of the board of education from each district, shall hold office for the term of one year, and the other alderman and member of the board of education from each district, shall hold his office for the term of two years; and at each succeeding charter election thereafter but one alderman and one member of the board of education shall be elected from each district, who shall each hold his office for the term of two years; *provided*, that any vacancy in said board of education shall be filled by the board of aldermen until the next succeeding charter election, when the electors shall proceed to fill the vacancy for the then unexpired term only. Board of education to determine by lot their terms of office. Proviso.

50. *And be it enacted*, That the board of finance and taxation shall appoint and fix the compensation of such assistants or deputies as the city collector of revenue may require, and said assistants may hold their offices at the pleasure of the board of finance and taxation; but no such appointment shall be made, except upon the nomination of the city collector. Compensation to assistants and deputies to be fixed by board of finance and taxation.

51. *And be it enacted*, That section fifty-nine be amended by striking out all of the last proviso to said section, relating to assessments for sewers in the ninth, tenth, and eleventh wards of Jersey City, which proviso is hereby repealed, and assessments for sewers in said wards ordered to be constructed after January first, one thousand eight hundred and seventy-three, shall be made in the same manner as assessments are made for all other sewers in said city. Assessments for sewers.

52. *And be it enacted*, That when any street is hereafter repaved, where the expense thereof is to be paid by general tax, said tax shall be levied and collected to pay for said repavement in the year in which the work is done, and no bonds of the city shall hereafter be issued to pay for the repavement of streets; and where a street paved with cobble Assessments for expenses for repavement.

stones is repaved with Belgian block, the property owners on the line of the street shall be assessed for one-third of the cost of the repavement, and the city shall pay the other two-thirds by general tax.

53. *And be it enacted*, That at the end of section one hundred and fifty-nine of the act to which this is a supplement, there shall be added an additional proviso, as follows:

Proviso. *and provided also*, if the exigency of any public service will not admit of the advertisement for proposals provided for

Proviso. in said section, said work may be done forthwith; *provided*, that the board charged with doing the same, shall first pass a resolution declaring such exigency to exist, and that the immediate performance of the work and furnishing of any material would not admit of the ordinary delay of advertising for proposals, and the president or chairman of any board charged with doing the same, may call a special meeting of said board at any time, for the purpose of passing

Proviso. said resolution; *and provided also*, that the board of aldermen shall concur therein.

Repairs to buildings belonging to the departments.

54. *And be it enacted*, That it shall be lawful after the first day of July next, for the boards of the city government to make repairs on any buildings belonging to their departments of the city government, not exceeding the sum of five hundred dollars, and to pass the necessary resolutions for the payment of the same provided for under section one hundred and thirty-four of the charter; and any warrants drawn under said section, for such repairs, shall be charged by the comptroller to the appropriations for the board ordering said work.

Appointment of corporation counsel and corporation attorney, and their compensation.

55. *And be it enacted*, That there shall be appointed by the board of finance and taxation, a person to be called corporation counsel, who shall receive an annual salary of five thousand dollars; and shall furnish written opinions, when required, to the mayor and the various boards of the city government, upon all questions arising in relation to their official duties; and he shall assist the corporation attorney in the trial or argument of any cause in which the city or any of its boards may be a party, pertaining to the business of the city; and there shall be a corporation attorney to be appointed by the board of finance and taxation, who shall receive an annual salary of three thousand five hundred dollars, whose duty it shall be to draw and prepare all contracts in which the city is interested, and ordered by

any board of the city government, to be approved by the corporation counsel; and to prosecute and defend any action in which the city is a party, or any its boards, in relation to the interests of the city, and to prepare all such causes for trial or argument, and perform such other duties as pertain to the office of corporation attorney; said corporation counsel and attorney to hold their offices at the pleasure of the board of finance and taxation, and shall be appointed by the board of finance and taxation provided for under this act; and the present office of city attorney shall be abolished after the first Monday of April next.

Board of public works shall cause maps to be made, showing streets, roads or avenues laid out and improved or to be improved.

56. *And be it enacted*, That it shall be lawful for the board of public works of Jersey City, to cause to be made one or more public maps of such portions of said city as are not now laid down on public maps, made under municipal authority, on which map or maps shall be designated, not only public streets, roads and avenues actually opened, which may be altered in location by the said board, but also such public streets, roads or avenues as in the judgment of said board, ought to be laid out and opened at any future time upon or across the territory embraced within such map or maps; and such division of said territory into lots and parcels as will facilitate the description thereof in levying taxes and assessments upon the same; and such map or maps when confirmed by said board shall operate as a location of the public streets, roads or avenues, shown thereon in so far that upon making any changes in such location, any lot or parcel of land improved with reference to such map or maps shall have compensation awarded to it for any damage resulting from such change; *provided*, that if any private property or any property not heretofore dedicated to public use for roads, streets or avenues, is required for the opening of such new streets, that the same shall be taken under the provision of section forty-one of the act to which this is a supplement.

Proviso.

Map or maps when completed shall be confirmed by the board of public works.

57. *And be it enacted*, That in making such map or maps the said board shall so far as practicable endeavor to lay out the territory embraced therein uniformly and systematically; and that the said map or maps shall be confirmed by the said board on or before the first day of August, one thousand eight hundred and seventy-three, if the same can be completed by that time, and if not completed by that time, said board shall confirm said map when completed.

Proceedings to abate nuisance occasioned by stagnant water on sunken lot or lots.

58. *And be it enacted*, That when any sunken lot or lots shall by reason of the presence thereon of stagnant water be or become a nuisance detrimental to public health and shall have been so declared by a resolution of the board of police commissioners, the said board shall cause the owner or owners thereof to be served with a written or printed notice to abate such nuisance, and in case such nuisance shall not be abated within the time allowed in the notice therefor, which shall not be less than three nor more than thirty days in the discretion of the board; then the said board may cause such nuisance to be abated either by drainage or by filling as shall be deemed advisable, and all expenses necessarily incurred in abating such nuisance shall be a charge upon the property; and if the same shall not be paid to the city collector within six months after the expense, with interest at ten per centum per annum, shall have been incurred, the property shall be sold in the manner provided for sales for unpaid assessments; the expenses incurred shall be certified by said board to the city collector; in case the owner or owners of such property cannot be found, are unknown or non-resident, the notice hereinbefore required to be served shall be served by posting a copy thereof prominently upon the lot or lots for at least three days, and by publishing the same on three separate days in the daily corporation papers.

City collector and registrar of water works directed to sell for arrears in assessments, water rents, &c.

59. *And be it enacted*, That it shall be lawful for the city collector and registrar of the water works respectively to advertise and sell for all the taxes, assessments, and water rents that are now in arrear, said sales to be made as soon as conveniently can be done, and in making sales of lands for taxes, assessments and water rents, the city collector and registrar of the water works respectively shall add thereto all penalties, interest and costs, and the lands shall be sold for the whole amounts.

Increased issue of bonds authorized.

60. *And be it enacted*, That section eighty of the act to which this is a supplement, be amended by increasing the issue of the bonds of said city to be denominated on their face "Jersey City Water Scrip," from three and a half millions of dollars as now fixed, to an amount in the whole not exceeding four million of dollars, including the number already issued.

61. *And be it enacted*, That it shall be lawful for the board of police commissioners created under the act to

which this is a supplement, at their discretion, annually to appropriate to any society established in Jersey City for the purpose of making free dispensations of medicines to the sick and destitute persons of said city, such sums of money as said board may elect, not to exceed the sum of five hundred dollars to any one society in any year, and to draw a warrant on the city treasury for such appropriation. Board of police commissioners authorized to appropriate a certain sum of money to societies dispensing medicines to sick and destitute without charge

62. *And be it enacted*, That section twenty of the act to which this is a supplement is hereby repealed, and that the following is hereby substituted in the place and stead thereof; that the official newspapers of said city shall be designated by the board of finance and taxation from time to time, and shall be the three papers published therein, which for three months next preceding the designation have had the largest daily average bona fide circulation; *provided*, that said three papers shall not belong to the same political party; *and provided further*, that a weekly newspaper published therein for at least two years each week successively, may also be designated by said board as an official newspaper, and also one newspaper in the German language, and all matters required by this act to be published in one or more newspapers shall be published in the official newspapers of the city, and none others, except where by this act expressly directed; the compensation of said newspapers shall be fixed by the said board of finance and taxation. Board of finance and taxation to designate the official newspapers. Proviso. Proviso.

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

Approved March 24, 1873.

CHAPTER CCCXXIX.

A Supplement to an act entitled "An act to authorize the Construction of Works for supplying the City of Rahway and places adjacent with Pure and Wholesome Water," approved April seventh, one thousand eight hundred and sixty-eight.

Water commissioners empowered to collect water rents upon vacant lots, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of water commissioners of the city of Rahway, are hereby empowered to assess and collect water rents upon all vacant lots and lots with buildings thereon or any portion thereof, beyond and off the lines of streets in which water pipes are or may be laid, and to a distance not exceeding four hundred feet from the lines of such streets, and all the provisions of the original act to which this is a supplement and the supplement thereto relating to the assessment and collection of water rents upon property lying along any street in which water pipes are laid, shall also apply to the property liable to be assessed under this section; *provided*, that said commissioners may in their discretion fix and assess a different rate for any or all land lying off the line of said streets, from that fixed for land lying along the same.

Proviso.

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

Approved March 25, 1873.

CHAPTER CCCXXX.

An Act providing Additional Punishment for Certain Offences committed in the Township of North Bergen, Hudson County, New Jersey.

Powers of police justices of Jersey City conferred upon justices of the peace of Hudson county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any justice of the peace in the county of Hudson shall have the same powers to fine or otherwise punish any person brought before him and charged with vagrancy, disorderly conduct, breach of the peace, or any other light offence in said township of North Bergen as is conferred upon the police justices of Jersey City, in and by section one hundred and ten of "An act to re-organize the local government of Jersey City."

Justice may commit offender to the lock-up.

2. *And be it enacted*, That in any case where the imprisonment shall not exceed two days, such justice, instead of sending the party to the county jail or work-house, may commit him or her to a lock-up to be fixed and designated by the township committee of said township, or by said justice in case said township committee have not fixed and designated any place as such lock-up; and all fines imposed and collected by any justice for any violation of law in said township shall be paid to the treasurer of said township of North Bergen for the use of said township.

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

Approved March 25, 1873.

CHAPTER CCCXXXI.

A Further Supplement to the act entitled "An act to facilitate Judicial Proceedings in the County of Essex," approved March fifteenth, one thousand eight hundred and fifty-nine.

Compensation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the salary of the additional judge provided for by the act to which this is a supplement, shall be, from and after the passage of this act, four thousand five hundred dollars per annum.

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

Approved March 25, 1873.

CHAPTER CCCXXXII.

An Act to provide for the Election of a County Collector in the County of Ocean.

Election of county collector.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the first annual election for members of the general assembly of this state, after the passage of this act, and at such election every third year thereafter, there shall be chosen by the qualified electors of said county of Ocean, one person to be county collector of said county, who shall hold said office for the term of three years; the electors of said county shall vote for said county collector upon the same ballot with members of the general assembly, and the election shall be conducted and the result determined in the same manner as the elections for the office of sheriff, now are and may be required by law.

2. *And be it enacted*, That in case of any vacancy occurring in said office, by death or otherwise, such vacancy shall be supplied by the board of chosen freeholders of said county, at a special meeting of the said board, to be held within fifteen days thereafter, until the general election next succeeding the happening of the death of said county collector, and the person elected or appointed to supply such vacancy may upon giving bond at the said meeting as hereinafter provided, enter upon the duties of the office, and shall continue to hold the same, until his successor shall have been elected at the next general election as aforesaid, and given bond.

Vacancy in office of the county collector maybe filled by the board of chosen freeholders.

3. *And be it enacted*, That the person to be elected county collector of the county of Ocean, by virtue of this act, shall be a resident of said county at the time of his election, and shall have been a resident of said county for the term of at least five years next before the election; but it shall not be necessary to be a freeholder of said county to be elected to said office.

Collector shall have been a resident for five years prior to his election.

4. *And be it enacted*, That hereafter there shall be a stated meeting of the board of chosen freeholders of said county at the place of holding the court of common pleas in and for the said county, for the transaction of general business, at the hour of eleven in the forenoon, on the Tuesday next after the general election, and the person elected to the office of county collector of said county of Ocean, under and by virtue of this act, shall before he enters upon the duties of said office, give bond at said meeting, with at least three sureties, being freeholders and residents in the county, to the board of chosen freeholders of said county, in the penal sum of twenty-five thousand dollars, to be approved of by the board of chosen freeholders for the time being, conditioned for the faithful performance of the duties of his said office as collector of said county according to law, which said bond being approved as aforesaid, shall be filed in the clerk's office of said county, and said clerk shall issue a certificate under his seal of office, that at the annual election then lately held, the said person was duly elected county collector of the county of Ocean for the ensuing term, which shall be for three years from that time, which certificate shall be deemed legal evidence of his election; and when the county collector shall have given bond as aforesaid, it shall be the duty of the clerk of

Collector to give bond in sum of twenty-five thousand dollars.

the board of chosen freeholders to issue to him a certificate that his official bond has been approved and filed according to law.

Compensation.

5. *And be it enacted*, That the county collector of the county of Ocean hereafter to be elected, shall be entitled to receive for his services the sum of five hundred dollars per annum, to be paid as the salaries of other county officers are paid, in lieu of all other compensation for such services.

Collector now in office to hold until a successor is elected.

6. *And be it enacted*, That the person now elected to the office of county collector by the board of chosen freeholders of the county of Ocean, shall continue in office, and exercise all the rights, and discharge all the duties appertaining thereto; until his successor shall have been elected at the next annual election; *provided*, he shall give bonds as aforesaid, and as is hereinbefore provided, to the board of chosen freeholders of said county, at their meeting on the second Tuesday in May next.

Proviso.

County collector shall state and settle accounts with board of chosen freeholders semi-annually.

7. *And be it enacted*, That the said county collector of the county of Ocean shall be under the control and subject to the order of the board of chosen freeholders of said county, and liable in all respects as heretofore, as is provided by law, except only as in this act is otherwise declared, and that he shall also state and settle accounts of his receipts and disbursements, with the said board of chosen freeholders twice in each year and every year, that is to say, at the stated meetings in May and the stated meetings in November, as is hereinbefore provided for, in each and every year thereafter; and that the said board of chosen freeholders of the county of Ocean shall, twice in each and every year hereafter, within thirty days next after the said stated meetings in May and November, cause to be made and published, a full and complete account, in items, of all their receipts and expenditures, for the preceding half year, in the manner as is now required by law, instead of publishing the same yearly as heretofore.

Repealer.

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

Approved March 25, 1873.

CHAPTER CCCXLVI.

A Further Supplement to an act entitled "An Act to incorporate the City of Bridgeton," approved March twenty-ninth, one thousand eight hundred and sixty-four.

Public schools within city limits shall constitute one school district.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the public schools within the corporate limits of the city of Bridgeton shall constitute one school district, to be called the First School District of the city of Bridgeton, and shall be under the control of the board of education of said city.

Duties vested in the board of education.

2. *And be it enacted*, That the duties hitherto performed by the common council of said city, with regard to the disbursement of funds connected with the schools of said district, except for the purchase of real estate and the erection of new school buildings, shall be transferred to and vested in the board of education, whose duty it shall be to determine how much money shall be annually raised for school purposes, and shall have the power to apply the same from time to time to the several schools of the district, according to their necessities, including the furnishing and repairing of all school property.

Money for school purposes to be subject to the call and disposal of the city superintendent.

3. *And be it enacted*, That it shall be the duty of the board of education to report to the common council, at least one month prior to the first day of September in each year, the amount of money that shall be required for school purposes for the ensuing year, which money shall at all times be subject to the call and at the disposal of the city superintendent, as the board of education shall direct.

Ex officio member of board of education.

4. *And be it enacted*, That the city superintendent of public schools shall be ex-officio a member of the board of education.

Repealer.

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

Approved March 26, 1873.

CHAPTER CCCXLVII.

A Further Supplement to the act entitled "An Act Constituting a Public Road Board for the laying out, constructing, appropriating, improving and maintaining public carriage roads in the County of Essex," approved March thirty-first, one thousand eight hundred and sixty-nine.

Damages for compensation awarded by appraisers to be a lien the same as if township of Woodside had not been annexed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That nothing in the provisos contained in the first section of the supplement to the act to which this is a further supplement, and which supplement was approved the sixteenth day of February, one thousand eight hundred and seventy, shall be construed to prohibit the Essex public road board from causing to be assessed upon the lands within the territory formerly constituting the township of Woodside, (but now forming a part of the eighth ward of the city of Newark,) the damages or compensation awarded by appraisers pursuant to said act and the several supplements thereto, for lands and buildings taken for the laying out of Washington avenue within said territory; but that said damages or compensation shall and may be assessed, become a lien, be enforced and collected in the same manner in all respects as if said territory had not been annexed to the said city of Newark.

Powers of the road board extended.

2. *And be it enacted*, That the power and authority vested in said board by the first section of the supplement to said act, (to which this is a further supplement,) which supplement was approved the fourth day of April, one thousand eight hundred and seventy-two, shall extend and apply to Central avenue and all the avenues in said first section mentioned, throughout the whole course thereof in the county of Essex.

Kind of rail used shall be such as prescribed by the road board.

3. *And be it enacted*, That whenever any horse railroad track shall be laid on any avenue under the charge or control of said board, the kind of rail used in the laying thereof shall be such as said board shall prescribe.

4. *And be it enacted*, That whenever the damages awarded by appraisers for property taken or injured, or for change of grade, pursuant to the act to which this is a supplement, or to any supplement thereto, shall have been assessed by assessors upon lands deemed to be benefited, agreeably to said act or any of its supplements, before the determination of any appeal taken by any party from said award, and, upon such appeal, the damages shall be increased, the said board shall thereupon, without the intervention of appraisers, apportion or assess the said excess or increase, (including any costs adjudged, ratably upon the same lands so assessed by said assessors) and on the basis of their assessment; and such excess or increase shall be and remain a lien on said lands, and be enforced and collected in the same manner as the original assessments; and in case any of said original assessments shall remain unpaid in whole or in part, shall be added thereto, form a part thereof, and be payable at the same time therewith; and any damages awarded under any re-appraisement or supplemental appraisement, made in pursuance of said acts or of the order of any competent court, shall be apportioned or assessed by said board on the same basis, in the same manner, and be and remain a lien, and be enforced, collected, and payable in the same manner, as such increase or excess adjudged on appeal.

Road board shall apportion or assess excess or increase of damages without the intervention of appraisers.

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

Approved March 26, 1873.

CHAPTER CCCXLVIII.

An Act to provide for the repairs and maintenance of the Draw Bridge at Jumping Point, in the county of Monmouth.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committees of the townships of Shrewsbury and Ocean, in the county of Monmouth, shall authorize and direct the assessors of said

Expenses for maintenance and repairs of draw-bridge to be raised by taxation.

townships yearly and every year, to assess, and the collectors of taxes of said townships to collect, in the same manner as other taxes are collected, on all the real estate in that part of Ocean township lying north of the north line of Long Branch corporation and the road leading from Atlanticville station to Pleasure Bay bridge over Long Branch creek, and that part of the township of Shrewsbury east of the centre of the public road leading from the east side of Red Bank to Little Silver, known as the Byram road, and on a line with said road northwardly to the North Shrewsbury river, and southwardly to the South Shrewsbury river, such a sum not exceeding one thousand dollars in any one year as they may by resolution declare necessary or desirable, to provide for the maintenance and repairs of the said draw bridge over the South Shrewsbury river at Jumping Point.

Township committees of Ocean and Shrewsbury townships authorized to repair and maintain the bridge.

2. *And be it enacted*, That the township committees of the townships of Ocean and Shrewsbury be and they are hereby authorized to repair and maintain the said bridge at Jumping Point, and for that purpose to expend, at their discretion, the amounts hereinbefore authorized to be raised by tax.

Legal ownership of bridge to be transferred to townships

3. *And be it enacted*, That no such tax or assessment hereinbefore authorized shall be collected before the legal ownership of the said bridge is transferred to the townships of Ocean and Shrewsbury.

Townships are authorized to accept the ownership.

4. *And be it enacted*, That the said townships of Ocean and Shrewsbury are hereby authorized and empowered to accept the ownership of the said bridge, and to become the legal successors of the corporation now owning said bridge, and to assume and enjoy all the rights, powers, privileges and obligations of the said corporation.

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

Approved March 26, 1873.

CHAPTER CCCXLIX.

An Act to authorize the inhabitants of Clayton Police District, in the Township of Clayton, County of Gloucester, to build a Town Hall and Lockup.

Legal voters may at a meeting called for the purpose, direct the erection of a town hall, &c

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the legal voters of the Clayton police district, in the township of Clayton, in the county of Gloucester, at any annual district meeting, or any other meeting called for that purpose, on not less than ten days' public notice thereof by advertisement in writing, signed by at least ten of the legal voters in said police district, to order and direct the erection, construction and maintenance of a suitable town hall for the use of the inhabitants of said district, and also a secure and proper lockup for the detention and imprisonment of offenders against the laws of this state.

Money for the purpose to be raised by taxation.

2. *And be it enacted*, That it shall be lawful for the legal voters in said police district, when assembled at an annual meeting or other meeting called as hereinbefore provided, to order and direct that such sum or sums of money as may be needful or necessary to carry into effect the purpose of this act shall be raised by taxation of the persons of the inhabitants of said district and the taxable property therein; *provided*, that no greater sum than one thousand dollars shall be raised by taxation in any one year for the purpose aforesaid, and that one-half of said money to be raised shall be by a poll tax, nor shall any greater poll tax than three dollars per poll be levied, assessed or collected in any one year for such purpose.

Proviso.

Appropriation of moneys.

3. *And be it enacted*, That it shall be lawful for the legal voters of said police district, when assembled as hereinbefore provided, to appropriate and order the expenditure of any moneys, heretofore raised for the construction of a lockup, toward the erection and construction of such town hall and lockup.

4. *And be it enacted*, That it shall be the duty of the

Duty of the assessor and collector.

assessor of the township of Clayton to assess upon the persons of the inhabitants of said police district, and upon all taxable property therein situated, such sum or sums of money as may be ordered to be raised at any meeting of the legal voters of said district, assembled as hereinbefore provided, in the same way and manner as the township taxes now are or hereafter may be required to be assessed, which assessment shall be returned to the township collector; and payment of the taxes so assessed shall be enforced at the same time and in the same way and manner as other taxes are or hereafter may be assessed and collected, and payment thereof enforced under the laws of the state; and such taxes, when collected, shall be paid over to the township committee of the township of Clayton, and shall be by them paid out and appropriated for the purposes aforesaid, as the legal voters of said police district may from time to time direct.

Money received in excess of expense to be paid to police district.

5. *And be it enacted*, That all money received from the use of said town hall shall, if the same exceed the expense of heating, lighting, and taking care of the same, be applied to the payment of the expenses of said police district.

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

Approved March 26, 1873.

CHAPTER CCCL.

A Supplement to an act entitled "An Act to Facilitate Judicial Proceedings in the County of Monmouth," approved March twenty-fifth, one thousand eight hundred and sixty-nine.

Preamble.

WHEREAS, doubts have arisen as to the true construction of the act of which this is explanatory, in respect to the number of judges necessary to constitute the courts of common pleas, general quarter sessions of the peace, and orphans' court of said county of Monmouth, and the right of the law judge thereof to practice in the courts of this state; therefore, in order to remove said doubts,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any two of said judges shall be sufficient to make and constitute the court of general quarter sessions of the peace and orphans' court of said county, and any three of said judges shall constitute the court of common pleas of said county, and any justice of the supreme court, when presiding in any of said courts, shall and may be considered one of said judges for all purposes. Three judges shall constitute the court of common pleas.

2. *And be it enacted*, That it shall be lawful for the said law judges to practice as attorney and counsellor at law, and solicitor in chancery in all the courts of this state except the county of Monmouth. Judges may not practice in courts of Monmouth county.

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

Approved March 26, 1873.

CHAPTER CCCLI.

An Act to enable School District Number Fifteen, in the Township of Centre, and County of Camden, to raise by tax and loans the money necessary to build a public school house within the said district.

WHEREAS, it has been represented that one of the public school houses in District Number Fifteen, in the county of Camden, is in a dilapidated condition, and in regard to size and other deficiencies unfit for the purpose of education; and that the taxable inhabitants of said district are desirous to raise by tax and loans, sufficient money for the purpose of erecting and building a new school house in said district; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of School District Number Fifteen, in the township of Centre, county of Camden, or a majority of them, are hereby empowered to borrow and expend a sum, not exceeding three thousand dollars, for the sole and exclusive purpose of purchasing a suitable plot Trustees empowered to borrow money.

of land within the limits of said District Number Fifteen, and for erecting thereon a public school building, with necessary fences and outbuildings.

Trustees are to direct the assessor to levy during three years an amount to pay the indebtedness.

2. *And be it enacted*, That in order to provide for the repayment of said sum of three thousand dollars, the trustees of said district, or a majority of them, are empowered to direct the assessor of said township of Centre, in each of the three years, including the present year and the two next years succeeding, to assess upon the taxable property of the said District Number Fifteen, a sufficient sum, which, together with a poll tax of three dollars which shall be assessed on each taxpayer in the district shall be equal to one-third of the amount with the accrued lawful interest; and the collector of the aforesaid township shall pay the money collected on such assessment on the order of the said trustees, or a majority of them; and should there be any surplus of the public school money belonging to said district, after the schools have been kept open the time the law requires, said surplus shall be used by the trustees in the building and furnishing said house.

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

Approved March 26, 1873.

CHAPTER CCCLII.

A Further Supplement to the act entitled "An Act to amend and revise the Charter of the City of New Brunswick," approved March eighteenth, one thousand eight hundred and sixty-three.

Recovery may be had for work done and materials furnished.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in suits hereafter to be brought by the mayor and common council of the city of New Brunswick, by virtue of the ninety-ninth section of the act entitled "An act to amend and revise the charter of the city of New Brunswick," approved March eighteenth, one thousand eight hundred and sixty-three, the plaintiff's

action shall not wholly fail for want of due proof of the special matter referred to and intended in the said section of the said act, but a recovery may be had for the true value of the work and labor done and materials furnished, as if said parties were private individuals; *provided*, it be shown by due proof, that said work and labor were originally ordered by the said the mayor and common council of the city of New Brunswick, or their proper agents or officers within the scope of the said act or of any of the several supplements thereto. Proviso.

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

Approved March 26, 1873.

CHAPTER CCCLIII.

An Act to vacate a certain portion of the highway or road known as the Old County Road, at Secaucus, or the extension thereof, in the county of Hudson, from the southerly line of lands of Abel J. Smith, deceased, north easterly to the westerly line of the Secaucus road, at a point one hundred feet south of the lane leading to the residence of Abel J. Smith, as the same is laid down and appears upon a certain map, entitled "Map of Assessment list for the opening, widening and extension of the Old County Road at Secaucus, from the New County Road northeasterly to the Secaucus Road, at a point one hundred feet south of the lane leading to the residence of Abel J. Smith, one thousand eight hundred and seventy-one; I. Camp, Jr., Surveyor, John M. Wilson, Charles E. Newham, George Bruce, Commissioners," and filed in the clerk's office of Hudson County, July twenty-eighth, one thousand eight hundred and seventy-one.

WHEREAS, by virtue of an act of the legislature of the state of New Jersey, entitled "A further supplement to an act entitled 'An act to improve Paterson avenue from the Preamble.

westerly line of the Paterson plank road to the Secaucus road, and the Secaucus road from Paterson avenue to Pen Horne's creek, in the county of Hudson,'" approved April first, one thousand eight hundred and sixty-nine, which supplement was approved March twenty-ninth, one thousand eight hundred and seventy-one, and said original act and the supplement thereto, John M. Wilson, Charles Newham and George Bruce, commissioners, did heretofore open, widen and extend the said old county road at Secaucus from the point where an iron bolt is driven in the said old county road, which said point bears thirty-five degrees forty-five minutes west, and is distant one hundred and forty-three feet and three inches from the intersection of the westerly line of said old county road, with the division line between the lands of Kirkpatrick and Glass, in a northerly direction until it intersects the southerly line of lands of Abel J. Smith, deceased, and from thence northeasterly to a point in the westerly line of the old Secaucus road, distant not less than one hundred feet southeasterly from the centre of the lane leading from said old Secaucus road into the premises of Abel J. Smith, and did make a map of the same, entitled "Map of assessment list for the opening, widening and extension of the old county road at Secaucus, from the new county road northeasterly to the Secaucus road, at a point one hundred feet south of the lane leading to the residence of Abel J. Smith, one thousand eight hundred and seventy-one; I. Camp, Jr., surveyor, John M. Wilson, Charles E. Newham, George Bruce, commissioners, and filed in the clerk's office of Hudson county, July twenty-eighth, one thousand eight hundred and seventy-one," reference being thereunto had will fully appear; *and whereas*, it is deemed advisable and to the interest of the parties interested therein that the course of so much of said old county road and extension as is situated between the southerly line of the lands of Abel J. Smith, deceased, and the westerly line of said Secaucus road, as the same is laid down on said map, made by said commissioners, should be changed and altered in accordance with the course laid down on a certain map entitled "Map of proposed new road through the lands of Abel J. Smith, deceased, from the southerly line of lands of Abel J. Smith, deceased, to the westerly line of said Secaucus

road, surveyed May, one thousand eight hundred and seventy-two, Abel J. Smith, Deborah Smith, heirs of Abel J. Smith, deceased;" and duly filed with the town committee of North Bergen, and in the clerk's office of the county of Hudson, and therefrom that the portion of said old county road and extension hereinafter described should be vacated; therefore,

Portion of road declared vacated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That such portion of said highway or road known by the name of the old county road at Secaucus or the extension thereto, as runs through the lands of Abel J. Smith, deceased, and which lies between the southerly line of lands of Abel J. Smith, deceased, and the westerly line of the Secaucus road, at a point one hundred feet south of the lane leading to the residence of Abel J. Smith, as the same is laid down and appears upon said map entitled "Map of assessment list for the opening, widening and extension of the old county road at Secaucus from the new county road northeasterly to the Secaucus road at a point one hundred feet south of the lane leading to the residence of Abel J. Smith, one thousand eight hundred and seventy-one; I. Camp, Jr., surveyor, John M. Wilson, Charles E. Newham, George Bruce, commissioners," be and the same is hereby declared vacated; the same as if such portion of said road had never been laid out and established.

Property to revert.

2. *And be it enacted*, That the land occupied by such road vacated as aforesaid shall revert and become the absolute property of the parties owning on either side of the same, free and clear of the public easement or right of passage by the public in, to or over the same, and every part and parcel thereof.

Repealer.

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

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

Approved March 26, 1873.

CHAPTER CCCLIV.

A Further Supplement to an act entitled "An Act to authorize the Mayor and Common Council of the City of Newark to purchase the property of the Newark Aqueduct Company, and creating the Newark Aqueduct Board."

Newark aqueduct board authorized to issue bonds under the seal of the mayor and council of the city.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of completing and extending the works now in progress for supplying the city of Newark with water, it shall be lawful for "The Newark Aqueduct Board" to issue bonds in the name and under the seal of the mayor and common council of said city, to be denominated on their face "Newark city water bonds," in addition to those now authorized by law, to an amount not exceeding five hundred thousand dollars; such bonds shall bear a rate of interest not exceeding seven per centum per annum, and shall be redeemable at any time not exceeding fifty years from their date, in the discretion of the board, which may be sold at public or private sale for the best price they can obtain for the same; they shall be issued in the same manner and under the same rules and regulations, and with the same liability for the payment thereof on the part of the city of Newark, as are prescribed in the act to which this is a supplement and the various supplements thereto.

Repealer.

2. *And be it enacted*, That the first and second sections of an act approved March twenty-seventh, one thousand eight hundred and seventy-two, having the same title as this act, imposing a tax upon real estate in said city of ten cents per lineal foot front, are hereby repealed, and that the second and third sections of another act with a similar title, approved February twenty-fourth, one thousand eight hundred and sixty-nine, are hereby re-enacted.

Sections two and three re-enacted.

3. *And be it enacted*, That the said board shall have power in their discretion to declare vacant the seat of any

commissioner thereof who may have failed to attend its regular meetings for three months successively, and the said board shall have power to fill vacancies in their number happening from any cause, but only for the balance of the term for which such commissioner may have been elected. Seat of any commissioner may be declared vacant for non-attendance.

4. *And be it enacted*, That none of the limitations, restrictions or conditions in the thirty-fifth or sixty-eighth sections of the act entitled "An act to revise and amend the charter of the city of Newark," approved March eleventh, one thousand eight hundred and fifty-seven, shall be held to be applicable to or in anywise to affect this act. Limitations and restrictions not to apply.

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

Approved March 26, 1873.

CHAPTER CCCLV.

An Act to set off part of the Township of Mullica, in the County of Atlantic, and to annex the same to the town of Hammonton, in the county aforesaid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Mullica, in the county of Atlantic, lying and being within the following boundaries, to wit: beginning at a point in the mid-channel of the West's mill or Batsto Forge stream, intersected by the southerly line of the town of Hammonton; thence (first) in mid-channel of said stream by the several courses and distances thereof, down the same, to a point at the mouth of Panther branch, and in the middle of said stream; thence (second) up the said Panther branch by the several courses thereof, to the middle of the westerly county bridge in Nesco road, over the said Panther branch; thence (third) south thirty-six degrees and thirty minutes west to mid-channel of Clarks' branch or Pleasant Mills stream; thence (fourth) in mid-channel of the same, and up the same, by the courses thereof, to the point of intersection therein of the aforesaid Hammonton town line; thence (five) along the aforesaid Hammonton town line to the place of Boundaries.

beginning, be and the same is hereby set off from the township of Mullica, and annexed to and become a part of the town of Hammonton; and the inhabitants with their taxable estates within the district above described and annexed, shall be entitled to all the rights, powers and privileges, and subject to the same government, regulation and liabilities as the other inhabitants of the said town of Hammonton are or may be entitled or subject to by the laws of the state.

Commissioners shall allot and divide the township property.

2. *And be it enacted*, That the town council of Hammonton, and the township committee of Mullica, shall select a member of each of their respective bodies, which two persons so selected shall designate some resident freeholder of the district annexed to be associated with them as commissioners, whose duty it shall be to meet at such times and places as a majority may determine upon, and then and there to allot and divide between the said townships such property, if there be any, which now belongs to the said township of Mullica, and to determine, by a calculation based upon the relative proportion of the taxable value of the property within that portion of the township of Mullica, to be annexed to Hammonton, and the assessed value of the entire taxable property of the said township of Mullica, the amount of indebtedness of the township of Mullica to be paid by the said township of Mullica, and the proportion to be assigned to the township of Hammonton, for the territory to be annexed as aforesaid, which proportion of indebtedness shall be assessed on and collected by the town of Hammonton, from the territory so annexed; and said commissioners are to make their report in writing, to be signed by a majority of their members, and file the same with the town clerk of Hammonton, at least ten days before the next annual town meeting of the town of Hammonton.

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

Approved March 26, 1873.

CHAPTER CCCLVI.

A Further Supplement to the act entitled "An Act to Revise and Amend the Charter of the City of Newark," approved March eleventh, one thousand eight hundred and fifty-seven.

Treasurer to deliver books, &c., to the comptroller.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city treasurer of the city of Newark shall immediately after the passage of this act, deliver all the leases, deeds, bonds, mortgages, maps, reports, papers, documents and books in his office, except his cash books and other books directly connected with his duties as treasurer, and policies of insurance held by the city, to the comptroller of the city of Newark, to be by him kept and preserved in his office.

Comptroller to take the place of the city treasurer in the performance of certain duties.

2. *And be it enacted*, That the comptroller of the city of Newark shall take the place of the city treasurer of said city in all matters connected with the advertisement and sale of lands for unpaid assessments already advertised by said city treasurer for the third day of April next, and shall conduct said sale and execute all certificates of sale in relation thereto, and take all further proceedings concerning said assessments, and all other assessments or matters respecting which the said city treasurer may have given any notice or notices, or taken any action, and said sale and certificates of sale, and any and all proceedings heretofore had or which may hereafter be had in connection therewith or in relation thereto, or in connection with or in relation to said other assessments or matters, shall be in every respect as valid and effectual in law as if said advertisement of sale and all the notices and preliminary proceedings relating to said assessments, or other assessments and matters, had been instituted, given and taken by said comptroller, and shall not be deemed or taken to be at all invalid by reason of the action of said comptroller in place of the city treasurer.

Further duties of the comptroller.

3. *And be it enacted*, That said comptroller shall collect and receive all moneys now unpaid due to the city of Newark, prior to the passage of the act creating the office of the comptroller of the city of Newark, approved March seventh, one thousand eight hundred and seventy-three, entitled "A further supplement to the act entitled 'An Act to revise and amend the charter of the city of Newark,'" approved March eleventh, one thousand eight hundred and fifty-seven, and shall, as far as may be necessary, exercise, have and perform the same control, powers and duties respecting all unsettled assessments, accounts, matters, business and proceedings made, ratified, arising, transacted or taken prior to the passage of said act, approved March seventh, one thousand eight hundred and seventy-three, as under and by the provisions of said act he may or can have, exercise or perform in relation to assessments, accounts, matters, business and proceedings made, ratified, arising, transacted or taken after the passage of said act.

City improvement bonds to be registered in comptroller's office.

4. *And be it enacted*, That it shall be lawful for the mayor and common council of the city of Newark to issue such number of "city improvement bonds" authorized by said act, approved March seventh, one thousand eight hundred and seventy-three, without coupons, as they may deem best, the same to be registered in the office of the comptroller of the city of Newark.

Statement of amount of taxes levied in each ward to be delivered to the city auditor.

5. *And be it enacted*, That the board of assessment and revision of taxes in the city of Newark, shall make and deliver to the auditor of accounts of said city, on or before the tenth day of September in each year, a certified condensed statement of the amount of taxes levied in each ward of said city for the current year, instead of the certified copy of the tax lists in each year, required to be delivered to said auditor of accounts by said board of assessment and revision of taxes, by section six of the act passed April fifteenth, one thousand eight hundred and sixty-eight, entitled "A further supplement to the act entitled 'An act to revise and amend the charter of the city of Newark,'" approved March eleventh, one thousand eight hundred and fifty-seven.

Repealer.

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

Approved March 26, 1873.

CHAPTER CCCLVII.

A Supplement to an act entitled "An Act to authorize the Board of Chosen Freeholders of the County of Hudson to construct a public road from the City of Hudson, in the county of Hudson, to the Poorhouse Farm, in the Township of North Bergen, in the said county," approved March twenty-seventh, one thousand eight hundred and sixty-six.

Road to be placed under the charge and control of the board of chosen freeholders.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of repairing and maintaining the road constructed by the board of chosen freeholders of the county of Hudson, under the act to which this is a supplement, said road is hereby placed under the charge and control of the board of chosen freeholders, for public use; and in order that said road may at all times be kept in a good state of repair, for the purpose of affording easy access to the county almshouse, the county lunatic asylum, and the county penitentiary of the county of Hudson, said board of chosen freeholders are hereby authorized to expend annually on said road such sums of money as may be required to keep said road in a good state of repair, and maintain the same for public use, and to raise such sums as may be necessary for that purpose, by general taxation, as county taxes are raised in said county.

Portion of road placed under supervision.

Proviso.

2. *And be it enacted*, That all of that portion of said road as is now embraced in the corporate limits of Jersey City, are hereby placed under the control and supervision of said board of chosen freeholders of Hudson county; *provided*, that the corporate authorities of the city of Jersey City shall have power at all times to improve any portion of said road by grading, curbing, flagging and paving the same; and as soon as the mayor and board of aldermen of said city, or any other of its constituted authorities having jurisdiction of the subject matter, shall notify the board of chosen freeholders, in writing, that they intend to take charge of a portion or the whole of said road for the purpose of

improving the same, that then the jurisdiction of the board of chosen freeholders over that portion of the road taken charge of by the corporate authorities of the city of Jersey City, shall cease and determine.

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

Approved March 26, 1873.

CHAPTER CCCLVIII.

An Act relative to the Poor of the Townships of Ridgefield, Englewood and Palisades, in the County of Bergen.

Election of township committees. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That each of the township committees of Ridgefield, Englewood and Palisades, in the county of Bergen hereafter to be elected, shall at their first meeting after election, (which meeting shall be held previous to the third Monday of April in each year,) choose one of their members as trustee, and the three trustees so chosen and their successors shall be and they are hereby constituted a body politic and corporate in law by the name of "The Trustees of the Poor House property of the townships of Ridgefield, Englewood and Palisades, in the county of Bergen," and by that name shall have power to sue and be sued, plead and be impleaded, adopt and use a common seal and for their organization and government to make and enforce such constitutions, by-laws, rules and regulations as shall be necessary and convenient to carry into effect the purposes of this act, and not contrary to the constitution or laws of this state or of the United States; *provided*, that such constitution, by-laws, rules and regulations shall first be submitted to the associated township committees for their approval.

Proviso.

Corporation to have charge and superintendence of poor-house property. 2. *And be it enacted*, That the said corporation be and they are hereby authorized and empowered to have full charge, direction, superintendence and government of the poor house property now belonging or hereafter to belong

to said townships and of the poor of said townships, to alter, repair, enlarge or build any poor house or poor houses, on land owned or to be owned by said townships, to vote and grant moneys to so alter, repair or build such poor house or poor houses, maintain therein the poor of said townships; procure the necessary articles, materials or things for their employment, compensate the officers and servants, and meet other incidental expenses.

Annual meetings shall be held.

3. *And be it enacted*, That the said corporation shall meet annually on the fourth Monday of April, at the hour of ten o'clock in the forenoon, at some place in one of said townships, to vote and grant the moneys for the purposes specified in the last section, they shall give five days' previous notice of the place of such meeting to the members of the township committees of said townships who shall thereupon meet with them, and any vote of said corporation to so grant moneys shall be submitted to said township committees, who shall have the right and power then and there to confirm or reject, increase or lessen the same, by the vote of a majority of their members taken collectively, including said trustees.

Money shall be assessed and raised in proportionto assessed valuation of taxable property.

4. *And be it enacted*, That the moneys so voted shall be assessed and raised in said townships in proportion to the assessed valuation of the taxable property therein as determined by the county board of assessors; and the said corporation shall direct, in writing, the assessors of the said townships to ascertain and adjust the proportion so to be assessed and raised in each of said townships and to assess the same therein; and the said moneys shall be assessed, levied and collected by the same persons, in the same manner and under like fines, penalties and liens as the money raised in said townships by the board of chosen freeholders of the county shall be assessed, levied and collected, and when collected the said moneys shall be paid over by the collectors of said townships to one of the said trustees, who shall be chosen by said corporation as treasurer, and who shall give bond to the inhabitants of each of said townships, by their corporate name, in such sum and with such surety or sureties as each of the said township committees shall respectively approve, conditioned for the faithful keeping of said moneys and their disbursements, to carry into effect the purposes of this act.

5. *And be it enacted*, That the said coporation shall con-

Books and seal to be delivered to successors in office.

tinue until their successors shall be elected as provided by this act, and at the expiration of their term shall hand over to their successors the corporate seal and all the minutes, books, documents and papers belonging to said coporation.

Compensation.

6. *And be it enacted*, That each of the said trustees hereby incorporated shall be entitled to two dollars per day for each day of actual service in the performance of their duties under this act.

Election of clerk and compensation.

7. *And be it enacted*, That the said corporation shall annually elect one of their members as clerk, who shall keep the minutes and enter the orders and proceedings of said corporation in a book to be provided for the purpose, who shall have the custody of the common seal and all the books, documents and papers of such corporation, and who for his services under this act shall be entitled to one dollar per day in addition to the two dollars given by the last section.

Advertisement in one newspaper shall be sufficient.

8. *And be it enacted*, That nothing in this act shall be construed to interfere with or affect the operation of the act entitled "An act to authorize the township committees of the townships of Englewood, Ridgefield and Palisades in the county of Bergen, to sell their real estate," which said act was approved February fifteenth, one thousand eight hundred and seventy-two; but the advertisement required by said act to be made in the newspapers printed and published in the county of Bergen, shall be sufficient if made in at least one newspaper printed and published in said county.

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

Approved March 26, 1873

CHAPTER CCCLX.

An Act to adjust unpaid Assessments in Jersey City.

Preamble.

WHEREAS, assessments for city improvements have been laid upon property in Jersey City, concerning the justness of which disputes have arisen; *and whereas*, it would be for the benefit of said city, and of the individuals whose

property is subject to such assessments, to have the same corrected and adjusted without further delay or litigation; therefore,

Supreme Court to appoint a board to examine and adjust unpaid assessments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the judges of the supreme court of this state shall appoint three discreet and impartial persons, resident in this state, and not owners of land in, or residents of Jersey City, who shall be constituted a board to examine, revise, alter, and adjust as hereinafter provided, all unpaid assessments whether heretofore set aside by order of any court of this state or otherwise, within a period of five years prior to the approval of this act, for city improvements heretofore made in Jersey City, and in the former cities of Hudson and Bergen, which are or may be disputed.

Duties of the board.

2. *And be it enacted*, That said board after examination, shall determine and adjudge what would have been a reasonable and fair cost of the improvement, what lands are benefited by the improvement, the proportion of benefit received by each lot of land, and assess on each lot such proportion of what would have been a reasonable cost of the improvement, the expense of the improvement as the lot or parcel of land shall be benefited by the same, the remainder of the costs, charges, and expenses of such improvement shall be borne and paid by the city at large; that said board shall deduct from any final assessments for all improvements brought before them for adjustment and revision, any charge, cost, or expense included therein, for any purpose other than for the construction or making of such improvement, and shall also deduct such costs, charges, and expenses as were not allowed by the charter under which the work was done or materials furnished; *provided*, nothing in this act contained shall empower said board to release the city of Jersey City from the payment of such portion of the expenses of constructing sewers in the former city of Hudson as provided in the ordinances of said city under which said sewers were built.

Proviso.

Proceedings in case any person or persons are aggrieved by any assessment.

3. *And be it enacted*, That any person or persons separately or collectively aggrieved by any assessment heretofore made may present to said board a petition stating his or their objections to such assessments, and praying for relief, and upon presenting such petition the assessment so objected to shall be considered a disputed assessment, so as to give the said board full jurisdiction to revise, alter and

adjust the whole of the said assessment, and re-assess such amount as would have been a reasonable sum for such improvement upon the land benefited in proportion to the benefits received as shall be equitable and just, as directed in this act; and any person or persons neglecting or refusing to apply to said board for relief from assessments within such time as the said board may limit, not less than thirty nor more than sixty days, shall be considered as waiving all objections thereto.

Public notice to be given of the time and place of meeting.

4. *And be it enacted*, That said board shall give public notice of the time and place of holding their first meeting for the consideration of each assessment by advertisements in all the newspapers published in said city, at least four weeks prior to the time of holding such meeting, and by written or printed notices given to the owners of property subject to the assessments to be considered at that meeting, either personally, or, if not to be found in the city, then by depositing such notice in the post office of said city, directed to such owner or owners, at his or their last known place of residence (or at the post office nearest thereto): *provided*, that the omission to send or serve such printed or written notice upon any individual shall not, in any case, affect the proceedings of said board; and that said board shall have power to subpœna witnesses to appear before them, to administer oaths to such witnesses, and to adjourn from time to time, as to said board may seem proper; and that said board may, after a general examination of any assessment, deduct therefrom such an amount or percentage as they, or a majority of them, may agree upon as unjust to be assessed, and the amount so deducted to be paid by the city at large.

Proviso.

Assessment not to be set aside by the Supreme Court for irregularity in proceedings.

5. *And be it enacted*, That no assessment heretofore made shall be set aside by said board, or by the supreme court, for any irregularity in the proceedings under which the said assessment has been made, except as hereinbefore provided; but that when any assessment has been adjusted or confirmed by said board in manner aforesaid, it shall be and is hereby declared to be a new assessment, and shall be final and conclusive, as so adjusted, re-assessed or confirmed by said board upon all parties; and that, in all cases of certiorari now brought to remove proceedings in assessments to the supreme court for review, the parties therein shall file their objections to said assessments with the said board hereby appointed, who shall adjust the same upon principles

of justice and equity, as directed in section two of this act; and that no further proceedings shall be had in said supreme court upon said certioraris so pending therein.

May employ agents and assistants.

6. *And be it enacted*, That said board shall have power, at the expense of said city, to employ such agents or assistants as they may deem necessary to carry out the duties imposed by this act; and that it shall be the duty of the officers of said city to furnish said board and their agents with such papers, records and information as may be in their possession or under their control, and as the said board may require, and shall also provide said board with suitable rooms in which to hold their meetings.

Proceedings to be filed and recorded

7. *And be it enacted*, That the proceedings of said board, being by them duly verified under their hands and seals, shall be filed in the office of the clerk of Jersey City, and recorded by said clerk in a book to be by him kept for that purpose; and when so filed, the assessments made by said board, or a majority thereof, shall be a lien upon the property on which they are laid, and shall be collected in the same manner provided for the collection of assessments in the charter of said city; *provided*, that nothing herein contained shall be so construed as to require the payment of the same in any manner other than was provided for in the charter under which the applications for said improvements were made.

Proviso.

Shall take oath.

8. *And be it enacted*, That each of the members of said board shall take an oath, faithfully and impartially, to perform the duties imposed upon them by this act.

Compensation to be fixed by the Justice of the Supreme Court holding circuit.

9. *And be it enacted*, That the compensation of the members of said board, and of their clerk and assistants, shall be fixed by the justice of the supreme court, who may hold the circuit court for Hudson county, and the amount thereof shall be paid by the said city at large; *and further*, that the taxable costs and charges, and costs of returns of proceedings, and copies of assessment maps, necessarily incurred in all cases of certioraris now pending in the supreme court, shall also be paid by said city to the prosecutors in such certioraris, or their attorneys, on presentation to the board of finance and taxation of a claim or claims for the same, and said board shall adopt a resolution to pay the same.

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

Approved March 26, 1873.

CHAPTER CCCLXXVIII.

A Further Supplement to the act entitled "An Act to incorporate the City of Millville," approved February twenty-sixth, one thousand eight hundred and sixty-six.

Trustees shall appoint superintendent of public schools and fix his compensation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of trustees of public schools of the city of Millville shall annually at the time of their regular meeting in April, elect, subject to the approval of the city council, one person of proper qualifications as superintendent of public schools for said city, and the said board of trustees shall determine the amount of compensation the said superintendent shall receive, and shall pay the same out of the moneys appropriated for school purposes by said city.

Duties of the superintendent.

2. *And be it enacted*, That it shall be the duty of the said superintendent of public schools to act as secretary of the board of trustees; to take annually between the first and twentieth days of the month of August an exact and thorough census of all the children residing in the city of Millville, between the ages of five and eighteen, as prescribed by the thirty-sixth section of an act entitled "An Act to establish a system of public instruction for the state of New Jersey," approved March twenty-first, one thousand eight hundred and sixty-seven; to make an annual report on or before the first day of October in each year to the state superintendent in the manner and form prescribed by him; to perform all the duties now enjoined by law upon the county superintendent as far as relates to the city of Millville, and to discharge such other acts and duties consistent with the nature of his office, as the by-laws, rules and regulations of said board of trustees may require.

Superintendent may return resolution with his objections.

3. *And be it enacted*, That the superintendent of schools shall have the power to return with his objections any resolution or act passed by the board of trustees that does not

meet his approval, and the said returned resolution or act shall not take effect until again passed by a majority of the board.

Common council authorized to issue bonds.

4. *And be it enacted*, That the common council of the city of Millville be and are hereby authorized to issue bonds to an amount not to exceed seventy-five thousand dollars to bear seven per centum interest, payable semi-annually and the principal of the same payable in not less than five years and within fifteen years, for the purpose of supplying the city of Millville with water; *provided*, that council shall take no action either in the issuing of bonds or building water works until the same shall either at a general or special election have been approved of by the citizens of said city.

Proviso.

Offender may be committed to prison for non-payment of fines.

5. *And be it enacted*, That in case of non-payment of fines imposed for violations of any of the city ordinances it shall be the duty of the mayor or justice of the peace before whom the offender shall be convicted to commit the body of said offender to the county prison until said fine and costs thereon are paid; *provided*, the said term of imprisonment shall not exceed sixty days.

Proviso.

Repealer.

6. *And be it enacted*, That all acts or parts of acts that conflict with the provisions of the foregoing act or with those of an act entitled "A Further Supplement to an act to incorporate the city of Millville," approved the twenty-sixth day of February, one thousand eight hundred and seventy-three are hereby repealed.

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

Approved March 27, 1873.

CHAPTER CCCLXXIX.

An Act supplementary to an act entitled "An Act to provide for a Free Bridge across the Raritan River at the City of New Brunswick," approved April fourth, one thousand eight hundred and seventy-two.

Preamble. WHEREAS, by said act certain individuals therein named were appointed commissioners with power and authority to contract with proprietors of the bridge across the Raritan river, and to purchase and acquire for the perpetual use of the county of Middlesex, a toll bridge now erected across the said river at the foot of Albany street, in the city of New Brunswick, together with the exclusive franchises enjoyed by the said proprietors to establish and maintain the same, for the lowest price for which the same could be obtained; *and whereas*, it is represented that said commissioners have fixed a price with the view to contract therefor with the proprietors of the said bridge over the Raritan river aforesaid for the purchase of the same; *and whereas*, it has been ascertained that several of the said commissioners before and at the time of their said action were interested pecuniarily, directly or indirectly, in the said bridge and franchises, some of said several interested commissioners being directly stockholders therein, and others being stockholders in the New Jersey Railroad and Transportation Company, which company is a stockholder therein; *and whereas*, complaint hath been made that no arrangement, even though it were just, should stand, if made through the intervention of persons interested; now therefore,

Proceedings annulled. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the proceedings of said commissioners in regard to the subject matter of said act heretofore had, be and the same are hereby annulled, set aside and for nothing holden.

2. *And be it enacted*, That it shall be lawful for any citizen of the county of Middlesex to make application to any justice of the supreme court of this state, first giving notice thereof by publication in some newspaper published in the city of New Brunswick, for the space of ten days, and also giving notice in writing for the same period, to the board of chosen freeholders of the county of Middlesex, by service thereof upon the director of said board, and to the proprietors of the bridge on the Raritan at New Brunswick, for the appointment of three persons, freeholders in this state, not residing in said county of Middlesex, nor in any wise interested, either directly or indirectly in the capital stock of the said bridge corporation, commissioners to execute and perform the duties by said act imposed upon the commissioners therein named; which commissioners so appointed by said justice shall thereupon proceed to discharge and perform all said duties with all powers conferred on said commissioners by said original act, subject to all the directions therein contained. Proceedings for the appointment of commissioners.

3. *And be it enacted*, That an appeal shall lie from the action of the commissioners, so by said justice appointed, as provided for by said act, subject to the terms thereof, as well if the said commissioners shall contract for the purchase of said bridge and franchises, as if they shall make such valuation thereof by said act; *provided*, any thing in said act to the contrary nothwithstanding; and that the issue which shall be tried by the jury provided for by said act on such appeal, shall be whether the sum mentioned in said contract, or awarded, was or was not the value of such bridge and franchises. Proceeding in case of appeal. Proviso.

4. *And be it enacted*, That all things in said act inconsistent herewith shall be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 27, 1873.

CHAPTER CCCLXXX.

An Act to repeal the act entitled "An Act to establish a Board of Education in the Town of Hackettstown, in the County of Warren, and State of New Jersey."

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said act be and the same is hereby repealed.

Names of school trustees.

2. *And be it enacted*, That Daniel B. Harvey, William Holt and Lewis J. Youngblood, be and the same are hereby appointed trustees of the school district of the borough of Hackettstown, to serve in said office until the next annual meeting, on the first Monday in September next, for the election of school trustees, as provided in the general school law.

District clerk.

3. *And be it enacted*, That the said William Holt shall be and is hereby empowered to act as district clerk of said board of trustees, so appointed in the preceding second section of this act.

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

Approved March 27, 1873.

CHAPTER CCCLXXXI.

A Further Supplement to the act entitled "An act to Revise and Amend the Charter of the City of New Brunswick," approved March eighteenth, eighteen hundred and sixty-three.

Mayor and common council authorized to purchase water works.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and common council of the city of New Brunswick, to purchase all of the capital stock, real estate, works and

property, and all the corporate rights, powers, franchises and privileges of the New Brunswick Water Company and for the New Brunswick Water Company and its stockholders to sell, assign and convey the same to the mayor and common council of the city of New Brunswick, for such price and consideration, and upon such terms of payment as the said company and its stockholders and the common council of the said city may agree upon, and that upon the due execution and delivery of the said conveyance and assignments, the legal title to the said capital stock, real estate, works and property, and all of the corporate rights, powers, franchises and privileges of the said company shall pass to, and vest in the mayor and common council of the city of New Brunswick, in as full and ample a manner as the same now are, hereafter may be, or heretofore have been held and enjoyed by the said company.

To be conducted and managed by a board of commissioners.

2. *And be it enacted*, That the said water works shall be conducted and managed exclusively by and through a board of commissioners to be appointed as hereinafter directed, and that all the authority, powers and duties relative thereto now exercised and performed, or that hereafter may be exercised and performed by the said company shall be exercised and performed by the said commissioners, except as is hereinafter provided; and in pursuance of this authority the said commissioners may appoint and employ all proper assistants, officers, agents and clerks necessary or convenient for the purposes aforesaid, at such compensation as they may deem reasonable, and shall take from their treasurer and such other officers and agents as they may appoint, such bonds and securities for the faithful performance of their duties as they may deem proper; *provided*, that the said commissioners shall have no power to create loans or borrow money, and shall not be entitled to take or receive any compensation for their services, except such as may be ordered by the mayor and common council of said city.

Proviso.

Election of president.

3. *And be it enacted*, That the said commissioners shall elect, annually, one of their number to be president of the board, who may, under their direction, have the general superintendence of the water works, and the business of the board; the said president, or in his absence one of the said commissioners appointed by the said board for the purpose, shall sign all contracts, and all orders on their treasurer for

the payment of moneys which may be authorized by the said commissioners.

Real estate, works and property to be liable for debts heretofore contracted.

4. *And be it enacted*, That the said real estate, works and property, when conveyed as hereby authorized to the mayor and common council of the city of New Brunswick, and the income thereof shall be and remain liable in their hands for the payment of all debts heretofore lawfully contracted by the New Brunswick Water Company, and all of their legal liabilities; and that for the purpose of paying the same, and paying for the stock, real estate, works, property, corporate rights, powers, franchises and privileges aforesaid of the New Brunswick Water Company, and to provide for the further extension of the said works, and the operation, repair and general management of the same, and of all expenses incidental thereto, it shall and may be lawful for the mayor and common council of the city of New Brunswick to issue the bonds of the said city, for an amount not exceeding in the whole the sum of one hundred thousand dollars, which said bonds shall not be disposed of at less than par value, and shall bear interest at the rate of seven per centum per annum, payable semi-annually, and shall be issued and used from time to time as actually required for the purposes aforesaid, and not otherwise.

May issue bonds.

Net revenue after paying expenses to be applied to payment of interest on bonds, &c.

5. *And be it enacted*, That the net rents and revenue received from the said water works remaining after paying all expenses for maintaining the works and extending the pipes, and paying wages, salaries and incidental expenses, shall be appropriated first to the payment of the interest on the bonds heretofore issued by the mayor and common council of the city of New Brunswick for the purchase of stock of the New Brunswick Water Company, and for the payment of interest on the bonds that have been or may be issued by the said company previous to said sale and conveyance by them under this act, and the interest upon the general indebtedness and liability of the said company, and the interest upon the bonds that may be issued pursuant to the provisions of this act; and the balance thereof shall be set apart as a sinking fund for the payment of the principal of all of the said bonds and indebtedness, and that no part of said rents and revenues shall be appropriated or used for any other purpose whatever until the whole of said debts are paid and satisfied; *provided*, that the said commissioners shall not expend out of the said water rents and revenues,

Proviso.

in any one year, more than one thousand dollars for extending the pipes, unless the mayor and common council of the city of New Brunswick shall first sanction and authorize the same.

Surplus money to be paid to city treasurer and applied to sinking fund.

6. *And be it enacted*, That the said commissioners shall, semi-annually, at such times as the mayor and common council of the city of New Brunswick may direct, pay over to the treasurer of the said city so much of the net rents and revenues of the said works for the preceding six months as will be sufficient to pay the semi-annual interest on the bonds and indebtedness mentioned in the last preceding section, or so much thereof for that purpose, if not sufficient, as they may have in their hands; and shall, at the same time, pay over the surplus, if any there shall be, to the treasurer of the said city, to be by him safely invested in the same manner that other city moneys are invested by him, and allowed to accumulate as a sinking fund for the payment of the said bonds at maturity.

May raise by tax a sum of money sufficient to pay interest for each year.

7. *And be it enacted*, That until such time as the net rents and revenues of said works shall be fully sufficient to pay the interest on the said bonds and indebtedness, it shall be the duty of said commissioners, in the month of March in each and every year, to certify to the common council of said city what, in their opinion, will be the net revenue of said works for the ensuing year applicable to the payment of said interest; and thereupon the said common council may impose, assess, and collect, yearly, such an amount of tax as shall be sufficient, with the estimated net revenues of said works, to pay the said interest for that year; and the said common council are hereby empowered to add to the amount they now are or hereafter may be authorized to raise in the general assessment such sum as shall be necessary for the purpose aforesaid, notwithstanding any limitation or restriction contained in the charter of said city, or the supplements thereto.

Treasurer to keep separate account of moneys received.

8. *And be it enacted*, That the city treasurer shall keep a separate account of all moneys received and paid by him under the provisions of this act, particularly specifying therein all moneys received by him from the said commissioners, and the amounts raised by taxation by said city for the purpose of paying said interest, the whole of which shall be credited in said account and applied exclusively to the purpose aforesaid.

Majority shall constitute quorum.

9. *And be it enacted*, That a majority of said commissioners shall constitute a quorum for the transaction of business, and they shall keep regular books of account and books for recording the whole of their official proceedings, and all such books shall be open at all times to the examination of any members of the common council of the city of New Brunswick, and of any person or persons appointed by said common council for that purpose; the said commissioners shall also, on the first Monday in February of every year, make a report to the said common council of the condition of the said water works, accompanied by a detailed statement of the receipts and expenditures on account of the same, an abstract of which shall be published with the annual statement of the city treasurer.

Contracts and engagements of commissioners to be obligatory as if done by mayor and common council.

10. *And be it enacted*, That all the contracts and engagements, acts and doings of the said commissioners, within the scope of their duty or authority, shall be obligatory upon and be in law considered as done by the mayor and common council of the city of New Brunswick, and any judgment recovered against the said commissioners in their official capacity, as provided in the next succeeding section, shall have the same force and effect as a judgment against the city, and shall be enforced by the same process and in the same manner as if the same had been rendered in an action brought against the mayor and common council of the city of New Brunswick.

May sue and be sued in corporate name of "The Water Commissioners of the city of New Brunswick."

11. *And be it enacted*, That the said commissioners may sue and be sued, and prosecute or defend any action or process at law or in equity, by the name of "The Water Commissioners of the City of New Brunswick," and may institute and maintain any action against any person or persons for money due for the use of the water, for the breach of any contract, expressed or implied, touching the execution or management of the works, or the distribution of the water, or of any promise or contract made to or with them, and also for any injury, trespass or nuisance done or suffered to the water, reservoirs, pipes, machinery, or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water, and any vacancy or the filling of any vacancy in the board of commissioners, either before or after any cause of action arises or suit is commenced, shall not change the right of said commissioners as a body to commence, maintain or defend

such action or suit, but for such purpose and in such cases they shall be considered from the time of the organization of the board as a body corporate.

Previous contracts to be binding.

12. *And be it enacted*, That all lawful and binding promises or contracts made by or with the New Brunswick Water Company previous to the execution of the conveyance hereinbefore authorized shall be binding on the said commissioners, and upon the other contracting party, in the same manner and to the same extent as if the said promise or contract had been originally made by or with the said commissioners; and that all actions, suits and remedies relating thereto shall be brought, prosecuted and enforced in the manner specified in the last preceding section, in as full and ample a manner as the same might or could have been prosecuted and enforced by or against the New Brunswick Water Company in case this act had not been passed.

Commissioners shall have power and authority to regulate the supply and use of water, and make rules and regulations.

13. *And be it enacted*, That the board of commissioners for the time being shall have power and authority to regulate the supply and use of the water, to fix the prices for the same, and the times of payment, and to assess the owners of all lots fronting on the line of their pipes, whether such owners be takers of said water or not, but at less rates than if takers thereof, to make and prescribe such rules, regulations, conditions and restrictions, as they may deem necessary or expedient with reference to the use and mode of drawing the water, the inspection at all proper times of all parts of the water works and all connections therewith, public and private and wheresoever located in said city, and the collection of water rents and assessments, and the mode of enforcing such collections from the several owners of all lots fronting on streets and public places in the said city, through which their pipes are or may be laid and ready to supply water, whether such several owners shall be takers of said water or otherwise, but imposing a less rate or assessment on such as do not take the water than upon such as do take the same; and they shall have power to impose and collect such penalties, in addition to cutting off the water, as they may deem expedient, for the violation of such rules, regulations and restrictions, and shall succeed to and be invested with all of the powers, privileges and liabilities prescribed in the act entitled "An act to incorporate the New Brunswick Water Company," approved March the twenty-ninth, in the year eighteen hundred and fifty-nine,

and the several supplements thereto, so far as the same shall be applicable.

May erect and maintain fire plugs.

14. *And be it enacted*, That it shall be the duty of the said commissioners to erect and maintain fire plugs and hydrants in the public streets of said city, through which water pipes have been laid or shall be laid, in such number and locations as the common council may, from time to time direct, and to supply the same with water; and such plugs shall be under the control and direction of the common council, who are hereby authorized, by ordinance or resolution, to make the necessary rules and regulations respecting the use thereof, and to prescribe penalties for their violation and the mode of collecting such penalties.

Appointment of commissioners and term of office.

15. *And be it enacted*, That the common council of the said city, as soon as convenient after the execution and delivery of the conveyance herein provided for, shall appoint such number of the inhabitants of the said city as they may think best, commissioners, who shall constitute the first board of water commissioners, and who shall, at their first meeting, determine by lot or otherwise, the terms during which they shall hold their offices; and these shall be as follows: one-third of them shall remain in office one year, one-third of them two years, and one-third of them three years, all to be computed from the beginning of their first fiscal year.

Vacancies in office of commissioners shall be filled by common council.

16. *And be it enacted*, That the said common council, in each and every year, shall appoint one-third of the number of the said commissioners, who shall hold their office for three years from the date of the expiration of office of one-third of the said commissioners, as provided for in the next preceding section, and any vacancy that may occur in said commissioners, by death, resignation or otherwise, shall be filled by the said common council, but the person appointed in every case to fill such vacancy, shall hold his office only for the residue of the term for which he may be appointed;

Proviso.

provided, that any or all of said commissioners may, at any time be removed from office and others appointed in their place by the said common council for good and sufficient cause, shown upon examination and inquiry by a committee of said common council, at which the said commissioner or commissioners shall have due opportunity to be present and

Proviso.

make defense; *provided also*, that no member of common council shall be appointed a water commissioner, or act as

such after his election as a member of said common council.

17. *And be it enacted*, That the said common council may pay to the treasurer of said city, such additional compensation for his services under this act as they may deem adequate and proper. May pay additional compensation.

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

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

Approved March 27, 1873.

CHAPTER CCCLXXXVIII.

An Act to provide for the erection, finishing and repairing School Houses in the City of Elizabeth.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city council of the city of Elizabeth be and they are hereby authorized to borrow the sum of fifty thousand dollars for the purpose of erecting, finishing, furnishing and repairing school houses in said city, and for the purchase of land on which to build the same; and to secure the payment of the same by bonds of said city, to be issued under the seal of said city, and to provide for the payment of said bonds by a tax to be levied from year to year. Authorized to borrow money and issue bonds.

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

Approved March 27, 1873.

CHAPTER CCCXCII.

A Supplement to an act entitled "An Act to incorporate Societies for the promotion of Learning"

Trusteesmay create a capital stock not to exceed twenty-five thousand dollars.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it shall appear to the trustees of any incorporation formed under the act to which this is a supplement, that the interests of said incorporation will be promoted by the creation of a capital stock, it shall be lawful for the trustees to pass a resolution to that effect, and said resolution shall specify the amount of the capital stock to be created, which shall not exceed the sum of twenty-five thousand dollars, and the value of each share which shall not exceed one hundred dollars; and said trustees shall cause said resolution, duly certified by their president and secretary, to be recorded in the clerk's office of the county where said incorporation was formed, and after the recording of said resolution, it shall be lawful for said incorporation to issue such stock to the members of such incorporation subscribing to the same.

Board of chosen freeholders may make an annual subscription to law library.

2. *And be it enacted*, That if any incorporation is formed under the act to which this is a supplement in any of the counties of this state, for the establishment of a law library in any such county, it shall be lawful for the board of chosen freeholders of any county to make an annual subscription to said library, and if said subscription is received by said incorporation, said library shall during the continuance of such subscription be open to the free use of the judges of the courts of said county, the prosecutor of the pleas of said county, the attorney general when engaged in said county on professional business, the counsel of the board of chosen freeholders, and the members of the board of chosen freeholders of said county, under the rules and regulations of said library governing the members of said library incorporation.

3. *And be it enacted*, That the treasurer of this state shall

out of any publications of the laws or reports purchased by the state and deposited with him for distribution, issue to any such library two copies of the statutes, laws, and law and chancery reports, if he shall have any surplus copies after he shall have distributed all the copies that he is now required by law to distribute. Treasurer to supply reports, &c.

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

Approved March 27, 1873.

CHAPTER CCCC.

A Further Supplement to the act entitled "An Act to revise and amend the Charter of the Town of Orange," approved March third, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a discount of two per centum shall be allowed upon all taxes hereafter to be levied in said city of Orange, which shall be paid on or before the twentieth day of October in that year when they become due and payable; and that if such taxes shall not be so paid they shall draw interest, from and after that date at the rate of one per centum for the first month, or any fraction thereof; and at the rate of two per centum for the second and every succeeding month or any fraction thereof, until the same with all interest thereon and all costs shall be fully paid; and that a discount of two per centum shall be allowed upon all assessments for improvements, which shall be paid at any time within sixty days after the first publication of the notice mentioned in the seventieth section of the said act; and that if any assessment for paving or macadamizing any street, highway or alley, or any part or parts thereof, shall not be so paid within the said sixty days, the said assessment or any unpaid installment thereof, shall draw interest from and after the expiration of the said sixty days at the rate of one per centum per month, until the same shall be fully paid. Discount shall be allowed upon all assessments paid within sixty days, and interest charged on assessments unpaid.

Amendment.

2. *And be it enacted*, That the seventy-sixth section of the said act shall be and is hereby so amended, that any assessment for any improvement, together with all interest thereon, and all costs and fees shall be and remain a lien upon the lands and real estate assessed therefor, for the space of six years from the twentieth day of May in that year in which said assessment shall have been or shall be made.

Assessments may be paid by annual installments

3. *And be it enacted*, That the owner or owners of any lands and real estate which may have been or may be assessed for paving or macadamizing any street, highway or alley, or any part or parts thereof, shall have the option of paying such assessment, either in one sum within the sixty days next following the first publication of the notice mentioned in the seventieth section of said act, or in and by six equal annual installments; of which installments the first, less the said discount of two per centum, shall be paid within the said sixty days, and the others with interest thereon as aforesaid, in one, two, three, four and five years from the expiration of said sixty days; and that interest as aforesaid shall be paid yearly as aforesaid upon all unpaid installments; and that if default shall be made in the payment of said assessment or of the first installment thereof, within the said sixty days or in the payment of any subsequent installment with interest upon all unpaid installments at the time or times before mentioned, the whole assessment or any part thereof then remaining unpaid and all interest thereon, shall become due and payable immediately after such default, and it shall thereupon be the duty of the collector of taxes of said city to proceed forthwith in the collection of said assessment, or said unpaid installment or installments as the case may be, together with all interest thereon as aforesaid and all costs and fees, by enforcing the lien aforesaid upon the said lands and real estate, in the manner prescribed by the said act; and that the common council of said city may also order any such unpaid installment or installments with interest thereon, to be collected in and by an action at law as may be done in the case of the original assessment.

4. *And be it enacted*, That the said common council shall have power to borrow money, from time to time, in anticipation of the payment of any assessment for paving or macadamizing any street, highway, or alley, or any part or

parts thereof, to an amount not exceeding the cost of such improvement, and to secure the payment of such loan or loans by bonds or other instruments in writing, to be sealed with the common seal of said city and to be signed by the mayor and city clerk; and that all moneys which shall come to the hands of the collector of taxes for or on account of such assessment (or such part thereof as may be represented by such loan or loans) shall be kept by him entirely separate and distinct from the other moneys of said city, and shall, without delay, and without having been drawn or used for any other purpose whatever, be paid by him to the commissioners of the sinking fund of said city, and that said commissioners shall hold and invest all such moneys which may come to their hands in the same manner as they are now or may be required by any law or ordinance, and shall keep the same in a separate account, to be known as "the street improvement account;" and the moneys belonging to said account, together with the increase thereof, shall be pledged to and for the redemption of the principal of such loan or loans at the time of maturity, and shall not be applied or used to or for any other purpose whatsoever; and that the said common council shall also have power to borrow a further sum of money, not exceeding fifteen thousand dollars, to cover a now existing deficiency caused by unpaid assessments as well as by certain damages and expenses which have been heretofore assessed against said city in the making of certain improvements; and that said common council may secure the repayment of such sum of money in like manner; and that hereafter it shall not be lawful for said common council to pass any ordinance for paving or macadamizing any street, highway or alley, or for curbing or recurbing any sidewalk or gutter in any street, highway or alley, or any part or parts thereof, if the owners of one-half of the lineal frontage of the lands and real estate on the line of the proposed improvement shall remonstrate or protest against the same in writing at any time before the passage of such ordinance.

Common council authorized to borrow money for purposes of improvement and secure the payment of said loans.

5. *And be it enacted*, That all ordinances, proposed ordinances, notices and advertisements of every kind which are now required to be published in a newspaper of the said city, shall be hereafter published in all of the three newspapers now published in said city, and that, in order to reduce the expense of such advertising, there shall be here-

Advertisements, notices and ordinances shall be published in three newspapers published in said city.

New Jersey State Library

after required only two insertions, in each of said newspapers, of the several advertisements mentioned or referred to in the fourteenth, sixty-first, sixty-fourth, sixty-fifth, seventieth, seventy-first and seventy-eighth sections of the said act; and that, instead of publishing a copy, in full, of any proposed ordinance mentioned in said sixty-first section, it shall be sufficient (except as is hereinafter provided,) to publish only the titles of said proposed ordinances; and that instead of publishing such proposed ordinances and notices separately, it shall be sufficient (except as is hereinafter provided,) to incorporate several of such proposed ordinances and notices in a single advertisement; *provided however*, that it shall be necessary to publish, in full, a copy of any proposed ordinance to lay out, open, vacate, straighten, alter or widen any street, highway or alley, or any part or parts thereof, together with a notice of the meeting of the common council at which they will proceed to consider such proposed ordinance, in the same manner as it is now required to be done.

Proviso

Proceedings in certiorari.

6. *And be it enacted*, That no writ of certiorari shall be hereafter granted or allowed to remove into any court of this state, any report, map, assessment, ordinance, resolution, notice or other act or proceeding of any kind whatsoever in relation to any improvement heretofore or to be hereafter made under or by virtue of the said act, or of this or any other supplement thereto, after the expiration of sixty days from the time of the adoption and ratification by the common council of the report of the board of assessments with reference to said improvement, whether with or without alteration; and that whenever any such report, map, assessment, or other act or proceeding, on being so removed, shall appear to be irregular or defective in any way, whether in form or in substance, the said board of assessments, common council, and city clerk, shall severally have the right to amend and correct the same in all particulars, so that the same shall truly conform to the facts as they may be presented to said court, by affidavit or otherwise; and that, whenever it shall appear to said court that the party prosecuting such certiorari is justly aggrieved because of the assessment for or against his or her lands and real estate having been made contrary to the provisions of said act or any supplement thereto, the court shall have the power to set aside only so much of said report and assess-

ment as relates to said party, and in doing so shall, at the same time, appoint three disinterested freeholders of said city to act as appraisers in making a new assessment against or in favor of said party, or both, as the case may be, and that the said appraisers, or any two of them, shall give ten days' notice in writing of the time and place of their first meeting unto the said party as well as unto the mayor or clerk of said city, and shall view the premises, and shall give a hearing to all persons claiming to be interested in the matter, and may adjourn from time to time without further notice, and shall make a new assessment as aforesaid in accordance with the provisions of said act and said several supplements, and shall certify the same under their hands to the said court and to the said clerk; and that such new assessment shall be final and conclusive upon all parties; and that the said clerk shall certify the same to the collector of taxes for said city, who shall thereupon proceed to collect and enforce the same in the same manner as is provided with regard to the original assessment, and that the costs of the proceeding, as the same may be fixed and determined by said court, shall be paid by both or either of the parties thereto, in such manner or proportions as the court may order; and that in case more than one assessment in the same matter shall be thus reviewed, the court shall, if possible, in each instance, appoint the same appraisers; and that any new assessment for benefits shall be a lien upon the lands and real estate assessed therefor, and may be enforced in the same manner and to the same extent as the original assessment; and that in case any assessment of damages shall be increased, or an assessment for benefits shall be reduced by said appraisers, the amount of such increase or such reduction, as may be, shall be borne and paid by the city at large.

Amendment requiring license for the sale of ale, &c.

7. *And be it enacted*, That the ninety-fourth section of the said act shall be and the same is hereby amended in such manner that no person shall be hereafter allowed, within the limits of said city, to sell ale, beer, porter, cider or wine, until such person shall have first been licensed therefor by the said collector of taxes, and shall have paid to him for the use of said city a license fee of twenty-five dollars, and shall have filed with him a letter of recommendation, recommending the applicant as a person of good moral character, and of good repute for temperance, and signed by at

least six legal voters and freeholders of said city, who have not signed any similar recommendation within the year next preceding the time of such application being made; that such license shall run for the term of one year from the time of such payment and no longer; and that it shall not be lawful for any such person so licensed to sell or furnish any such liquor above named, to any child or minor under the age of eighteen years, under any pretext whatsoever; and that if any person or persons shall violate any or either of the provisions of this section, he, she or they shall forfeit and pay a fine of twenty dollars, to be recovered by the said city in an action of debt, to be brought before the police justice of said city, in the same manner as actions for penalties for the violation of ordinances; and that such actions shall be prosecuted, and that execution may issue upon any judgment to be recovered therein in like manner; *provided*, that this section shall not apply to any inn or tavern keeper, or to any druggist or other person who may sell any such liquor, to be drank off the premises where sold.

Proviso.

Amendment.

8. *And be it enacted*, That the forty-fifth section of the said act shall be and hereby is amended by striking out the word "eight," and inserting in lieu thereof the word "ten;" and that the seventh section of the certain supplement to said act which was approved April third, one thousand eight hundred and seventy-two, shall be and hereby is repealed; *provided, however*, that from the amount of moneys which shall be annually determined by resolution of the common council to be appropriated for the support of public schools in said city for that year, in accordance with the provisions of the said forty-fifth section, there shall always be deducted the amounts received, or to be received in that year from the school fund of the state as well as from any tax which may be raised under and in pursuance of the certain act approved April sixth, one thousand eight hundred and seventy-one, and entitled "An act to make free the public schools of the state," and supplemental to the act entitled "An act to establish a system of public instruction," approved March twenty-first, one thousand eight hundred and sixty-seven.

Proviso.

Repealer.

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

are hereby repealed, and that this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 28, 1873.

CHAPTER CCCCI.

A Supplement to an act entitled "An Act revising the act to Incorporate the City of Bayonne, in the County of Hudson and State of New Jersey, approved March tenth, one thousand eight hundred and sixty-nine," approved March twenty-second, one thousand eight hundred and seventy-two.

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the third and thirty-fifth sections of the act to which this is a supplement, be and the same are hereby amended by striking out whenever they occur in said sections the words "city counsel."

Amendment.

2. *And be it enacted*, That section forty-seven of the act to which this is a supplement, be and the same is hereby revised and amended so that it shall be and is as follows:

Proceedings for the collection of delinquent taxes.

47. *And be it enacted*, That the collector of revenue in said city, in case of the non-payment of taxes on or before the twentieth day of December in each year, shall make out a list of the names of all delinquents, with the sums due from them respectively, specifying on said list those of said delinquents who are owners of taxable real estate situate in the city, and shall deliver the same to the clerk of the city on or before the twentieth day of December in each year except when said day shall fall on Sunday, and then on the next day following, and it shall be the duty of said clerk to lay the same before the board of councilmen at a meeting thereof, held next after the same shall be delivered to him, and thereupon the said board shall deliver a list of all such delinquents who do not appear by said list, made as aforesaid by the collector, to own taxable real estate, situate in the city, to a justice of the peace of the city, who shall pro-

ceed to issue a tax warrant thereon, as provided by law in cases of taxes in townships, which shall be directed and delivered to the collector of revenue, who shall have power to collect the same in like manner, in all things, as the constables in townships are directed by law, but such collector shall, before he delivers such list to said clerk, take and subscribe an oath or affirmation before the mayor or city clerk, or a justice of the peace in said city, that the moneys in said list mentioned, have been duly demanded, or due notice given at the usual places of residence of such delinquents, who could be found or may then reside in said city, and all parts of said section forty-seven inconsistent with said section, as so revised and amended, be and the same are hereby repealed.

Amendment.

3. *And be it enacted*, That section forty-eight of said act be amended by repealing and striking out the words, "and on all taxes due and payable which remain unpaid on the fifteenth day of February in any year, an additional penalty of five per centum shall be added, and such penalty shall be paid over by the said collector of revenue to the treasurer of the city in like manner, and at the same time as he may be required to pay over to said treasurer all taxes by him collected," as they occur together at the end of said section.

Amendment.

4. *And be it enacted*, That sections fifty-eight and fifty-nine of said act be and the same hereby are revised and amended so that they shall be and are as follows:

Proceedings for opening, extending or widening any street or avenue.

58. *And be it enacted*, That it shall be lawful for the board of councilmen, by ordinance, to open, extend or widen any street or avenue, or any part thereof in the city, in the following manner, and not otherwise: on application in writing to the said board of councilmen, setting forth accurately the improvement desired, and the petitioner or petitioners for such improvement shall deposit with the city treasurer such sum of money as said board shall direct, being sufficient to cover the expense to be incurred, in case such improvement shall not be ordered; if said board shall favor the application, the same shall be advertised by the board of councilmen in the official newspapers circulating in said city, for two weeks at least before the ordinance is passed to carry out the same, which ordinance shall be referred to the commissioners of assessments 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 said commissioners, will be benefited thereby, designating each lot and parcel on said map by number, said commissioners shall also ascertain, so far as practicable, and report the names of the owners of said real estate to be taken, and property to be benefited, and the interest of each of the owners of real estate to be taken, and when such names or estates are not known, and cannot with reasonable diligence be ascertained, they shall so report; they shall also appraise the value of the interest of each known owner of real estate to be taken, and the damage to be done to such owner by taking the same, considering in such appraisal the condition in which each owner's parcel of real estate will be left after taking so much thereof as will be required for the improvement; and where the estates in any plot of land are unknown, and cannot with reasonable diligence be ascertained, 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; *provided*, that where the line of such improvement would bisect any building, the said commissioners may determine, as shall seem to them most just to take or to require the owner or owners thereof to move it back from the line of improvement, in case the owner or owners thereof have land enough left for that purpose, and their appraisement shall be made accordingly; said commissioners shall also estimate the amount likely to be realized from the sale of any buildings or parts of buildings to be taken on account of said improvement and shall so determine the probable net cost of making the improvement; this probable net cost they shall then assess upon the land to be 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 improvements, and shall file such report and map with the city clerk within twenty days after the reference to them, or within such further time as said board of councilmen shall grant; thereupon the said clerk shall give notice of the filing of said map and report in the official newspapers circulating in said city, for the space of two weeks, and by at least five notices put up on the line of said improvement, and the city clerk

Proviso.

shall mail a written or printed notice to each of the known owners of land to be assessed for said intended improvement, 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, which description may be by reference to any map to which the said owner may be allowed access, and shall state the time and place when and where the said board of councilmen or a committee thereof will meet to hear and consider any objections to said report, or to the improvement, which may be presented in writing, the time appointed for such objections being not less than ten days after the expiration of said two weeks; and all objections made at such time and place, presented in writing, said board of councilmen shall consider and adjudicate upon, and if any of such objections which may require correction of the said report or map of the commissioners of assessment, upon such consideration and adjudication shall be sustained, the said report and map shall be returned to said commissioners of assessments by resolution of the council, which shall specify the correction to be made and the awards or assessments made in said report shall be corrected accordingly by said commissioners, and said report and map when corrected shall be filed with the city clerk within twenty days thereafter, if said board of councilmen shall then determine to make said improvement, or if at the time of considering and adjudicating upon the objections to the report or improvement which have been presented in writing, they shall determine to make the improvement and confirm the report, notwithstanding any objection to the same, the said board shall confirm the awards made in said report and map, and order that the said improvement be made and completed in such manner as said board may direct under the supervision of said commissioners of assessments; *provided*, the said board of councilmen shall not proceed to make any improvement if the owners of more than one-half of the property per lineal feet front to be assessed for the improvement shall remonstrate against the same being made, said board of councilmen shall thereupon 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, a copy of which resolution, attested by the president of the board of councilmen and filed with the city clerk,

Proviso.

shall be the authority of the city clerk for issuing warrants for such sums, subject to the provisions of the fifty-ninth section of this act, to the persons to whom they are due, when the said persons demand the same of him; and upon the passage and filing with the city clerk as aforesaid of such resolution, the fee simple of said real estate to be taken shall be vested in said city corporation, the mayor and council of the city of Bayonne; *provided*, that where the commissioners of assessment shall have reported the names or estates of the owners of any plot as unknown, said resolution shall direct the sum of the award on account of such plot to be paid to the owners thereof when and as their interest may appear, and any such owner or person interested in said land may, by bill in chancery, according to the practice of that court, have the said sum distributed, or in whole or in part paid over to him, as law and justice may require; after the completion of said improvement, the said commissioners of assessment shall report to said board of councilmen the actual net cost thereof, and shall assess the same upon the land theretofore reported by said commissioners as the land to be benefited thereby, in the same proportion as the estimated net cost had been previously assessed in the map and report of said commissioners as corrected by the said board, the assessment so made, when filed with the city clerk and confirmed by the board of councilmen, shall constitute a lien upon each parcel of said lands for the amount assessed to the same.

Proviso.

59. *And be it enacted*, That whenever, by the report and map of the said commissioners of assessments corrected as aforesaid, it shall appear that an award has been made or awards have been made to any person for property taken or damages sustained, and that such person is also assessed for benefits received on account of the same improvement, then if the assessment equal or exceed the award or awards, no payment shall be made on account of such award or awards, and if the award or awards exceed the assessment, only so much of the award or awards as is in excess shall be paid, and the resolution of the board of councilmen ordering the awards to be paid shall be framed accordingly; and when the amount to be assessed to each plot of land shall be finally determined, the difference between such amount in the case of any plot, or of any plots having the same owners, and the previously estimated amount to be assessed upon the

Proceedings in the case of awards.

same plot or plots, shall, if it be said difference in excess of the estimated amount to be assessed, be set off against the amount of the award or awards due to the owner of said plot or plots so assessed and unpaid, and if the amount of the said award or awards due and unpaid exceed such difference, the excess only shall be paid to the person to whom the award is made, and if the said difference exceed the said award or awards due and unpaid, then the said award or awards unpaid shall be cancelled, and only the excess of said difference over the unpaid amount of the award or awards shall be a lien upon the property assessed, the assessment (in case of more than one plot) on each plot assessed being reduced proportionally, the rest of the award or assessment, as the case may be, being cancelled, and all parts of said sections inconsistent with said section, as so revised and amended, be and the same are hereby repealed.

Repealer.

5. *And be it enacted*, That section forty-two of the act to which this is a supplement, and all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

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

Approved March 28, 1873.

CHAPTER CCCCII.

An Act to authorize the Mayor and Council of the City of Hoboken to exchange a portion of the Hoboken Cemetery Grounds for other lands adjoining said cemetery.

Authorized to exchange a portion of cemetery grounds.

1. BE IT ENACTED *by the Senate and General Assembly of State of New Jersey*, That it shall be lawful for the mayor and council of the city of Hoboken, upon the request of the board of trustees of the Hoboken cemetery, a majority of all the members of said board of trustees agreeing thereto, to exchange such portion of said cemetery grounds as they may deem advisable for other lands adjoining said ceme-

tery; *provided*, no lands heretofore used for interments or sold to private individuals for burial purposes shall be included in such exchange; and the said mayor and council are hereby authorized and empowered to grant and convey the lands so to be exchanged as aforesaid, in fee simple, free and clear of all liens, easements and incumbrances whatsoever; and that the lands to be acquired by said exchange as aforesaid shall be and the same are hereby set apart forever as a burial place, and shall be held and used in the same manner, and may be sold and conveyed in plots subject to the same regulations and control as the other portions of said cemetery. Proviso.

2. *And be it enacted*, That the board of trustees are authorized and empowered to make such alterations in the map of said cemetry now on file in the office of the clerk of the county of Hudson as may be necessary to carry out the provisions of this act. Alterations may be made on map.

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

Approved March 28, 1873.

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CHAPTER CCCCIII.

An Act to vest the title of land sold by the Trustees of Washington School District of Rahway, in the purchaser thereof, his heir and assigns.

WHEREAS, it appears that the trustees of Washington School District of Rahway, on or about the sixth day of December, in the year one thousand eight hundred and fifty-three, sold and conveyed by deed to one Joseph O. Lufbery, a certain piece or tract of land situate in the township (now city) of Rahway, in the county of Essex, (now Union) and state of New Jersey, but that the said deed of conveyance to said Joseph O. Lufbery for the same, bearing date the day and year aforesaid, and recorded in Preamble.

books two hundred and four of deeds for Essex county, pages four hundred and eighty-seven and four hundred and eighty-eight, instead of being made out and executed by the said trustees, in their corporate name and capacity was made out and executed by them in their individual names, but describing themselves as "trustees of school district, called the Washington district of the township of Rahway," said trustees and the said Joseph O. Lufbery, believing and intending said deed to vest the title to said lands, exclusively in said Joseph O. Lufbery, his heirs and assigns; therefore,

Sale confirmed and declared valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said sale and conveyance by said trustees is hereby confirmed and made valid, and the said deed shall vest in the said Joseph O. Lufbery, his heirs and assigns, the title to said lands in fee simple, and that as fully as if said deed had been executed by said trustees in their corporate name and capacity.

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

Approved March 28, 1873.

CHAPTER CCCCIV.

An Act to provide for the improvement of the roads in the township of Millburn, in the county of Essex.

Election of road comsioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Millburn in the county of Essex, are hereby authorized and required to elect by ballot, and not otherwise, at their next annual town meeting, for the election of officers of the said township, and at every second such annual town meeting thereafter ensuing, three road commissioners for the said township; which officers shall hold their respective offices for the term of two years, and until others shall be chosen and legally qualified in their stead.

2. *And be it enacted*, That one of said road commis-

sioners shall be a resident of that portion of said township which lies south of the present line of the Morris and Essex Railroad; that another one of said road commissioners shall be a resident of that portion of said township which lies north of the said line of the Morris and Essex Railroad and east of the county road extending from the present Millburn depot of said railroad, northward to the northern boundary of the township, past the corners of Samuel Bailey and Hugh McChesney; that the third of said road commissioners shall be a resident of that portion of the said township which lies north of said line of the said railroad, and west of said county road extending from said depot northward as aforesaid. Residences of commissioners declared.

3. *And be it enacted*, That the said three road commissioners shall take or subscribe an oath or affirmation in the following form to wit: Form of oath

I, do solemnly and sincerely promise and swear (or affirm) that I will in all things to the best of my knowledge and understanding, well, justly, and faithfully execute the office of road commissioner without favor or partiality.

4. *And be it enacted*, That it shall be the duty of said road commissioners to inspect all the public roads or highways in the said township, within fifteen days of the day on which the annual election for township officers is held, and to advise with the overseers of the highway in said township as to the repairs and alterations to be made of the highways in their respective districts; that it shall also be the duty of the said road commissioners to inspect the said highways again during the month of November in each year. Duty of the commissioners.

5. *And be it enacted*, That it shall be the duty of said road commissioners to report to the primary meeting preceding every annual election for township officers the condition of the highways in each road district of the said township; also the mode of working the highways in each said district and the cost thereof; also to recommend such alterations or repairs of the highways, or changes in the mode of working the same, as they may deem expedient; and also to suggest the amount of money which it is expedient to appropriate for working the roads in each said district. Further duties of commissioners.

6. *And be it enacted*, That the said road commissioners

Compensation.

shall be paid the actual expenses to which they may be subjected in the discharge of their duties, but no other compensation whatever.

Manner of assessing and collecting assessments for road improvements.

7. *And be it enacted*, That whenever any two or more of the inhabitants in any road district in said township shall desire to have any highway or portion thereof improved by the grading, draining, graveling or macadamizing thereof, and shall be willing to contribute one equal fourth part of the cost of such improvement, the said inhabitants may make application in writing to the aforesaid road commissioners to such effect; and thereupon the said road commissioners shall estimate the cost of the proposed improvement, and shall report the estimated cost to the town committee, and to the applicants within thirty days of the date of the filing of said application; said applicants may thereupon pay one equal fourth part of the said estimated cost of the proposed improvement to the collector of the said township, who shall promptly report such payment to the said town committee, and upon such payment being made and reported, it shall be the duty of the town committee to direct the assessor of the said township to assess upon the real estate at each side of the highway or portion thereof to be improved, and in the manner hereinafter provided, a second equal fourth part of the said cost; and, also to assess on the said township at large the remaining half part of the said cost; which respective assessments shall be collected in the same manner and at the same time or times as other township taxes in the said township; the said town committee shall also order the road board hereinafter provided, to take all necessary steps to have the desired improvement made and paid for out of the money contributed and collected for said purpose.

Manner of assessments continued.

8. *And be it enacted*, That whenever a part of the cost of the aforesaid improvement is to be assessed as provided in the seventh section of this act upon the said real estate, the same shall be assessed upon each and every square foot of said real estate lying in two strips, each of six hundred feet in width, and one at each side of said highway or portion thereof to be improved, in the following proportions, to wit: the real estate lying within each of said two strips, shall be subdivided into four equal subdivisions, each of which shall be one hundred and fifty feet in width, and shall be designated respectively in their order of nearness to the

said highway, the first subdivision, the second subdivision, the third subdivision, and the fourth subdivision; the first subdivision being next to said highway; the assessment upon each of the two first subdivisions at opposite sides of said highway shall be twenty per centum of the said part to be assessed; the assessment upon each second subdivision shall be fifteen per centum of the said part to be so assessed; the assessment upon each third subdivision shall be ten per centum of the said part to be so assessed; the assessment upon each fourth subdivision shall be five per centum of said part to be so assessed; and the assessment upon every square foot of real estate in each said subdivision shall be equal throughout that subdivision.

Proceedings in case any person is aggrieved.

9. *And be it enacted*, That if any person shall think himself aggrieved by reason of the assessor having erred as to the number of square feet of real estate upon which the said person is assessed, he may appeal to the road commissioners hereinbefore provided, who are hereby required to convene for the purpose of hearing such appeals; and the said road commissioners, after due examination of the facts and consideration of the case, shall give such judgment as shall be agreeable to the principles of justice, which judgment shall be final and conclusive.

Appeal must be taken within thirty days.

10. *And be it enacted*, That such appeal must be taken within thirty days of the day upon which the notice of the assessment is served upon the person assessed; also, that the said road commissioners shall meet for the purpose of hearing such appeals, upon the fourth Tuesday of November annually, and at the usual place of holding town meetings in the said townships; and that they shall render their judgment within ten days after the hearing of such appeal.

Transcript of judgment to be given to appellant, &c.

11. *And be it enacted*, That it shall be the duty of said road commissioners to give a transcript of their judgment to the appellant and to the assessor; and the collector and every other officer whom it may concern is hereby directed to govern himself accordingly.

Proceedings for the improvement of highway, &c.

12. *And be it enacted*, That whenever a highway or portion thereof in the said township is to be improved as provided in this act, the work shall be done under the direction and supervision of a road board composed of the following three persons, to wit: first, a person who shall be named by the applicants in their application in writing for said improvement; second, one of the aforesaid road com-

missioners who shall not be a resident in the portion of the township in which the highway or portion thereof to be improved shall lie, and who shall be appointed by a majority of the said three road commissioners; third, the overseer of the highway for the road district in which said highway or portion thereof to be improved shall lie; and it shall be the duty of the said road board to have the desired improvement executed as rapidly and economically as circumstances will permit.

Assessments to be a lien.

13. *And be it enacted*, That all assessments made by virtue of this act shall be and remain a lien upon the lands and real estate upon which such assessments shall be made, and such lien may be enforced by a sale of such land and real estate in such manner as is now or may be hereafter provided by law.

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

Approved March 28, 1873.

CHAPTER CCCCV.

An Act to facilitate the Collection of Taxes in the Township of Clark, in the County of Union.

Township committee empowered to enforce the collection of delinquent taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Clark, in the county of Union, shall have power to enforce the collection of all delinquent taxes heretofore assessed or which may hereafter be assessed on any real estate in said township, whether owned by residents or non-residents of this state, by exposing the same for sale, or so much thereof as may be sufficient to pay said taxes, and the costs thereon, at public vendue, to the person or persons who will take the least quantity of said land, to be laid out in one body, and to commence at some designated corner of the premises on which said delinquent taxes are claimed to be due; and in case where the said committee may deem it for the interest of the township, they may authorize the col-

lector of the township to appear at such sale, and bid on such lands as are offered for sale as aforesaid, in the name of the township; the lands so sold to him, if any, to be the property of said township.

Township collector shall make returns to the committee of taxes which are delinquent.

2. *And be it enacted*, That no land shall be sold by virtue of this act until the township collector shall have made a return to the township committee, that the taxes assessed on said lands are unpaid, and have by him been returned as delinquent, and shall verify the same by his affidavit attached thereto; and the collector neglecting or refusing to make such return and affidavit at least ten days before the annual township meeting for the election of officers, shall be liable to the township for all of said unpaid and delinquent taxes not so returned.

Copy of return to be recorded and posted.

3. *And be it enacted*, That within twenty days after the said return by the collector of the township, the township committee shall cause a copy of said return to be recorded in the clerk's office of said township, and a copy thereof to be posted in at least three public places in said township, one of said places to be at the place where the last election of said township was held, the same to be certified to and signed by the clerk of the township.

Proceedings in case delinquents appear and make payment.

4. *And be it enacted*, That if any of said delinquents, at any time before the expiration of twenty days after the first posting of said notices, shall appear before said clerk and pay said delinquent taxes and the costs, together with the additional sum of fifty cents as registry fee for said clerk, then in such case, the clerk shall receive the same in the name of the township committee, and give his receipt therefor; but in case such delinquents do not appear and make the said payment within the said twenty days, the township committee shall cause a certified copy of the said return and affidavit of the collector to be published in one or more newspapers published in said county, at least six weeks, specifying the time and place where the same will be sold at public vendue as aforesaid, for the collection of said returned and delinquent taxes.

Sale to be made by public vendue.

5. *And be it enacted*, That on the day mentioned in said notice as the day for said sale, or on some subsequent day to which said sale may be adjourned, the chairman of the said committee shall at the hour named in said notice, proceed to sell the several tracts or parcels of land returned and unpaid, and in the order so returned, at public vendue

as aforesaid, to the person or persons who will take the least quantity of said premises so offered, and pay the amount of said delinquent taxes with the costs of advertising and sale.

Township committee shall give certificate of sale.

6. *And be it enacted*, That immediately after such sale, the township committee shall execute and deliver to such person or persons, who may become the purchasers of said lands, a certificate of such sale, describing the piece, or several pieces so sold, as the case may be, together with the amount paid for the same, entitling the holder thereof to a deed of the premises so sold; *provided*, that the owner or owners of said land or lands, do not within one year from the date of said certificate, appear before the said committee and deposit with them for the purchaser of said land, the amount so paid by him, together with interest at fifteen per centum per annum, in which case the said certificate shall be deemed to be canceled, and the amount so received shall on demand, be paid to the party holding and owning such certificate.

Proviso.

Proceedings in case land is not redeemed.

7. *And be it enacted*, That if, at the expiration of one year from the time of said sale, the owner or owners of any land so sold do not appear to redeem said land as aforesaid, then the said township committee shall execute to the holders and owners of said certificate a deed of the premises described therein, in the corporate name of said township, the party receiving said deed to be at the expense of the acknowledging of the same; and on the delivery of said deed the sale shall be final, and the title to such lands pass irrevocably to the holders thereof.

Quorum.

8. *And be it enacted*, That a majority of the said committee shall constitute a quorum for the purposes of this act, and may adjourn from time to time, as they shall judge proper.

Repealer.

9. *And be it enacted*, That this act shall be deemed to be a public act, and shall take effect immediately; and all acts, or parts of acts, inconsistent herewith, so far as relate to said township of Clark, are hereby repealed.

Approved March 28, 1873.

CHAPTER CCCCVI.

A Supplement to an act entitled "An Act for the Improvement of the Town of Red Bank, in the County of Monmouth," approved March seventeenth, one thousand eight hundred and seventy.

Powers of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of commissioners of the town of Red Bank, in the county of Monmouth, in this state, shall have full power and are hereby authorized to license [and] regulate the sale of strong beer, ale, porter and wine, and to exercise police regulations as to all shops or places where strong beer, ale, or other malt liquors and wine are sold by retail within the limits of the town of Red Bank.

Not to apply to inns and taverns.

2. *And be it enacted*, That this act shall not apply to inns and taverns, duly licensed under the provisions of the act concerning inns and taverns.

Commissioners to regulate the use and storage of petroleum oil, &c.

3. *And be it enacted*, That this board of commissioners of the town of Red Bank aforesaid, are hereby authorized and have full power and authority to regulate and restrain the use or storage of petroleum oil, gasoline or any other combustible or imflammable material, or offensive or noxious substances within the limits of said town.

Land owners or occupants to remove obstructions.

4. *And be it enacted*, That each and every land owner or the occupant of any land situate in the limits of said town, shall at all times keep the streets and sidewalks free from all obstructions that may be caused to travel by any of the limbs or branches of trees or tree that may stand or be growing over any such street or sidewalk within the limits of said town; and if any such land owner or occupant shall refuse or neglect to remove such obstructions, limbs or branches for the space of twenty-four hours after being notified in writing by said board of commissioners, or by any marshal or officer of said town of Red Bank to remove the same, the board of commissioners of the town of Red Bank aforesaid, are hereby authorized and empowered

forthwith on such refusal or neglect to cause such obstructions, limbs or branches of trees to be cut and removed at the expense of such land owner or occupant so refusing or neglecting; and all such expense may be recovered of the said land owner or occupant by the board of commissioners of the town of Red Bank in an action of debt before any court having jurisdiction of the amount thereof.

Commissioners to enact by-laws, &c.

5. *And be it enacted*, That the board of commissioners of the town of Red Bank are hereby authorized and empowered to pass and enact all such by-laws or ordinances as they may deem proper and advisable, to carry into full effect the provisions of this act.

Repealer.

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

Approved March 28, 1873.

CHAPTER CCCCIX.

A Further Supplement to an act entitled "An Act to set off from the Township of Bloomfield, in the County of Essex, a new township, to be called the Township of of Montclair, approved April fifteenth, one thousand eight hundred and sixty-eight.

Preamble.

WHEREAS, in section second of the supplement of the act of which this is a supplement, approved March the eighth, one thousand eight hundred and seventy (chapter one hundred and seventy-nine, page four hundred and thirty-seven), it is not expressly stated how the election shall be held; therefore,

Qualified voters are authorized and required to vote upon the question of "license or no license," by ballot.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the persons qualified to vote at the regular township election are hereby authorized and required to vote upon the question of license, or no license, in the same manner in which other matters are voted on at such election, except that the ballot for this purpose shall

be separate, and shall have written or printed on it the word "license," or the words "no license," and when received shall be deposited in a separate box, similar in all respects to the box prescribed by law, and to be provided and paid for in the same way; and at the close of said election, the officers shall make out and sign a certificate of the result, showing the number of votes in favor of, and against such license, and within five days thereafter deliver the same to the county clerk.

Penalty for unlawfully selling.

2. *And be it enacted*, That for the first offence against the first section of the supplement of an act to which this is a supplement, approved March eighth, one thousand eight hundred and seventy, the offender shall forfeit and pay the sum of ten dollars, and for each and every subsequent offence the sum of one hundred dollars, said penalty to be appropriated to the benefit of the poor of the said township of Montclair.

Penalty, how enforced.

3. *And be it enacted*, That said penalty may be enforced by complaint brought before any justice of the peace of said county of Essex, in the name of the inhabitants of the township of Montclair, and it shall be the duty of such justice to commit such offender to the county jail, there to be left at hard work for any time not exceeding three months, or until such offender shall pay the amount of said forfeiture or fines and cost.

Not lawful to sell until license is permitted by majority of legal votes cast.

4. *And be it enacted*, That if it shall appear that at any election held in said township of Montclair, pursuant to the provisions of this act, and the acts of which it is a supplement, as aforesaid, a majority of all the votes cast were for "no license," it shall not thereafter be lawful to permit any person or persons to sell any ale, porter, beer, or other malt, spirituous or vinous liquors within said township, until it shall be so decided by a majority of the legal votes cast at some subsequent election.

Repealer

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

Approved March 31, 1873.

CHAPTER CCCCXII.

Supplement to an act to Amend the Charter of the City of Plainfield, approved April fourth, one thousand eight hundred and seventy-two.

Penalty for violation of ordinances.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the violation of any of the ordinances of said city there may be imposed a fine not exceeding one hundred dollars, or imprisonment not exceeding sixty days, or either fine or imprisonment, as the court having jurisdiction may decide, and whenever an imposed fine is twenty dollars or under there shall not be granted a trial by jury.

Mayor or city judge may administer oaths.

2. *And be it enacted*, That official oaths or affirmations under the charter to which this is a supplement, may be administered by either the mayor or city judge, and all such oaths or affirmations shall be taken within ten days after the day of election or appointment.

Meeting to organize.

3. *And be it enacted*, That the duly elected members of the common council of said city shall meet in the council chamber on the first Monday in January, at the hour of eight o'clock, p. m., for the purpose of organizing for the transaction of business, and should the said common council not then organize it shall be the duty of the city clerk to call the members together for that purpose within ten days thereafter.

Time for assessment and collection of taxes.

4. *And be it enacted*, That the city assessor shall with strict impartiality assess taxes upon all persons and property within the said city, between the first day of May and the first day of July, annually, and the city collector shall collect the same between the first day of July and the first day of September, annually, and shall on the first Monday in September, annually, return to the city judge the names of all delinquents with the sums due from them respectively; and the time for the commissioners of appeal in cases of taxation to meet shall be on the fourth Tuesday in July, annually.

Sufficient notice.

5. *And be it enacted*, That fourteen days from the date of first publication shall be sufficient public notice of the intended adoption by the common council of any ordinance, supplement or regulations.

City judge may issue warrant.

6. *And be it enacted*, That in addition to the mayor of said city it shall be lawful for the city judge by direction of the common council, to issue a warrant as section forty-three of the act to which this is a supplement provides.

When ordinance shall have legal effect.

7. *And be it enacted*, That each and every ordinance or supplement when approved by the mayor or finally adopted by the common council, shall be of legal effect ten days after the date of one publication thereof in each of the official newspapers printed in said city.

Rights and powers of the city judge.

8. *And be it enacted*, That the city judge shall have all the rights, powers and jurisdiction that justices of the peace have for the trial of civil actions before them; he shall be elected to serve for three years; his court shall be a court of record, the proceedings in which shall be the same as in courts for the trial of small causes and subject to the same laws as far as applicable; judgments rendered in said court may be appealed from in all cases in which appeals are allowed in courts for the trial of small causes and in the same manner, and the common council shall provide a suitable and convenient place where the court of the city judge may be held.

May commit to jail if fine is not paid.

9. *And be it enacted*, That the common council of said city may provide by a general ordinance that if any party be convicted of violating any of its ordinances, and shall fail or neglect to pay the fine prescribed for such violation and the costs of suit within two days after conviction, the city judge may in his discretion cause such party to be committed to the county jail until such fine and the costs are paid or for any period not exceeding ten days, but this contingency alone shall not entitle any party to a jury trial.

Applications for writ of certiorari to be made under oath.

10. *And be it enacted*, That no writ of certiorari shall be granted unless the party applying therefor shall present to the circuit judge and file with the clerk of the court, before the issuing of the writ, a statement under oath, of the reasons on which the application for the writ is based, and the argument on the writ shall be had only on such reasons and at the same term of court to which it is made returnable, unless the court or judge granting said writ shall allow further time.

Repealer.

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

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

Approved April 1, 1873.

CHAPTER CCCCXIV.

An Act to Incorporate the City of Passaic.

TITLE I.

OF THE BOUNDARIES AND CIVIL DIVISIONS OF THE CITY.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that district of country in the county of Passaic, contained within the boundary lines of the Village of Passaic, as now established by law, including Dundee Island in Passaic river, shall be a city, by the name of the City of Passaic, and all the inhabitants of this state, within the limits aforesaid shall continue forever hereafter, to be a body corporate and politic in fact and in name, by the name of "The City of Passaic," and by that name 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 all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a common seal and alter the same at their pleasure; and also by their corporate name aforesaid, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of the said corporation, and that the said "The City of Passaic," and their successors shall by virtue of this act, become and be absolutely, and completely vested with, possess and enjoy all the lands, tenements, hereditaments, property, rights, causes of action and estate whatsoever, both in law and

Constituted a body politic with corporate name.

equity, in possession, reversion or remainder now vested in or belonging to "The Village of Passaic," in its corporate capacity.

Boundaries of wards.

2. *And be it enacted*, That the said city of Passaic, shall be divided into three wards, as follows: first, all that part thereof lying easterly and northeasterly of the centre line of the road known as the Paterson and New York plank road, shall constitute the first ward of said city; second, all that part thereof lying northerly of the centre line of Paulison avenue, continued on the same course to the easterly and westerly limits of said city, and westerly or southwesterly of the centre line of the line of Paterson and New York plank road, shall constitute the second ward of said city; third, all that part thereof lying southerly of the centre line of Paulison avenue, continued as above, shall constitute the third ward of said city.

TITLE II.

ELECTION AND APPOINTMENT OF OFFICERS.

Municipal election to be held annually.

3. *And be it enacted*, That an election shall be held in said city on the second Monday of April in each year, between the hours of eight o'clock in the forenoon and seven o'clock in the afternoon, at such places as the city council shall appoint, of which elections at least seven days' previous notice shall be given by the city council, by publication in two newspapers printed and published or circulating in said city, and by a notice put up in a conspicuous place in each of said wards; *provided*, that the first election held after the passage of this act shall be held, notice thereof given, and the returns thereof be made, and the result ascertained and declared, in the same manner and under the same regulations as provided for by the present charter of "The Village of Passaic," and that the officers of said first election shall be the persons elected under the provisions of said present charter of said village; and at the first election, and at the elections once in every two years thereafter, there shall be elected in and for the said city, one mayor, who shall hold his office for the term of two years; and in each year there shall be elected in and for the said city, one overseer of the poor, one assessor, two surveyors of the highways, three commissioners of appeal in cases of taxation, and one collector, all of whom shall hold

Proviso.

Election of city officers.

their offices respectively for the term of one year, and as many justices of the peace as are provided for by law; and by the legal voters of each of said wards respectively, there shall be elected in each year three councilmen, one judge of elections, and one constable for the county, who shall hold their offices respectively for the term of one year, and one chosen freeholder, who shall hold his office for the term provided for by law, for chosen freeholders of the county of Passaic; *provided*, that until the expiration of the term of office of the present chosen freeholder of "The Village of Passaic," no chosen freeholder shall be elected from the ward in which he resides; and if vacancies happen, the persons elected to supply such vacancies, shall be elected for the unexpired terms only; said elections shall be by ballot, and each ballot shall specify the number of the ward by indorsement on the back thereof from which said councilman, judge of elections, chosen freeholder, and constable are voted for, and in case any ballot shall fail so to designate the number of the ward, the names in relation to which such omission shall occur, shall not be counted by the judges of election in determining the result; the city clerk shall provide the judges of said elections with three ballot boxes, one for each ward, in which they shall deposit the ballots of the voters from the corresponding wards, and the said clerk shall be subject to the same penalties as township clerks are subject to for neglecting to procure such boxes and keep the same in repair; and the said elections shall be held and conducted in the same manner, and under the same regulations as to qualification of voters and otherwise as provided by law for the election of members of the legislature; and the said judges and clerk may hold any such election, notwithstanding they or either of them may be candidates for re-election.

Proviso.

4. *And be it enacted*, That the judges of election, and city clerk shall constitute a board of election, and in case of absence, disqualification or inability of any of them, the vacancy shall be supplied in the manner prescribed by the law of this state in such cases; the name of each voter at such election shall be written in a poll book by the city clerk, and after the poll shall be closed, the said judges of election shall immediately count the votes given for the several candidates and certify the result under their hands, and deliver such certificate to the city clerk, who shall file

Mode of election.

and preserve the same in his office, and shall also within five days thereafter, file a true copy of such certificate in the office of the clerk of the county of Passaic; the person receiving the greatest number of votes given for any office in said city, shall be deemed to be elected to that office; and the city clerk shall, within five days after such election give written notice of his election to each of the persons elected.

Who entitled to vote.

5. *And be it enacted*, That every person entitled to vote by the existing laws of this state, at an election for members of the legislature, who is at the time an actual resident of the city shall be entitled to vote at such election.

Special election to be held in case of failure to elect.

6. *And be it enacted*, That if at any election authorized by this act, any officer except mayor, councilman, or justice of the peace shall not have been chosen by reason of two or more candidates having received an equal number of votes, the city council shall by ballot elect such officer from the two or more candidates having the highest number of votes, and in case of such failure to elect a mayor or councilman, he or they shall be elected at a special election as hereinafter provided.

Who eligible to hold office.

7. *And be it enacted*, That no person shall be eligible to any office at any such election nor be appointed to any office as hereinafter mentioned, unless he shall be then an elector and resident of said city; nor shall he be eligible to the office of mayor or councilman, unless he be also a freeholder in said city; nor shall he be eligible to any office for any ward, unless he shall then be a resident of such ward; and when any officer elected at any such election shall cease to reside in such ward, his office shall thereby become vacant.

Vacancies shall be filled by special election.

8. *And be it enacted*, That whenever a vacancy shall occur in the office of mayor or councilman by the refusal or neglect of such officer to take the oath of office required by law, by his resignation, death, ceasing to be an inhabitant of the city or ward from which he may have been elected, or by any other cause, the city council shall immediately appoint a special election to supply such vacancies, of which the same notice shall be given as required by this act for the annual election; and such special election shall be conducted and the result be determined and certified in the manner prescribed in this act for conducting and determining the result of the annual election; in case any such vacancy shall occur within three months before the expiration of the term

for which such officer is elected, it shall be within the discretion of the city council to appoint a special election or not, as they shall deem expedient.

Nominations and appointments to be made by city council, &c.

9. *And be it enacted*, That as soon as may be after their organization, the city council shall proceed to appoint upon the nominaton of the mayor, a city clerk, (who shall be clerk of election,) a superintendent of streets, a city surveyor, a city counsel, a city treasurer and a pound master, whose term of office shall commence on the second Tuesday in May, and continue for one year, or until their successors shall qualify; and if the office of any such appointee shall for any reason become vacant, said city council shall in like manner fill such vacancy, and in case the mayor shall fail to make an acceptable nomination to any such office before the first Tuesday in June, or in case of a vacancy, within one month after such vacancy shall occur, then the city council shall proceed by ballot to appoint an officer to fill such office or vacancy, a majority (of all the councilmen being necessary for a choice,) and the city council may from time to time, upon nomination of the mayor, appoint such other subordinate officers not herein named, as they shall think necessary for the better ordering and governing the city, who shall serve for one year from the time of their appointment and until their successors are appointed and qualified; and the city clerk shall, within five days after the appointment of any officer, give him notice in writing of such appointment, and the city council shall have power to remove any such appointed officers.

May fill vacancies.

Vacancies that may be filled by the city council until end of official year.

10. *And be it enacted*, That if any vacancy should occur in any of the said elective offices, except that of mayor, councilman or justice of the peace, the city council shall upon nomination by the mayor of a person eligible to such office, fill such vacancy until the end of the official year in which the vacancy shall occur; and if the mayor shall fail for one month after such vacancy shall occur, to nominate an acceptable person, the council may proceed to fill such vacancy in the same manner as in the case of appointed officers.

Commencement of term of office.

11. *And be it enacted*, That the terms of office of the justices of the peace shall commence at the times provided by law, and the term of office of all other of said elective officers shall commence on the Monday succeeding their election.

When office shall be deemed vacant.

12. *And be it enacted*, That if any person who shall be elected to any office, or any person elected or appointed to fill any vacancy, shall not qualify according to law for the space of twenty days after notice of his election or appointment, as provided by this act, his office shall be deemed vacant.

Elections for State and county officers.

13. *And be it enacted*, That all elections hereafter to be held within said city, for members of the senate and general assembly of this state, for sheriff, clerk, surrogate and coroners of the county of Passaic, and for members of congress and electors of president and vice president of the United States, or for any other officers of the general or state governments or officers of the said county of Passaic, to be elected by the people shall be held in the said city on the day or days which now are or hereafter may be designated for holding such elections, at the place therein appointed by the city council for holding the annual elections; the polls shall be opened at eight o'clock in the forenoon and closed at seven o'clock in the afternoon; and the judges of election before mentioned shall preside at and conduct all such elections, and the clerk aforesaid shall be the clerk of such elections.

Mode of conducting elections.

14. *And be it enacted*, That said officers of election shall take the same oaths and conduct the said elections, and make returns thereof except as heretofore provided in reference to the city elections, in the same manner as township officers of election are or may be by law required to do; and shall be vested with the same power and authority, entitled to the same compensation, and perform the same duties and be subject to the same penalties as the like officers of the township of this state are or may be by law vested with, allowed or subject to; and in case of the absence, incompetency, death, or refusal to serve of any of the said officers of election at any election provided for by this act, such vacancy or vacancies shall be supplied in the manner prescribed by law for the supplying such vacancies in the townships of this state, and the city at large shall be regarded as one township for such purpose.

All persons appointed or elected to any city office shall take official oath.

15. *And be it enacted*, That any person elected or appointed to any office in pursuance of this act or of any law or ordinance of the city council, shall before he enters upon the duties of such office take and subscribe before the city clerk, or mayor of said city, or a justice of the peace, who

are hereby authorized to administer the same, 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 or affirmations as may be required by the laws of this state; all such oaths or affirmations shall be filed by the city clerk in his office; and the city treasurer, collector, and constables, elected or appointed as aforesaid, and such other officers as the city council may require, shall also, before entering upon their duties, each give bond to the city in its corporate name, in such sum and with such sureties as the city council may approve, or as may be required by any act of the legislature of this state; and if at any time the city council shall deem the sureties of any such officer insufficient, they shall require him to give additional security: that the bonds of the constables shall be made to conform to the form prescribed by the first section of an act entitled "An act respecting constables," approved April sixteenth, one thousand eight hundred and forty-six, for constables' bonds of this state as near as may be, making such alterations as may be necessary to make it apply to the wards of the city of Passaic; which said bonds after the same shall be approved by the city council shall be delivered to the city clerk, who is hereby directed and required to file the same in his office, and may be sued and prosecuted in the same manner as the bonds of the like officers of this state are or may be sued and prosecuted.

Notices of election.

16. *And be it enacted*, That the same notice in matters of election that the clerk of the county of Passaic is required to give the clerk of the townships, shall be given to the city clerk of said city.

TITLE III.

POWERS AND DUTIES OF THE CITY COUNCIL.

Council shall appoint its times and places of meeting.

17. *And be it enacted*, That the city council shall appoint its times and places of meeting, and make and adopt such rules, regulations and by-laws for its own government and despatch of business as it shall think proper.

President of council.

18. *And be it enacted*, That the mayor of the city shall be the president of the city council, but shall have no vote unless they be equally divided; and in his absence the city council may elect a president pro tempore.

Council to be the judge of the qualifications of its members.

19. *And be it enacted*, That the city council shall be the sole judge of the qualifications of its own members.

City clerk.

20. *And be it enacted*, That the city clerk shall be the clerk of the council; he shall keep accurate minutes of the proceedings of the city council, in a book to be provided for that purpose, and shall perform such other duties as shall be prescribed for him.

Majority of whole number shall be a quorum.

21. *And be it enacted*, That a majority of the whole number of members of the city council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time and compel the attendance of absent members; the mayor shall be authorized to call special meetings of the city council, and, on request of three members of the city council, in writing, addressed to the mayor, it shall be his duty; and in his absence it shall be the duty of the city clerk to call a special meeting.

Introduction of ordinances.

22. *And be it enacted*, That no ordinance shall be passed by the city council, unless it be introduced at a previous stated meeting, and be concurred in by a majority of all the members of the city council; and every ordinance involving the expenditure of money or affecting personal liberty shall, before its final passage, be published at least one week in a newspaper printed and published or circulating in the city of Passaic.

Ordinances shall be approved by the mayor.

23. *And it be enacted*, That every ordinance passed by the city council shall, before it takes effect, be presented, duly signed by the clerk, to the mayor or acting mayor; if he approve it he shall sign it, if not he shall return it with his objections, and file the same with the clerk within ten days after he receives it; and the said city council shall, at its first regular meeting thereafter, order the objections to be entered at large in its journal, and shall proceed to reconsider the same; and if a majority of all the councilmen shall agree to pass the same, it shall take effect, but in every such case the final vote upon the passage of such ordinance shall be taken by ayes and noes, and be entered in the journal; and if any such ordinance be not so returned by the mayor within ten days as aforesaid, it shall take effect as though he signed it.

Ordinances, how made and repealed

24. *And be it enacted*, That the city council shall have power within the said city, to make, establish, publish and modify, amend or repeal ordinances, rules, regulations and by-laws for the following purpose:

To control finances.

I. To manage, regulate and control the finances and property, real and personal, of the city;

To preserve peace and good order.

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

To suppress gaming and gaming houses.

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

To license saloons restaurants and billiard saloons, &c.

IV. To license and regulate or prohibit restaurants, beer saloons, bowling alleys, billiard saloons, oyster houses and cellars, and to fix the sum to be paid for license, and to regulate or prohibit all traffic in or sale of intoxicating drinks in said city except the inns and taverns licensed by the courts of the county of Passaic;

To regulate public exhibitions.

V. To prohibit, restrain and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other public performances and exhibitions for money;

To establish boundaries of streets, &c.

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

To keep streets and roads in repair, and to cause ice and snow to be removed.

VII. To regulate, clean and keep in repair the streets, avenues, roads, lanes, alleys in said city; to prevent and remove obstructions and encumbrances in and upon the same; to direct and regulate the planting, rearing, trimming and preserving of ornamental shade trees in the streets, parks and grounds of the city; and to enforce the removal of snow, ice or dirt from the sidewalks and gutters by the owners or occupants of the premises fronting thereon;

To regulate the erection of any stoop and to remove obstructions.

VIII. 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 at the expense of the owner or occupant of the premises;

To prevent immoderate driving.

IX. To prevent and punish horse racing and immoderate driving or riding in any street, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street, and to regulate the speed and running of locomotive engines and railroad cars through said city.

X. 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; To prevent the driving of cattle droves on Sunday.

XI. To regulate, protect and improve the parks, public burial grounds and other public grounds in said city; To improve public grounds.

XII. To provide lamps and gas fixtures, and to light the streets, parks and public places of every description in said city; To light the streets, &c.

XIII. 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; To establish and regulate pounds.

XIV. 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 the dogs; To prevent dogs from running at large.

XV. To regulate or prohibit the keeping of swine; To regulate keeping of swine.

XVI. To regulate and prohibit any practice having a tendency to frighten animals, or to annoy persons passing in the streets or on the sidewalks in said city; To prevent annoyances to persons on streets.

XVII. To restrain and punish drunkards, vagrants, mendicants and street beggars; To restrain and punish vagrants.

XVIII. To establish a board of health, to define its powers and duties, and provide for the protection and maintenance of the health of the city; To establish a board of health.

XIX. To abate or remove nuisances of every kind, and to compel the owner or occupant of any lot, house, building, shed, cellar or place, wherein may be carried on any business or calling, or in or upon which there may exist any matter or thing, which shall or may be detrimental to the health of the inhabitants, to cleanse, remove or abate the same, from time to time, as often as they may deem necessary for the health of the inhabitants of the city, at the expense of the owner or occupant thereof; To abate and remove nuisances.

XX. To regulate the burial of the dead, prohibit interments within such limits as it may prescribe, 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 said city, as the health, quiet and good order of the city may in their opinion require; To regulate interments.

To establish and regulate police.

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

To establish and control a fire department.

XXII. 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;

To provide against fires, and to prohibit the keeping and conveying of combustible and dangerous articles.

XXIII. 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; to authorize any city officer or person or persons whom they may designate for that purpose, to examine and inspect, by day, any place or places for the purpose of ascertaining whether the same is or are in a safe condition, and, if not, to direct or cause 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 fire works, and the use of firearms in said city; to regulate or prohibit the keeping and conveying gunpowder, camphene, spirit gas and other dangerous materials, and the use of lights in barns, stables and other buildings; to raze or demolish any building or erection when necessary to prevent the extension of a conflagration, and to provide for the ascertainment and payment of just compensation to owners of property destroyed in such cases; to require all such further or other acts to be done, and to regulate and prohibit the doing all such further or other acts as they may deem proper to prevent the occurrence and provide for the extinguishment of fires in said city;

To pave and grade sidewalks.

XXIV. To level, grade, curb and pave, flag or gravel the sidewalks in any street, highway, lane or alley, and to prescribe the manner in which the said work shall be performed, and to cause the expense thereof to be assessed and collected in the same manner as for regulating, grading and paving streets;

To provide for collection of taxes.

XXV. To adopt all legal and requisite measures for levying and collecting the taxes;

XXVI. To prescribe and define the duties of all officers

appointed by the city council, and their compensation, except where the same is fixed by this act, and the penalty or penalties for failing to perform such duties. To prescribe the duties of officers and their compensation.

XXVII. To fix and determine a reasonable compensation where the same is not fixed by this act, to be paid to any officer of said city, or other person employed by them, for any services required of him by this act, or by any ordinance or resolution passed by them for the use of the city. To determine compensation where not fixed by this act.

25. *And be it enacted*, That the city council shall have power to make, establish, alter, modify, amend and repeal all 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. To make and repeal other necessary ordinances.

26. *And be it enacted*, That in all cases where by the provisions of this act, the city council have authority to pass ordinances on any subject, they may prescribe a penalty or penalties for the violation thereof, either by imprisonment not exceeding ten days, or by fine not exceeding fifty dollars, to be recovered with costs in an action of debt, in the name of The City of Passaic, for the use of said city, before any justice of the peace of said county, in which action it shall be lawful to declare generally in debt for the penalty, and to give the special matter in evidence, and if judgment in such cases shall be given against the defendant, and the same remain unpaid for five days, the said justice shall issue execution for the same, under his hand and seal, against the body of the defendant, and directed to any constable of the county, who shall execute the same in the manner and under the same liabilities as prescribed in case of like execution, issued by a justice of the peace under the "Act constituting courts for the trial of small causes." Shall prescribe penalties for the violation of ordinances.

TITLE IV.

POWERS AND DUTIES OF CITY OFFICERS.

27. *And be it enacted*, That the mayor and every councilman shall have the power, and it shall be his duty, without warrant, to arrest or cause to be arrested any person engaged in his presence in disturbing the public peace or violating any law of this state, or any ordinance of the city Mayor and councilmen authorized to make arrests without warrant.

for the preservation of good order and morality, and to bring or cause such person to be brought before a justice of the peace of the county, to be dealt with according to law.

Temporary vacancy in the office of mayor, how filled.

28. *And be it enacted*, That whenever there shall be a vacancy in the office of mayor, or whenever the mayor shall be prevented by absence from the city, sickness, or any other cause from attending to the duties of his office, the president pro tempore of the city council shall act as mayor, and possess all the rights and powers of the mayor until such disability be removed, or a new mayor be elected as hereinbefore provided.

To have like powers and be subject to like penalties as township officers.

29. *And be it enacted*, That the chosen freeholders, surveyors of highways, overseer of roads, collector, commissioners of appeal in cases of taxation, constables and city clerk elected or appointed aforesaid, shall respectively possess the powers and perform the duties, and be liable to the same penalties of the like officers of the townships of the county of Passaic, so far as such powers and duties shall be consistent with the provisions of this act, and that the members of the city council, collectively and individually, shall, in addition to their other powers and duties, possess the powers and perform the duties which by law belong to or are imposed upon members of the township committee of any township in this state collectively or individually, so far as such powers and duties are consistent with the provisions of this act.

Duties of the city treasurer.

30. *And be it enacted*, That the city treasurer shall receive all moneys belonging to the city, and shall deposit and keep the same as directed by the city council, and shall make an annual statement of all moneys received and paid out during the year, showing the source from whence received and to what purpose applied, the amount of indebtedness, and the balance of funds in his hands, which statement shall be filed in the office of the city clerk at least thirty days before the day of the annual election, and the city council shall cause the same to be published in two newspapers printed, published or circulated in said city, at least once a week for two weeks previous to such election.

Warrants on the treasurer to be signed by the mayor and countersigned by the city clerk.

31. *And be it enacted*, That except for the payment of bonds or notes of the city when due, and certificates of indebtedness for improvements given by the city, and interest on the same, money shall be paid out of the treasury only upon warrants signed by the mayor and countersigned

by the city clerk; and no warrant shall be drawn upon the treasurer by said officers, except in pursuance of an order of the city council passed at a stated meeting thereof and entered in their minutes; all such warrants shall be numbered and made payable to the order of the person or persons entitled to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid; it shall be the duty of the clerk, before he delivers any warrant so drawn, to record its number, date and amount, the date of the order or resolution authorizing it to be drawn, the purpose for which it was ordered, and the name of the person or persons to whose order the same is made payable, and to take his or their receipt at the end of said record for the said warrant.

City clerk to keep the common seal, records and documents.

32. *And be it enacted*, That the city clerk, in addition to the duties hereinbefore prescribed, shall keep the common seal, and all the records, books, papers and documents of the city which shall be filed in his office; he shall engross all the ordinances of the city in a book provided for that purpose, with a proper index, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the mayor and city clerk.

Certified copies to be evidence.

33. *And be it enacted*, That copies of all papers duly filed in the office of the city clerk, and transcripts thereof, and of the records and proceedings of the city council, certified by him under the common seal, shall be evidence in all courts and places.

Compensation to the city clerk.

34. *And be it enacted*, That the salary of the city clerk shall be the sum of five hundred dollars per year, in addition to the other fees hereinafter mentioned, and he shall be entitled to charge individuals by whom he shall be employed to copy records of his office or proceedings of the board of council, at the rate of eight cents per folio, and for making searches, such pay as the clerk of the county of Passaic may be entitled to by law for making searches in his office; the superintendent of streets shall receive a salary not to exceed five hundred dollars per year; the compensation of the collector shall not exceed the sum of one per centum of the sums collected by him, and the performance by him of other duties than the collection of taxes and assessments, shall not entitle the collector to any additional compensation from the city; the assessor shall receive fifteen cents for each name on his

To the superintendent of streets.

To the collector of taxes.

To the assessor.

duplicate for assessing taxes, provided that no name occurring on the duplicate more than once be counted more than as one man; and the chosen freeholders, surveyors of highways, overseer of the poor, commissioners of appeal in cases of taxation, and constables, shall receive the same fees and emoluments as the like officers of townships of this state; the city counsel shall be entitled to a salary of five hundred dollars for opinions upon all questions submitted to him by the city council, and for advice given to the officers of the city when applied to by them for that purpose, and to such further compensation as shall be reasonable for drawing contracts, attending and conducting suits, actions and proceedings at law, and performing any other services that may be required of him.

To constables.

To the city counsel.

TITLE V.

OF THE ASSESSMENTS AND COLLECTION OF TAXES.

Taxes.

35. *And be it enacted*, That the city 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:

For lighting streets.
For support of poor.
For repairing streets.
For public grounds.
For cross-walks.
For school purposes.
For police.
For fire department.
For water.
For payment of interest, &c.
For contingent expenses.

I. For lighting the streets of the city;

II. For the maintenance and support of the poor;

III. For regulating, cleaning and keeping in repair the streets and highways;

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

V. For the construction of bridges and cross walks;

VI. Such sums for school purposes as are now or may hereafter be required by law of townships;

VII. For the support of the police department;

VIII. For the support of the fire department;

IX. For supplying the city with water;

X. For the payment of the interest upon the city debt, and upon temporary loans, and such part of the principal thereof as may be due and payable;

XI. For the contingent expenses of the city; and for all other objects and purposes authorized by this act; *provided always*, that the tax or taxes hereafter raised, shall not exceed, for city purposes, one hundred cents on every one hundred dollars of the valuation of the assessed property in

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said city, as ascertained by the assessors' returns of the previous year.

Shall have power to borrow money.

36. *And be it enacted*, That the city council shall have power to borrow money from time to time, for all purposes for which they are authorized to raise money by tax, not exceeding in the whole the sum of one hundred 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 tax for the payment thereof; but notwithstanding the limitation aforesaid, it shall be lawful for the city council to make temporary loans for a period not exceeding, with any renewals thereof, one year, which loans shall only be in anticipation of city taxes and of assessments for laying out and opening, straightening, altering or widening any street, road, highway or alley, and for the construction of sewers and the regulating, grading and paving of streets and sidewalks, and shall not exceed the amount of such anticipated assessments and taxes, and to secure the payment thereof in the manner aforesaid.

Assessment and collection of taxes.

37. *And be it enacted*, That the assessor of the city shall assess upon the persons and property in the said city, and the collector of taxes shall collect the state, county and school taxes by law directed and required to be assessed and collected in said city, and also the taxes required to be assessed and collected for the use of the city, and to do all acts in reference thereto in the same manner and within the same time; except as hereinafter otherwise provided, as the assessor and collector of the townships of the county of Passaic are now by law required to assess and collect the state, county and school taxes in their respective townships.

Duties of the assessor.

38. *And be it enacted*, That the assessor of the city in making his assessments is hereby directed and required to assess all lands, tenements, hereditaments and real estate, whether said lands and real estate be improved or not, in the names of the owners thereof respectively, and to designate the same by the street where situate, and by the number thereof, where the same is numbered and if not numbered, then by such other short description as will be sufficient to ascertain the location and extent thereof; that only one assessment shall be made on any improved lot, together with unimproved lands adjacent thereto and connected there-

with, and belonging to the same owner; and that the assessor of the city shall, when maps are for that purpose provided by the city council, make his assessments as nearly as may be according to such maps; *provided*, that no taxes for any purpose shall be levied or assessed upon any property within said city which shall be owned by the said city in its corporate capacity or which shall belong to any fire department of said city, nor upon church edifices or public school buildings, or the lots or curtilages whereon the same are erected; but this proviso shall not exempt any such property from liability for street assessments under this act.

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Commissioners of appeal in cases of taxation.

39. *And be it enacted*, That the commissioners of appeals in cases of taxation of the said city, shall meet annually at such place as the city council shall appoint, and in case the city council shall neglect to appoint a place, then at the place where the last annual election was held, at the same time and perform the like duties as required of the like officers of the townships of the county of Passaic.

Assessment to be deposited with city clerk.

40. *And be it enacted*, That the assessment of taxes made by the assessor as aforesaid, shall on or before the first day of December, be deposited in the office of the city clerk, and such taxes shall from and after the twentieth day of December, bear interest at the rate of fourteen and six tenths per centum per annum.

Assessments to be a lien on lands and real estate.

41. *And be it enacted*, That any assessment of state, county, school and city taxes hereafter made in the city of Passaic against any person or persons, shall be and remain a lien on all the lands and real estate of such person or persons within the said city for the amount of such assessment, with interest thereon and all costs and fees for the space of two years from the time when said assessment shall be made; and any assessment of taxes hereafter made upon any lands and real estate within the said city shall be and remain a lien upon such lands and real estate, with interest thereon and all costs and fees for the space of two years from the time when such assessment shall be made, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereof, and notwithstanding any mistake in the name or names of the owner or owners or omission to name the owner or owners of such lands and real estate; and any assessment of taxes in which such mistake or omission occurs shall be valid and effectual in law, and if unpaid shall be returned in the list of delinquent taxes, and such

lands and real estate may be proceeded against and sold in the manner provided by this act.

Duties of the city collector as to delinquent taxes.

42. *And be it enacted*, That the collector of said city, in case of the nonpayment of taxes on or before the twentieth day of December in each year, shall make out a list of all delinquent taxpayers with the sum due from each respectively, and shall on the twentieth day of December in each year, except when said day shall fall on Sunday, and then on the next day following, deliver the same to a justice of the peace who shall proceed and issue a tax warrant thereon as provided by law in cases of taxes in townships of this state, which shall be directed and delivered to the collector of the said city, who shall have power to collect the same in like manner in all things as the collectors in townships are directed by law, but such collector shall before he delivers such list to said justice of the peace, take and subscribe an oath or affirmation before him, that the moneys in said list mentioned, have been duly demanded or due notice given at the usual place or places of residence of such delinquents who could be found or may then reside in said city, and if the said collector shall neglect for the space of ten days after the said twentieth day of December so to make out a list of delinquents, and to deliver the same to a justice of the peace, he shall for such neglect, forfeit all fees and compensations to which he would have been entitled for collecting and paying over the taxes for the year in which said neglect shall occur; *provided*, that no such neglect shall in any wise be held to relieve any person or persons from the payment of his, her or their tax or taxes, or to affect the proceedings for the collection thereof as hereinafter mentioned.

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Further duties of the city collector.

43. *And be it enacted*, That it shall be the duty of the said collector of taxes to execute, according to the command thereof, all warrants which shall be issued and delivered to him as aforesaid, to pay over, from time to time, and at least once in each week, without delay, all moneys received by him to the treasurer of said city, and on or before the first day of March next, after receiving any warrant, as fully as practicable to execute the same, and make return thereof to the justice who issued the same, with a full return of all his proceedings thereon, and at the same time to make a full return and statement to the city council of said city, setting forth the amount of money received by him thereon, the sums if any, remaining unpaid, the names of any persons

still in arrears, and the sums due from them respectively, which said return and statement shall be verified by the affidavit of the said collector, and filed in the office of the city clerk, who shall record the same in a book to be kept for that purpose, and in case there are no lands and real estate of said persons within the said city, it shall be lawful for the justice who issued such warrant, or in case of his death, removal from office or other disability, for any other justice of the peace, residing in said city, thereupon to issue another warrant for the collection of the sum or sums remaining unpaid, with interest, costs and fees, in the like form, and to be proceeded upon in the same manner as hereinbefore mentioned, and so on until the whole is collected.

Collector shall be liable.

44. *And be it enacted*, That the said collector shall be liable to the said "The City of Passaic" for the amount of taxes mentioned in any warrant directed and delivered to him under this act with interest, or for such part thereof as shall not have been paid to the treasurer of said city on or before the first day of March next, after said collector shall receive said warrant, unless the deficiency happen without any neglect, fraud or default on his part, to be recovered with interest and costs in an action on the case for so much money had and received by the said collector for the use of the said "The City of Passaic,"

City clerk to prepare a transcript of unpaid taxes

45. *And be it enacted*, That the city clerk upon receiving the return and statement mentioned in the forty-third section of this act, shall prepare a transcript of the unpaid taxes so far as the same have been assessed upon any lands and real estate within the said city or are a lien upon such lands and real estate, including in such transcript the names of the owners if any be given of such lands and real estate, the description thereof and the amount of taxes thereon respectively, and enter the same in a book to be kept for that purpose; and after so recording such transcript shall deliver the same to the collector, who shall thereupon cause a notice to be published in two newspapers printed and published or circulating in said city stating that said transcript of unpaid taxes has been received by him, and that unless said taxes shall be paid within twenty days after the first publication of said notice the same will be collected by public sale according to law.

46. *And be it enacted*, That whenever the city council

shall order and direct the collector to collect any assessment or assessments upon any lands and real estate remaining unpaid, as provided in the seventy-fourth section of this act, the collector shall prepare a transcript of such assessment or assessments including in such transcript a brief description of the improvement or works for which such assessment or assessments was or were made, the names of owners, if any be given, of such lands and real estate, the description thereof specifying the street, road or avenue on which each lot, tract or parcel of land and real estate fronts, on which side thereof, and near or between what streets it may lie, and the amount of the assessments thereon respectively and deliver the same to the city clerk who shall enter the same in a book to be kept for that purpose; and immediately after completing such transcript the collector shall cause a notice to be published in two newspapers printed and published or circulating in said city, stating that the said transcript of unpaid assessments has been made, and that unless said assessments shall be paid within twenty days after the first publication of said notice, he will proceed to collect the same by public sale according to law.

Collector shall give notice of sale for collection of unpaid assessments.

47. *And be it enacted*, That after the expiration of said twenty days it shall be the duty of the said collector to collect the taxes or assessments in any such transcript then remaining unpaid, by public sale at auction of the lands and real estate whereon said taxes or assessments have been imposed, or may be a lien; and public notice of the time and place of the sale of any lands and real estate under the provisions of this act, shall be given by advertisement signed by the collector, and published in two newspapers printed and published, or circulating in said city, for the space of six weeks, at least once in each week, before the time appointed for such sale.

Sales when made to be by public auction.

48. *And be it enacted*, That if any such tax or assessment remain unpaid on the day specified in such notice, the collector shall proceed to sell by public auction, at the time and place appointed therein, the lands and real estate on which said tax or assessment shall have been imposed, or may be a lien, for the lowest term of years, but in no case exceeding fifty years, for which any person will take the same, and pay the amount of such tax or assessment, with the interest thereon, and all costs, fees, charges and expenses; such payment shall be made before the conclusion

Collector shall make certificate of sale to purchaser.

of the sale, and if not so made, the collector may re-sell the property, or the city may have its action against the purchaser for the payment and interest, at the rate of fifteen per centum per annum; the sale may be adjourned from time to time until the lands and real estate are disposed of, and such as are not bid for when offered for sale, or for re-sale as aforesaid, shall be struck off to the city for the term of fifty years; a certificate of the sale of each lot, tract or parcel of land and real estate sold as aforesaid, shall be made by the collector and delivered to the purchaser; such certificate shall contain a description of the property and the term for which it was sold, and state the particular tax or assessment, the amount thereof, with interest and expenses, for which the sale was made, and the time when the right to redeem will expire; and the collector shall keep a record of his proceedings upon such sales, and all sales made, and certificates granted by him, and all redemptions of property sold by him.

Certificates of sale shall be recorded in office of city clerk.

49. *And be it enacted*, That every certificate of sale shall be presumptive evidence of the facts stated therein, and shall be recorded in the office of the city clerk, in proper books kept for that purpose, and shall constitute a lien upon the lands and premises therein described, after the same shall have been so recorded; and no assignment of any certificate given on the sale of lands and real estate for any taxes or assessment shall have any effect until the same shall be recorded as aforesaid in the office of the city clerk; a declaration of sale shall not be executed and delivered until the certificate has been cancelled and filed with the city clerk, unless the loss or destruction thereof be established by affidavit to the satisfaction of the city council.

City may become the purchaser.

50. *And be it enacted*, That if the city becomes the purchaser of any lands and real estate upon any such sale, the certificate of sale shall be assignable, and all the provisions of this act in relation to such sale shall apply to the city as to any other purchaser.

Mortgagee not to be divested of his rights in property sold unless six months' notice shall have been given him by purchaser.

51. *And be it enacted*, That no mortgagee whose mortgage shall have been duly recorded before sale for any tax or assessment, shall be divested of his rights in such property, unless six months' notice in writing of such sale shall have been given to him by the purchaser, or by any person or persons claiming under him personally if a resident of the city of Passaic, and if not such a resident then upon the

owner of the premises if he be a resident of the city of Passaic, and by depositing such notice in the post office of said city, directed to the mortgagee at his place of residence as stated in the mortgage or assignment thereof; but nothing herein contained shall be so construed as to impair the lien created by such sale; within a month after the service of such notice, it shall be the duty of the person serving or causing the same to be served to file with the collector a copy of the notice served, together with the affidavit of some person who shall be certified by the officer before whom said affidavit shall be taken, to be a creditable person proving the due service of the said notice.

Lands and real estate may be redeemed.

52. *And be it enacted*, That the owner, mortgagee, occupant or any person or persons having a legal or equitable interest in any lands and real estate sold for taxes as aforesaid, or for any assessment under the provisions of this act, may redeem the same at any time within two years from the time of such sale by paying to the collector for the use of the purchaser, his heirs and assigns, the said purchase money, together with any other tax or assessment chargeable thereon and which the said purchaser may have paid; and any sum of money expended in any improvement made by order of the council; *provided*, a notice of such payment has been filed in the office of the city clerk, with interest at the rate of three and one-half per centum for each three months or fraction of three months on such purchase money from the time of such sale and expenditure, and on such payment or payments from the time of filing such notice as aforesaid; and the certificate of such collector, stating the payment and showing what property such payment is intended to redeem, shall be evidence of such redemption; upon the receipt of such moneys by the collector he shall cause the same to be refunded to the purchaser, his heirs or assigns, and all proceedings in relation to said sale shall cease and determine: if the person so redeeming be a judgment creditor or mortgagee of the premises, he shall have a lien on the lands and real estate redeemed by him, by virtue of this act, for the amount paid by him to the collector to effect such redemption, with the interest which may thereafter accrue thereon, at the rate of seven per centum per annum, in like manner as if the same had been included in his mortgage or judgment, and may enforce the same in the same manner.

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Proceedings in case no redemption is made.

53. *And be it enacted*, That if any lands and real estate so sold shall not be redeemed as by this act provided, the city council shall execute to the purchaser, his legal representatives or assigns, a declaration of sale under the common seal, signed by the mayor and attested by the city clerk, containing a description of the premises, the fact 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 county 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; such declaration of sale shall be presumptive evidence in all courts and places that such sale and proceedings were regularly made and had according to the provisions of this act; and such purchaser or purchasers, and his and their legal representatives shall, by virtue thereof, lawfully hold and enjoy such lands and real estate, with the rents, issues 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 at the expiration of the said term shall peaceably and quietly yield up such 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.

City clerk shall record all certificates of sale and assignments thereof.

54. *And be it enacted*, That 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 or persons 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 collector of such redemption, and to file such certificates in his office; it shall be the duty of the collector 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.

Shall keep complete record of all taxes and assessments.

55. *And be it enacted*, That a complete record of all taxes and assessments shall be kept in the office of the city clerk; the record of taxes shall be the assessment of taxes prepared and returned by the assessor of the said city, the return and

statement to the city council made by the collector of taxes, and the transcripts of unpaid taxes prepared by the city clerk; the record of assessments shall be the original report of assessment, with the maps accompanying the same, the abstracts thereof, and the transcripts of unpaid assessments prepared by the collector.

City collector shall pay to county collector.

56. *And be it enacted*, That all state and county taxes shall be paid over by the city collector to the county collector, in the same manner and under like penalties as township collectors are directed by law.

TITLE VII.

OF STREETS, HIGHWAYS, SEWERS, IMPROVEMENTS AND ASSESSMENTS THEREFOR.

Ordinances for laying out, opening or vacating streets, &c.

57. *And be it enacted*, That it shall be lawful for the city council of the city of Passaic, whenever in their opinion the public good may require it, by ordinance to lay out, open or vacate any street, road, highway or alley, public park or square within said city; to order or cause any street and section of a street to be graded, graveled, paved, flagged, macadamized or otherwise improved and regulated in such manner as they may deem advisable; 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, as is hereinafter mentioned and provided, to order and cause sewers or drains to be constructed in any part of said city, and if necessary to take and appropriate for such purpose any lands and real estate, upon making compensation to the owner or owners thereof, as is hereinafter mentioned and provided, and to authenticate any and all such improvements by maps or otherwise.

Ordinance not to be introduced until notice shall begiven of intended improvement.

58. *And be it enacted*, That no ordinance shall be introduced or presented to the city council for making any improvement or performing any work, under and by virtue of the provisions of the last preceding section of this act, until public notice shall be given of the intention of the city 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 the direction of the city council, to give notice in two newspapers printed and published or circulating in the city of Passaic, of the intention of the city 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 as may object thereto, to present their objections in writing at the office of the city clerk on or before the expiration of ten days from the date of such notice, and at any time thereafter the city council may proceed to consider such ordinance as aforesaid.

Completion of work may be by resolution and not by ordinance

59. *And be it enacted*, That whenever any ordinance shall be passed by the city council for making any improvement or performing any work under and by virtue of the provisions of the fifty-seventh section of this act, all further acts and proceedings which it may be necessary for the said city council to take to carry out said improvement or work to completion, and all orders relating thereto, shall be by resolution, and not by ordinance.

City council may purchase land and make compensation to owners.

60. *And be it enacted*, That whenever the city council shall determine by ordinance to lay out and open any street, road, highway or alley, public park or square, within said city, or to alter, widen or straighten any street, road, highway or alley, or to make any sewer or drain in any part of said city, and to take and appropriate for such purpose any lands and real estate, they are hereby authorized to treat with the owner or owners thereof for the same; and for the purpose expressed in such ordinance, they may purchase such lands and real estate of 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 lands 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 hereinafter contained.

Proceedings when agreement cannot be made.

61. *And be it enacted*, That in case no agreement for such purpose can be made, it shall be lawful for the city council to appoint three disinterested freeholders of said city, residing as near as may be in different wards, commissioners, to make an assessment of the damages that any such owner or owners will sustain by taking and appropriating in the manner aforesaid, such lands and real estate, and in estimating and assessing such damages, the said commis-

sioners shall have due regard both to the value of the lands and real estate, and to the injury or benefit to the owner or owners thereof, by making such improvement as aforesaid.

Commissioners shall take and subscribe oath.

62. *And be it enacted*, That the said commissioners, before they enter upon the execution of the duty required of them, shall severally take and subscribe an oath or affirmation before the city clerk or mayor of said city, to make the said estimate and assessment, fairly and impartially, according to the best of their skill and judgment.

Powers and duties of the commissioners.

63. *And be it enacted*, That the said commissioners shall give public notice, by advertisement in two newspapers printed and published or circulating in said city, of the time and place of the first meeting, at least one week before the time of said meeting; and the said commissioners, or a majority of them, when met, shall have power to issue writs of subpœna ad testificandum to, and to examine witnesses under oath, to be administered by any one of them, to enter upon and view the premises, if they shall deem it necessary, and to adjourn from time to time, and shall make a just and true estimate and assessment as aforesaid, and make and sign a report of such estimate and assessment, and file the same with the city clerk; and the same being ratified by the city council shall be binding and conclusive upon the owner or owners of any such lands and real estate, and the said commissioners shall cause the same to be converted and used for the purpose aforesaid; *provided*, that any person or persons conceiving himself, herself or themselves aggrieved by the proceedings of the said city council, or of the said commissioners, may appeal therefrom to the supreme court of this state, within sixty days from the time of making the final order of the city council, and the supreme court 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.

Proviso.

Proceedings in case of non-payment of damages, &c.

64. *And be it enacted*, That in case of non-payment on demand of any damages estimated and assessed as aforesaid, with interest from date of the 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 said city, in an action of debt, with costs, in any court having cognizance thereof; and the said proceedings of the said commissioners and city council, or the award of

the said jury, as the case may be, shall be conclusive evidence against the defendants.

Duty of the city treasurer.

65. *And be it enacted*, That the city treasurer shall, under the direction of the city council, tender and pay to the owner or owners of such lands and real estate, if residents in said city, the amount of such estimate and assessment of damages due to him or them; but if any such owner is not resident in the city, or upon due inquiry cannot be found therein, or is a lunatic or idiot, or under age, or if for any other lawful causes he is incapacitated to receive the same, or if such owner will not accept the same and sign a proper receipt therefor when tendered, then the city treasurer shall make affidavit of such facts, and file the same with the city clerk; and the city council shall, after inquiry into the facts of the case, cause the amount to be placed at interest, on good security, for the use of the person to whom it may be due; and the said moneys so placed at interest shall be paid by the city to the person or persons entitled thereto, on demand, with the interest collected on the same.

Costs of improvements to be assessed upon owners of land benefited.

66. *And be it enacted*, That in order to provide for the payment of the costs, damages and expenses of executing any of the improvements or work mentioned in the fifty-seventh section of this act, the city council shall ascertain the whole amount of such costs, damages and expenses, and shall cause to be made a just and equitable assessment thereof upon the owners of the lands and real estate benefited thereby, in proportion, as nearly as may be, to the advantage each shall be deemed to acquire; *provided*, that the provisions of this section shall not be construed to apply to necessary repairs of any street, road, highway or alley.

Proviso.

Commissioners to make assessments for improvements.

67. *And be it enacted*, That the city council shall appoint three disinterested freeholders of said city, residing as near as may be in different wards, commissioners to make any such assessment, unless in the acts and proceedings of said city council, taken for the purpose of carrying out said improvement or work, commissioners shall have been appointed to make an estimate and assessment of the damages sustained by any owner or owners of lands and real estate taken and appropriated for such improvement or work as authorized in the sixty-first section of this act, in which case the same commissioners appointed as aforesaid shall be the commissioners to make the assessment of the whole amount

of the costs, damages and expenses of such improvement or work in the manner herein required.

Commissioners shall take and subscribe oath.

68. *And be it enacted*, That the said commissioners, before they enter upon the execution of the duty required of them, shall take and subscribe an oath or affirmation before the city clerk or the mayor of said city, to make the said assessment fairly and impartially, according to the best of their skill and judgment.

Commissioners shall make a report in writing.

69. *And be it enacted*, That the said commissioners shall make a report in writing, of the assessment so made, and before proceeding to sign the same shall file the said report in the office of the city clerk for examination by the parties interested therein, and shall give ten days' notice by publication in two newspapers printed and published or circulating in the city of Passaic, that such report has been deposited as aforesaid, and also of the time and place, when and where the parties interested can be heard by the said commissioners; and after hearing the parties, the said commissioners shall proceed and complete the report and sign the same, and return the said report, with all objections in writing which shall be presented to and left with them by any of the parties interested, to the city council.

Proceedings in case objection is made to the report.

70. *And be it enacted*, That every report of assessment made as aforesaid, under the provisions of the preceding section of this act, and presented to the city council, shall be referred by them to the proper committee for consideration; and in case of any objections in writing being returned with such report, the said committee shall give ten days' notice, by publication in two newspapers printed and published or circulating in the city of Passaic, to the parties interested, of the time and place when and where they will meet to hear them on the objections and report; and said committee shall thereupon examine the matter and report to the city council, and return to them the said report of the said commissioners with the objections of the parties, together with the views and opinions of the said committee respecting the said report.

City council may correct report and assessment.

71. *And be it enacted*, That the city council shall thereupon examine the matter, and may correct said report and assessment, if they deem proper, and ratify the same; and every report of assessment which shall be duly ratified by the city council shall be final and conclusive; or they may return such report and assessment to the said commissioners

who may have signed the same, and the like proceedings shall be had when the report is returned as in the first instance.

Vacancy in office, how filled.

72. *And be it enacted*, That in case of the resignation, death or disability of one or more of the said commissioners, it shall be lawful for the city council to supply by appointment the vacancy or vacancies caused by such resignation, death or disability.

Report shall be confirmed by city council.

73. *And be it enacted*, That whenever any report of assessment as aforesaid shall be confirmed by the city council, such report shall be delivered to the city clerk, and the said clerk shall prepare an abstract of such assessment and enter the same in a book to be kept for that purpose, and after so recording it shall deliver the same to the collector who shall thereupon give notice in two newspapers printed and published or circulating in the city of Passaic, which notice shall be published for three weeks successively stating in general terms the streets or sections of streets comprised in such assessment, and requiring the owners of the land and real estate assessed in such report to pay the amount to him, with interest thereon from the time of such assessment at seven per centum per annum, within sixty days from the first publication of the notice.

Proceedings in case the assessment is not paid within the time appointed by council.

74. *And be it enacted*, That if any such assessment upon any lot, tract or parcel of land and real estate shall not be paid within the time appointed in said notice, the city council of the said city may, as they shall deem proper, either bring an action on the case, in any court of competent jurisdiction, in the name of "The City of Passaic," against the owner or owners of such lot, tract or parcel of land and real estate, for so much money laid out and expended by them for the use of such owner or owners, and declare generally, and give the special matter in evidence, and either party, from any judgment rendered therein, may have the same remedy, by appeal or otherwise, as if said parties were private individuals; or may order and direct the collector to collect such assessment or amount by public sale, at auction, of the lands and real estate whereon such assessment or amount has been imposed, may be a lien, or may have been expended as aforesaid.

75. *And be it enacted*, That nothing contained in this act shall be construed to affect any agreement between the

owner or owners of any lands and real estate, and the occupant or tenant thereof, representing the payment of any tax or assessment on such lands and real estate, but they shall be answerable to each other in the same manner as if this act had not been passed; and if any such tax or assessment shall be paid by any person, when by agreement or by law the same ought to have been paid by some other person, then it shall be lawful for the person paying the same, to sue for and recover the amount of such tax or assessment, with interest and costs of suit, in any court having cognizance thereof, as so much money paid for the use of the person who ought to have paid the same; and the proof of such tax or assessment, and of the payment thereof shall be conclusive evidence in said suit; and in all cases where there is no agreement to the contrary, the owner or owners of the lands and real estate upon which such taxes or assessment shall have been imposed, or may be a lien, and not the occupant or tenant, shall be deemed the person or persons who, in law, ought to bear and pay such tax or assessment.

Agreement between owner and occupant or tenant as to payment of tax or assessment not to be affected.

76. *And be it enacted*, That all the provisions of this act in relation to laying out, opening, altering or widening any street, highway, road or alley, shall be construed to extend to and embrace the removal of any building or part of a building which has been heretofore erected within the lines of any street or road whose lines and courses have been, or shall hereafter be run, laid out and designated in conformity with the provisions of this act.

Provisions to extend to removal of buildings, &c.

77. *And be it enacted*, That when the city council shall ordain to execute any improvement of the sidewalks or guttering or curbing, it shall be lawful for any owner of lands, upon giving written notice of his intention to the city clerk within the time limited for that purpose in the ordinance to make that part of the said improvement which shall be in front of his lands, at his own expense, under the supervision of the superintendent of streets, and according to the directions of the city council, and within such time as they shall appoint; in which case such lands shall not be liable to assessment for such improvement.

Owner may make improvement at his own expense.

78. *And be it enacted*, That all the repairs in the carriage way or crosswalks of any street, road, avenue or lane in said city, shall be made by contract or otherwise, as di-

Repairs to streets, &c., to be under the charge and supervision of the superintendent of streets.

rected by the city council and under the charge and supervision of the superintendent of streets, and the costs and expenses of such repairs being certified by the superintendent, shall be paid by the board, upon their approval, out of the tax annually collected; that all repairs to sidewalks and curb and gutter shall be made by the owners of the lands in front of which said repairs are necessary, upon written notice by the superintendent of streets, and if the said owner or owners shall be non-residents, it shall be sufficient if such notice be posted upon or near the lot or lots in front of which the sidewalks, curb or gutter, may require to be repaired or relaid; and if the same shall not be repaired or relaid within fifteen days from the service or posting of said notice, then it shall be lawful for said superintendent and he is hereby authorized and empowered to cause the same to be made, and the costs and expenses thereof, shall be assessed by the said city council, upon the lands in front of which said repairs shall be made, and shall remain a lien thereon and be collected as prescribed by this act for the collection of assessments for improvements.

City council authorized to cause surveys and maps to be made.

79. *And be it enacted*, That the said city council shall have power, and may from time to time cause the said city, or such parts thereof as they may think proper, to be surveyed and mapped, and may adopt maps already made; and may survey and make maps of all such roads, streets, alleys and public passage-ways, as have been dedicated to the public, as they shall think proper; and all such streets, roads, alleys and ways, when surveyed, and such surveys, approved by the city council and filed with the city clerk, shall be deemed and taken to be public streets or highways, and be treated as such in all respects; also to cause to be made, within said city, surveys and maps of the said city, or any part thereof which has not yet been laid off or run out into streets, and to determine where the streets and thoroughfares shall run, and to mark the lines and establish the grades thereof, which said lines and grades so established, and the surveys and maps made thereof and approved by the city council, shall be binding upon the owner or owners of the said land or real estate so surveyed and mapped as aforesaid; and whenever the owner or owners thereof see proper to open streets and lay out his or their property in lots, he, she or they shall open the streets and thoroughfares as they shall have been laid out, surveyed and marked, and accord-

ing to the lines and grades established as aforesaid; and the said streets and thoroughfares, when so opened by the owner or owners thereof, shall be public streets and highways, and shall be treated as such in all respects.

Compensation to be allowed for returns to writs of certiorari.

80. *And be it enacted*, That in all cases in which persons bring writs of certiorari directed to "The City of Passaic," the mayor and city council, or any officer of the city of Passaic, it shall be lawful for the officer required to make a return thereto, to demand and receive compensation from the parties bringing such certiorari, at the rate of eight cents per folio, for the necessary returns thereto, to be paid before such returns are made.

Council may cause new assessment to be made.

81. *And be it enacted*, That whenever, by the judgment of any court wherein any certiorari may be brought, any assessment made by commissioners under the provisions of this act shall be set aside for irregularity or illegality in such assessment, it shall be lawful for the city council of said city to cause a new assessment to be made of so much of the amount of the original assessment as shall be so set aside, or of the amount thereof still remaining unpaid, said assessment to be made and become a lien and to be proceeded on in all respects in conformity with this act.

Proceedings when any assessment is set aside by judicial authority.

82. *And be it enacted*, That whenever by reason of any informality or illegality in any proceedings of the said city council, or commissioners or agents of the city council, or officers of said city, for carrying out or executing any of the improvements or work authorized by this act any assessment shall be set aside by judicial authority, it shall be lawful for the city council to re-institute the proceedings 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 if the former proceedings had not been had; or the city council may re-institute the said proceedings from the point where such informality or illegality may have been so decreed; and whenever the city council shall discover that any such proceedings are liable to be set aside by judicial authority, they may re-institute said proceedings from the point where such informality or illegality commenced; and no assessment shall be deemed invalid in consequence thereof.

Writ of certiorari not to be allowed

83. *And be it enacted*, That no writ of certiorari shall be allowed, or issue to remove any assessment for any improvement in said city, unless the same be applied for

unless applied for within certain time.

within three months after the confirmation of such assessment by the city council.

Certain assessments confirmed.

84. *And be it enacted*, That whereas doubts have arisen as to the validity of certain assessments for improvements in the Village of Passaic (by this act incorporated as The City of Passaic.) made under the act to incorporate the Village of Passaic, approved March tenth, eighteen hundred and sixty-nine, and the act to revise and amend the same, approved March twenty-first, eighteen hundred and seventy-one; and whereas it is desirable that the same should be validated and confirmed, therefore all such assessments are hereby declared to be valid and effectual in law, as if every provision of the charter of the Village of Passaic under which said assessments were made had been fully complied with, except in cases where it shall appear to the supreme court that the commissioners who made such assessments have not properly assessed the lands and real estate by said charter directed to be assessed, in proportion to the benefit received thereby, in which cases said assessments may for that cause be set aside.

TITLE VIII.

MISCELLANEOUS PROVISIONS.

Ordinances to remain in force.

85. *And be it enacted*, That all ordinances of The Village of Passaic as at present incorporated, that may be in force when this act shall go into effect, so far as the same may be applicable to the city hereby incorporated, and so far as not inconsistent with this act, shall be and continue in force until altered or repealed by the city council hereby created, and nothing in this act shall be construed to invalidate or affect any bonds, contracts, agreements, or liabilities of the Village of Passaic, heretofore legally made or entered into for any purpose whatever.

Corporation to be liable for debts of the village of Passaic.

86. *And be it enacted*, That all debts, claims, taxes and assessments due to The Village of Passaic, shall and may be collected for the use and benefit of the corporation by this act created, and the said corporation so created shall be liable for all the debts of The Village of Passaic.

Officers of the village to hold until end of term.

87. *And be it enacted*, That all officers of The Village of Passaic now performing duty as such, shall be continued as the officers of the city hereby created, until the end of

the term of their election or appointment, and they shall respectively have and exercise all the powers and duties herein prescribed, subject in all things to the provisions of this act unless otherwise provided for in this act.

Not incompetent by reason of being an inhabitant.

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

Books of record to be evidence.

89. *And be it enacted*, That the books of record kept by any of the officers of the city, under and by virtue of the provisions of any city ordinance, shall be admitted as evidence of the matters and things therein contained and received in all courts and places whatsoever.

Members of city council shall not be interested in contracts to which the city is a party.

90. *And be it enacted*, That no member of the city council shall, during the period for which he was elected, be appointed to, or competent to hold any office, the salary or emoluments of which are paid from the city treasury, or be directly or indirectly interested in any contract, work or business, or in the sale of any article, the expense, price or consideration of which is paid from the city treasury, or by an assessment levied by any act or ordinance of said council, nor shall any such member be directly or indirectly interested in the purchase of any real estate or other property belonging to the city council, or become security for any officer appointed by said council or for any contractor under the city government, under the penalty of five hundred dollars for each offence, to be recoverable by suit in the name of the "The City of Passaic."

Penalty for not delivering books, &c., to successor.

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

Repealer.

92. *And be it enacted*, That an act to incorporate The Village of Passaic, and to set off said village from the township of Acquackanonk, and the act for revising and amend-

ing the same, approved March twenty-first, one thousand eight hundred and seventy-one, and all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, but this repeal shall not affect any rights or dues which "The Village of Passaic," or any person or corporation is or are entitled to by virtue thereof, and any proceedings had or commenced under said acts, shall proceed and be continued the same as if this act had not been passed, except as in this act otherwise specifically provided.

City to be deemed a township.

93. *And be it enacted*, That for all purposes not inconsistent with nor provided for by this act, the city of Passaic shall be deemed a township.

Water power and canals of Dundee Company not to be interfered with.

94. *And be it enacted*, That no ordinance or by-law shall be passed by the said city council which shall interfere with the free use and enjoyment of the water power and canals of The Dundee Water Power and Land Company, nor with the mill sites of said company as now laid out and designated on the map or maps of the said company on file in the clerk's office of the county of Passaic.

95. *And be it enacted*, That this act shall be deemed and taken to be a public act, and the legislature may at any time alter, modify or repeal the same, and that it shall take effect immediately.

Approved April 2, 1873.

CHAPTER CCCCXXII.

A Further Supplement to an act entitled "An Act to improve Bergen Wood Road in Hudson County," approved April ninth, eighteen hundred and sixty-eight.

Preamble.

WHEREAS, the commissioners provided for in said act have heretofore proceeded diligently to consider the best plans to be pursued in the furtherance of their object, and have adopted a plan and schedule of valuations which, upon a submission to a meeting of the land owners on the line of said road convened for the purpose, have been approved of as required by said act; *and whereas*, doubts have

arisen as to the regularity and validity thereof, and the proceedings touching and relating thereto, and it is therefore desirable that the same should be validated and confirmed; therefore,

Plans and schedules of of valuation declared valid and effectual in law.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said plans and valuations and all the proceedings touching and relating thereto, be and the same are hereby declared to be as valid and effectual in law as if every requirement of said act or the supplements thereto had been strictly complied with, any defect or irregularity in the same or anything contained in said act or any other law of the state to the contrary thereof in any wise notwithstanding.

Amendment

2. *And be it enacted*, That the words "upon the completion of each of said sections" be inserted in the twelfth line of the fifth section of said act immediately after the word "and" as the same appears in said line; *and further*, that the words "relating to said section" be inserted in the thirteenth line of same section immediately after the word "valuations" as the same appears in said line.

Amendment

3. *And be it enacted*, That said section five be and the same is further amended by striking out the words "town of Union, and with the clerks of the townships interested in said act," as the same appear in the last two lines of said section, and inserting in place thereof the words "county of Hudson."

Amendment

4. *And be it enacted*, That section seven of said act be and the same is hereby amended by inserting after the word "commission," as the same appears in the tenth line of said section, the words, "which notice shall be published for at least three weeks in one of the newspapers printed in said county."

Amendment

5. *And be it enacted*, That whenever the word "line" appears in the within supplement, the same shall be construed to mean printed line, as the same appears in pamphlet laws of eighteen hundred and sixty-eight.

Assessments to remain a lien and not to be invalid because of mistake in name of owner or owners or omission of name or names.

6. *And be it enacted*, That every assessment provided for in said act, or the supplements thereto, shall be and remain a lien upon the lands and real estate so assessed, from the period in said acts mentioned, notwithstanding any mistake in the name or names of the owners, or omission to name such owner or owners, and no assessment shall be invalid because of any such mistake or omission, and the same may

be proceeded against and sold in the manner and with the same effect as though such assessment had been made in the name of the real owner or owners thereof; *provided*, that in the advertisement of sale of such land or real estate, the name or names of the real owner, if discovered, shall be made to appear.

Proviso.

Commissioners authorized to change and amend names on schedules.

7. *And be it enacted*, That said commissioners shall have power, and they are hereby authorized, from time to time, to change, alter and amend the names appearing upon said schedules of valuation, whenever the same shall become necessary on account of change of owners or otherwise.

Repealer.

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

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

Approved April 2, 1873.

CHAPTER CCCCXXIX.

An Act to provide Newark and Jersey City, and other places, with an ample supply of Pure and Wholesome Water for domestic and other purposes.

Authority given to the Newark Aqueduct Board, and The Board of Public Works of Jersey City to furnish supply of water.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That The Newark Aqueduct Board and The Board of Public Works of Jersey City, and the successors of each, or such other boards or persons as may hereafter be vested with the control of the Newark and Jersey City water works, are each or either of them hereby authorized, in addition to the powers and authority now conferred on them by law, to take and convey, in the manner now provided by law, and as hereinafter specified, into and through Newark and Jersey City, and such other places as may desire the same, between the point or points of supply and said cities, such portion of the water, which they may acquire the right to take and use as hereinafter provided, as may be required to furnish the inhabitants of the said places with a sufficient quantity of pure and wholesome water for domestic and other purposes.

Authorized to form a joint board, their powers and duties.

2. *And be it enacted*, That for the purpose of carrying out the objects and purposes of this act, the said The Newark Aqueduct Board and The Board of Public Works, or the successors in office and authority of each, or both of them, shall be and they are hereby authorized to form a joint board, with power to appoint officers, and to do all other things which may be necessary effectually to carry out the purposes of this act, and for the use, control and operation of such property as may be acquired under the same, and for such purposes are hereby authorized and empowered jointly or severally to exercise all powers heretofore conferred on either or both as well as those herein conferred; and the said joint board are also hereby authorized to delegate, to such committee or committees as they may appoint and designate, the discharge of any of the duties or powers herein granted.

Further powers of the joint boards.

3. *And be it enacted*, That such joint boards and their successors in office and authority shall, in addition to the powers now conferred on either of said boards by law, (with the approval of the mayor and common council of Newark and the mayor and aldermen of Jersey City,) have the power to acquire by purchase or take in the manner hereinafter provided, and in the names of "The Mayor and Common Council of the City of Newark," and of "The Mayor and Aldermen of Jersey City," to hold any lands or other real estate containing or supplying water, and any ponds, lakes, mill ponds, mill sites, public or private waters and water rights, and any water ways, reservoirs, aqueducts, canals, conduits and water courses, in any part of this state, at an elevation which will afford a head sufficient to convey the said water to said cities by gravitation, and to acquire by purchase or take in the manner hereinafter provided, and hold as aforesaid, any water ways, water courses, canals, conduits, aqueducts, reservoirs, or other works for conveying or containing water, and in the same manner to acquire, take and hold any lands or other real estate necessary for the construction of any water ways, water courses, canals, conduits, aqueducts, reservoirs, or other works for conveying or containing water or for laying any pipes or conduits for carrying water from the point or points of supply, to, into and through the said places, to the end that an ample and sufficient supply of pure and wholesome water may be obtained and furnished to the inhabitants thereof.

Owners, occupants, &c., authorized to sell, lease and convey lands or interest in the the same.

4. *And be it enacted*, That the owners, occupants, lessees or other parties, whether individuals or corporations, in interest or in possession of any of the said property, are hereby authorized to grant, bargain, sell and convey the same, or to assign or lease all or any part of their respective rights, title and interest in the same to the said The Mayor and Common Council of the City of Newark and The Mayor and Aldermen of Jersey City, or either of them and their successors in office or authority, either perpetually or for such shorter time and upon such rents and agreements as may be agreed upon between the said contracting parties; and thereafter the said The Mayor and Common Council of the City of Newark, The Mayor and Aldermen of Jersey City, and their successors in office or authority, and their licensees, shall have the right to the exclusive use and enjoyment of the said property so conveyed or demised for the term in said conveyance or lease mentioned, for the uses and purposes aforesaid.

Proceedings when parties cannot agree

5. *And be it enacted*, That in case of any disagreement between the said joint board or their successors in office or authority and any of said owners of any property aforesaid required for the said purposes, or the occupants, lessees or other parties interested therein as aforesaid, as to the amount of compensation to be paid to such owner or other party for the said property so required or for the damages to be sustained by the works proposed to be made or erected, or in case any such owner shall be an infant, or a married woman, or unknown, or insane, or shall be absent from this state, any justice of the supreme court of this state shall on the application of either party, upon reasonable notice served or published as the said justice may direct, nominate and appoint three disinterested persons commissioners to examine such property and estimate the value thereof or damage sustained thereby, and who shall, after twenty day's notice to the parties of the time and place where they will be heard in relation to the matter, proceed without delay to make their report and award thereon and deliver the same to the said supreme court at a present or next term thereof; and if either party shall feel aggrieved by the report and award of the commissioners so to be appointed by virtue hereof, such party may appeal to the next term of the supreme court or the circuit court of the county in which the property in question may be situate,

Proceeding in case of appeal.

which appeal shall be by petition and notice thereof, served as said court shall direct, which petition and notice shall vest said court with full power to hear and determine said appeal according to the practice of the court, and the court if required shall order a jury to try said appeal under the direction of the court, and also shall have power to order a struck jury or a jury of view or both, and said court or the judge who shall try said appeal may order any jury empannelled to try such appeal to view the premises in question during the trial and the right of either party to appeal from said report or award of said commissioners shall not be waived or lost by the tender of the amount awarded by the one party or the acceptance of it by the other party, and upon the final determination of said appeal the court shall render judgment in favor of the one party and against the other as the right and justice of the case may require, and shall award to the party substantially succeeding, the costs of such party against the other party and shall have power to enforce the judgment so rendered by execution as other judgments are enforced, and also by mandamus and by summary proceedings and attachment as the case may require.

Proceedings when report has been confirmed.

6. *And be it enacted*, That whenever such report shall be confirmed by the court aforesaid, the said The Mayor and Common Council of the city of Newark and The Mayor and Aldermen of Jersey City shall, within two months thereafter each pay to the said owner, occupant, lessees, or other parties as aforesaid or as the said court may direct one half of the sum mentioned in the said report in full compensation for the property so required or for the damages sustained, and thereupon the said The Mayor and Common Council of the City of Newark and The Mayor and Aldermen of Jersey City shall become seized in fee of such property so required, " or of such estate in said land and property as the former owner or occupant was seized or possessed of at the date thereof," and shall be discharged from all claim by reason of said damage, and shall hold the said property free and clear of all duties and liabilities imposed upon the same, except for taxes and assessments for public purposes and improvements, and the former owner, occupant or lessee of any property acquired by the authorities of said cities under and for the purposes set forth in this act, shall be from thenceforth discharged of

and from all actions, penalties and fines incurred thereafter for any failure to perform any duty or obligation imposed by law in reference to said property or its use, or for any damages arising from said failure or neglect or change of purpose and objects; or for any claims or damages growing out of any diversion or change in the course or direction of water lying or flowing on or from any property required under this act; and the said The Mayor and Common Council of the city of Newark and The Mayor and Aldermen of Jersey City shall indemnify and save harmless all and every such former owner, occupant or lessee of and from all damages, loss and actions in reference to the said property or its use for the purposes herein expressed;

Proviso. *provided*, that when any portion of any public improvement is taken by virtue of this act the ownership of the remaining portion of said improvement shall remain vested in the former owner as fully as though such portion had not been

Proviso. taken by said boards; *and provided, further*, that nothing in the two preceding sections shall in anywise authorize the taking by condemnation any of the rights of the society for establishing useful manufactures or of the Morris Canal and Banking Company, or of the owners of the Boonton Iron Works.

Empowered to construct works and to use the ground under streets or highways.

7. *And be it enacted*, That the said joint board or their successors in office or authority, in behalf of The Mayor and Common Council of the city of Newark, and the Mayor and Aldermen of Jersey City, and all persons acting under their authority, shall have the right to use the ground or soil under any road, railroad, highway, street, lane, alley or court, within this state, for the purpose of constructing the works contemplated by this act, on condition that they shall cause the surface thereof to be restored to its original state, and all damages thereto to be repaired, and are invested with full power and authority to carry the water across any navigable or other stream, river or bay, by means of pipes or conduits laid or placed over the same or in the bed of such stream, river or bay, so that the top thereof shall not be above the present bed of the channel in such manner as not unnecessarily to interfere with the navigation thereof.

8. *And be it enacted*, That whenever the inhabitants of any place or places lying between the source or sources of supply and the said city of Jersey City, or along the line of

water transit or adjacent thereto, or so situated that it or they could be supplied from the water channel, aqueduct or reservoirs hereby authorized, by means of pipes or conduits connected therewith, and shall desire a supply of pure and wholesome water, the said joint board or its successors in office or authority, may permit the said water channel, aqueduct or reservoirs to be tapped at such point or points as will be most for the convenience of said place or places without material injury to the said works or to the supply of water to places below such point, and permit the connection with the said water channel, aqueducts or reservoirs, at such point or points of pipes, mains or conduits, to conduct water to such place or places, and grant licenses to the authorities of such place or places, to use so much of the said water as may be necessary for domestic and other purposes, upon said authorities paying or securing to be paid such proportion of the expense theretofore incurred, or an annual rent, as may be mutually agreed upon by the said authorities of said place or places, and the said joint board or its successors in office or authority, and such municipal authorities are hereby authorized to make and enter into any such agreement, and to take such license, and if such rent or share of expenses cannot be mutually agreed on, the party desiring to take water from the main works, may apply to a justice of the supreme court for the appointment of commissioners to fix the said rent or share of expenses in the mode provided for in the fifth section hereof, and subject to the right of appeal therein provided for.

The joint boards may cause water to be supplied to inhabitants adjacent to or along the line of water transit.

9. *And be it enacted*, That for the purpose of defraying the expense and cost of such property as shall be taken or purchased for purposes herein contemplated, and for constructing all works necessary thereto, the mayor and common council of the city of Newark, and the mayor and aldermen of Jersey City, shall each or either of them have power to order the issue of the bonds of their respective cities sufficient to defray the said expense and cost, in addition to the amounts now authorized by law for water purposes, to an amount not exceeding two million dollars each; said bonds to bear interest, payable semi-annually, not exceeding seven per centum per annum, and the principal payable in not less than fifteen nor more than fifty years from date of issue, and the said The Mayor and Common Council of the city of Newark and The Mayor and Aldermen of Jersey

Authorized to issue bonds to defray expense and cost.

City, shall from time to time cause the said bonds to be sold at public or private sale, at not less than ninety-five per centum of their par value, as the proceeds thereof may be required for the purposes aforesaid, or may issue the same in payment for property purchased, and deliver them at the said rate to the person, party or parties from whom the same is purchased, and the payment of all interest accruing on said bonds beyond the amount which may be paid from the rents received for the use of water, shall be provided for and paid by The Mayor and Common Council of the city of Newark and The Mayor and Aldermen of Jersey City, or such other board as may be authorized, in equal proportions; and they are hereby authorized and required to assess and raise by tax such amount as may be necessary for the purpose, and a record of all such bonds issued or disposed of shall be kept by the proper officers designated by the authorities hereto, and copies of such records shall be made and delivered to the treasury of Newark and Jersey City, and all moneys received therefrom shall be paid to the city treasurers of said cities respectively.

The failure of either city to proceed jointly not to debar the other from providing itself with water.

10. *And be it enacted*, That in case of failure of either one of said cities to proceed jointly as in this act provided, within a reasonable time, any such refusal or neglect shall not debar or prevent the other from proceeding and taking the necessary measures to provide itself with pure and wholesome water, for domestic and other purposes as aforesaid, and in such event, and for that purpose, either one of said cities of Newark or Jersey City through their appropriate authorities, may proceed separately from the other by and for itself; and for said purpose all the powers, rights and privileges granted in the foregoing act to both of said cities, are hereby granted to and conferred on the one electing to avail itself thereof, and said city is in such case hereby authorized to raise a sufficient amount to defray the whole cost and expense, and shall pay the whole amount to be paid to any person or party for property instead of one-half as above provided.

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

Approved April 2, 1873.

CHAPTER CCCCXXXVI.

An Act concerning the Poor of the Township of Stockton, Camden County, New Jersey.

Overseer of the poor to make certificate in cases of application for relief.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, when any person shall apply to the overseer of the poor of Stockton township, Camden county, for relief as provided in the act for the settlement and relief of the poor, approved April tenth, one thousand eight hundred and forty-six, and the supplements thereto, the said overseer shall make and sign two certificates setting forth the time of application, name, business, residence and sex of the applicant, whether married or single, or if any children, and the occasion which brought them under the necessity of applying for relief; the said overseer shall further certify that he has personally examined into the statements set forth in the said certificates, whether the same are correct and true, with the amount of relief he may in his judgment think necessary to be granted; the said overseer shall present said certificates to the member of the township committee of said Stockton township, residing nearest the place of residence of the applicant, for his approval in writing, leaving with the said member one of the said certificates, and if the same is approved by said member the said overseer shall present the remaining certificate to the justice of the peace of said township, who shall give an order for the amount granted in said certificate, and not otherwise; and the members of said township committee shall report and return to the township committee, at their next stated meeting, the certificates received by them since the previous stated meeting of the said township committee.

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

Approved April 2, 1873.

CHAPTER CCCCXXXVII.

An Act concerning the Assessment and Collection of Taxes in the Township of Stockton, Camden County, New Jersey.

Assessor of taxes to make duplicate of assessment of taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act the assessor of Stockton township, Camden county, shall make and return to the township committee of said township, on or before the first Tuesday of August after the passage of this act, and annually in each year thereafter, a correct and complete duplicate of the assessment of taxes, in addition to the duplicate as directed to be made by him under the laws of this state.

Collector to make monthly returns to to the township committee.

2. *And be it enacted*, That the township collector of said township shall make monthly return to the said committee of said township, at their stated monthly meetings, an account of all moneys received by him, stating from whom and for what purpose the same was received.

Special constable to make returns monthly of all moneys collected by him.

3. *And be it enacted*, That the special constable appointed annually by the said township committee, for the collection of unpaid taxes due and owing to the said township, shall make monthly returns of all moneys collected by him, and pay the same to the township collector, and report to the said township committee, stating from whom and for what purpose the same was received.

Commissioners to act with assessor in making assessment of valuation of real estate

4. *And be it enacted*, That the said township committee shall, on the first Tuesday of April, anno domini one thousand eight hundred and seventy-three, and on the same day in each and every five years thereafter, appoint two freeholders, citizens of said township, to act with the assessor of said township, whose duty shall be to revise and make a true and correct list or statement of all the real estate situate in said township, and prepare, or cause to be prepared, a true and correct assessment of the valuation thereof, and return said list or statement to the said committee on or before the first Tuesday of June, anno domini one thousand eight hun-

dred and seventy-three, and on the same day in each and every five years thereafter, and the said two freeholders shall be paid the same compensation as is paid to the assessor for similar services.

Shall give bonds.

5. *And be it enacted*, That the said collector, special constable and freeholders shall each sign and execute, with at least two sufficient securities, a bond in favor of the state of New Jersey, for the benefit and use of the said Stockton township, in the penal sum of five hundred dollars, for the faithful performance of their duties.

6. *And be it enacted*, That all laws or parts of laws inconsistent with this act are hereby repealed.

Approved April 2, 1873.

CHAPTER CCCCXXXVIII.

A Further Supplement to an act entitled "An Act to regulate Elections," approved April sixteenth, one thousand eight hundred and forty-six.

Township of Freehold to comprise one election district.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be required to divide the township of Freehold, in the county of Monmouth, into election districts, but that said township shall and may comprise one election district.

Repealer.

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

Approved April 2, 1873.

CHAPTER CCCCXXXIX.

An Act to provide Courts of Summary Jurisdiction in the City of Jersey City.

Boundaries of judicial districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city of Jersey City shall be and hereby is divided into three judicial districts as follows, viz.: the first district shall comprise all that territory known as Jersey City previous to the seventeenth day of March, one thousand eight hundred and seventy; the second district shall comprise all that part of Jersey City situated west of said first district and north of the railroad now or lately known as the New Jersey Railroad, and the third district shall comprise all that part of Jersey City lying south of said first and second districts.

Municipal court established.

2. *And be it enacted*, That there shall be and there is hereby established in the city of Jersey City a court which shall be called "The Municipal Court of Jersey City," which shall be composed of three justices; and in each of the judicial districts established by the first section of this act there shall be a court, which courts shall be known respectively as "The First District Police Court of Jersey City," "The Second District Police Court of Jersey City," and "The Third District Police Court of Jersey City," and shall each be held by a single justice of the municipal court of Jersey City.

District courts.

Justices shall be appointed by the legislature in joint meeting.

3. *And be it enacted*, That the justices of the municipal court of Jersey City shall be appointed by the senate and general assembly in joint meeting, and shall hold office for the term of five years from the date of their appointments respectively, and until the appointment and qualification of their successors; they shall be each at the time of their appointment at least thirty years of age, citizens of the United States, residents in Jersey City for five years previous to their appointment, and shall be attorneys-at-law of the Supreme Court of this state; in case of a vacancy the same shall be filled in the manner provided in the constitution; but all appointments to the office of justice of the said

municipal court of Jersey City, made by the joint meeting, shall be for the term of five years. Term of office.

4. *And be it enacted*, That the present police justices of Jersey City shall act as and shall be the justices of the said municipal court until the time when their terms of office as such police justices would have regularly expired had this act not been passed, and thereafter until the appointment and qualification of their successors, anything in this act contained to the contrary notwithstanding, and nothing in this act contained shall be construed to prevent the appointment of either of said police justices to be a justice of the said municipal court of Jersey City. Police justices may be appointed to be justices of the Municipal courts.

5. *And be it enacted*, That the justices of the municipal court shall, as soon as may be after the passage of this act, assign to each of their number one of the said districts, and thereafter the district police court in each of the districts shall be held by the justice to whom such district may be so assigned; *provided*, that if from sickness or any other cause he should be prevented from holding said court in his district, the same may be held by any other of said justices; *and provided further*, that a new assignment may be made whenever in the opinion of the justices of said court it may be advisable. Assignment of districts. Proviso. Proviso.

6. *And be it enacted*, That all cases pending at the time this act shall take effect, in the police courts of the city of Jersey City, shall be transferred to and continued in the district police courts hereby established, and all process or proceedings which are made returnable in the said police courts or before any of the justices thereof, shall be returnable to the district police court in the appropriate district. Proceedings to be returnable to the district police court.

7. *And be it enacted*, That there shall be held yearly twelve regular terms of the municipal court, commencing on the first Monday of each calendar month; and said court may continue each term up to the commencement of the succeeding term, and may adjourn over from any one day in term to any subsequent day in the same term whenever the public interest and convenience may require or justify such adjournment; and in case of such adjournment all process, orders, rules, recognizances and other proceedings pending in said court, shall be continued to the time to which such adjournment shall be made, and may then be proceeded in according to law in the same manner as might have been done if said court had been adjourned from day to day; all Terms of court and mode of adjournment.

process issuing out of said court shall be tested in the name of one of the justices thereof and be returnable therein; a majority of the justices shall constitute a quorum for the transaction of business in said court, but a single justice may adjourn the court from day to day; and said court may exercise all the powers which may be exercised by any of its justices or by the district police courts in addition to such powers as are hereby specially conferred upon it.

Justices to settle the rules and practice for government of the court.

8. *And be it enacted*, That the justices of the municipal court shall and may adopt and settle uniform rules of practice in all matters not regulated by law for the government of said court and of the several district police courts, and the same from time to time alter, repeal and modify as occasion may require; *provided*, such rules are not contrary to the provisions of this act, the laws and constitution of this state or of the United States; and every such rule shall be observed by and be binding upon the magistrates, officers and all other persons doing business in said courts.

Proviso.

Powers and limitations.

9. *And it be enacted*, That the municipal court of Jersey City shall have and exercise all the powers and jurisdiction by any general law now belonging to two justices of the peace in said county of Hudson.

Rights, powers and privileges of the justices of the municipal court.

10. *And be it enacted*, That each of the justices of the municipal court of Jersey City shall have, possess and exercise all the rights, privileges and powers which justices of the peace in and for the several counties of this state now have or which may be hereafter conferred upon justices of the peace in and for the several counties of this state, except the power to try civil suits; and each of said justices is further empowered to impose fines not exceeding the sum of twenty-five dollars on such persons as shall be convicted before him of vagrancy or any other light offence, or any such disorderly conduct as in the opinion of the magistrate tends to a breach of the peace, or in his discretion to order such persons to be committed to the city prison for any period not exceeding ten days, or to the county jail or to the county workhouse at hard labor for any period not exceeding ninety days, or to impose both fine and imprisonment not exceeding the aforementioned amount and periods respectively, and in case any person shall neglect or refuse to pay any fine so imposed, to commit such person for any period not exceeding ninety days unless the fine and costs shall be sooner paid.

Persons deemed to be guilty of disorderly conduct.

11. *And be it enacted*, That persons fighting in a bar-room, street or other public place, when no charge of assault and battery is preferred shall be deemed guilty of disorderly conduct within the meaning of this act, and the term "light offence" shall be held to apply to all offences enumerated by the various statutes of this state whereof convictions may be had before and wherefor punishments may be imposed by a justice of the peace.

Justices to have the same powers as justices of the peace in the county of Essex.

12. *And be it enacted*, That each of said justices shall have within the limits of Jersey City all the powers and jurisdiction conferred upon justices of the peace in the county of Essex, by the act entitled "A further supplement to the act entitled 'An act to describe, apprehend and punish disorderly persons'" approved April seventeenth, one thousand eight hundred and sixty-eight.

Proceedings before the court in the case of violation of city ordinances.

13. *And be it enacted*, That each of said justices is further empowered on oath or affirmation made, according to law, that any person has violated any of the ordinances, rules or regulations of the said city or of any board thereof, to issue process at the suit of said city, either in the nature of a summons or warrant, against the person or persons so charged, which process shall, when in the nature of a warrant, 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 ordinance, rule or regulation 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 shall proceed to hear testimony and to determine and give judgment in the matter without the filing of any pleadings; and the said justice shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and person of the defendant or defendants, and said justice is further empowered to cause any such defendant who may refuse or neglect to pay the amount of the judgment rendered against him and all costs and charges incident thereto, unless an appeal is granted, to be committed to the city prison for any period not exceeding five days, or to the county jail or county workhouse for any period not exceeding ninety days; and each of said justices is further empowered, in case any defendant shall have been twice convicted, within the space of six months, of a violation of the same ordinance, rule or regu-

lation, to certify such fact to the municipal court, which, upon due proof thereof, may cause such defendant, in addition to the payment of the appropriate penalty, to be imprisoned in the city prison or in the county jail or the county workhouse, at hard labor, for any number of days not exceeding one for each dollar of the penalty; and where any statute of this state provides for recovering a penalty for its violation by an action of debt before a justice of the peace, such penalties shall, within the limits of Jersey City, be recovered only before a justice of the municipal court of Jersey City, and the proceedings shall be the same as in case of a violation of a city ordinance.

Warrants shall be returnable in court.

14. *And be it enacted*, That each of said justices may receive complaints, issue warrants and take recognizances out of as well as in court, but all warrants shall be made returnable in court.

Officers empowered to serve any process issued out of the courts.

15. *And be it enacted*, That the officers empowered to serve and execute any process issued out of said courts shall be, besides the sheriff and constables of Hudson county, the marshal of said municipal court, and the policemen of Jersey City, who shall execute all writs, precepts and process issuing out of said courts, and make true returns thereof, and in all cases arising under section thirteen of this act, process shall be returned in the same manner so far as circumstances will permit, as similar process issued out of courts for the trial of small causes, and the defendant or defendants named therein shall, if the justice see fit to adjourn the hearing of the charge made, and so order, enter into recognizance in a sum not less than twice the amount of the penalty, and with such surety as he may approve, for appearance on the day to which the said hearing may be adjourned, and from day to day thereafter, and in case of default the said recognizance may be enforced by a proceeding in the municipal court similar to such proceedings in courts for the trial of small causes.

Municipal court may issue summons to witnesses.

16. *And be it enacted*, That said municipal court may issue summons and other process to procure the attendance of witnesses in the trial and examination of criminal cases to run into any county of this state, to be served by the marshal of the court, or by the sheriff of any county or his deputies, or any constable or policeman of the city or town in which the witness may be.

May order trials to be had and determined in the municipal court.

17. *And be it enacted*, That either of said justices, when sitting in a district police court, may order any examination or trial which would otherwise regularly be held before him to be had and determined in the municipal court, where, after such order, all further proceedings shall be had, and said justice may require the defendant or defendants and witnesses to enter into recognizance with such surety as he may approve for his, her or their appearance at the said municipal court at such time and place as shall be fixed by the rules and regulations of said municipal court.

Ordinances may be proven by duly certified copy.

18. *And be it enacted*, That in any proceeding had before either of said justices or courts, to recover a penalty for the violation of any ordinance, rule or regulation of the said city, or of any board thereof, the said ordinance, rule or regulation may be proven by a copy thereof, duly certified under seal by the city clerk, or the clerk of the appropriate board, to be correct; and due publication of all such ordinances, rules and regulations, shall be presumed to have been made until the contrary is proven.

Cases where penalty exceeds twenty dollars may be triable by jury.

19. *And be it enacted*, That in all cases triable in either of said courts in which the penalty may exceed twenty dollars, or the punishment may be imprisonment, there may be a trial by jury, either at the instance of the court or at the demand of the defendant; the jury shall consist of six men, competent to serve as jurors in the court of quarter sessions of the peace, in all cases except where the penalty shall exceed fifty dollars, when the number shall be twelve; jurors shall be selected and trials by jury shall be conducted as nearly as may be as like proceedings are conducted in the courts for the trial of small causes; either party shall be entitled to three peremptory challenges, and the court is empowered to impose a fine, not exceeding ten dollars, upon any person summoned to serve upon a jury who shall neglect or refuse to attend without good and sufficient excuse.

Appeal may be made to the court of common pleas.

20. *And be it enacted*, That in all cases arising under section thirteen of this act, there may be an appeal to the court of common pleas of Hudson county, to be taken in the same manner as appeals are now taken from judgments in courts for the trial of small causes; upon the trial of such appeal it shall be the duty of the city attorney to appear for the city, and likewise to appear for the city on the trial of any such case before the municipal court when requested by the court.

Person committed may be discharged upon payment of fine, &c.

21. *And be it enacted*, That in all cases where any person, convicted in either of said courts, shall have been committed, in default of payment of a fine or penalty, to the county jail or workhouse, he or she may, at any time previous to the expiration of his or her term of service, be discharged upon the payment of the fine or penalty originally imposed, less an amount proportionate to the term already served.

Proceedings in case of a minor.

22. *And be it enacted*, That in any case where the person, guilty of a violation of any ordinance, rule or regulation of the city, or any board thereof, shall be a minor, the justice or court before which said minor shall be brought shall have power in his or its discretion to inflict or commute, or wholly remit the penalty prescribed by such ordinance, rule or regulation.

Proceedings in case of writs of certiorari.

23. *And be it enacted*, That no justice of the supreme court shall grant or allow any certiorari to remove any order, proceedings or judgment made, had or rendered by either of said justices or courts, unless the party applying for the certiorari shall enter into bonds, unto the mayor and aldermen of Jersey City, in the sum of one hundred and fifty dollars, with sufficient surety, conditioned that such applicant shall prosecute the said certiorari in the supreme court, shall pay the penalty recovered before the said municipal justice or court, with interest and costs, if the judgment be affirmed, and shall in all things stand to and abide the judgment of the supreme court respecting the order, proceedings or judgment made, had or rendered by the said municipal justice or court, which said bond shall be rendered to the justice granting such certiorari, to be by him filed with the clerk of the supreme court for the benefit of the said mayor and aldermen.

Payment of costs in certiorari.

24. *And be it enacted*, That whenever any order, proceedings or judgment made, had or rendered by the said justices or courts, or any of them, shall, on removal by certiorari, be affirmed by the supreme court, the plaintiff in certiorari shall pay to the defendant in certiorari all costs on such suit in the said supreme court, but if such order, proceedings or judgment be reversed, then the plaintiff in certiorari shall be entitled to costs.

Fees to be allowed the justices, &c.

25. *And be it enacted*, That in all cases in which a certiorari shall be granted or allowed to remove any order, proceedings or judgment made, had or rendered by either of said justices or courts, it shall be lawful for the justice or

justices by or before whom such order, proceedings or judgment were made, had or rendered, to charge and receive for the return thereto, before delivery, at the rate of ten cents per folio, and in all proceedings whatever, before the court hereby established, or the justices thereof or either of them, the fees shall be the same, and shall be collectable in like manner as in similar proceedings had before a justice or justices of the peace, or in the courts for the trial of small causes.

Proceedings in case of forfeited recognizances.

26. *And be it enacted*, That whenever the municipal court or either of the justices thereof sitting in a district court, shall make an order requiring any person to enter into recognizance, with or without sureties, to keep the peace or to be of good behavior, such order may require that such recognizance shall be entered into for any definite period not to exceed one year from its date, and on due and sufficient proof of a breach of the condition of such recognizance at any time within the period for which the same shall have been entered into, the said municipal court may cause the same to be forfeited, and proceedings shall thereupon be had in said court for the enforcement of such recognizance, similar to proceedings for enforcement of recognizances in courts for the trial of small causes; all such recognizances shall forthwith after being taken be filed with the clerk of the municipal court, to be by him safely kept until the expiration of the time limited in said recognizances respectively.

Amount of bail shall be fixed by the court.

27. *And be it enacted*, That whenever the municipal court, or any justice thereof sitting in a district court in any case in which such court or justice may by law let to bail, shall make an order requiring any person to enter into recognizance for appearance at any court, or to keep the peace, or to be of good behavior, and shall by such order have fixed the amount of bail required, either of the justices of said municipal court may upon a written request or authorization of the said court or of the justice having made such order, let such person to bail either before or after commitment, but a justice so letting to bail shall in no case take bail in an amount less than is fixed by the court or justice making the order and named in the written request or authorization, which written request or authorization shall be attached to the recognizance and transmitted therewith.

28. *And be it enacted*, That whenever any person shall

Parties to recognizance to be bound until case is finally concluded.

enter into recognizance for appearance before either of said courts by this act established for hearing, examination or trial, upon some certain charge, such recognizance shall hold good, and be binding upon all parties thereto (if the said recognizance shall so require) until the said hearing, examination or trial shall have been finally concluded, notwithstanding that such hearing, examination or trial may have been adjourned from time to time.

Proceedings in case of arrest.

29. *And be it enacted*, That all persons whatsoever arrested by any member or members of the police force of Jersey City, shall be taken forthwith to the station house of the precinct in which the arrest shall be made, and forthwith after the entry upon the books of the station house of the names of the prisoner and of the officer or officers making the arrest, the cause of arrest alleged by the officer, and of such other particulars as shall be required by the rules of the police department and of the municipal and district courts; the person thus held under arrest shall be taken before the district police court of the district in which the arrest was made, if said court be then in session; if such court be not then in session, said prisoner shall be detained in the city prison until the said district police court shall next be in session, when such prisoner shall be taken before said district police court at the opening of the session thereof, to the end that the cause of such arrest and detention may be speedily inquired into; persons arrested upon warrant issued by the court or a justice thereof, shall nevertheless be taken forthwith, upon arrest, before the said court, or the district police court specified in the warrant; and if that court shall not then be in session, such prisoner shall be detained in the station house most convenient to the place of holding said court, until the same be opened; in any case where the district police court of the district in which a person is arrested shall not be in session at any time when by the foregoing provisions such person would be entitled to be produced before it if in session, then, if such prisoner demand, he shall be taken before the police court of any other district which may be in session, or before the municipal court, if in session; nevertheless no person shall be entitled to be brought before any of said courts while drunk from the excessive use of spirituous, vinous, or other strong liquor; nor shall anything in this act contained be so construed as to diminish, impair, or in any way interfere

Prisoners shall have a speedy trial.

with the power and jurisdiction of the supreme court, or justices thereof, or the chancellor of this state, under the act entitled, "An act for preventing the injury of illegal confinement, and better securing the liberty of the people," passed the eleventh of March, seventeen hundred and ninety-five, or in any way to take from any person the relief by habeas corpus.

Recognizance to be transmitted to the justice holding district police court.

30. *And be it enacted*, That when any person shall be held under arrest in the city prison, awaiting the next session of the court, as described in the last preceding section, either of said justices of the municipal court may, out of court, let such person to bail, conditioned for his or her appearances at the next morning session of the district police court, before which such person would regularly be brought under the provisions of the last preceding section; but in no case shall such power be exercised where the charge entered upon the books of the station house shall amount to a charge of a crime not bailable by a justice of the peace, nor unless the said justice is satisfied that no such crime has been committed, and that public justice will receive no detriment thereby; any recognizance so taken shall be transmitted to the justice holding said district police court, by the captain of the precinct from whose custody said prisoner was so discharged, with his regular morning report; and in case such prisoner shall fail to appear, according to the tenor of his recognizance, the said justice may declare the same to be forfeited, and shall thereupon transmit the same to the municipal court, which shall cause the same to be enforced in the same manner as recognizances to keep the peace upon a breach of the condition thereof.

Proceedings in case of any person charged with larceny.

31. *And be it enacted*, That when any person shall be brought before the said municipal court or any district court charged with larceny or with receiving stolen goods, and property alleged to have been stolen shall have been found in the possession of such prisoner, or when any property alleged to have been stolen shall come into the possession of the police of Jersey City, such property shall be held subject to the order of the said court, or of the justice before whom such prisoner may have been brought, or in whose district said property shall have been recovered, and any claimant of the ownership or right of possession of said property must establish his title to the satisfaction of the

court or justice, and the said court or justice may require a bond of indemnity, with sufficient sureties before ordering the delivery of such property to any claimant, and may in any case refuse to order the delivery of such property until after the final trial of the accused person, or other final disposition of the case; all implements used or intended to be used for the commission of crime, and all dangerous weapons the carrying of which is prohibited by law or by ordinance of the city, which shall come into the possession of the police of said city, shall be held subject to the order of said municipal court, which may at its discretion, when they shall be no longer of use as evidence, order their destruction; no implements which are designed to be used only in the commission of crime shall be sold, but shall be destroyed or securely kept.

Municipal and district courts shall be courts of record.

32. *And be it enacted*, That the said municipal court and the district police courts shall be courts of record; and that the municipal court may make all needful rules for the maintenance of order in and about the said court and the several district police courts, and all persons who shall willfully violate any such rule or shall be guilty of any willful contempt of court, may be arrested and punished in the same manner as is hereinbefore provided for the punishment of disorderly conduct tending to a breach of the peace.

District courts shall hold session every morning.

33. *And be it enacted*, That there shall be a session of each of said district police courts every morning, and so much oftener as the municipal court shall order or the justice of any district shall deem expedient; the time of opening court at the morning session, or at any subsequent session ordered by the municipal court, shall be fixed by said court, and it shall be the duty of the justice holding the district police court to be then in attendance.

Seal of the court.

34. *And be it enacted*, That the said municipal court shall adopt a seal for said municipal court and for each of said district police courts, an impression of each of which duly certified by said municipal court shall be filed with the city clerk, and also with the clerk of Hudson county, and the impression of said seals upon any process or paper issuing out of said courts shall be as good and effective in law as if a wafer seal were employed.

35. *And be it enacted*, That records of the business of each

of said courts shall be kept in such form and manner as shall be prescribed by the said municipal court; and said court shall semi-annually make to the board of aldermen a report of the business of the said court and of the several district police courts; and the said court and the justices thereof shall quarterly, between the first and fifteenth days of March, June, September and December, pay over to the treasurer of the city all fines and penalties received up to and inclusive of the last day of the previous month. Records of business to be kept in manner prescribed by the municipal court.

36. *And be it enacted*, That the justices of said municipal court shall receive the same annual salaries as those at present allowed by law to the police justices of Jersey City, which salaries as well as those of the officers of the court shall be paid in equal monthly installments by the board of aldermen of Jersey City. Compensation.

37. *And be it enacted*, That said municipal court, may on the first day of each term designate and appoint one justice of the peace in each of said judicial districts, who in case of the temporary absence from the city or inability to act, of the justice holding the district police court in the district for which such justice of the peace shall be so designated may act in his stead, and who while so acting during the continuance of such absence or inability, shall possess and exercise in said district police court all the powers which the said justice of the municipal court might if present thereat himself lawfully exercise; but such justice of the peace shall be entitled to exercise such powers only during the term of the said municipal court in which he shall have been so designated and appointed. Justices of the peace may be designated to act temporarily.

38. *And be it enacted*, That it shall be the duty of the board of police commissioners of Jersey City to cause to be in attendance at the sessions of said courts such and so many officers from the regular force as may be required to preserve order and despatch the business of said courts, and on request of the said municipal court, in case the proper despatch of business shall so require, to detail one or more officers to serve and execute the process of the several courts. Commissioners of police to detail officers to serve and execute process.

39. *And be it enacted*, That the term city prison shall for the purposes of this act be held to include the lock-ups of all the station houses in Jersey City. Term city prison to include the lock-ups at station-houses.

40. *And be it enacted*, That sections one hundred and

Repealer.

nine, one hundred and ten, one hundred and eleven and one hundred and twelve of the act entitled "An act to re-organize the local government of Jersey City," passed March thirty-first, one thousand eight hundred and seventy-one, and all acts and parts of acts inconsistent with this act, be and the same are hereby repealed.

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

Passed April 2, 1873.

CHAPTER CCCCXL.

An Act to repeal an act entitled "An Act for the Preservation of Deer and other Game," approved February twenty-eighth, one thousand eight hundred and seventy-one.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act that prohibits the shooting of wild ducks or geese in the county of Cape May, except only between the fifteenth day of November and the twentieth day of March, is hereby repealed.

Approved April 2, 1873.

CHAPTER CCCCLXI.

An Act to authorize the Building of a Bridge over the Hackensack River.

Construction of a draw-bridge authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders, of the county of Bergen, to build and construct, or cause, or permit to be built and constructed a bridge across the Hackensack river, in the townships of Midland and Palisades, between River Edge Station and

New Milford Station, not more than three thousand feet north of River Edge Station, and to place in said bridge, over the deepest channel in said river, a draw of not more than forty feet wide, of such construction as to impede as little as possible the navigation of said river.

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

Approved April 2, 1873.

CHAPTER CCCCXLII.

A Further Supplement to "An Act to provide for the more efficient Government of the City of Paterson," approved March twenty-fifth, eighteen hundred and seventy-one.

Amendment

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the forty-first section of the act to which this is a supplement shall be amended by inserting after the word "two" the words "and one-half," so that said section shall hereafter read as follows: "41. *And be it enacted*, That the said commissioners, or such of their number as they shall designate for that purpose, shall attend all meetings of the county board of assessors, of Passaic county, which shall be convened according to law, and in the proceedings of said body shall be entitled to as many votes as there are wards in the city of Paterson; and on the day succeeding the adjournment of the annual meeting of said county board, the said commissioners shall proceed to fix and determine such a per centage upon the gross valuation for that year of the taxable property in said city, within and without the exempt districts, as will produce the amount of tax declared by the board of aldermen to be necessary for state, county and city purposes, exclusive of the amount of money to be raised by poll tax, which shall be declared by them to be the rate of taxation for said year; but should said rate exceed two and one-half per centum of the gross valuation of taxable property in said city in such year, the said commissioners shall notify the board of aldermen

Commissioners to attend all meetings of the county board of assessors.

thereof, and thereupon it shall be the duty of the said board to so modify the tax ordinance, previously adopted, that the amount of money therein declared necessary to be raised in that year shall not exceed two and one-half per centum of the gross valuation of taxable property as aforesaid; and the said commissioners shall complete said lists accordingly, assessing to each person, firm, company or corporation named therein, his, her, their, or its proportion of the state, county and city taxes."

Amendment

2. *And be it enacted*, That the one hundred and tenth section of the act to which this is a supplement shall be amended by striking out the words "two-thirds" and inserting the words "three-fifths" in lieu thereof, and by adding at the end of said section the words following: "But when the cost of grading, cutting down, or filling up any street or sections of a street, shall appear to said board to be too great for the owners of property fronting on or adjoining the same to bear, and said work is or may appear to said board to be a special benefit to any other particular section of said city, then the cost of grading, cutting down, or filling up the same may, by the order or direction of said board, be assessed on said section, as well as aforesaid, according to the benefits received;" and said one hundred and tenth section shall hereafter read as follows: "110. *And be it enacted*, That in case objections to such proposed improvement be presented within the time and in the manner prescribed, and signed by a majority of the owners of lands fronting upon such street or section of a street proposed to be improved, then the votes of three-fifths of all the members of the board of aldermen shall be required for the passage of any ordinance directing the said improvement; but in case the original petition for such improvement was signed by a majority of the owners aforesaid, or in case the objections thereto be not signed by such majority of owners, then the votes of a majority of all the members of the said board shall be sufficient to pass any ordinance relating to such improvement; the expense of such work or improvement, except for the changing or altering the grade of a street, shall be assessed on the property fronting on or adjoining the street so improved; but when the cost of grading, cutting down, or filling up any street or section of a street, shall appear to said board to be too great for the owners of property fronting on or adjoining the same to bear, and said work is or

Proceedings in case of objection to proposed improvement.

may appear to said board to be a special benefit to any other particular section of said city, then the cost of grading, cutting down, or filling up the same, may, by the order or direction of said board, be assessed on said section, as well as aforesaid, according to the benefits received."

Amendment

3. *And be it enacted*, That the one hundred and thirty-first section of said act shall be amended by striking out the words "the several drainage districts of," before the words "said city," and also by striking out the words in the "drainage district," and inserting in lieu thereof the words in the "street, avenue or highway," and that said section shall hereafter read as follows: "131. And be it enacted, That on or before the second Monday in June, in each year, it shall be the duty of the said board of estimates and assessments to estimate the average cost per lineal foot of all sewers and drains constructed in said city subsequently to the year eighteen hundred and sixty eight, and up to the time of making such annual estimate, and to transmit a certified statement of such estimate to the department of finance; and in making the annual enumerations, valuations and assessments for taxes in such year, the commissioners of assessments and revision of taxes shall, in a separate column of their assessment books, assess upon each lot fronting on or adjoining a street through which a sewer or drain has been constructed up to that time, a sum per lineal foot of frontage equal to three and a half per centum of the average cost per lineal foot of all sewers and drains constructed subsequently to the year eighteen hundred and sixty-eight, in the street, aveuue or highway wherein such lot is situated, estimated as aforesaid, and the proceeds of such special tax shall be applied to the satisfaction of the interest on the sewer bonds issued or to be issued by the corporation; but no lot shall be assessed for more than twenty-five feet of frontage for every twenty-five hundred feet in area thereof."

Duty of the board of estimates and assessments.

Amendment

4. *And be it enacted*, That the one hundred and forty-fifth section of said act shall be amended by striking out the word "subsequent" before the word "violation," so that said section shall read as follows: "145. And be it enacted, That where sentence of imprisonment shall be passed upon any person for any violation of any ordinance of said city, such person may be required to work not exceeding eight hours per day, at any employment furnished and directed by the

Prisoner may be required to work.

board of aldermen for the use of the corporation, during the term of such person's sentence; any person so sentenced who shall escape, may be re-arrested and required to serve double the unexpired term, or be kept in close confinement for the same double period."

Terms of office.

5. *And be it enacted*, That all officers elected or appointed under the act to which this is a supplement, shall hold their several offices for the terms for which they were respectively elected or appointed, and thereafter until their successors shall have been duly elected or appointed and have qualified; *provided*, that any officer may be removed or suspended at any time in the manner prescribed in the aforesaid act.

Proviso.

Amendment requiring publication in two newspapers.

6. *And be it enacted*, That the fifty-fourth section of said act shall be amended by striking out the words "in the daily newspaper printed and published in said city having the largest circulation," and inserting in lieu thereof the words "two daily newspapers printed and published in said city."

Publication of ordinance after its passage not required.

7. *And be it enacted*, That no publication of any ordinance after its passage shall be required before the same shall take effect, anything in the act to which this is a supplement to the contrary notwithstanding, and that this act shall take effect immediately.

Approved April 2, 1873.

CHAPTER CCCCLXIII.

An Act to enable the township of Matawan, in the county of Monmouth, to build a Lock-up.

Township committee authorized to build a lock-up.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Matawan, in the county of Monmouth, be and they are hereby authorized and empowered to purchase through their township committee, a suitable lot of land in the village of Matawan in said township, and erect thereon a suitable building to be used as a lock-up, house of detention or prison, for said township of Matawan, the cost of said lot and building not to exceed six hundred dollars.

Sums to be raised by taxation.

2. *And be it enacted*, That the sum of six hundred dollars shall be raised by a tax on all the personal and real estate of said township subject to taxation, to be assessed and collected in the manner prescribed by law for the assessment and collection of other taxes in said township, and shall be held by the township collector, subject to the order of said township committee or a majority of them.

Lock-up to be under the control of the township committee.

3. *And be it enacted*, That said lock-up shall remain entirely under the control of said township committee, and the keys of the same shall remain in the charge of some justice of the peace or constable of said township, to be designated from time to time by said township committee.

Persons arrested and convicted of certain offences to be detained in lock-up.

4. *And be it enacted*, That all persons arrested and convicted in said township, under the provisions of an act entitled "A further supplement to an act to describe, apprehend and punish disorderly persons," approved March twenty-seventh, one thousand eight hundred and seventy-one, shall be confined in said lock-up or fined, in accordance with the provisions of said supplement, and such fines as shall be collected shall be paid by the justice imposing such fines, to the overseer of the poor, for the benefit of the poor of said township; *provided*, that when from the circumstances of the case it shall not be convenient or prudent to bring on the hearing of any person arrested as aforesaid, immediately after such arrest, then it shall and may be lawful for the officer making such arrest to confine such person in said lock-up for any time not exceeding twenty-four hours before the time of hearing.

Proviso.

Majority of township committee may remit fines.

5. *And be it enacted*, That any fine may be remitted or person discharged by a majority of said township committee with the concurrence of the justice imposing such fine or committing such person; and that every person committed to said lock-up shall pay the full amount of expense of keeping him or her, before being discharged therefrom, unless the same shall be remitted by said township committee and committing justice.

Fees of justice and constable.

6. *And be it enacted*, That the justice and constable for the due performance of their respective duties under said supplement, shall receive the same fees as are allowed by law in other criminal cases for like services, which fees shall be paid by the prisoner or by said township committee, on a warrant drawn upon them by said justice in his discretion.

Repealer.

7. *And be it enacted*, That all acts or parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed so far as the same may apply to said township of Matawan.

8. *And be it enacted*, That this act shall be deemed a public act.

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

Approved April 3, 1873.

CHAPTER CCCCLXIV.

A Further Supplement to an act entitled "An Act to establish the Long Branch Police, Sanitary and Improvement Commission," approved April eleventh, eighteen hundred and sixty-seven.

Taxes assessed and collected within the jurisdiction of the Long Branch Commissioners for roads shall be paid to the treasurer of said commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the taxes which shall hereafter be assessed, levied and collected by the officers of the township of Ocean, in the county of Monmouth, within the limits of the jurisdiction of the Long Branch commissioners, for roads, or for the improvement or repairs of roads, shall not be applied to roads outside said jurisdiction, but that the assessor and collector of said township shall hereafter assess and collect upon and from the taxable inhabitants within said jurisdiction, and on all real and personal property liable to be taxed therein, the road tax which shall have been ordered to be raised at the previous township election of the township of Ocean, in the same manner as the same have been heretofore assessed, levied and collected, and it shall be the duty of the collector of said township to pay over the amounts of the road tax by him received, which shall have been assessed and collected within the jurisdiction aforesaid, to the treasurer of the Long Branch commissioners, to be expended and applied, under the direction of said commissioners, in repairing and improving the streets, roads and avenues within their jurisdiction; and for this purpose said

assessor of said township shall, by some convenient mark in his duplicate, designate the road tax assessed within the limits aforesaid; and in case of any dispute respecting said designation, or the apportionment of said road taxes, the same shall be determined by the commissioners of appeal in cases of taxation in said township.

Repealer.

2. *And be it enacted*, That all acts relating to the election of overseers of highways in said Ocean township, so far as they relate to the parts of said township embraced within the limits of the jurisdiction of the Long Branch commissioners, are hereby repealed.

Cost of constructing sewers may be assessed upon owners of lands benefited.

3. *And be it enacted*, That it shall be lawful for the Long Branch commissioners to make and adopt a general plan of sewerage and drainage within their jurisdiction, or any parts thereof, and to modify and change the same at pleasure, and to assess the expense and costs of constructing sewers upon owners of lands benefited thereby.

Proceedings for the collection of unpaid assessments.

4. *And be it enacted*, That the assessments for grading, graveling, widening, watering, extending, opening and improving roads, streets and avenues, and the assessments for grading, paving and improving sidewalks and constructing sewers, and all other special assessments, shall be paid to the treasurer of the Long Branch commissioners within twenty days after written demand shall be made for the same upon the land owner or owners against whom said assessments are made; and if said land owner or owners shall neglect or refuse to pay the said assessments within said twenty days, the same shall be recovered, in the name of "The Long Branch Commissioners," from such land owner or owners in an action of debt before any court having cognizance thereof, and the declaration in such action may be general, stating the demand is for so much money paid, laid out and expended in grading, graveling, widening, watering, extending, opening and improving roads, streets or avenues, grading, paving and improving sidewalks, constructing sewers, or as the case may be, and that the special matters may be given in evidence; and that said written demand, to be made by the said treasurer, may be served, by a marshal appointed by said commissioners, upon said land owner or owners, personally, or by leaving the same at his or their dwelling house, or usual place of abode, if resident within the jurisdiction of said commissioners, and in case of non-resident of said juris-

diction, said demand may be served by affixing the same upon some conspicuous place upon the premises of said land owners or owners, and mailing a copy thereof to him or them at his or their nearest post office address.

May raise money by taxation for the purposes of establishing a fire department.

5. *And be it enacted*, That for the purpose of establishing an efficient fire department, and for procuring a hook and ladder truck, or other fire apparatus, and preparing cisterns for a suitable water supply, and for procuring a suitable lot and erecting thereon a building in which to keep said apparatus, it shall be lawful for the Long Branch commissioners to raise, at such times as they may deem expedient, a sum or sums of money not exceeding in all the sum of seven thousand dollars by taxation, in the usual manner for raising funds for the use of said commissioners.

Apparatus to be entrusted to the Oceanic Fire Engine Company.

6. *And be it enacted*, That said commissioners be and they are hereby authorized to entrust the apparatus aforesaid to the Oceanic Fire Engine Company, No. 1, of Long Branch, for care and use, subject to such regulations as said board of commissioners shall deem essential to the welfare of Long Branch; and they are hereby authorized to raise by taxation and appropriate such moneys from time to time as may be necessary to keep the same in repair.

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

Approved April 3, 1873.

CHAPTER CCCCLXV.

An Act to authorize the Township Committee of North Bergen, in Hudson county, to Borrow a sum or sums of Money not exceeding in the whole eight thousand dollars, and to use and expend the surplus moneys of said township for the purchase of a site and erecting thereon a Public Hall.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of North Bergen, and they are hereby

authorized, by and under the name or title of "The Inhabitants of the Township of North Bergen," to purchase a suitable building for a public hall, or to purchase a suitable site within said township, and to erect thereon a suitable public hall for the transacting of public business; *provided, however*, that the total cost of said building or said site and public hall shall not exceed eight thousand dollars. Township committee authorized to erect a public hall. Proviso.

2. *And be it enacted*, That it shall be lawful for the said township committee of North Bergen, and they are hereby authorized and empowered, by and under the name or title aforesaid, to borrow any sum or sums of money, not exceeding eight thousand dollars in all, that they may find necessary, for the purpose of purchasing said building or said site and erecting thereon said public hall. May borrow money for the purpose of purchasing site, &c.

3. *And be it enacted*, That for the purpose of securing the re-payment of said loan, with interest, it shall be lawful for the said township committee, and they are hereby authorized, by and under the name or title of "The Inhabitants of the Township of North Bergen," to issue bonds therefor, for an amount not exceeding said sum of eight thousand dollars, to be designated and styled "public hall bonds," bearing interest at the rate of seven per centum per annum, payable semi-annually, with coupons attached, and to pledge the property and credit of said township for the payment of the same; of which said bonds one thousand dollars shall be made payable in one year from the date of their issue, and the same amount annually thereafter until the whole amount issued shall be redeemed, with the interest thereon; and such bonds shall be sealed with the corporate seal of said township, signed by the chairman of said township, and attested by the town clerk, and registered in a book to be provided and kept by said township committee for that purpose; and it shall be lawful for said township committee to sell or assign the same. Authorized to issue bonds.

4. *And be it enacted*, That in order to provide for the payment of the said loans as the same mature, with the interest which shall from time to time accrue thereon, it shall be the duty of the assessor of the township of North Bergen, annually, to levy and assess upon the real and personal estate in the said township, and in the same manner as other taxes are now levied and assessed, such sums of money as will be sufficient to meet the annual payment of one thousand dollars, with the payment of interest on the Payment of bonds to be provided for by taxation.

whole loan remaining unpaid, which shall accrue for the current year; which assessment shall be collected by the officer now or hereafter authorized by law to collect township taxes, and paid by him in the same manner as all other moneys by him collected are paid into the hands of the treasurer of said township, whose duty it shall be to receive the same, and make payment thereof to the holders of said bonds in the same manner as the other funds of said township are paid out, excepting school funds.

The assessor, collector and treasurer, and the securities of them to be liable for the performance of the duties of said officers.

5. *And be it enacted*, That the said assessor, collector and treasurer, and the securities of them, or either of them, shall be responsible and liable to the inhabitants of the township of North Bergen for the due and faithful performance of the duty of his or their office under this act, in the same manner as is required of him or them under and by virtue of an act entitled "A further supplement to an act entitled 'An act to divide the township of North Bergen, in the county of Hudson,' passed February twenty-eighth, one thousand eight hundred and sixty-one," approved March eighteenth, eighteen hundred and seventy, and the several supplements thereto; and the bonds and securities given by them, or either of them, under and by virtue of said acts of the legislature, for the faithful performance of the duty of his or their office in said township, shall apply to and be responsible for the faithful performance of the duties of said officers under this act, anything in said acts or in any other law of this state to the contrary thereof in anywise notwithstanding.

Surplus moneys of townships may be used.

6. *And be it enacted*, That it shall be lawful for the said township committee, and they are hereby authorized to use, expend and apply all or any surplus moneys of said township that said township may now have on hand or be entitled to on the date hereof, from whatsoever source arising, towards the purchase of said building or said site and the erection thereon of said public hall; *provided*, that the sum so used and applied, and the sum borrowed under and by virtue of this act, shall not exceed the sum of eight thousand dollars in all.

Proviso.

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

Approved April 3, 1873.

CHAPTER CCCCLXX.

An Act to incorporate the "West Jersey Game Protective Society."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William C. Hay, W. V. L. Siegman, W. B. Rosenbaum, Bodine Coffin, Benjamin W. Richards, William C. Shinn, George W. Hires, J. Howard Willets, T. M. Sharp, William Moore, junior, Chester S. Buck, Daniel Elmer, J. E. Sharp and John C. Rockhill and their successors are hereby constituted a body corporate by the name of the "West Jersey Game Protective Society," and to continue for the space of fifteen years next ensuing. Names of corporators. Corporate name.

2. *And be it enacted*, That the said corporation shall have the power to make and adopt a constitution and by-laws and regulations for the admission of its members, for the safe keeping of its property and funds, and from time to time to alter and repeal such constitution, by-laws and regulations. Power to make rules, by-laws, &c.

3. *And be it enacted*, That the affairs of the said society shall be managed by a president, secretary and treasurer, and seven directors; the first board of directors shall consist of William C. Hay, William Moore, junior, W. B. Rosenbaum, J. Howard Willets, George W. Hires, Chester S. Buck and Benjamin W. Richards, who shall hold their offices until the third Wednesday in September, anno domini, one thousand eight hundred and seventy-four, and until their successors are elected and qualified. Officers. Names of the first directors.

4. *And be it enacted*, That the directors may call a meeting of the incorporators mentioned in this act, at any time prior to the third Wednesday in September, anno domini, one thousand eight hundred and seventy-three, for the purpose of electing a president, secretary and treasurer, and to adopt a constitution and by-laws regulating the affairs of said society. Election of officers.

5. *And be it enacted*, That upon the expiration of the term of office of the directors mentioned herein, an election shall be held on the third Wednesday in September of each An annual election shall be held.

year in the city of Camden, for seven directors, six of whom shall reside respectively in each of the six counties coming within the provisions of this act.

Who entitled to vote.

6. *And be it enacted*, That at any election of officers and directors, each member shall be entitled to one vote, to be given either in person or by proxy, and that the officers and directors so elected shall hold their offices until the next annual election, and until their successors are duly qualified; and if for any cause the annual election shall fail, the officers and directors in office shall continue to hold their places until an election shall be had.

Penalty for killing, destroying or hunting game in certain counties contrary to the by-laws.

7. *And be it enacted*, That if any person or persons non-residents of this state, shall kill, destroy, hunt or take any doe, buck, fawn, or any sort of deer whatsoever, or shall kill, destroy, hunt or take any partridge, moorfowl, grouse, quail or woodcock at any time, or shall catch any speckled brook trout, or speckled river trout at any time, within the counties of Camden, Gloucester, Atlantic, Salem, Cumberland and Cape May, in this state, without complying with the by-laws of this game protective society, then the person or persons so offending shall forfeit and pay the sum of fifty dollars each, for each and every offence, to be sued for and recovered with costs of suit in any action of debt, by any person before any justice of the peace of the county wherein such offence shall have been committed; and in default of the payment of the forfeit money with costs of suit, any person or persons so offending shall lie in the common jail until the same shall be paid, one-half of the forfeit money shall be for the benefit of the person prosecuting for the same, and the remainder paid to the collector of the township wherein the offence shall have been committed, for the benefit of the township; *provided*, nothing in this act shall prevent residents of this state from taking game or fish, subject to the existing laws of this state.

Proviso.

Fee for membership.

8. *And be it enacted*, That the fee for membership in this society shall be five dollars, to continue for one year, and a yearly payment thereafter of two dollars per annum shall constitute continued membership, except in cases of forfeiture of certificate.

Certificates of membership to be issued.

9. *And be it enacted*, That the secretary may admit persons to membership by letter or otherwise, upon payment of the membership fee, and shall issue to the person becoming

a member of this society, a certificate of membership which shall hold good for one year from the date of the certificate.

Members are empowered to make arrests.

10. *And be it enacted*, That every member of this society shall be empowered to make arrests of any person or persons who may be found violating any of the provisions of this act, or infringing upon any laws made for the protection of game and fish in this state, and bring him or them before a magistrate for examination.

Lists of names of non-resident members to be furnished the directors.

11. *And be it enacted*, That the secretary of this society shall, on or before the first day of July and the first day of January of each and every year, furnish to each of the directors in the several counties named herein twenty-five printed lists containing the names of non-resident members of this society, with their places of residence.

List to be placed with township clerk.

12. *And be it enacted*, That it shall be the duty of the directors to leave at least two copies of the lists of non-resident members of this society with each township clerk in the county in which he resides.

Lists to be open for inspection on application to township clerk.

13. *And be it enacted*, That it shall be the duty of the clerks of the several townships in the counties herein named to file the lists of non-resident members at their offices or places of business as soon as they may receive them from the directors of the counties in which they reside, and to furnish them to any person for inspection upon application, by the payment of the sum of twenty-five cents.

Certificates of membership, how forfeited.

14. *And be it enacted*, That any person loaning, transferring or giving away his certificate of membership, shall forfeit the same, and shall not be re-admitted to membership in this society, except upon payment of the sum of twenty dollars to the treasurer for a renewal of his certificate; and any person using a certificate of membership (not his own) for the purpose of enabling him to kill or take any game or fish mentioned in this act, the person so offending shall be subject to a fine of one hundred dollars for each and every offense, to be collected in the same way and manner as prescribed in the seventh section of this act.

Funds, how employed.

15. *And be it enacted*, That whenever the funds of this society shall amount to three hundred dollars, the said directors, together with the president and secretary, may at such time as they think proper, employ an agent or agents to purchase game birds or fish to be placed in the counties herein named, at such points as they may determine.

Funds received from non-resident members, how employed.

16. *And be it enacted*, That the funds obtained from non-residents for certificates of membership shall be used for no other purpose than to pay the legitimate expenses of the society, and for the purpose of stocking the several counties named with game or fish, as the directors may from year to year determine.

No compensation to be allowed president or directors.

17. *And be it enacted*, That there shall be no salary attached to the office either of president or director of this society, only so far as is necessary for the payment of their traveling expenses to and from the meetings of this society; but the secretary may receive such compensation for his services as the by-laws of this society may provide.

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

Approved April 3, 1873.

CHAPTER CCCCLXXI.

An Act for the Preservation of Sheep in the Township of Montgomery, in the County of Somerset.

Assessments to be made upon owners of dogs for damages sustained.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be and is hereby made the duty of the township committee of the township of Montgomery, in the county of Somerset, in each and every year after the passage of this act, to ascertain the amount of damages which has been sustained during the past year by any resident of said township by the destruction or wounding of his, her or their sheep or lambs, by any dog or bitch, and also to ascertain the number of dogs and bitches owned or harbored in said township; and upon ascertaining the same, the township committee of said township shall direct the assessors of said township to make an assessment upon all owners or harborers of any dogs or bitches therein, to an amount equivalent to the damages so sustained, said assessments to be made at such a rate, upon every such owner or harborer of any dog or bitch, as said township committee

may deem equitable and just; *provided*, the rate so fixed, to be paid by the owner or harborer of any pen bitch, shall be at least double that imposed upon the owner or harborer of any dog in said township. Proviso.

2. *And be it enacted*, That the sums of money collected by virtue of this act shall be exclusively appropriated, by said township committee, to make good any loss or losses which may be sustained by any person or persons by the destruction or wounding of his, her or their sheep or lambs within the said township; and the amount so directed to be assessed and collected each and every year, in said township, shall be assessed and collected by the assessors and collectors appointed or elected in said township for the assessing and collecting of the state, county and township tax therein, in the same manner and at the same time as the other annual taxes in said township are now or shall be hereafter assessed and collected. Moneys collected, how appropriated

3. *And be it enacted*, That all acts, so far as they apply to said township, which conflict with or are repugnant to this act, be and the same are hereby repealed, and this act shall take effect immediately. Repealer.

Approved April 3, 1873.

CHAPTER CCCCLXXII.

An Act to appropriate a certain Trust Fund for School Purposes.

WHEREAS, Edmund Condit, of West Orange, county of Essex, and state of New Jersey, holds funds, securities, and so forth, as trustee for the inhabitants of that portion of West Orange, set off from the town of Orange, in said county and state, by a supplement to an act entitled, "An act to create from parts of the town of Orange and the townships of Caldwell and Livingston, in the county of Essex, a new township, to be called the township of Fairmount," approved March eleventh, anno domini, one thousand eight hundred and sixty-two, which said supple- Preamble.

ment was approved March fourteenth, anno domini, one thousand eight hundred and sixty-three, by virtue of a deed of trust made by William King and wife, of East Orange, and Ambrose Condit, of West Orange, to him as trustee for the sole use and benefit of the inhabitants of the portion of West Orange aforesaid; *and whereas*, the said trustee is desirous to ascertain the will of the inhabitants of said portion of West Orange as to the disposal of said funds in a legal and authoritative manner; *and whereas*, the legal voters of School District Number Thirty-nine, present at the last annual meeting in September, one thousand eight hundred and seventy-two, did, by an unanimous vote, instruct the trustees of said school district to obtain their just proportion of said fund to be used for the benefit of the school in said district,

Election shall be held in order to ascertain the will of the inhabitants relative to the disposal of the trust fund.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to determine the will of the inhabitants of said portion of West Orange in the matter aforesaid, an election by the legal voters of said portion of West Orange shall be held at the Saint Mark's District school house, located in West Orange, on the fifth Tuesday in April, anno domini, one thousand eight hundred and seventy-three, between the hours of twelve o'clock, noon, and six o'clock in the afternoon, the issues whereof shall be stated on printed ballots, as follows: "Shall the trust funds be used for school purposes?" with the addition of the word "aye" on one set of ballots, and the addition of the word "nay" on the other set of ballots, at which election the clerk of the township of West Orange shall preside, and count the votes and record in the book of records of said township the number of legal votes polled, and the number thereof voting "aye," also the number voting "nay;" and it shall be the duty of the said clerk of the township of West Orange to publish a notice of the time and place at which such election is to be held, and the purpose for which it is to be held, in two newspapers published in the town of Orange, and to post such notices in at least three prominent places within the said portion of West Orange at least ten days prior to said election.

Proceedings if the fund is to be used for school purposes.

2. *And be it enacted*, That if a majority of the legal votes polled at the said election shall be in the affirmative, the said Edmund Condit, trustee aforesaid, shall pay to the collector of the township of West Orange, to the credit of the

school districts, or portions thereof within said portion of West Orange, any and all sums of money that he has or may receive, derived from said trust, and shall use all reasonable diligence in converting the securities now in his hands as trustee aforesaid into money, to be disposed of as above stated; *provided*, that the said trustee shall be allowed to retain out of any moneys received on account of said trust fund five per centum thereof, to reimburse him for necessary expenses and for his services as such trustee. Proviso.

3. *And be it enacted*, That the collector of the township of West Orange shall hold such funds received from said trustee subject to apportionment by the superintendent of schools for the county of Essex, state of New Jersey, as hereinafter provided, and advise said superintendent as such funds are received and the amount thereof, and when apportioned shall pay to the order of the trustee, or other legal officers of said school districts or portions thereof, such moneys as by said apportionment they shall be entitled to receive. Duty of the township collector.

4. *And be it enacted*, That it shall be the duty of the superintendent of schools for the county of Essex, as he shall be advised by the collector aforesaid, to apportion said moneys among the school districts or parts thereof lying within said portion of West Orange, pro rata, according to the number of scholars enrolled therein in the year, anno domini, one thousand eight hundred and sixty-seven, and shall advise the collector aforesaid thereof. Duty of the county superintendent of schools.

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

Approved April 3, 1873.

CHAPTER CCCCLXXIII.

An Act for the Protection of Free Bridges in the Counties of Essex, Hudson and Bergen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "A supplement to an act entitled 'An act to provide a

New Jersey State Library

Provisions extended to all free bridges over the Passaic in Essex, Hudson and Bergen counties.

free bridge across the Passaic river at the city of Newark,'" which supplement was approved the seventh day of March, one thousand eight hundred and seventy-two, shall extend and apply to all free bridges over the Passaic river between the county of Essex and the counties of Hudson and Bergen; and that this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved April 3, 1873.

CHAPTER CCCCLXXIV.

A Further Supplement to an act entitled "An act to incorporate Morristown," approved April sixth, one thousand eight hundred and sixty-five.

Duty of the township collector.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the collector of the township of Morris, in the county of Morris, on or before the first day of January in each and every year, to pay over to the treasurer of Morristown, five-sixths of the taxes for the maintenance and support of the poor, which shall have been raised by the said township for that purpose and collected up that time; and all such money uncollected on the first day of January in each year that shall afterwards be collected shall be paid over to the said town treasurer in the same proportion, so soon as collected; which money so paid to the said town treasurer or so much of it as may be deemed necessary, shall be expended in the care and maintenance of the vagrant and other poor of the said town, under such regulations and ordinances as the common council of the said town have adopted or may from time to time adopt.

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

Approved April 3, 1873.

CHAPTER CCCCLXXV.

A Further Supplement to an act entitled, "An Act to reorganize the local government of Jersey City."

Assessments for street improvements or construction of sewers shall be paid within five years from date of assessment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after the passage of this act, all assessments for the improvement of streets or the construction of sewers, shall be paid at or before the expiration of five years from the time of the confirmation of the assessment, and the property assessed for any such street or sewer improvements shall be charged with interest upon the amount of the assessment, at the following rate, viz.: nine per centum per annum at or after any time before the expiration of five years after confirmation, and ten per centum per annum if paid during the fourth or fifth year after such confirmation; said interest shall become due and payable every six months after the confirmation of the assessment until the amount of the assessment shall be paid; if such interest shall not be paid when due or within ninety days thereafter, or if the said assessment shall not be paid at or before the expiration of five years from the date of its confirmation, then the said assessment together with the interest shall become due and payable forthwith; and the payment thereof by the sale of said lands shall be enforced in the manner provided by the city charter of Jersey City in cases of sales of lands for non-payment of assessments; and the said assessments, together with the interest and all charges and costs thereon, shall be and remain a lien upon the lands so assessed until paid.

Repealer.

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

Approved April 3, 1873.

CHAPTER CCCCLXXVI.

A Further Supplement to the act entitled "An Act concerning Fees and Costs," approved March fourteenth, one thousand eight hundred and fifty-six.

Fees of crier and sergeant at-arms of Essex county courts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act the sergeant-at-arms and crier of the circuit court and of the supreme court and the court of common pleas in the county of Essex, shall receive and be paid the sum of three dollars for each day he shall attend either of said courts.

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

Approved April 3, 1873.

CHAPTER CCCCLXXVII.

An Act to Prevent Animals from Running at Large in a part of the Township of Union, in the County of Ocean.

Provisions of act extended to Union township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of an act entitled "An Act to prevent animals from running at large in the village of Toms River and vicinity," in the county of Ocean, approved March fourteenth, one thousand eight hundred and sixty-seven, be and they are hereby extended to all that part of the township of Union, in the county of Ocean, lying east of a line two miles west from and parallel to the Main Shore road, leading from Toms River in said county of Ocean, to Tuckerton in the county of Burlington.

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

Approved April 3, 1873.

CHAPTER CCCCLXXVIII.

An Act to divide Stoe Creek Township, in the County of Cumberland, into three Road Districts, and for the election of Overseers in the same.

Township to be divided into three road districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township of Stoe Creek, in the county of Cumberland, shall hereafter be divided into three road districts, to be known and designated as the First, Second and Third Road Districts of said township, and that hereafter the overseers of the highways of each of the said road districts in said township shall be elected viva voce by a majority of the legal voters in each district, assembled for that purpose, as hereinafter provided.

Time and place of holding elections.

2. *And be it enacted*, That such election, for the year one thousand eight hundred and seventy-four, shall be held in each road district on the Friday next preceding the annual town meeting, between the hours of two and four o'clock in the afternoon; and the place of holding such election for the first district shall be at Zenos Davis' mill, for the second district at the town hall, for the third district at the Union school house in School District Number Fifty-seven, in said township, and that such election shall be held annually in said districts on the Friday next preceding the annual town meeting, between the hours of two and four o'clock in the afternoon, at such place as shall have been appointed by said legal voters at the last election, but if they shall neglect or omit to appoint a place, then such election shall be held at the place at which such election was last held, and in all cases ten days' notice of such election shall be given by the overseers of each district, by advertisements signed by himself and put up in two of the most public places in the district, making known the time and place.

Election of moderator and secretary.

3. *And be it enacted*, That, at such election, a moderator and secretary shall be chosen viva voce, the said moderator to preside over said election, and to decide all questions of order, and also, in case of dispute, to determine who have

and who have not a right to vote according to law at such meeting.

Duties of the moderator and secretary.

4. *And be it enacted*, That it shall be the duty of the moderator and secretary of the said annual meeting, held for the election of overseers, to make a certificate of the results of such election, stating who was duly elected overseer and the place appointed for holding the next election, which certificate, signed by the moderator and secretary of said meeting, shall, on or before the day of the following town meeting, be filed with the clerk of the township, to be by him recorded.

Names of the commissioners to determine the boundaries of the road districts.

5. *And be it enacted*, That for the purpose of dividing the said township into three road districts, as provided by the first section of this act, George Bonham, Belford E. Davis, Benjamin F. Swing, William Tomlin, and Gilbert A. Ayers, are hereby appointed commissioners, who shall meet on the first Monday in August, one thousand eight hundred and seventy-three, at the town hall in said township, and afterwards at such times and places as they shall appoint, and proceed to determine the boundaries of the said road districts, and having definitely ascertained and fixed the said boundaries, shall cause a certified copy of their proceedings to be delivered to the clerk of the township, to be recorded by him in the official records of the township.

Repealer.

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

Approved April 3, 1873.

CHAPTER CCCCXC.

An Act for the relief of John W. Van Pelt, and Richard Decker, of the City of Elizabeth, County of Union, State of New Jersey.

Pension.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be and is hereby authorized and required to pay to John W. Van Pelt and Richard Decker, of the city of Elizabeth, who

were severely wounded while serving under the orders of the state militia, by the bursting of a cannon, while engaged in firing a national salute on the fourth day of July, one thousand eight hundred and seventy-one, the sum of two hundred dollars per annum during the term of their natural life, in equal semi-annual payments of one hundred dollars each, the first payment to be made upon the first day of May, one thousand eight hundred and seventy-three.

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

Approved April 3, 1873.

CHAPTER CCCCXCVII.

A Supplement to an act entitled "An Act to Widen, Grade and Improve Ridge Road, in the Township of Union, in the County of Bergen," passed March sixth, one thousand eight hundred and seventy-two.

Powers and duties of the commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners appointed by and under the act to which this is a supplement, and their successors, shall have and they are hereby granted the same powers as are therein conferred, and shall lay, relay, open and widen to a width of one hundred feet, grade and improve all that certain road commonly known as Orient Way, in the township of Union, county of Bergen, from its starting point at the square in front of the Rutherford Park station of the Erie Railway, to its southerly terminus; and also to extend the same to connect with the public road known as the Neck road, at such point thereon near the Kingsland station, on the Delaware, Lackawanna and Western Railroad in said township, as the commissioners may elect, and thence at the option of the commissioners, further to extend the same along said Neck road to a point at or near the Kingsland Manor House; and shall further lay, relay, extend, open and widen to a width of not less than sixty-six feet or more than seventy-five feet that certain

road commonly known as Rutherford avenue, from the road known as the River road, to the road known as the Neck road, all in said township of Union; the said commissioners, in the exercise of said powers, and in carrying on said work, shall proceed in all respects in the manner prescribed in the aforesaid act, except as herein provided for; but the certificates of indebtedness to be issued by them shall bear interest, payable semi-annually on the first days of January and July, and in order to provide a fund therefor, the commissioners are hereby authorized to sell and negotiate from to time, as the same may be necessary, certificates of indebtedness at a rate of discount not more than ten per centum of their par value.

Commissioners may take lands, &c.

2. *And be it enacted*, That said commissioners shall have power to enter upon and take any lands and improvments necessary for carrying out the purposes of this act, except between New Jersey avenue and Valley Brook avenue, where the centre line of said Orient Way shall be made twenty feet west of the present centre, and in making up their assessments shall allow the owner thereof such damages therefor as in the judgment of the commissioners shall have been sustained thereby, due regard being always had to the proviso in section three of the act to which this is a supplement.

Commissioners shall ascertain by appraisal the amount the work shall have diminished the total expense of the improvement.

3. *And be it enacted*, That the total amount to be expended by the commissioners shall not exceed the sum of fifteen thousand dollars, and that before work shall be commenced upon such portion of the road upon which any grading may have been done at private expense prior to the passage of this act, it shall be the duty of said commissioners to appraise the amount in which such work shall have diminished the total expense of the improvement contemplated by this act; and the lands of the different owners fronting on such portion of said road shall be credited with the amount of such appraisal, and shall be assessed only with such sums, if any, as shall be necessary in order to make such lands bear their ratable proportion of the entire cost of the work, including the amount expended by the commissioners, together with the value of work done on said road before the passage of this act, as ascertained by the appraisal hereinbefore provided for; but this section shall not entitle said owners to an award for any excess in said appraisal over their ratable proportion of the total cost of the work.

4. *And be it enacted*, That the office of said commissioners shall expire at the end of three years from the date of the passage of this act, and each commissioner shall be entitled to the sum of three dollars per day, for each day he is engaged in the performance of his duties under this act. Compensation of the commissioners and term of office

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

Approved April 3, 1873.

CHAPTER CCCCXCVIII.

An Act to revise the Charter of the Borough of Princeton.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Princeton lying and being in the county of Mercer, as is contained in the following limits and boundaries, that is to say: beginning easterly on the turnpike road at a point in a line with the westerly line of the road running north between the farms of Leavitt and Edward Howe, and running thence southerly in a line with said road five hundred yards; thence westerly in a straight line, passing south of the town, to the easterly line of the road running from the turnpike at Job G. Olden's towards the Delaware and Raritan canal at a point opposite the southeasterly corner of a lot formerly of Thomas Olden; thence northerly along said road to the turnpike; thence still northerly along the easterly line of the road between Charles S. Olden and Susan D. Brown, and in a straight line with it across the old stage road, upon lands of Samuel W. Stockton, two thousand yards; thence easterly in a straight line, passing north of the town, to a point in the westerly line of the road between Leavitt and Edward Howe, at a point six hundred yards from the place of beginning; thence along said road south to the place of beginning, shall be and is hereby erected into a borough, which shall be called and known by the name of "The Borough of Princeton," and the inhabitants thereof shall be and are hereby incorporated by the name of "The Mayor and Council of the Borough of Princeton," and by that Boundaries. Corporate name and powers.

name they and their successors forever shall and may have perpetual succession; shall be persons in law capable of suing and being sued, pleading and being impleaded, answered and being answered unto, defending and being defended in all manner of actions, suits, complaints, matters and causes whatever; may have a corporate seal and alter the same at their pleasure, and may by their corporate name aforesaid, purchase, lease, receive, hold and convey any estate, real or personal, for the use of said corporation.

Borough officers.

2. *And be it enacted*, That the officers of said borough shall consist of a mayor, who shall be the keeper of the borough seal, eight members of council, one assessor, one collector, who shall be borough treasurer, a borough clerk, a borough surveyor, a borough solicitor, one judge of election, three commissioners of appeal in cases of taxation, one marshal, and one pound-keeper; the said officers to be elected as is hereinafter directed, except the borough marshal, surveyor and solicitor, who, together with such and so many policemen and other officers as may be deemed necessary for the government of said borough, shall be appointed by the council.

Time of holding annual charter election.

3. *And be it enacted*, That the charter election shall be held on the first Monday in April in each year, at the place appointed and designated for that purpose by the council, between the hours, in the same manner, and under the same regulations in all things as prescribed by law for state elections for members of the legislature; *provided*, that the first charter election held after the passage of this act, shall be held at the same time and place, under the same regulations, and in the same manner as is now provided by law for holding borough elections in the borough of Princeton.

Proviso.

Election officers.

4. *And be it enacted*, That all future elections to be held in said borough, shall be held by the judge of election, the assessor and the collector, who for the purposes of this act shall be styled judges of election, and have equal powers with the person chosen as judge and clerk of said borough, at the place therein designated for holding the charter elections, on the day or days which now are or hereafter may be fixed by law for holding such elections, and such elections shall be conducted by said officers, in all things pursuant to the laws of this state, applicable to such elections in this state, and they shall be liable to the same obligations, duties and penalties, imposed upon the like officers of

elections in the townships of this state, and they shall be entitled to the same compensation for their services in all elections, as the like township officers are entitled to receive; and in case of absence, disqualification, or inability of any of them, the vacancy shall be supplied in the manner prescribed by the laws of this state in such cases.

Election of mayor, councilmen and other officers

5. *And be it enacted*, That at the first election held under this act, and annually thereafter, there shall be chosen by ballot, by the legal voters thereof, from among the citizens of the same, one assessor, one collector, a borough clerk, one judge of election, three commissioners of appeal in cases of taxation, and one poundkeeper, to serve for one year; and at the said first election there shall be elected a mayor, who shall be elected for two years, and eight members of council, who shall on the Monday following their election, meet and divide themselves by lot into two classes; the terms of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the first year; so that four councilmen shall be elected in each and every year, to hold their office for the term of two years, and if vacancies happen by resignation or otherwise, the persons elected to supply such vacancies shall be elected for the unexpired term only; *provided further*, that the mayor elect shall, ex-officio, be the president of the council of said borough, and shall have a vote upon all matters appertaining to said borough in said council assembled.

Proviso.

Board of election.

6. *And be it enacted*, That the judge of election, who shall be chairman, and the assessor and collector, and borough clerk, shall constitute a board of election, and in case of absence, disqualification or inability of any of them, the vacancy shall be supplied in the manner prescribed by the laws of this state in such cases; the name of each voter at such election shall be written in a poll-book by the borough clerk; and after the poll shall be closed, the said judges of election shall immediately count the votes given for the several candidates and certify the result under their hands, and deliver such certificate to the borough clerk, who shall file and preserve the same in his office; the person or persons receiving the greatest number of votes given for any office in said borough shall be deemed to be elected to that office, and the borough clerk shall, within five days after such election, give notice of the result of such election, in the same

manner that clerks of townships in this state are required to give notice of the results of elections in said townships.

Who may vote.

7. *And be it enacted*, That all persons residing in said borough, qualified by the laws of this state, or of the United States, to vote at elections in this state, shall be entitled to vote at all elections held under this act; and the said citizens, so entitled to vote, shall be capable of holding any office created by this act of incorporation; *provided*, that no person shall be elected or serve as mayor, or member of council, unless he shall have resided in said borough at least one year immediately preceding such election.

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Council to fill vacancies in borough offices.

8. *And be it enacted*, That in case any vacancy shall occur in any of the borough offices by resignation, disqualification, or death of the incumbent of said office, or in any manner whatsoever, the council shall fill, by appointment, such office for the unexpired portion of the year in which said vacancy shall occur.

Duties and powers of the mayor.

9. *And be it enacted*, That it shall be the duty of the mayor of said borough to see that the laws of the state and the ordinances of the borough are faithfully executed therein, 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 in said borough, and shall have power to suppress all riots and tumultuous assemblies, and cause to be arrested, on his own view, without process or warrant and to commit for trial, all persons violating, or whom he has reason to believe have violated the laws of this state or the ordinances of the borough; he shall possess the same powers and authority in all cases with which justices of the peace are now invested; and shall have power and authority to try all causes and complaints arising from the violation of any of the ordinances of said borough, and all persons who shall be arrested for drunkenness and disorderly conduct; and he is hereby authorized to commit any person so offending to the borough jail or the jail of the county of Mercer, for any period not exceeding thirty days, or impose a fine not exceeding twenty dollars, or both.

Vacancy in the office of mayor, how filled.

10. *And be it enacted*, That whenever there shall be a vacancy in the office of mayor, or whenever the mayor shall be prevented, by absence from the borough, sickness, or any other cause, from attending to the duties of his office, the president of the council, or if the said president shall be

absent or disabled, the president to be elected pro tempore shall act as mayor, and possess all the rights and powers of the mayor during the vacancy in office caused by the absence or disability of the mayor or president of the council.

Duty of the collector who shall be borough treasurer.

11. *And be it enacted*, That it shall be the duty of the collector, who shall be borough treasurer, to receive and collect all moneys due to said borough, whether for taxes, assessments, arrears of taxes, or otherwise, and safely keep and disburse the same under the direction of the council, and shall pay out the same only upon the warrant of said council, signed by the president and countersigned by the clerk, and no warrant on the borough treasurer shall be authorized, except in pursuance of an order of said council, passed at a stated meeting and entered on their minutes; and such warrants shall be made and numbered, payable to the order of the person or persons to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid; the said treasurer shall keep a record of his proceedings affecting the revenue of the borough, and shall annually, on the first Wednesday in March, or oftener if required by the council, make out and publish a true statement in detail of all moneys received and disbursed by him, and file a copy of said statement with the borough clerk.

Taxes to be assessed and collected as provided for by ordinance

12. *And be it enacted*, That all taxes raised within and for said borough, for all purposes authorized by this act, shall be assessed and collected in such manner and within such times as the council shall by ordinance direct.

Commissioners of appeal.

13. *And be it enacted*, That the commissioners of appeal in cases of taxation shall meet at such time and place as the council shall by resolution appoint, of which time and place the usual notice shall be given by the collector; they shall have power to hear all complaints of unjust taxation as like officers are authorized to do.

Duties of the borough clerk.

14. *And be it enacted*, That the borough clerk shall be clerk of council, and have charge of all the records, books and documents of the borough, except when the council shall otherwise direct by ordinance; he shall keep a record of the proceedings of council; he shall engross all ordinances in a book to be provided for that purpose, and shall perform all such other duties as may be from time to time prescribed by the said council, and shall possess the powers generally incident to clerks of townships, so far as the same be not

Proviso. inconsistent with this act; *provided*, that said borough clerk shall not be disqualified from sitting as clerk of any election by reason of his being a candidate for said office at said election.

Duties of surveyor, assessor, &c. 15. *And be it enacted*, That the surveyor, pound keeper and assessor shall perform the duties required of such officers by law in the township of Princeton, in this state, and the ordinances of said borough.

Duties and powers of the marshal. 16. *And be it enacted*, That the marshal of said borough shall possess the same powers, take the same obligation, perform the same duties, be subject to the same penalties, and receive the same fees as any constable of any township in this state; and the said marshal and policemen, appointed for said borough, shall have power to arrest and take into custody, on his or their own view, without warrant, any person or persons offending against any ordinance of said borough, and take any person so offending forthwith before the mayor, or acting mayor, for a hearing, and in case such hearing cannot immediately be had, to confine any person so offending in the borough jail, or county jail of the county of Mercer, until a hearing can be had; *provided*, that such hearing shall be given within twenty-four hours after such arrest, or the offender discharged.

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All persons elected or appointed to office required to take andsubscribe an oath or affirmation. 17. *And be it enacted*, That no person elected or appointed to any office in pursuance of this act, or any law or ordinance of the council, shall enter upon the discharge of his duties unless within ten days after his election or appointment he shall take and subscribe before the mayor or borough clerk, or some person authorized to administer oaths and affirmations, an oath or affirmation faithfully, fairly and impartially to execute the duties of his office according to the best of his knowledge, skill and ability, and shall file said oath or affirmation with the borough clerk, who shall keep all such oaths and affirmations on file in his office, and the oath of the borough clerk filed by the mayor; and if such persons shall neglect to take such oath or affirmation within the time herein specified, or shall neglect within said time to give such security as may be required of him, he shall be considered as having declined such office, and the same shall be deemed vacant.

Clerk, treasurer, &c., to give bond. 18. *And be it enacted*, That the borough clerk, treasurer, and such other officers as the council may require, shall, before they enter on the duties of their office, give bonds to

the borough in its corporate name, in such sums and with such sureties as the said council may approve, for the faithful performance of their duties.

Fines to be paid into treasury.

19. *And be it enacted*, That all fines inflicted by ordinances, shall, when received, be paid into the borough treasury.

Council to have legislative powers.

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

Of the passage of ordinances and resolutions.

21. *And be it enacted*, That every ordinance and every resolution of the council affecting the interests of the borough, shall, before it takes effect, be presented duly certified to the mayor; and the report of the clerk shall be conclusive evidence that the said ordinance or resolution has been so presented to the mayor; if he approves it, he shall sign it, if not, he shall return it with his objections, and file the same with the clerk within five days after he shall have received it, and the said board shall at its first regular meeting thereafter, order the objections to be entered at large on its journal, and shall proceed to reconsider the same; and if two-thirds of all the members shall pass the same, it shall take effect as a law: but in every such case the vote shall be taken by ayes and noes, and entered on the journal; and if such ordinance or resolution shall not be so returned by the mayor within the time above specified, it shall become a law in like manner as if he had signed it; *provided*, that each and every ordinance and resolution so passed as aforesaid, shall be published for the space of two weeks at least, once in each week, in a newspaper published and printed in said borough, before said ordinance or resolution shall go into effect; *provided also*, that no ordinance or by-law shall be

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enacted or passed by the said council, unless the same shall have been introduced before the said council at a previous meeting, and shall have been agreed to by a majority of said council; but said council may by a two-third vote put any such ordinance or by-law on its final passage on the same day on which the same shall be introduced.

Majority of council shall be a quorum.

22. *And be it enacted*, That a majority of the council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time and compel the attendance of absent members; the said council shall hold the annual meeting on the Tuesday next after the annual election, and such other stated meetings during the year as they, by ordinance or resolution, may appoint; but the mayor or president of council, or any three members thereof, may call special meetings by a notice in writing to each of the members, served personally or left at his usual place of abode, at least twenty-four hours previous to the time appointed for such meeting.

Of resignations and vacancies.

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

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Council shall fix the compensation of mayor, &c.

24. *And be it enacted*, That the council shall have power to grant a salary to the mayor not exceeding three hundred dollars per annum; to fix the pay, salary or compensation of the borough clerk, assessor, collector, who shall be treasurer, marshal, and all other officers elected or appointed under and by virtue of this act, except as it is otherwise herein provided; *provided*, that no member of council shall receive either directly or indirectly, any compensation for the performance of his official duties.

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Compensation not to be increased.

25. *And be it enacted*, That the salary or compensation of any officer which has been once fixed, shall not be increased during his term of office.

To prescribe the duties of officers by ordinances.

26. *And be it enacted*, That it shall be the duty of the said council by ordinance or ordinances, to prescribe and define the duties, and establish all needful regulations for the gov-

ernment of all officers in the different departments of said borough, and to require any of them to make returns and reports at stated periods during the year, and the payment into the borough treasury of all money received for fines, penalties, or from any other source not herein otherwise provided for.

Council may make and repeal ordinances.

27. *And be it enacted*, That the said council shall, by their title, "The Mayor and Council of the Borough of Princeton," have power to pass, enforce, alter and repeal ordinances to take effect within said borough, for the following purposes, to wit:

To lay out, open and vacate streets.

I. To lay out, open, widen, vacate, alter, grade, fill up, straighten, extend, clean, repair, re-fill, establish, alter and regulate the grade and grading of all streets, avenues and roads, side and crosswalks; *provided*, that nothing herein contained shall be construed to interfere with the grade of any railroad within the limits of said borough, nor with the rights of any turnpike company, to forty feet of the centre of any turnpike road, within the limits of said borough; but said borough shall have the right to make suitable crosswalks for footpaths over and across any such turnpike road; to ascertain and establish the grades and boundaries of all streets, public alleys, roads and sidewalks in said borough; and to authenticate any and all of said improvements by maps or otherwise, *provided further*, that the grade being thus established, shall not be altered except by consent of the owners of two-thirds of the frontage affected by such alteration;

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To pave, grade and curb streets and roads.

II. To pave, macadamize, gravel, curb and gutter the streets, avenues and roads; to construct and build, and repair sewers and drains in and from any, or in and from any parts of the public streets, roads, alleys, places, and public or private grounds in said borough;

To lay side and cross-walks.

III. To lay sidewalks of brick or other material; to lay out crosswalks of stone or other material; to re-set the curbs and gutters in the streets and roads, or any part thereof; and to keep the sidewalks and gutters free from snow and ice, and other impediments;

To regulate the laying of water or gas pipes.

IV. To regulate the laying of water or gas pipes in or under the streets or roads, or any part thereof, in said borough;

V. To declare what shall be considered nuisances in

To remove and abate nuisances.

streets, roads, lots and places in said borough, and to remove or abate the same; to prevent and remove all obstructions, encroachments, incumbrances, and nuisances in and upon any street, road, alley, sidewalk, lot or enclosure, place or places in said borough;

To regulate slaughter houses.

VI. To locate, regulate, prohibit, or remove slaughter houses;

To employ detectives and offer rewards.

VII. To employ detectives for the discovery and arrest of criminals, and offer rewards for the same, not exceeding three hundred dollars for each crime, to be paid upon the conviction of the criminal.

To secure the safe use of all streets and sidewalks.

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

To regulate the driving of cattle droves.

IX. To regulate and control the driving of cattle, mules and other animals in droves, through the streets of said borough;

To adopt an assessment map.

X. To make and adopt an assessment map, whereby to describe lands assessed for taxes and improvements;

To adopt a general plan of sewerage and drainage

XI. To make and adopt a general plan of sewerage and drainage for said borough, or any part thereof, conformably to which all sewers, drains, and all other appurtenances of public drainage shall be constructed, and to alter and vary the same;

To prevent animals from running at large and to impose tax on dogs.

XII. To prevent horses, cattle, sheep, swine, dogs, goats, and all other animals, from running at large; and to provide for the impounding and sale of the same; to impose a tax upon dogs, to be assessed and collected in the same manner as the like tax is assessed and collected in the several townships in this state; and to provide for the muzzling, restraining and destruction of dogs;

To prevent and punish cruelty to animals.

XIII. To prevent immoderate and fast driving in the streets or roads; driving over or upon sidewalks; to prevent and punish cruelty to animals; to direct and regulate the planting, rearing, trimming, and preserving of shade and ornamental trees in the streets and public places in said borough;

To prevent disorderly assemblages

XIV. To prevent riots, disturbances, and disorderly assemblages, in the streets or alleys, or in any house or place in said borough; to prevent and suppress all gaming houses, and houses of ill-fame; and to prohibit gaming; to restrain

and punish indecent and disorderly conduct and drunkenness, and to restrain and punish all mendicants, street beggars and common prostitutes; to suppress vice and immorality;

To license and regulate restaurants, beer saloons, bowling alleys, &c., and to regulate the traffic in and sale of intoxicating liquors.

XV. To license and regulate, or prohibit restaurants, beer saloons, bowling alleys, billiard saloons, oyster houses and cellars, hay scales; and to regulate or prohibit all traffic in or sale of intoxicating drinks in said borough; to prevent the manufacture or sale of adulterated, spurious or poisonous spirituous or malt liquors in said borough; to regulate or prohibit the sale of liquors by druggists, and the keepers of any drug stores therein, except in cases of prescription by regularly licensed physicians; to license, regulate or prohibit hawkers and hucksters, on such terms, and under such regulations and penalties, as the said council shall by ordinance impose; and no license for any of the above purposes within said borough, granted by any other authority, shall be lawful, except licenses granted by the governor to hawkers and peddlers;

To prescribe the duties and compensation of officers.

XVI. To prescribe the duties and compensation of all officers herein named, not already fixed by statute;

To regulate the finances.

XVII. To manage, regulate, control and protect the finances and property, and all public buildings of the borough, and the erecting and maintaining of said buildings;

To establish police force.

XVIII. To establish, regulate and control a borough police force; to regulate and define the manner of their appointment and removal, their duties and compensation; and to provide for the safe keeping of criminals, offenders, and persons under arrest in the borough jail, or jail of the county of Mercer;

To regulate the manner of erecting buildings.

XIX. To regulate and control the manner of erecting dwelling houses and other buildings, and to prohibit, within certain limits, to be from time to time prescribed by ordinances, the building or erecting of any dwelling house, store, stable, or other building, of wood or other combustible materials;

To establish a fire department.

XX. To establish, regulate and control a fire department, with power to exempt its members from serving as jurors in the courts for the trial of small causes, and from militia duty in time of peace; to provide fire engines, hose, and hook and ladder carriages, and all apparatus and houses needful therefor; *provided*, that the members of said fire department shall reside within the limits of said borough, and shall not exceed sixty men to each and every fire en-

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gine, and thirty men for each and every hose or hook and ladder company;

To regulate the sinking of wells, &c., and to provide for the prevention and suppression of fires.

XXI. To regulate and sink wells, cisterns and pumps in the streets and enclosures of said borough, and to provide water for the extinguishment of fires; to regulate the keeping of gunpowder and other dangerous or combustible materials; to provide for the prevention and suppression of fires; to regulate the construction of chimneys or flues, and the cleaning of the same; to prevent the setting up or constructing of furnaces, stoves, boilers, ovens or other things, and to regulate or prohibit the carrying on of any trade, business, or manufacture, likely to cause fires or endanger the health or well-being of the inhabitants of said borough.

To provide for lighting streets.

XXII. To provide street lamps for and to light the streets, either by gas or other material;

To establish a board of health.

XXIII. To provide health laws and to establish a board of health;

To regulate burials.

XXIV. To regulate the burial of the dead;

To regulate pounds.

XXV. To establish and regulate one or more public pounds;

To prevent the destruction of birds, and to license shows, &c.

XXVI. To prevent or regulate the firing of guns or pistols, and prevent the destruction of birds in said borough; to license or prohibit the exhibition of shows, circuses, entertainments, or all other like matters; to prohibit the throwing of stones, snow balls, playing balls, or other like missiles in the streets; to regulate or prohibit the selling or exposing to sale, or the firing of fire crackers or other fire works in said borough;

To provide for the assessing and collection of taxes.

XXVII. To provide for assessing and collecting taxes, and regulating and conducting borough elections; and said council may provide, by ordinance, that the borough shall pay one-third of the cost of paving or macadamizing the streets of said borough with such substantial material as two-thirds of the property owners on the line of the streets or parts thereof may desire;

To provide for the purchase of right of turnpike company to any street, &c.

XXVIII. To provide for the purchase of the right and privilege which any turnpike company may have to any street or road in said borough, and to extinguish the same when any such purchase shall be completed;

General power to pass other necessary ordinances.

XXIX. To punish, by fine or imprisonment, or both, all violations of any ordinance authorized by this act, and to provide all means which said council may deem necessary to carry into effect the objects and purposes of said corpora-

tion, and to pass such and so many other ordinances or by-laws for the peace, good government, order, well-being, and convenience of the said borough, as the said council may deem necessary, proper and expedient, not repugnant to this act nor to the constitution of this state or the United States.

Enacting clause.

28. *And be it enacted*, That the ordinances of the council of said borough shall begin in the following style, to wit: "Be it enacted by the Mayor and Council of the Borough of Princeton."

To provide by taxation for opening and keeping in repair, streets and roads, and for other expenses.

29. *And be it enacted*, That it shall be lawful for the council to raise by tax, every year, so much money as they may deem necessary and expedient for the purpose of opening, widening, laying out, extending, repairing and keeping in order streets and roads, and for contingent expenses, and for all other purposes authorized by this act; and that the ordinances directing the raising of said tax shall set forth the required amount for each object, which tax shall not in any one year, except as is hereinafter provided, exceed five mills on the dollar of the actual valuation of the property assessed; and every taxable inhabitant of said borough shall be assessed the sum of one dollar as poll tax, and the said council may, from time to time, borrow such sum or sums of money, in the corporate name of said borough, for all purposes for which they are by this act authorized to raise money by tax, as they may deem necessary, and secure the payment thereof by bond or other instrument, under the common seal of said borough and signature of the mayor, attested by the borough clerk, and to provide by tax for the payment thereof; *provided*, that no loan shall be made without the concurrence of a majority of all the members of said council; *provided, further*, that there shall not be a greater sum than five thousand dollars borrowed in any one year; and that the said borough shall not at any time owe more than five thousand dollars.

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Proceedings when a greater sum of money is required than will be produced by a tax of five mills.

30. *And be it enacted*, That whenever it shall in the opinion of the said council be necessary to raise in any one year for the use of said borough, a sum of money that will exceed five mills on the dollar of the actual valuation of the property assessed, then and in such case the said council shall at a stated meeting thereof, determine the amount necessary to be raised, and state therein the use or uses to which it is to be applied, and shall, and they are hereby authorized and required to give the inhabitants of said borough notice of

the same, by publishing said resolution in a newspaper printed in said borough, for the space of two weeks, at least once in each week, or by printed handbills set up in five of the most public places therein, for the like space of time, before the annual election held in and for said borough; and said resolution published or set up as aforesaid, shall be deemed sufficient notice to the people of said borough, that the sum therein named will be voted for at the ensuing election; and the legal voters of said borough shall determine at said election for or against raising the sum of money proposed by said council in and by their said resolution, by having the word "money" if in favor of raising said sum, written or printed on their ballots, or the words "no money" written or printed thereon if opposed thereto; and the judges of election shall count all such votes cast for or against the raising of such sum of money, and certify the number of each cast, and if it shall appear that the greater number of ballots contain the word "money," then the sum named in the resolution of the said council shall be authorized to be assessed and collected for the uses and purposes stated in said resolution; but if the greater number of ballots contain the words "no money," then and in that case no sum shall be raised greater than the limit fixed in the preceding section of this act.

Borough collector to make a list of delinquent tax-payers.

31. *And be it enacted*, That the borough collector of said borough in case of the non-payment of taxes, on or before the time appointed by ordinance in each year, shall make out a list of all delinquent tax payers, with the sum due from each respectively, and shall deliver the same to the mayor or acting mayor of said borough, who shall proceed and issue a tax warrant thereon as provided by law in cases of taxes in townships of this state, which shall be directed and delivered to the collector of said borough, who shall have power to collect the same, in like manner in all things as the collectors in townships are directed by law; but said collector shall before he delivers such list to said mayor, take and subscribe an oath or affirmation before him, that the moneys in said list mentioned have been duly demanded or due notice given at the usual places of residence of such delinquents who could be found, or may then reside in said borough.

32. *And be it enacted*, That whenever, within the said borough, any tax shall remain unpaid after the day fixed by

ordinance in each year, it shall be lawful for, and shall be the duty of the collector to charge, receive and collect, in addition to the amount of said tax, interest thereon, to be computed at the rate of twelve per centum per annum from said day so fixed by ordinance, until the same is paid. Interest to be charged on unpaid taxes.

33. *And be it enacted*, That all taxes and assessments which shall hereafter be levied, assessed or made upon any lands, tenements, real or personal estate, situate in said borough, shall be and remain a lien thereon until paid; and the said council shall have the like powers and authority to authorize sales for the payment of taxes, as the township committees of the several townships in this state now have and possess by law. Taxes shall remain a lien.

34. *And be it enacted*, That it shall and may be lawful for the council of said borough to make and establish ordinances and regulations for the widening, grading, curbing, guttering or filling up of any street, road, highway or alley within said borough whenever in their judgment the public good requires it to be done, and for the laying out, opening, extending, altering, paving or macadamizing of any street, road, highway or alley whenever the person or persons owning two-thirds of the frontage of land lying on said street, road, highway or alley, or any part thereof, shall make application in writing to the said council for the same to be done; *provided*, that said borough shall pay one-third of the expense of said paving or macadamizing; *and provided further*, that anything in this act contained that in anywise conflicts with the provisions of this section shall be void and of no force or effect. Owners of two-thirds of frontage on any street may apply for opening or alteration of such street, &c. Proviso. Proviso.

35. *And be it enacted*, That whenever the council shall determine by ordinance to lay out and open any street, road, highway or alley within said borough, or to alter, extend, widen or straighten any street, road, highway or alley, or to make any sewer or drain in any part of said borough, and to take and appropriate for such purpose any lands and real estate, they are hereby authorized to treat with the owner or owners thereof for the same; they may purchase such lands and real estate and make such compensation as they shall judge reasonable and right, and thereupon shall receive from such owner or owners a conveyance of such lands and real estate to the said borough. May purchase lands, &c., for the purpose of laying out and opening street, &c.

36. *And be it enacted*, That when the said council cannot agree with the owner or owners of such required lands and

Proceedings when council and owners cannot agree.

real estate for the said purpose, or when by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, it shall be lawful for said council, and they are hereby required, to appoint three disinterested and impartial freeholders of said borough to make an estimate and assessment of the damages that any such owner or owners will sustain by the laying out, extending, opening, altering, widening or straightening of any such street, road, highway or alley, or the making of any such sewer or drain; and in estimating and assessing such damages the said commissioners shall have due regard as well to the value of the land and real estate as to the injury or benefit of the owner or owners thereof by the laying out, extending, opening, altering, widening or straightening of any street, road, highway or alley, or the making of any such sewer or drain.

Powers and duties of the commissioners.

37. *And be it enacted*, That the said council, on making the appointment aforesaid, shall designate a time and place for the meeting of said commissioners, not less than twenty days from the date of said appointment, of which time and place the borough clerk shall give notice by advertisement in a newspaper published in said borough, at least ten days before the time of meeting; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation, fairly and impartially to execute the duties imposed upon them by this act, to meet at the time and place appointed, and proceed to view the said land and real estate, and to make a just and true estimate and assessment as aforesaid; and for this purpose, the said commissioners shall have power to swear and examine witnesses, and to adjourn from time to time, and shall report their proceedings to the said council, with the assessment and appraisement aforesaid, which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within thirty days after their first meeting as aforesaid, together with their appointment, with the clerk of the borough, there to remain of record; and the said clerk shall lay said report before the council at their next meeting thereafter, which report, or a copy thereof, certified by said clerk, shall at all times be considered as plenary evidence of the power of said council to enter upon, take and use said land and real estate, the borough treasurer first tendering to the owner or owners thereof, if resident in this state, the amount so awarded to said owner or owners; or of the

said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against said borough, if they shall refuse or neglect to pay the same for thirty days after demand made of the treasurer of said borough; but if any such owner is not a resident of said borough, or upon due inquiry cannot be found therein, or is a lunatic or idiot, or under age, or if from other lawful cause he is incapacitated to receive the same, or if such owner will not accept the same, and sign a proper receipt therefor when tendered, then the said treasurer shall make an affidavit of such facts, and file the same with the clerk; and the said council shall, after inquiring into the facts of the case, cause the amount to be kept in the borough treasury, or invested on good security for the use of the person to whom it may be due, and the said moneys shall be paid by the borough to the person or persons entitled thereto; *provided always*, that should either or any of the parties feel himself, herself or themselves aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the next circuit court of the county of Mercer. Proviso.

38. *And be it enacted*, That every appeal from the decision of the commissioners, appointed as aforesaid, shall be made in writing and in the form of a petition to said court, and filed with the clerk of said court; and notice, in writing, of such appeal shall be given to the opposite party, within sixty days after the filing thereof, which proceedings shall vest in said circuit 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 issue to be tried at the next term of said court 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 land and real estate, and the damages sustained, and if they shall find a greater sum than the commissioners have awarded in favor of said owner or owners, then judgment thereon, with costs, shall be entered against said borough, 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 the said commissioners shall have awarded, then said costs to be paid by said applicant or applicants, and either deducted out of said sum found by Proceedings in case of appeal.

the said jury or execution awarded therefor, as the said court shall direct; but such application shall not prevent the said borough from taking said land and real estate upon the filing the report of said commissioners.

Not to be a public street unless opened by order of council.

39. *And be it enacted*, That no street, road, highway or alley, hereafter to be laid out or opened in the said borough, shall be recognized, considered or treated as a public street, road, highway or alley, unless the same be laid out and opened under the direction of the said council in manner aforesaid.

Proceedings when owner neglects or refuses to pave or macadamize street or road.

40. *And be it enacted*, That it shall and may be lawful for said council to make and establish ordinances and regulations for the paving, macadamizing, graveling and guttering the streets, avenues and roads of said borough, by the owners of lots fronting on said streets, and to prescribe the manner in which the same shall be done; and in case any owner or owners of lot or lots fronting on said street, which may be ordered by council to be paved, macadamized, graveled or guttered, shall fail to comply with the requirements of any ordinance or regulation of council for such purpose, and shall fail or neglect to pave, macadamize, gravel or gutter that portion of said street, avenue or road lying and being in front of his, her or their lot or lots, for the space of two months after the same shall be ordered to be done, then it shall be lawful for the said council to cause the same to be done, and paid for out of any moneys in the hands of the treasurer of said borough; and the amount so paid and expended for the paving, macadamizing, graveling or guttering in front of any such lot or lots, shall be and remain a lien on said lot or lots, from the time of the completion of such work until paid or otherwise satisfied; and the said council may, in the name of the treasurer of said borough, for the use of said borough, sue for and recover the amount so paid and expended, together with interest and costs, from the owner or owners of such lot or lots, or his, her or their legal representatives, in an action of debt in any court having jurisdiction; *provided*, that whenever any street, avenue or road shall be paved, macadamized, graveled or guttered, either in whole or in part, by the owner or owners of lots on said street, avenue or road, the same shall thereafter be maintained and kept in repair at the cost and expense of said borough.

Proviso.

41. *And be it enacted*, That it shall and may be lawful for

said council to make and establish ordinances and regulations for the grading, paving, curbing, or flagging of any sidewalk in any street or streets, or part of a street in said borough, by the owner or occupants of lots fronting on or adjoining such street or streets, or part of a street, and to prescribe the manner in which, and the material with which the same shall be done; *provided*, that wherever there shall be in said borough farm land and unimproved lots and enclosures, other than building lots, having a continuous frontage of four hundred feet or more on any such street or streets, or part of a street, the said council may by ordinance, provide that one-fourth of said sidewalk shall be graded, paved, curbed or flagged, at the expense of said borough; *provided further*, that said sidewalk shall thereafter be kept in repair at the owner's expense.

May require the grading and paving of side-walks by owner or occupant of lot or lots.

Proviso.

Proviso.

42. *And be it enacted*, That if any owner or owners, or occupant of any lot or lots in front whereof the sidewalks shall by such ordinance be directed to be graded, paved, curbed or flagged, shall refuse, neglect or fail to comply with the requirements of such ordinances or regulations within two months from the passage thereof, it shall be lawful for the said council to cause the same to be done and paid for out of any moneys in the hands of the treasurer of said borough; and the amount so paid and expended as aforesaid for the grading, paving, curbing or flagging of any sidewalk in front of lot or lots, shall be and remain a lien on said lot or lots from the time of the completion of such work until paid or otherwise satisfied; and the said council may, in the name of the treasurer of said borough, for the use of said borough, sue for and recover the amount so paid and expended, together with the interest and costs, from the owner or owners of such lot or lots, his or their legal representatives, in an action of debt, in any court of this state having jurisdiction; *provided*, *however*, that no owner or owners, or occupants of any lot or lots shall be compelled to grade, curb or pave more than eighty consecutive feet of the said walk fronting on such lot in any one year.

Proceedings when owner or owners refuse or fail to comply with the requirements of council.

Proviso.

43. *And be it enacted*, That the said council shall appoint a street commissioner outside of their own body, whose duty it shall be, under the control and direction of the said council, to clear out, make, work, repair, amend and keep in good order, the public streets and alleys within the said borough, and that said council may from time to time, at

Appointment of street commissioner.

their like discretion, remove said commissioner and appoint another in his place, and may likewise pass such ordinance or ordinances as they may deem expedient, prescribing the duties of said commissioner; and the making, working, repairing and keeping in good order the streets and alleys.

Orders relating to improvements made by ordinances may be completed by resolution.

44. *And be it enacted*, That 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 the said council to take to carry out said improvement or work to completion, and all orders relating thereto, shall be by resolution and not by ordinance.

Expenses for keeping offenders in county jail to be paid by the county.

45. *And be it enacted*, That the keeper of the jail of the county of Mercer shall receive and safely keep all such offenders as shall be committed to the said jail by the mayor or acting mayor of the said borough, for the term of his, her or their imprisonment, as expressed in the warrant of commitment, or that may be brought to him by the mayor, marshal or policemen of said borough, for safe keeping until a hearing can be had, said hearing to be had within twenty-four hours, or said offender discharged; and all the expenses of keeping said offenders in said jail shall be borne and paid by the said county of Mercer.

Not to be an incompetent witness or juror by reason of being an inhabitant.

46. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact, to which issue or investigation "The Mayor and Council of the Borough of Princeton" are a party, or in which they are interested, no person shall be deemed an incompetent witness or juror by reason of his or her being an inhabitant of said borough; and that if any person shall be sued or impleaded by reason of anything done by virtue of this act, it shall be lawful for said person to plead the general issue, and to give this act and the special matter in evidence at the trial.

Property liable to taxation.

47. *And be it enacted*, That all real and personal estate in said borough shall be liable to taxation, except bonds and mortgages on real and personal property therein, which said mortgages shall be exempt from taxation, in the hands of any citizens of this state; and the amount of such mortgage shall not be deducted from the value of the taxable property within said borough; *provided*, that the same shall only apply to municipal taxation.

Proviso.

Repealer.

48. *And be it enacted*, That all acts and parts of acts, in-

consistent with the provisions of this act, be and the same are hereby repealed.

49. *And be it enacted*, That this act shall be and is hereby declared a public act, and shall take effect immediately.

Approved April 3, 1873.

CHAPTER CCCCXCIX.

An Act to provide for and regulate Street Improvements in the township of Bloomfield, in the county of Essex.

Township committee shall cause a survey and map to be made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the township committee of the township of Bloomfield, and they are hereby authorized and empowered to make, or cause to be made by competent parties, a correct survey and map of the township, showing the existing streets, roads, highways, alleys, railroads, lakes, ponds, streams and watercourses within said township.

Advertisement to be made of the time and place when and where the maps will be open to inspection.

2. *And be it enacted*, That it shall be lawful for said committee in their discretion to employ some suitable person or persons, to survey and lay out upon a map or maps, a plan or scheme for the location of streets and avenues, blocks and squares in said township, having regard to the nature of the ground, to a system of drainage, and to the existing streets; and after the completion of the map or maps, in this section mentioned, the said township committee shall give notice, by advertisement, of a time and place where said maps will be open for public inspection, and for a period of three months thereafter, at suitable hours to be fixed by the committee, said maps shall remain open to public inspection, at the end of which time the committee shall adopt and confirm the same, with or without alteration, and after the same shall have been so adopted and confirmed, it shall not be lawful to open any street in said township by any other lines than those designated in such maps; *provided*, that that section of the township north of the Montclair railway, shall not be mapped out unless on the petition of the majority of

Proviso.

property owners of said section, to the town committee, excepting so far as relates to existing streets or highways.

Record of grade of streets and avenues to be made when grade is established.

3. *And be it enacted*, That it shall be lawful for said township committee to have prepared and made a proper record of the grade of those streets, roads, and avenues wherein a grade is established, and also, with due regard to the natural water courses within said township, and a proper system of drainage, to fix and put on record a grade for the centre line of each of the public streets, roads and avenues throughout the township, as well those already in existence, as those contemplated and delineated on the map or maps made and approved by virtue of the second section of this act, together with a profile of the roadways and sidewalks; said grades may be established and fixed from time to time in detail, as the committee have opportunity to give due consideration to the several streets in connection with the general plan, but no grade shall be established, unless the resolution introduced to the township committee to establish the same shall have been first published ten days in some newspaper generally circulating in said township;

Proviso.

provided, that nothing in this act shall authorize the said committee to undertake any work now within the province of The Essex Public Road Board, or the commissioners to lay out streets and avenues through certain lands in the township of Bloomfield, appointed by an act approved April fourth, one thousand eight hundred and seventy-two.

Township committee to establish the boundaries of streets &c.

4. *And be it enacted*, That it shall be lawful for the township committee of Bloomfield to ascertain, establish and define the boundaries of all streets, roads and highways in said township, and to prevent and remove all encroachments that may have been made or that may be made thereon; to lay out, open and extend streets and avenues according to and upon the lines fixed and delineated by virtue of the second section of this act, whereon the owners of a majority of the lineal feet on any street or avenue proposed to be laid out, opened or extended, shall petition in writing for the same, or whenever five of the township committee shall vote for any resolution for the laying out or extending such street or avenue, and to order and cause any street, avenue, road, highway or alley already in existence, or any part or parts thereof, 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 by the payment of damages, as is hereinafter made and provided.

Notice shall be given by advertisement of proposed improvements.

5. *And be it enacted*, That when any resolution shall be introduced to the township committee for making any such improvement as is provided for in the fourth section of this act; public notice of such contemplated improvement shall be given by the township clerk, by publishing a copy of the proposed resolution for at least four weeks in a newspaper having general circulation in the township; also by posting the same in five conspicuous places in said township, that said notice shall also state the time and place at which the township committee will meet to proceed to the consideration of said resolution; that at such meeting full and ample opportunity shall be given to all parties in favor of or opposed to said improvement, to present their views with reference to the same in writing or otherwise; and that the township committee may, in their discretion, adjourn from time to time for further consideration of the matter.

Resolution shall be accompanied by a map showing the courses and distances.

6. *And be it enacted*, That any such resolution which may be passed by the township committee, shall be accompanied by a map, to be prepared under the direction of the township committee, or to be accepted by them as soon as conveniently may be after the passage of the resolution, which map shall show the termini, courses and distances of the improvement, as the same are described in the resolution, and also the land and real estate to be taken therefor, and the name or names (as far as may be ascertained) of the owner or owners of such lands and real estate, and such map shall be filed with the township clerk.

Township committee shall assess for damages &c.

7. *And be it enacted*, That it shall be the duty of the township committee, having first severally taken and subscribed an oath or affirmation before a justice of the peace in said township, to make the said estimate fairly and impartially, according to the best of their skill and judgment, to assess damages in favor of any owner or owners of land and real estate, including erections, buildings, and improvements that may be taken for, or may be damaged by any such improvement provided for in the fourth section of this act; and it shall also be their duty as soon as may be after the passage of any resolution for the making of any such improvement, to ascertain the expense thereof, including the survey and map, and shall cause the amount so determined, to be entered upon their minutes, and the amount so determined

shall thereafter be treated as, and held to be the true and actual expense of making such improvement, and it shall be the duty of said committee to assess the amount of damages and expenses fairly and equitably upon the owner or owners of any lands and real estate on the line or in the neighborhood of said improvement, which in their opinion will be benefited thereby, and to such extent as they may consider said lands and real estate to be so benefited, and to assess any excess of such damages over said benefits, upon the township at large; *provided*, that every such assessment shall be concurred in by a majority of the township committee, and that no member of the township committee shall act in any case where he is personally interested in the assessment to be made.

Proviso.

Notice to be given by advertisement of time and place of meeting to assess damages and benefits.

8. *And be it enacted*, That after the passage of the resolution for making any improvement contemplated in the fourth section of this act, the township committee shall fix a time and place when and where they will meet to assess damages and benefits, and the expense of making such improvements, and the township clerk shall give public notice of the time and place of such meeting, by an advertisement inserted in some public newspaper circulating in the township, at least four weeks before the time of such meeting, including in said notice a brief statement of the nature of such improvement so as to identify the same, and by posting the same in five conspicuous places in said township, and it shall be the duty of the township committee to give all parties affected by the improvement an opportunity to be heard upon the subject of the assessment, if they shall make known to said committee their desires so to be heard; said committee shall view the premises and shall have power to examine witnesses, under oath or affirmation, which may be administered by one of their number, and they shall assess such damages and benefits and expenses separately, and with due regard to the interests of all persons concerned; they may adjourn from time to time and may complete their assessment at any meeting after the time specified in the public notice to which they may have adjourned for further consideration of such assessment; and when they shall have completed the assessment they shall certify the same by a report in writing signed by a majority of said committee; said report shall be accompanied by a map showing the improvement, the lands and real estate taken therefor, and designating the

lands benefited; and said report when so signed, and the assessment contained therein, shall be final and conclusive upon all parties, except only in such matters wherein an appeal shall be taken as hereinafter provided, no notice to the owner or owners of any lands or real estate to be taken for such improvement, or to any person to be in any way affected by such improvement, shall be required, other than the notices hereinbefore specified.

Persons aggrieved may appeal to circuit court.

9. *And be it enacted*, That any person or persons feeling himself, herself or themselves aggrieved by any such assessments for damages for any lands or real estate taken for or damaged by any such improvement, may appeal to the circuit court of the county of Essex at any time within sixty days after the making up and signing of such report by the township committee; and that the said circuit court shall thereupon order a trial by jury to assess such damages anew, and that such trial shall be conducted as in case of other trials by jury, but the township committee may proceed with such improvement as though such appeal had not been taken.

Tender of payment to be first made

10. *And be it enacted*, That before any such improvement shall be carried into effect it shall be the duty of the township committee to pay or tender unto the owner or owners of any land and real estate taken therefor or damaged thereby as aforesaid, the amount of damages so assessed to him, her or them respectively; *provided*, that if any such owner do not reside in said township, or upon due inquiry cannot be found therein by the township committee, or is a lunatic, or idiot, or is under age, or otherwise legally incapacitated, or will not accept such damages and sign a receipt therefor when tendered, then a proper affidavit of such fact shall be made and filed with the township clerk, and the township committee shall cause the amount of such damages to be placed on special 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; *and provided*, that no tender shall be necessary in any case where the benefits assessed against such owner or owners are equal to or exceed the amount of damages assessed in his, her or their favor; and it shall be the duty of the township committee to cause an abstract of the report, after the same has been adopted and ratified, to be prepared and delivered to the township collector of taxes, who shall enter the same in a book to be kept in his office

Proviso.

Proviso.

for that purpose, to be called the "Book of Assessments for Improvements," and said collector shall then give notice for four weeks, in some newspaper having a general circulation in said township, that said report has been delivered to him, and requiring payment of the several sums assessed against any owners of land and real estate for such improvement, within sixty days from the time of the first publication of said notice; and if any assessment shall not be paid within said period of sixty days, the said assessment shall draw interest thereupon from and after that time, at the rate of one per centum per month; and every assessment for any improvement for either benefits or expenses, shall be and remain a lien upon the lands and real estate so assessed therefor, together with the interest and all costs and fees thereon, notwithstanding any mistake in the name or names of the owner or owners or omission to name such owner or owners; and no assessment shall be invalid because of any such mistake or omission; and every such assessment which shall remain unpaid at the expiration of said period of sixty days may be collected at any time thereafter in the same manner as other taxes are collected in said township; and in addition to the mode of collection herein provided, such sum so assessed, may be recovered with costs in an action of assumpsit or debt, brought in the corporate name of said township, in any court of competent jurisdiction, against the person or persons whose duty it may be to pay the same, and upon the trial of such action, the record or official certificate of such assessment shall be full and conclusive evidence of the amount due from the defendants therein, and execution may be issued and enforced upon such judgment in the same manner as in actions of assumpsit or debt is now provided by law.

Owners of lands on lines of streets may petition for the improvement of such streets, &c.

11. *And be it enacted*, That it shall be lawful for the owners of any lands upon the lines of any street in the township of Bloomfield, after such street shall have been accepted by the township committee as one of the public roads of the township, to present a petition to the township committee containing a request to have the whole or a certain designated section of any such public street improved, by being graded and curbed, or by being graded, curbed and macadamized, or paved; upon receiving such petition it shall be the duty of the township committee to ascertain the length of the street or section of street designated in such petition,

and also the number of lineal feet upon the lines of such street or sections owned by the persons subscribing such petition; and if upon investigation it shall appear that the owners of three-fifths of the number of lineal feet upon the street or section designated in said petition shall have subscribed the same, and that such section (in case a section be designated) extends the length of an entire block, to wit: the distance from centre to centre, between two cross streets, it shall be lawful for the township committee to order and cause the work requested in such petition to be done.

Township committee may make contracts.

12. *And be it enacted*, That in case the township committee shall order and cause any street, or section of a street, to be improved under the provisions of the eleventh section of this act, they shall proceed to make contracts, after having advertised for proposals for the work called for in said petition, with the party making the lowest bid for said work, reserving the right to reject any or all bids should the public interest require it; but, in all cases, the estimates and proposals and contracts shall designate, separately, the grading, the curbing, and the macadamizing or paving, and the price or cost of each, respectively; and the township committee are hereby authorized to pay the cost of the grading out of the funds raised by tax in the township for road purposes.

Apportionment of cost to be made upon lands according to number of lineal feet, &c.

13. *And be it enacted*, That the entire cost of curbing and macadamizing or paving, and the expense of overseeing the work, shall be borne and paid by the owners of the lands along the lines of the street or section improved under the provisions of this act; and whenever the cost of such curbing and macadamizing or paving and overseeing shall have been ascertained, the township committee, or a majority of them, shall make and sign an apportionment of said entire cost upon the lands and among the owners along the lines of the street or section improved pro rata, according to the number of lineal feet upon the lines of such street or section in the tracts or lots of the several owners, respectively; the township committee shall then give notice of a meeting, by advertisement inserted in some newspaper having a general circulation in said township, at least six days previous to the day of said meeting, at which they will hear the parties interested in said apportionment; at such meeting it shall be lawful for any person interested in such apportionment to

show cause why the amount apportioned upon his or her lands shall not be reduced or modified; and it shall be the duty of the township committee to reduce or modify the same, in case they shall deem it just so to do; it shall also be lawful, at said meeting, for any owner of any lands, embraced in said apportionment, to pay into the hands of the township committee the sum of money apportioned to the said lands of such owner, and be thereby relieved from all liability to future assessment in respect of such improvement; after said meeting it shall be lawful for the township committee to issue the bonds of the inhabitants of the township of Bloomfield, in the county of Essex, to an amount sufficient to pay the balance of the cost of such improvement from the proceeds arising from the sale of said bonds; said bonds shall be payable, during a period not exceeding ten years from their issue, in ten equal annual installments; shall bear interest not exceeding seven per centum per annum, payable semi-annually; and shall not be sold for less than ninety per centnm of their par value; and proposals for their purchase shall be invited by advertisement for at least two weeks in two newspapers circulating in said county; it shall be the duty of the township committee to apportion the entire amount of the bonds so issued, among the owners and upon the lands along the lines of the street or section improved upon the same basis as the original apportionment of cost, excepting therefrom all lands, the owner or owners of which shall have paid his, her or their share of cost as hereinbefore provided; the said apportionment of the amount of bonds shall be delivered to the township clerk, and shall be by him recorded in a book to be kept for that purpose, and such record shall thereafter be competent evidence of such apportionment, and of the amounts assigned to the several tracts of land embraced therein; it shall be the duty of the township clerk each year in the month of June, to ascertain the amount of interest which will fall due on said bonds on or before the time fixed by law for the payment of taxes in the next succeeding year, and to certify the same, together with one-tenth of the entire principal of the bonds issued to the assessor of the township, whose duty it shall be to assess the same upon the basis of the apportionment of amount of bonds, and upon the property embraced in said apportionment; the said assessment shall have the

Township committee may reduce or modify the apportionment.

Authority to issue bonds.

same force and effect, and be collected at the same time and in the same manner as the other taxes collectable by law within said township for county and township purposes, but until the actual levy of such assessment, neither the liability to assessment in this section created, nor the apportionment nor record thereof, shall be held or construed to create a subsisting encumbrance upon the title to the lands embraced in said apportionment, and all moneys assessed and collected in pursuance of this section are hereby pledged to the payment of the principal and interest of the bonds aforesaid, and shall be used for no other purpose, and nothing in this act contained shall allow the total amount of outstanding bonds of the township to exceed at any one time the sum of three hundred thousand dollars, unless at a regular annual election for township officers the question be submitted to the legal voters of said township for their decision, and a majority of the votes cast in such election be in favor of such excess. Mode of collecting assessments.

14. *And be it enacted*, That the bonds issued by virtue of section thirteen of this act shall be properly numbered in their order of issue, and a correct record of the same kept by the township collector of the persons to whom they are sold and the price obtained for the same; each and every bond as soon as the same shall be executed shall pass into the custody of the said collector, and remain there until delivered to a purchaser, and said collector shall execute and file with the township committee a bond with sufficient and satisfactory sureties to an amount not less than twenty thousand dollars for the faithful performance of his duties connected with the issuing of said bonds, the proper employment of the proceeds thereof and of the money raised for their redemption, and the said collector shall receive as compensation for his services in addition to the fees now allowed him, one-half of one per centum upon all moneys disbursed under the provisions of the thirteenth section of this act. Record of bonds to be kept by the township collector. Collector shall give bond.

15. *And be it enacted*, That all lands upon which any assessment shall be made by virtue of the provisions of this act, for the purpose of macadamizing or paving and curbing the street in front of said lands, shall be exempted from all township taxes for road purposes whatever for the period of five years, to be reckoned from and after the year in which said macadamizing or paving and curbing shall be done. Exemption.

16. *And be it enacted*, That full records of all resolutions

Duty of the township clerk.

and orders shall be kept by the township clerk, who shall also cause to be filed and kept in his office all reports and maps, affidavits and other papers relating to the proceedings hereinbefore provided for.

Authorized to borrow money.

17. *And be it enacted*, That the township committee are hereby authorized to pay the cost of the work contemplated in first, second and third sections of this act out of any moneys in their hands raised by tax for road purposes; and the said township committee are hereby authorized to borrow from time to time, in anticipation of the collection of taxes, such sum or sums of money, not exceeding the amounts voted to be raised by tax, as shall be needed to carry on the work authorized in this act.

Bonds to be signed by the chairman of the township committee and attested by township clerk.

18. *And be it enacted*, That in the making of all contracts and bonds authorized by this act, the township committee shall cause them to be prepared in the name of the inhabitants of the township of Bloomfield, in the county of Essex, and shall by resolution cause them to be signed by their chairman, sealed with the corporate seal of said township, and attested by the township clerk; and every such bond and contract, made pursuant to the authority given in this act and executed as herein provided, shall be the valid obligation or undertaking of the said The Inhabitants of the Township of Bloomfield, in the county of Essex, according to the tenor and purport thereof, and shall be a lien on all the property real and personal of said township.

Repealer.

19. *And be it enacted*, That all acts and parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed, so far as they affect the said township of Bloomfield; *provided*, that nothing in this act contained shall be held or construed to abrogate, interfere with or repeal any of the provisions of the act constituting The Essex County Road Board, or either of the supplements thereto, and this act shall be deemed a public act, and shall take effect immediately.

Proviso.

Approved April 3, 1873.

CHAPTER D.

A Supplement to an act entitled "An Act to Revise and Amend the Charter of the Village of South Orange, in the County of Essex," passed April fourth, one thousand eight hundred and seventy-two.

Amendment

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sixteenth section of the said act to which this is a supplement, shall be and the same is hereby amended by striking out the following words: "*provided*, that in no case shall any road or highway be paved or macadamized from the proceeds of said bonds, to the width of more than twenty feet."

Proviso.

Assessments to be a lien upon lands, &c.

2. *And it be enacted*, That when any street or highway, or any part or parts thereof in said village of South Orange, shall be macadamized or re-macadamized, the expense thereof shall be estimated, ascertained and determined, and the equal one-third part of such expense shall be assessed and collected, in the same manner in every particular, and upon the same principal of assessment as the expense of laying out and opening any street or highway in said village, and that any such assessment so made, ratified and confirmed, shall be in like manner a lien upon the lands and real estate so assessed therefor, and that the remaining two-thirds of said expense shall be paid from the proceeds of the "Improvement Bonds," mentioned in said sixteenth section of the said act.

Repealer.

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

Approved April 3, 1873.

CHAPTER DI.

A Further Supplement to the act entitled "An Act to incorporate the Hackensack Improvement Commission," approved April first, one thousand eight hundred and sixty-eight.

Commencement of southerly line and course.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the southerly line of the Hackensack Improvement Commission, east of the Hackensack and New York Railroad, shall be as follows: commencing on the Hackensack river, at a point where the northerly line of property of Andrew Sears extended easterly in a straight line strikes the same; from thence running westerly along said line in a straight course to the division line between the townships of New Barbadoes and Lodi; thence northwesterly along said division line to the Hackensack and New York Railroad.

Treasurer to be member of the board.

2. *And be it enacted*, That the person elected treasurer by and of the Hackensack Improvement Commission shall be one of the board constituting such commission.

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

Approved April 3, 1873.

CHAPTER DII.

A Supplement to the act entitled "An Act to provide for the Registration of Persons entitled to the Right of Suffrage in Cities," approved March twenty-second, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the provisions of the act of the legislature of the state of New Jersey entitled "An

act to provide for the registration of persons entitled to the right of suffrage in cities," approved March twenty-second, one thousand eight hundred and seventy-one, for two meetings of the boards of registry, for registration and for revising and correcting the original register, and of the supplements thereto, are hereby made applicable to the annual charter election in the city of Newark; *provided*, that like notice to that called for in section three of said act shall be published by the city clerk of said city of Newark, at least ten days before the day fixed by this act for the first meeting of the boards of registry, in the daily newspapers of said city of Newark only, which are authorized by the common council of said city to publish corporation ordinances and proceedings, and continued therein for at least four days; *and provided also*, that the first meeting of the boards of registry, required in section four of said act, shall be held on Tuesday two weeks next preceding the day of holding the said annual charter election, and that the meeting of the boards of registry for revising and correcting the original register, shall be held on Thursday next preceding the day of holding said annual charter election.

Provisions to apply to the charter election in Newark.

Proviso.

Proviso.

2. *And be it enacted*, That the poll list and register kept and checked on the day of said annual charter election in the different wards and election districts in said city, shall be filed in the office of the city clerk of said city of Newark, instead of with the county clerk as provided in section thirteen of said act.

Poll list and register to be filed with city clerk.

3. *And be it enacted*, That all the provisions of the act to which this is a supplement, or of other acts, conflicting with the provisions of this act are hereby repealed, and that this act shall be deemed and taken as a public act, and shall take effect immediately.

Repealer.

Approved April 3, 1873.

CHAPTER DIII.

A Supplement to an act entitled "An Act to provide for and regulate street improvements in the Township of East Orange, in the County of Essex," approved March thirty-first, anno domini one thousand eight hundred and seventy-one.

Township committee may lay out and open streets, &c., first making compensation to owners for lands taken.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of the township of East Orange to lay out and open any street, avenue or highway in said township, and to take and appropriate for such purposes any lands or real estate upon making compensation to the owner or owners thereof; that the money necessary to pay the expenses of laying out and opening any such street, avenue or highway, and the damages for the lands and real estate taken therefor shall be raised, assessed and paid, and all proceedings in and for laying out and opening any such street, avenue or highway, shall be in conformity with and as provided in the third, fourth, fifth, sixth, seventh, eighth and ninth sections of the act to which this is a supplement; and that all the provisions in said act relating to the vacating, straightening, altering or widening of streets, avenues or highways in said township, be and the same are hereby made applicable to the laying out and opening of any street, avenue or highway in said township.

Collector of taxes may sell lands for unpaid assessments.

2. *And be it enacted*, That in case any assessment for any improvement for either benefits or expenses, made under the provisions of this act, or of the act to which this is a supplement, together with interest thereon, and all costs and fees which may have accrued thereon, shall remain unpaid at the expiration of sixty days from and after the first publication of the notice mentioned in the eighth section of the act, to which this is a supplement, it shall be the duty of the collector of taxes in said township to proceed forthwith in the collection of said assessment, by a sale of the lands in re-

spect of which such assessment may have been made as hereinafter provided.

Collector to give notice by advertisement of sale unless payments are made within thirty days, &c.

3. *And be it enacted*, That the said collector shall thereupon give a second notice by an advertisement in two newspapers, circulating in said township, that unless such assessment with interest thereon as aforesaid, and all costs and fees shall be paid to him at his office within thirty days after the first publication of the said second notice, he shall proceed at a certain time and place therein specified, and between the hours of one and five o'clock in the afternoon, to make sale, in accordance with the provisions of this act of the said lands and real estate, whereon the said assessments have been imposed or may be a lien; and that said second notice shall contain a brief abstract of said assessment, showing the names of the owner or owners, when known, a brief description of said lands and real estate, and the amount of the unpaid assessments due thereupon; and that it shall be lawful to incorporate more than one assessment in said notice.

Sale to be by public auction.

4. *And be it enacted*, That at the time and place and between the hours mentioned in said notice, the said collector of taxes shall proceed to sell by public auction, the several parcels of the said lands and real estate upon which the said assessments shall remain due and unpaid for the lowest term of years (but in no case exceeding fifty years) for which any person will take the same and pay the amount of such assessment, with the interest thereon as aforesaid, and all costs and fees, including the expenses of advertisement and sale; that such payment shall be made by the purchaser before the close of the sale, and that if not so made, the said collector of taxes may re-sell the property, or the township may have its action against the purchaser for the payment of the whole amount due, with the interest thereon at the rate of two per centum per month; that the sale may be adjourned from time to time, at the discretion of said collector, until all the said lands and real estate shall have been disposed of; and that such parcels as are not bid for when offered for sale or a re-sale as aforesaid, shall be struck off to the township for a term of fifty years.

Collector shall give certificate of sale to purchaser.

5. *And be it enacted*, That at or after the close of the sale the said collector of taxes shall make out under his hand and seal, and deliver to each purchaser, a certificate of the sale of each lot and parcel of said lands and real estate so

purchased by him; that such certificate shall contain a short description of the property, and shall state the term of years for which it was sold, as well as the time when the right to redeem the same will expire; that such certificate shall also show the particular assessment under which the sale was made, together with the amount thereof, and the amount of interest, costs, fees and expenses; that such certificate shall be presumptive evidence of the facts stated therein, and shall be recorded in the office of the township clerk, in books to be kept for the purpose, and after being so recorded shall constitute a lien upon the lands and premises therein described; and that the said certificate may be assigned, but that no such assignment shall have any effect until the same shall be recorded as aforesaid in the office of the township clerk; and that no declaration of sale shall be executed and delivered to such purchaser or assignee, as hereinafter provided, until the said certificate shall have been cancelled and filed with the township clerk, unless the loss or destruction thereof be established by affidavit to the satisfaction of the township committee.

Collector shall keep a record of all his proceedings.

6. *And be it enacted*, That the collector of taxes shall keep a full and accurate record in his office of all his proceedings upon such sales, including a statement of all certificates granted and all redemptions of property sold by him; to which record all parties claiming to be interested shall have free access at all reasonable times.

Township may become a purchaser.

7. *And be it enacted*, That if the township becomes the purchaser of any lands and real estate at any such sale, the certificate of sale shall be assignable as aforesaid, and all the other provisions of this act in relation to the sale shall apply to the township the same as to any other purchaser.

Mortgagee not to be divested of his rights in property sold unless six months' notice shall have been given him by the purchaser.

8. *And be it enacted*, That no mortgagee or assignee of any mortgage, whose mortgage or deed of assignment, as the case may be, shall have been duly registered before any such sale for unpaid assessment, shall be divested of his rights in the property covered by such mortgage, unless six months' notice of such sale shall have been given to him in writing by the purchaser or by any person claiming under him; that such notice shall be served personally upon the said mortgagee or assignee, if a resident of said county of Essex, or if he be not so resident, by being directed to him at his place of residence as stated in the mortgage or deed of assignment, and by being deposited in the post office of

the said township; and that in the latter case said notice shall likewise be published for the space of two months in a newspaper circulating in said township; and that within one month after such service, or service and publication of said notice, it shall be the duty of the person serving or causing the same to be served to place in the office of the said collector of taxes a copy of said notice together with the affidavit of some person (who shall be certified by the officer taking the affidavit to be a credible person) as to the manner of service, or service and publication thereof.

Lands and real estate may be redeemed.

9. *And be it enacted*, That the owner, mortgagee, occupant, or any person having a legal or equitable interest in any lands and real estate sold as aforesaid, may redeem the same at any time within three years thereafter by paying to the collector of taxes, for the use of the purchaser, his legal representatives or assigns, the said purchase money together with any assessment for taxes or otherwise which the said purchaser may have paid, and of the payment of which he may have filed a written notice in the office of the said collector, together with interest at the rate of two per centum per month upon such purchase money from the time of such sale, and upon such payment or payments from the time of filing such notice or notices as aforesaid; and that the certificate of said collector stating the receipt of such moneys, and showing what property the same was intended to redeem shall be evidence of such redemption; and that upon the receipt of such moneys by the said collector, he shall cause the same to be refunded to the purchaser, his legal representatives or assigns on demand, and that all proceedings in relation to said sale shall then cease and determine, and that if the person so redeeming be a judgment creditor or a mortgagee or the assignee of a judgment or mortgage, he shall have a lien on the lands and real estate so redeemed by him, by virtue of this act, for the amount so paid by him to effect such redemption, with interest thereon at the rate of seven per centum per annum, in the same manner as if the same had been included in his mortgage or judgment, and he may enforce the payment thereof in the same manner; and that the said collector shall make out two certificates for all property so redeemed, one to be kept by the person so redeeming the same, and the other to be filed in the office of the township clerk.

10. *And be it enacted*, That if any lands and real estate

Proceedings in case no redemption is made.

so sold, shall not be redeemed as aforesaid, the township committee shall execute to the purchaser or his legal representatives or assigns a declaration of sale, signed by the chairman of the township committee, and attested by the township clerk, containing a short description of the premises sold, together with a brief statement of the facts of assessment, advertisement and sale, including the date of sale, and the term for which said premises were sold, that said declaration shall be recorded in the office of the township clerk, in books to be kept for that purpose, and that until the same be so recorded, such lands and real estate may be redeemed as hereinbefore provided, notwithstanding the period of three years from the time of such sale may have expired; that such declaration of sale shall be presumptive evidence in all courts and places, that such sale and proceedings were regularly made and had according to the provisions of this act; and that such purchaser and his legal representatives or assigns, shall by virtue thereof lawfully hold and enjoy such lands and real estate, with the rents, issues, and profits thereof for his, her, or their own proper use against the owner or owners thereof, and all persons claiming under him, her or them, until the term shall be completed and ended for which the purchaser agreed to take the same, and at the expiration of the said term shall peaceably and quietly yield up such lands and real estate to the lawful owner or owners thereof, being liable however for any waste or injury done or committed by him, her or them, in the same manner as a tenant for a term of years.

Township clerk shall record all certificates of sale and assignments thereof.

11. *And be it enacted*, That in addition to the recording of certificates and declarations of sale, and of assignments of such certificates as aforesaid, the township clerk shall also give certificates of search in relation thereto, to any person or persons applying for the same; and that he shall also cancel such certificates and such assignment thereof so recorded, whenever the lands and real estate for which they were given shall be redeemed, upon the presentation and filing in his office of the collector's certificates of such redemption.

Special compensation to the collector of taxes and township clerk.

12. *And be it enacted*, That besides the compensation which is now or may be hereafter allowed under the general law of this state, to the collector of taxes for any service to be performed under this act, he shall be allowed such special compensation for special services as may be from time to

time determined by the township committee; and that he shall also be entitled to receive from each purchaser the sum of one dollar for every certificate or declaration of sale by him given; and that the said township clerk shall also be entitled to receive from said purchaser the sum of one dollar for every certificate or declaration of sale, and every assignment of such certificate to be recorded by him as aforesaid, and also the sum of one dollar for every search (including the certificate thereof) made by him in the records of certificates and declarations of sale and assignments as aforesaid; and that the said collector of taxes shall likewise collect for the use of the township, the sum of one dollar from each purchaser at the time of the delivery of the said certificate of sale, for the expenses of advertising and selling each and every lot or parcel of said lands and real estate by him purchased as aforesaid.

Township committee to direct by ordinance that lands shall be sold.

13. *And be it enacted*, That in case of any assessment for benefits and expenses in any general or local improvement heretofore made, it shall be lawful for the township committee to direct by ordinance, that any lands and real estate wherein the said assessment may have been imposed or may be a lien by virtue of any former act, shall be sold in the manner hereinbefore prescribed, and that in such case the proceedings after the date of such ordinance shall conform as closely as possible to the provisions of this act.

Repealer.

14. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, but nothing herein contained shall be construed so as to destroy, impair or take away any right or remedy acquired or given by any act so repealed, and all proceedings commenced under any such former act, shall and may be carried out and completed, and with the same effect as though this act had not been passed.

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

Approved April 3, 1873.

CHAPTER DIV.

An Act to Provide for the Assessment and Collection of Taxes in the Townships of the County of Essex.

Time within which the duties of assessors shall be performed

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the duty required of the assessors of the several townships by the third section of the act entitled "An act concerning taxes," shall be performed by the assessors of all the townships in the county of Essex, within fifteen days after the second Monday in July hereafter, and the commissioners of appeal in cases of taxation in said townships, shall meet annually on the fourth Tuesday of September, instead of the fourth Tuesday of November, as heretofore.

When the duties of the township collectors shall be performed.

2. *And be it enacted*, That the duty which the several collectors of said townships are now required to perform by the fourth section of the act aforesaid, shall be performed on the first day of August instead of the first day of October in each year hereafter, and that the time of payment of moneys to the collector of the county of Essex, shall be the twenty-second day of October, instead of the twenty-second day of December in each year, and that the duty required of the collectors of said townships by the twelfth section of said act, shall be performed on the twentieth day of October, instead of the twentieth day of December, in each year.

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

Approved April 3, 1873.

CHAPTER DV.

A Supplement to an act entitled "An Act to revise and amend the Charter of the City of Elizabeth," approved March third, one thousand eight hundred and sixty-three.

City council may borrow money to reimburse the sinkingfund, and issue bonds to secure the payment of the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the city council of the city of Elizabeth, in addition to the loans now authorized by the charter of said city and the several supplements thereto, to borrow the sum of one hundred and twenty thousand dollars, upon funded debt bonds of said city, to be applied in reimbursing the sinking fund of said city; and that the said city council may issue the bonds of the said city to secure the payment of said loan, as provided in the supplement to the city charter, approved March thirty-first, one thousand eight hundred and sixty-four, and may provide by tax for the payment thereof.

May raise a yearly tax to be credited to the sinking fund.

2. *And be it enacted*, That it shall be lawful, and they are hereby empowered to raise by tax yearly an amount not exceeding one per centum upon the whole amount of the funded debt of said city, which yearly amount shall be, when collected, credited to the sinking fund of said city.

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

Approved April 3, 1873.

CHAPTER DVI.

An Act for the improvement of the Roads in the Township of Montclair.

Township committee may by resolution establish road districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purposes of this act, it shall be lawful for the township committee of the township of Montclair, in the county of Essex, by resolution of a majority of their whole number, to create and establish road districts in said township, and to alter the same at pleasure; and that whenever the owner or owners of more than half (the same being measured by lineal feet) of the lands lying upon any public road or roads, or any part or parts thereof, in any such district or districts, shall petition the said township committee in writing, to macadamize or otherwise improve said road or roads, or said part or parts thereof, it shall and may be the duty of the said committee to call a public meeting of the legal voters of said district or districts, at some convenient place therein, and to give public notice thereof for at least ten days by advertisements to be posted by the township clerk in at least five public places therein.

Petition for improvement of road shall be submitted to the voters of the district.

2. *And be it enacted*, That at such meeting the chairman or other presiding officer of the township committee (or, in his absence, the township assessor, collector, clerk, or some member of said committee, in the order herein named,) shall preside; that the said petition shall be read and submitted to the legal voters of said district or districts then assembled; that only such voters shall be allowed to vote at such meeting; and that such voters shall, either then or at any adjourned meeting, determine by a majority of votes, whether said road or roads, or said part or parts thereof, shall or shall not be so macadamized or otherwise improved, and in what manner; and that it shall be the duty of the presiding officer of such meeting to communicate in writing to said committee the fact of such determination, and the same shall be entered upon their minutes; and if said meet-

ing shall so determine to macadamize or otherwise improve said road or roads, or said part or parts thereof, the said committee shall, without unnecessary delay, cause the same to be done in the manner hereinafter prescribed.

Township clerk shall advertise for proposals.

3. *And be it enacted*, That the township clerk shall thereupon advertise, in one or more of the newspapers of said county circulating in said township, for the reception of proposals for the doing of the work contemplated by the improvement; said proposals to be received at such time and place as shall be designated by said committee; and that said committee shall be empowered to reject any or all of said proposals, or to advertise for new proposals, or to accept such as shall, in their opinion, be deemed to be most advantageous for said township, and to enter into and compel the performance of all necessary and proper contracts for the doing of said work.

Improvement may include curbing and guttering.

4. *And be it enacted*, That the improvement hereby contemplated or referred to, may, if so determined by the said legal voters, include the curbing and guttering of the sidewalks upon the line of the improvement.

Commissioners to ascertain cost of the improvements shall be appointed.

5. *And be it enacted*, That when said work shall be completed, the said committee, or a majority of them, shall ascertain and determine the cost thereof, and shall cause the same to be stated in the minutes of their proceedings, and shall by resolution appoint three discreet and disinterested freeholders of said township to act as commissioners for the purpose hereinafter stated, and shall, in like manner, appoint the time and place of their first meeting, and the said clerk shall cause a written notice of said appointment to be served upon each of said commissioners, and to be posted in at least five of the most public places in said district or districts, and also to be published in one or more of said newspapers, for at least ten days prior to said meeting; and that in case of any vacancy or vacancies in the number of said commissioners from death, neglect to serve, or other cause, the said committee, or said majority of them, may fill the same at any time.

Commissioners shall take and subscribe an oath, &c.

6. *And be it enacted*, That said commissioners shall, before entering upon the discharge of their duty, severally make oath or affirmation that they will honestly and impartially perform the same, which oath or affirmation is to be filed in the office of said clerk; that the said commissioners, or any

Their powers and duties.

or either of them, may meet and adjourn from time to time as often as shall be necessary, in their judgment, for the discharge of said duty; that said commissioners, or any two of them, shall, when so met, view the premises and give opportunity to all affected by said improvement to be heard before them in relation thereto, and shall assess the equal one-half part of said cost of said improvement fairly and equitably upon the owner or owners of the lands and real estate on the line or in the neighborhood of said improvement, which, in their opinion, are peculiarly benefited by said improvement, and in proportion to said benefits, and shall, after a full and thorough consideration of the matter, make a report of said assessment in writing under their hands, together with a map of said lands and real estate so assessed, and shall within twenty days thereafter deliver said report and map to said clerk, who shall file the same in his office for inspection by all parties claiming to be interested therein;

Proviso.

provided however, that the entire cost of curbing and guttering, and of macadamizing or otherwise improving any said road or roads, or any part or parts thereof, for any greater width than twenty feet, shall be assessed as aforesaid upon said lands and real estate so peculiarly benefited; *and provided also*, that if said commissioners, or any two of them, shall consider that said lands and real estate are not so peculiarly benefited to the extent of the equal one-half part of said cost of said improvement, or to the extent of the entire cost of said curbing and guttering, and of macadamizing, or otherwise improving of any said road or roads, or any part or parts thereof, for any greater width than twenty feet, as the case may be, they shall assess said lands and real estate in manner aforesaid, to the extent of such peculiar benefits, and shall assess the balance thereof upon the township at large.

Proviso.

Notice to be given by advertisement of time and place of meeting to consider the report and map

7. *And be it enacted*, That the said committee shall thereupon, by resolution, appoint a time and place when they will meet and consider said report and map, and shall cause at least two weeks' notice of their said meeting to be given by said clerk in one or more of said newspapers, as well as by advertisements posted in five of the most public places of said township; and that when so met, and also at any subsequent meeting or meetings, they shall and may consider said report and map, and shall and may alter and amend the same and said assessment in all particulars, giving all par-

ties interested an opportunity to be heard in relation thereto, and shall and may adopt and ratify said report and map, whether with or without such alteration and amendment; and that when so adopted and ratified, said report and map shall be final and conclusive upon all parties; and that no notice to land owners or other persons shall be required in addition to the notices herein mentioned.

Assessment with interest shall remain a lien on lands and real estate assessed.

8. *And be it enacted*, That any such assessment, together with interest thereon, shall be and remain a lien upon the lands and real estate so assessed, for the space of ten years from the twentieth day of May in that year in which the said report and map were so adopted and ratified, notwithstanding any devise, descent, alienation, mortgage, judgment, or other incumbrance or transfer thereof, and notwithstanding any mistake in the name or names of said owner or owners, or omission to name said owner or owners; and that any assessment in which said mistake or omission occurs shall be valid and effectual in law as though said mistake or omission had not occurred; and that any said assessment shall and may be enforced and collected by a sale of said lands and real estate, in the same manner as lands and real estate are or may be sold for unpaid assessments for benefits for laying out any public road or highway in said township.

Assessment when due and payable.

9. *And be it enacted*, That said assessment shall be due and payable to the collector of said township at the end of sixty days from and after the said adoption and ratification of said report and map; and if not so paid at that time, shall draw interest thereafter until paid, at the rate of one per centum per month; and that whenever the said assessment shall exceed the sum of five hundred dollars, it shall and may, at the option of the owner or owners of said lands and real estate so assessed therefor, be paid in and by five equal annual installments, with interest yearly, at the rate aforesaid, upon any and all installments unpaid; *provided, however*, that in case of any default in the payment of any such installment and interest as aforesaid, it shall be lawful for the said township committee to demand the payment of the whole assessment, or any balance thereof then remaining unpaid, with interest thereon as aforesaid, within thirty days after the passage of a resolution by them to that effect, and to enforce such payment in the manner herein prescribed or provided for.

Proviso.

10. *And be it enacted*, That it shall also be lawful for the

Collection of assessments by action at law.

said committee to collect said assessments, or any of them, in and by an action or actions at law, in any court or courts of competent jurisdiction, and in either debt or assumpsit, against the said owner or owners, for the amount of said assessment or assessments, with interest and costs; and that in any such action, it shall be lawful to declare generally, and to give the special matter in evidence; and that either party may have the same remedy against the judgment to be rendered in any such action, by appeal or otherwise, as though both parties were private individuals.

Road improvement, bonds may be issued.

11. *And be it enacted*, That the other equal one-half part of said cost of said improvement, or any other part thereof specially assessed upon the township at large, shall be met and defrayed by the said committee out of and by the issue and sale of bonds, to be called "Road Improvement Bonds," and to be made in the name and behalf of the said township; the same to be sealed with the common seal of said township, and to be signed by a majority of said committee, and countersigned by the said clerk; and the same to be made payable in installments, and at such times as to said committee, or a majority of them, may seem proper, and to bear interest at the rate of seven per centum per annum, and to be sold and disposed of upon such terms as to said committee, or said majority of them, may seem to be most advantageous to said township; and that said committee, or said majority of them, shall and may take action, from time to time, and from year to year, for the payment of said installments and interest, by causing the same to be assessed, levied and collected in the same manner as township taxes are or shall be; and that for this purpose they shall, on or before the twentieth day of May in each year, ascertain and determine, and shall certify to the assessor of said township, what amount is necessary to be so assessed, levied and collected, for the payment of any installment and interest due and to become due in said year; and that the said assessor and collector shall levy, assess and collect the same as aforesaid; *provided, however*, that the total amount of said bonds or evidences of indebtedness shall not exceed one hundred and fifty thousand dollars.

Proviso.

Committee may borrow money.

12. *And be it enacted*, That it shall and may be lawful for said committee, or said majority of them, to borrow money from time to time, in anticipation of any such assessment for any such improvement, to an amount not exceeding, at any

one time, the sum of twenty thousand dollars, and to secure the payment thereof by note or otherwise, in the name of said township.

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

Approved April 3, 1873.

CHAPTER D 711.

A Supplement to an act entitled "An Act to establish a System of Public Instruction," to provide for the erection of School Buildings, and the establishing of a Graded School in the Town of Long Branch, Monmouth County, New Jersey.

WHEREAS, by the provisions of the act to which this act is a supplement, district number six, Long Branch, district number seven, Branchville, district number eleven, Industry, and district number twelve, Fresh Pond, all of the township of Ocean, county of Monmouth, state of New Jersey, were incorporated into one district, known and designated as school district eighty-five, Long Branch, Monmouth county, New Jersey; *and whereas*, the legal voters of school district eighty-five, Long Branch, in the township of Ocean, Monmouth county, New Jersey, did, upon such notice as the law provides, meet in school house number one, in said district, on the second day of September, one thousand eight hundred and seventy-two, and did order the trustees of said district to proceed to erect a new school house in sub-district number three and in sub-district number four, of Long Branch, district eighty-five, and to proceed to establish a graded school in the town of Long Branch; Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That said Long Branch school district, number eighty-five, Monmouth county, New Jersey,

School district to be under control of a board of education.

shall be governed by and under the control of a board of education, to consist of five members, four of whom shall be elected in the manner provided for in the act to which this act is a supplement, but the respective terms of whose office shall be four years, one trustee being elected annually after the first election, as provided for in section five of this supplement; one trustee shall be appointed by the county superintendent, to serve a term of two years, such appointment to be made within ten days after the first annual election of trustees.

Term of office of present trustees.

2. *And be it enacted*, That the present board of trustees of said school district, known as district number eighty-five, Long Branch, said board being composed of three members, shall continue in office for the time for which they have been respectively elected.

County superintendent to appoint an additional trustee.

3. *And be it enacted*, That within ten days after the election of a trustee, as hereinafter provided, the county superintendent shall appoint an additional trustee, who shall act as president of the board, but whose term shall expire on the first Monday of September next.

Election of trustees.

4. *And be it enacted*, That the legal voters, resident within said Long Branch district, immediately after this supplement shall become a law, shall meet at a place designated by the district clerk of said district, in the manner provided in the act to which this is a supplement, and the said legal voters so assembled shall then and there elect one trustee as aforesaid, whose term of service shall expire on the first Monday of the September next, when two trustees shall be elected, one for the term of three years, and one for the term of four years, and one trustee shall be elected annually thereafter for the term of four years, and the county superintendent upon the notification of such election made to him in writing, signed by the chairman and secretary of said meeting, shall file the same in his office, and then immediately appoint one other trustee whose term shall be for two years.

Appointment of president and clerk.

5. *And be it enacted*, That said board of education shall have two officers, to wit: a president who shall be the trustee appointed by the county superintendent, and a district clerk, whose appointment and duties shall be the same as those provided for in the act to which this is a supplement.

6. *And be it enacted*, That it shall be the duty of the board of education of said Long Branch school district, to proceed

without unnecessary delay, to effect the erection of a suitable school building in sub-district number three, Atlantic-ville, and in sub-district number four, Industry, and of a graded school in the village of Long Branch as contemplated by this supplement. School buildings to be erected.

7. *And be it enacted*, That the said board of education of Long Branch school district shall have power, and shall be authorized to sell the school property consisting of the buildings, furniture and lands, belonging respectively to sub-district number one, sub-district number two, sub-district number three, sub-district number four, of school district number eighty-five, Monmouth county, New Jersey, if it be deemed necessary, and to convey the same, such sales being made at public auction, and the money to be so received to be used for the partial payment for the said property, to be provided by the said board of education. Board of education authorized to sell school property.

8. *And be it enacted*, That in addition to such money as may result from the sales authorized in section seven of this supplement, the board of education are empowered and authorized to expend for the object herein contemplated, the the sum of fifteen thousand dollars, and also such further sums as may be voted by the people in accordance with section eighty of the act to which this is a supplement, or by such vote at a special meeting called for said purpose, said meeting to be called and conducted in the manner provided for in section eighty of the act to which this is a supplement; *provided*, that the whole amount including the said fifteen thousand dollars, and the sums realized from sales as aforesaid, and the sums ordered to be raised by tax aforesaid, shall not exceed thirty thousand dollars, and the said whole amount shall be applied to and used for the sole purpose of purchasing land if necessary, and erecting suitable school buildings with the necessary outbuildings and fences and make such walks, and provide such furniture and books as shall be actually necessary. Amount which may be expended for erection of school buildings. Proviso.

9. *And be it enacted*, That in order to furnish the sum of fifteen thousand dollars herein specified, the Long Branch commissioners holding office by virtue of the act entitled "An act to establish the Long Branch Police, Sanitary and Improvement Commission," and the supplements thereto, are authorized and directed whenever called upon so to do by the board of education, to issue their bond or bonds under their common seal, and the signatures of the proper officers; Long Branch commissioners may issue bonds when called upon so to do by the board of education.

said bonds to be conditioned for the payment of one thousand dollars yearly and every year, on account of the principal, together with the annual interest accruing thereon, so that the whole loan authorized by this section shall be paid off in fifteen years.

District clerk to make notification to the assessor.

10. *And be it enacted*, That it shall be the duty of the district clerk to make an annual and timely notification to the assessor of the amount of fifteen thousand dollars within the meaning of section nine of this supplement that shall be assessed, which sum shall be assessed and collected in the same manner as the town, county and state taxes; said tax to be assessed upon the taxable property in school district eighty-five, Long Branch.

Bonds not to be sold at less than par.

11. *And be it enacted*, That the bonds issued under and by virtue of this act, shall not be sold or negotiated at less than par.

Arrangements for instruction to be made by board of education.

12. *And be it enacted*, That the board of education shall make suitable arrangements for instruction in the physical sciences, the languages and music, in the graded schools, for such pupils as may desire such instruction, said tuition to be paid for as hereinafter provided.

Board of education empowered to raise by tax a certain sum.

13. *And be it enacted*, That the board of education be authorized and empowered to raise by tax, to be raised in school district eighty-five, Long Branch, the sum of one dollar per child, for all children between the ages of five and eighteen who shall be enrolled upon the annual school census, said tax to be assessed and collected as are the town, county and state taxes, and to be used for defraying the expense of teaching any branches other than those laid down in the law to which this is a supplement.

Examination of teachers.

14. *And be it enacted*, That the county superintendent shall examine or cause to be examined any person or persons who shall make application to instruct in any branches other than those laid down in the law to which this is a supplement, and shall issue over his own signature certificates of proficiency in such examination as provided for common school teachers in the act to which this is a supplement.

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

Approved April 3, 1873.

CHAPTER DVIII.

Further Supplement to the act entitled "An act to facilitate judicial proceedings in the County of Union," approved the twenty-fifth day of February, one thousand eight hundred and sixty-seven.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the proviso of the fourth section of the supplement to the above act, approved April first, one thousand eight hundred and sixty-eight, be and the same is hereby repealed.

Complaint and record of proceedings to be furnished the prosecutor of the pleas.

2. *And be it enacted*, That whenever any person shall be charged, upon oath before any justice of the peace or police [justice] in the county of Union, with any offence now triable by law before the court of general quarter sessions of the peace of said county, at any adjourned or special term, it shall be the duty of said justice of the peace or police justice, forthwith to forward to the prosecutor of the pleas of said county the complaint together with a record of all proceedings had thereon.

Fees of the prosecutor.

3. *And be it enacted*, That the fees of the prosecutor of the pleas at any such adjourned or special term shall be taxed at the same rate and in the same manner as now allowed by law at any regular term of the said court of general quarter sessions of the peace.

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

Approved April 3, 1873.

CHAPTER DIX.

Supplement to "An Act to Regulate Fees."

Price to be allowed for victualling each prisoner

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be lawful for the sheriff of Monmouth county, to receive in addition to the price now fixed by law, the sum of thirty cents for victualling a prisoner for every day such prisoner shall be in the custody of said sheriff.

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

Approved April 3, 1873.

CHAPTER DX.

A Further Supplement to a Supplement to An Act entitled "An Act to establish a new Township in the County of Union, to be called the Township of Linden," approved March seventeenth, one thousand eight hundred and seventy-two.

Boundaries of road district number one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of said supplement shall be so altered that the boundaries of road district number one in said section shall read: beginning at a point on the line of the Central Railroad of New Jersey, at the intersection of the boundary line of the city of Elizabeth and Linden township; thence running westerly along line of said railroad to the intersection of Linden and Cranford townships; thence in a southerly course along said boundary line of Cranford township, four thousand three hundred and forty feet; thence in an easterly course parallel

with said railroad to the Elizabeth city line; thence in a northerly course along said Elizabeth city line to place of beginning.

Owners of property in road district number three required to remove ice and snow.

2. *And be it enacted*, That the owner or owners of property in road district number three, in front of whose property side-walks are now laid, or may be hereafter laid, shall remove or cause to be removed all ice or snow from said side-walks, in front of their respective properties, within four hours after the storm shall cease, and if any of said owner or owners shall refuse or neglect to remove or cause the same to be removed, it shall be the duty of the overseer of the highway, in said district, to remove the same within twenty-four hours after the storm may have ceased, and the said owner or owners shall be liable for all costs and damages for removing the same, to be recovered in an action of debt in any court of record having cognizance thereof.

Repealer.

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

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

Approved April 3, 1873.

CHAPTER DXI.

A Further Supplement to the act entitled "An Act to Regulate Fees," approved April fifteenth, one thousand eight hundred and forty-six.

Compensation to be paid sergeant at-arms.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the sergeant-at-arms of the court of common pleas of the county of Camden, of this state, shall receive the sum of three dollars per day for each and every day engaged in attending said court.

Repealer.

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

Approved April 3, 1873.

CHAPTER DXXX.

An Act to regulate the Sale of Malt, Vinous and Spirituous Liquors in the Township of Haddon, in the County of Camden.

License to sell liquors shall be determined by ballot.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the persons qualified to vote at town meetings in the township of Haddon, in said county of Camden, and they are hereby required to hold an election in said township, on the last Tuesday in April, one thousand eight hundred and seventy-three, at the place at which their last town meeting was held, and determine by ballot whether any person or persons shall thereafter be licensed to utter or sell, within the limits of said township, any malt, vinous, spirituous or intoxicating liquors.

Mode of conducting the election.

2. *And be it enacted*, That the officers who may be authorized by law to hold the next annual state election in said township shall conduct the election to be held in pursuance of the first section of this act; and said election shall be commenced and conducted in accordance with the provisions of, and under the penalties prescribed by the act entitled "An act to regulate elections," and the several supplements thereto, so far as said provisions are applicable, except that in place of the words "for members of," and so forth, in the heading of the poll list, shall be inserted the words "to determine whether license shall be granted to sell malt, vinous, spirituous or intoxicating liquors" in said township.

Mode of canvassing ballots.

3. *And be it enacted*, That each ballot to be used at said election shall have written or printed on it the word "License," or the words "No License;" and at the close of said election the votes shall be canvassed in the manner provided in sections fifty-four and fifty-five of the said act, entitled "An act to regulate elections," so far as the provisions thereof are applicable; and a certificate of the result, showing the number of votes in favor of and against such

license, shall be signed by the board of election, and within five days thereafter be delivered to the clerk of said county of Camden, to be kept on file as a public record.

Notice of election.

4. *And be it enacted*, That the same notice shall be given of said election as is by law required to be given of the annual state election, and the officers conducting the same shall be entitled to receive the same fees as are allowed for like services in holding the annual state election, to be collected and paid in the same manner.

Elections on the question of license or no license to be annual.

5. *And be it enacted*, That at each second annual town meeting, or township election, to be held in said township of Haddon, succeeding the election provided for in the first section of this act, the persons qualified to vote at such town meeting or election are hereby authorized and required to vote upon the question of license or no license, in the same manner in which other matters are voted on at such election, except that the ballots for this purpose shall be separate, and like unto those prescribed in the third section of this act, and when received shall be deposited in a separate box, similar in all respects to the ballot-box prescribed by law, and to be provided and paid for in the same way; and at the close of said election the officers shall immediately make out and sign a certificate of the result in the mode mentioned in said third section of this act, and within five days thereafter deliver the same to the officer therein mentioned.

License shall not be granted if a majority of the votes are against license.

6. *And be it enacted*, That if it shall appear that, at any election held in said township of Haddon, pursuant to the provisions of this act, a majority of all the votes cast were for "No License," it shall not thereafter be lawful to license any person or persons to sell malt, vinous, spirituous or intoxicating liquors within said township, until it shall be so decided by a majority of legal votes cast at some subsequent election, held as hereinbefore provided.

Penalty for selling without license.

7. *And be it enacted*, That from and after the passage of this act it shall not be lawful for any person or persons within said township of Haddon, without a license for that purpose first had and obtained, to sell, or cause or knowingly permit to be sold, directly or indirectly, any malt, vinous, spirituous or intoxicating liquors, or any composition of which such liquors, or any of them, shall form the chief ingredient, except such as shall be sold to be used as a medicine, and not drank on the premises where sold; and that no such liquors shall be sold at any tavern, hotel or public house of

entertainment; and any person so offending shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than fifty nor more than one hundred dollars for the first offence, and not less than one hundred dollars for each and every subsequent offence, together with the costs of prosecution; *provided*, that the prosecution shall be commenced within six months after the offence or offences shall have been committed.

Proviso.

Repealer.

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

Approved April 3, 1873.

CHAPTER DXXXI.

A Further Supplement to the act entitled "An Act constituting a Public Road Board for the laying out, constructing, appropriating, improving and maintaining public carriage roads in the County of Essex," approved March thirty-first, one thousand eight hundred and sixty-nine.

Costs and expenses to be raised by assessments on lands, &c., benefited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That such part of the costs and expenses authorized by, and incurred under, the second section of the supplement to the above entitled act, which supplement was approved March twenty-sixth, one thousand eight hundred and seventy-three, as shall be raised and collected in the city of Newark, shall be certified by the said board to the common council of said city, and shall thereupon be assessed and collected and be a lien upon lands and real estate, in the same manner, so far as practicable, as assessments for paving streets in said city are or shall be made; and that all assessments for benefits made under the act to which this is a further supplement, or any supplement thereto shall be payable with lawful interest from the time of the making thereof, and that this act shall take effect immediately.

Approved April 3, 1873.

CHAPTER DXXXII.

A Supplement to an act entitled "An Act to Provide for the Election of a County Collector, and of County Auditor in the County of Monmouth," approved March eighteenth, one thousand eight hundred and seventy-three.

County collector and auditor when to be elected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first annual May meeting of the new board of chosen freeholders of the county of Monmouth, to be held after the passage of this act, shall be taken and held to be the meeting at which a county collector and county auditor shall be elected as provided for in the act to which this is a supplement, anything in said act to the contrary notwithstanding.

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

Approved April 3, 1873.

CHAPTER DXXXIII.

A Supplement to an act approved April fourth, eighteen hundred and seventy-two, entitled "An Act to Improve Bulls Ferry Road, in Hudson County, from the northerly line of the Township of Weehawken, to the Hackensack Plank Road, and also the Branch Road leading from Bulls Ferry Road, opposite Weehawken Street, in the Town of Union, to Nineteenth Street, in the Township of Weehawken."

Preamble.

WHEREAS, It is represented that the commissioners by said act appointed have, in all things, proceeded according to the terms and intent of said act, except that by reason of

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the fact that the Hoboken newspaper, which was a daily paper when said act was approved, became only a weekly newspaper shortly after the commencement of the publication of the notice required by the second section of said act to be published in a daily newspaper in Hoboken—

Publication of notice legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the publication of said notice in the said newspaper shall be deemed and taken as the publication required by said second section, notwithstanding said newspaper became a weekly instead of a daily newspaper.

Notices required to be published.

2. *And be it enacted*, That all notices required to be published by said act may be published in any newspaper, daily or weekly, in Hoboken, or if none shall be published there, then in any newspaper, daily or weekly, published in Jersey City; *provided, however*, that such publication shall not dispense with the enclosing notices to land-owners by mail, as in said act is provided, where such notices by mail are required to be sent to non-resident land-owners; that notices required to be published by said act for twenty days shall be published three weeks successively, once at least in each week, and those required for ten days shall be for two weeks successively, once at least in each week.

Proviso.

Commissioners may include in assessment expense of establishing grade.

3. *And be it enacted*, That the commissioner may include in the assessment authorized by the fourth section of said act, the expense of fixing and establishing a grade for the said road, and of ascertaining as near as may be the probable cost and expenses of making the improvements authorized by the ninth and tenth sections of said act, and of executing the work and performing the duties authorized to be performed by any part of this act; and the said commissioners shall ascertain as nearly as may be such cost and expenses of said proposed improvements in said ninth and tenth sections of said act mentioned and authorized by any part of this act, and give notice of the estimated cost thereof in the same notice in which they state their intention to make the said improvements, so as to assist the owners of property to determine whether said improvements shall be carried out or not.

Collection of assessment may be postponed.

4. *And be it enacted*, That the said commissioners may postpone the collection of the assessment provided for by the fourth section of said act until the work authorized by any other section of said act or this act is done, and then

collect the assessments for all purposes together; *provided, however*, that the postponement shall not take place unless said commissioners are satisfied that they will in the meantime be able by other means to raise the moneys which are provided to be raised by said fourth section. Proviso.

5. *And be it enacted*, That the owner or encumbrancer of any lands sold under the sixth or eleventh section of said act may redeem the said land from the purchaser by paying to him within two years from the day of sale, the amount for which sale was made, with interest at twelve per centum per annum, from the date of the sale, with all the costs and expenses of such sale, and in case of the absence of such purchaser, or his or her incapacity, by paying the same into the court of chancery, on such terms as said court shall direct. Lands may be redeemed within two years from day of sale.

6. *And be it enacted*, That to raise the moneys authorized to be raised by the eighth section of said act, or necessary to execute any part of said act, or this act, the said commissioners may issue certificates for such sums as they shall find will most readily enable them to raise the necessary money, and such sums shall be payable, with interest at seven per centum per annum; and said commissioners may dispose of the same at any rate not below ninety-five per centum of their par or nominal value, and said certificates shall be received at their par value and accrued interest in payment of assessments, and be payable and paid out of the assessments when collected, and said certificates shall cease to bear interest after the date on which the commissioners shall announce their readiness to redeem the same. Commissioners may raise money by issuing certificates bearing interest.

7. *And be it enacted*, That the said commissioners shall have power to fix and establish the grade of said roads or streets, and to grade the same, and to flag the same for such width as is deemed advisable, and provide for the surface drainage of the said roads or streets by suitable culverts and receiving basins, and to establish monuments locating the boundaries of said roads or streets; but said works, except the mere fixing and establishing the grade shall not be executed except under the same circumstances as are prescribed in the ninth and tenth sections of said act for executing the improvements therein mentioned, and in the manner and under the circumstances in this act prescribed, and the cost of executing said works shall be assessed and paid as provided in the eleventh section of said act. Commissioners may fix grade of streets, &c.

Proceedings in case of remonstrance.

8. *And be it enacted*, That section ten of said act shall be so altered and amended as to require the owners of three-quarters of all the land along the entire lines of said road to remonstrate, in writing, against such improvements so advertised, instead of the owners of three-quarters of the land along the lines of the respective sections of said road; Proviso. *provided*, that in case at the time and place designated to receive said remonstrance, the owners of a majority of the frontage of any of the sections should propose, in writing, any change in the grade or details of the execution of the said improvements on said section by said act, or this act authorized, then such change shall be made in accordance with such proposition.

Sections of road.

9. *And be it enacted*, That in dividing the Bulls Ferry road or branch road in sections, as provided for in section nine of said act, one section shall extend from Fulton street to the northern boundary of Weehawken, and another section shall extend from the southerly line of the estate of James G. King to Nineteenth street, in Weehawken.

Preamble.

10. AND WHEREAS, it is contemplated that the owners of the lands and real estate along the line of said road within the sections of said road described in section nine of this act, may undertake at their own expense, and under the supervision and subject to the directions of the said commissioners, to improve said road in said sections, to perform all the labor and furnish all the materials and donate all the lands necessary to be taken in straightening and widening said road, and release all damages which will be done thereby to the residue of the lands not taken on said sections of said road last referred to; *now therefore, be it enacted*, that the owners of the lands and real estate along the lines of said road described in section nine of this act, shall at their own option, to be declared to the said commissioners be permitted and allowed under the supervision of the said commissioners and subject to their direction, to peform all the labor and furnish all the materials on such sections, and donate all the lands necessary to be taken in straightening and widening said road in said sections, said owners releasing all damages which shall be done to the residue of the lands not taken; said commissioners in making their assessments shall estimate the value of the work so done and materials furnished by said land owners and the value of the lands donated and the amount of the dam-

Owners of lands, &c., may perform the labor and furnish materials, under the supervision of the commissioners.

ages released, if any, and shall credit the same on any assessment or assessments which they shall make on the lands of such land owners as last aforesaid, which shall be in full of any assessment to be made upon said land owners for the improvements authorized by said original act and this act, excepting, however, the charges and assessment for the incidental cost and expenses and their portion of the general amount assessed upon and paid by the town of Union and the township of Weehawken, notwithstanding such work shall be done, materials furnished and lands shall be donated and damages released as aforesaid; the said commissioners are hereby authorized and directed to allow and apply the amount of money which shall be assessed against the town of Union and the township of Weehawken, upon such portion of the Bull's Ferry road lying between Union street and Weehawken street and the branch road lying between Weehawken street and the southerly line of the lands formerly of James G. King, deceased, as said commissioners may determine, to the end that the lands which shall be assessed for the work, labor and materials, lands taken and damages where such allowance shall be made on such last named portion of said road, shall be relieved to the extent of such allowance, and such allowance shall be credited on the assessment therefor, it being the intention that the assessments shall be made as provided in the original act and this supplement, and that the credits shall be given and allowed as herein declared.

Assessments shall include interest.

11. *And be it enacted*, That the assessments mentioned in the fourth, sixth and eleventh sections of said act, shall include interest at seven per centum per annum for thirty days after the filing of the assessment map and list, but any person paying the amount of the assessment before the end of the said thirty days, shall be entitled to a rebate of interest for the unexpired part of said thirty days; whenever the rate of interest is fixed in said act, it shall be intended to be that rate per annum.

Township treasurers shall collect assessments

12. *And be it enacted*, That in collecting the assessment provided for in said act or this act, the treasurers in the different townships through which the road passes, shall collect the various amounts assessed on the property lying in their respective towns or townships, and they shall be entitled to receive such compensation as the town council or township committee in the respective town or township may

Proviso. fix; *provided*, that they shall first give such bonds to the commissioners as the latter may require for the faithful performance of their duties; in case of the disability or disinclination to serve of any of the said treasurers, then the commissioners shall fill such vacancies, subject to the same penalties and entitled to receive the same compensation as mentioned above; all moneys received from the sale or negotiation of the certificates issued by the commissioners, and all assessments received by said treasurers under said act or this act, shall be deposited within three days after the same or any part thereof are received, in the first national bank of Hoboken, and said first national bank of Hoboken shall, with the money so received on deposit by the same, redeem the warrants drawn by the commissioners in payment of work done or materials furnished, and the certificates issued by the said commissioners under the said act or this act; *provided*, no certificate shall be redeemed by said bank except by written authority of said commissioners, expressed on the back of the certificate so to be redeemed.

Proviso.

Commissioners may re-grade as shall be necessary.

13. *And be it enacted*, That where Bull's Ferry road or the branch road intersects with any other road, street or avenue on which a legal grade has been established and now exists, and by reason of the grading or improving of Bull's Ferry road or the branch road, any abrupt declivity may occur on account of the difference of the grades, the said commissioners may re-grade for such distance as may be necessary, said intersecting streets or avenues, or any of them so as to conform their grade to that established for Bull's Ferry road and the branch road, and they are hereby empowered to assess the cost and expenses thereof on the property benefited thereby, in proportion to the benefit received, in the manner prescribed in the eleventh section of said act.

Repealer.

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

Approved April 3, 1873.

CHAPTER DXLII.

A Supplement to the act entitled "An Act to revise and amend the Charter of the City of Newark," approved March eleventh, one thousand eight hundred and fifty-seven.

Preamble. WHEREAS, the property owned by divers societies and corporations in the city of Newark, is held not to be subject to assessment, for the cost of street openings and other local improvements, by reason of certain exemptions contained in their respective charters; *and whereas*, said societies and corporations, in many if not all cases, are empowered in their said charters to hold, and do hold large tracts of land, often acres in extent, which are largely increased in value, by said local improvements, without any cost to said societies and corporations, and which may be, and frequently are sold, and other property purchased by said societies and corporations, to be again improved and benefited at the expense of adjoining owners and citizens generally; *and whereas*, so much land in said city of Newark is now owned by societies and corporations, in this manner, that many needed improvements must be entirely stopped, or an unjust and heavy burden be continually imposed upon the citizens of said city of Newark; *and whereas*, it is believed that the legislature, in granting the exemptions contained in the charters aforesaid, intended to relieve the property of said societies and corporations only from taxes and assessments for state and general purposes, and did not intend to exempt said property from assessments for improvements which increase said property in value, and thereby to free a large portion of the territory of said city from those assessments for local improvements, which ought to be borne proportionately by all; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the land and appurtenances in the city of Newark, owned or held by or vested

Lands and appurtenances owned or vested in societies or corporations to be liable for assessments as if vested in an individual.

in, or which may hereafter be owned or held by or vested in any society or corporation, now existing in said city, under whatever charter or act the same is owned, or held, or vested, shall be and be deemed to be subject to and liable for any and all assessments for street openings, and all other local improvements in said city of Newark, as fully and the same as property owned by individuals in said city, any exemption or provision contained in the charter of said society or corporation, or in any supplement thereto to the contrary notwithstanding.

Repealer.

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

Approved April 4, 1873.

CHAPTER DXLV.

An Act to set off a new Township from parts of the Townships of Ocean and Shrewsbury, in the County of Monmouth, to be called the Township of Eatontown, and for other purposes.

Boundaries of the township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the townships of Ocean and Shrewsbury, in the county of Monmouth, lying within the following boundaries, to wit: beginning at Cranbury brook, where it crosses the line of said townships of Ocean and Shrewsbury, and running easterly down said brook or stream the several courses thereof, to the Long Branch corporation line, the saw mill now standing upon or over said stream to be considered in the aforesaid township of Ocean, and the Ocean mills standing upon or over said stream, to be considered in the township of Eatontown; thence running along the westerly line of said corporation to the railroad leading from Eatontown to Long Branch; thence northeasterly to the southeast corner of John E. Pye's land; thence north to the South Shrewsbury river, being

the boundary line between said township of Ocean and Shrewsbury; thence westerly to the point of land known as Horse Neck, at the end of a new road; thence westerly along said new road or highway, to the turnpike leading from Red Bank to Eatontown; thence southerly along said turnpike to the junction of the road leading from Eatontown to Tinton Falls; thence westerly along said road towards Tinton Falls to the corner of the road leading from the northwest corner of John G. Vanderveer's farm, to the Halfway House; thence southerly along said road or highway to the place of beginning; shall be and hereby is set off from the said townships of Ocean and Shrewsbury, and made a separate township, to be called and known as the township of Eatontown.

Declared to be a body politic and corporate.

2. *And be it enacted*, That the inhabitants of the said township of Eatontown shall be and they are hereby constituted a body politic and corporate in law, by the name of the inhabitants of the township of Eatontown, in the county of Monmouth, and shall be entitled to all the rights, powers, privileges and advantages, and shall be subject to all the regulations, government and liability to which the inhabitants of the other townships in said county of Monmouth are or may be subject to or entitled to by the laws of this state.

Time and place of holding first township meeting.

3. *And be it enacted*, That the inhabitants of said township of Eatontown shall hold their first township meeting at the house of John J. Wheeler, in said township of Eatontown, for this year by a special township election to be held on the second Tuesday of April now next, and for each and every year after the year eighteen hundred and seventy-three on the day appointed by law for holding the annual town meeting in the other townships in said county of Monmouth, and the officers for conducting said first election shall be chosen on the morning of the election, immediately before the polls shall be opened, by a viva voce vote of the legal voters there present.

Time and place of meeting of township committees of Ocean and Eatontown to divide and allot property.

4. *And be it enacted*, That the township committees of the township of Ocean and Eatontown shall meet on the last Tuesday of April, anno domini one thousand eight hundred and seventy-three, at the house of John VanWort, in said township of Ocean, at ten o'clock in the forenoon of said day, and shall then and there proceed by writing, signed by a majority of those present, to allot and divide

between the said townships all properties and moneys on hand due or to become due, in proportion to the taxable property and ratables as taxed by the assessor within their respective limits, at the last assessment, and may adjourn said meeting from time to time as a majority of those present may think proper, and the inhabitants of each of said townships shall be liable to pay their proportion of the debts, and to support the paupers whose settlements are or may be within the boundaries of their respective townships.

Committees of townships of Shrewsbury and Eaton town to meet and allot and divide property.

5. *And be it enacted*, That the township committee of the townships of Shrewsbury and Eatontown shall meet on the first Tuesday of May, anno domini one thousand eight hundred and seventy-three, at the house of John J. Wheeler, in said township of Eatontown, at ten o'clock in the forenoon of said day, and then and there proceed by writing, signed by a majority of those present, to allot and divide between the said townships, all moneys on hand, due or to become due, and all property in proportion to the taxable property and ratables as taxed by the assessor within their respective limits at the last assessment, and may adjourn said meeting from time to time, as a majority of those present may think proper, and the inhabitants of each of said townships shall be liable to pay their proportion of the debt, and to support the paupers whose settlements are or may be within the boundaries of their respective townships.

Division line to be marked

6. *And be it enacted*, That the committees of the several townships of Ocean, Shrewsbury and Eatontown shall cause the division line to be run and marked when necessary.

Portion to constitute part of third assembly district.

7. *And be it enacted*, That the said township of Eatontown shall constitute a part of the third assembly district in said county of Monmouth.

Portion to constitute part of second assembly district.

8. *And be it enacted*, That the township of Mattawan, in said county, shall hereafter constitute a part of the second assembly district in said county.

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

Passed April 4, 1873.

CHAPTER DXLVI.

A Supplement to an act entitled "An Act relative to Juries and Verdicts," approved April seventeenth, one thousand eight hundred and forty-six.

Judges of the court of common pleas shall appoint commissioners of jurors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on the second Tuesday of June, in the year one thousand eight hundred and seventy-three, the judges of the court of common pleas of Hudson county, or a major part of them, shall in open court appoint two careful and discreet persons from the body of the voters of said county, one from each political party, who shall be the commissioners of jurors of said county, one of whom shall hold office for one year, and one for two years, and until their successors, respectively, shall be appointed and qualified; and on the second Tuesday in June in each succeeding year, or as soon thereafter as the said courts shall be in session, they shall appoint one person as aforesaid to serve as such commissioner for two years and until his successor shall be appointed and qualified; and in case of any vacancy caused by the resignation, death, disability, removal, neglect or refusal to serve or qualify of either of said commissioners or otherwise, then the said judges may in open court appoint at any time a commissioner for the unexpired term only.

Commissioners to make oath.

2. *And be it enacted*, That before they enter upon the duties of their office the said commissioners shall take and subscribe before the county clerk an oath to faithfully and impartially execute the same.

Duties of sheriff to be performed by commissioners of jurors.

3. *And be it enacted*, That all the powers and duties belonging or appertaining to the sheriff of said county in regard to the drawing and impanneling of grand and petit jurors in said county shall be transferred to and vested in said commissioners of jurors.

Further duties of commissioners of jurors.

4. *And be it enacted*, That the duties required in the fourteenth and nineteenth sections of the act to which this is a supplement, to be performed by the sheriff or coroners of

Hudson county, shall be performed by said commissioners of jurors.

Compensation.

5. *And be it enacted*, That the said commissioners of jurors shall each receive such compensation for their services as the board of chosen freeholders of said county shall from time to time direct, not exceeding ten dollars per day for the time actually spent in the service of said county as such commissioners, to be paid by the county collector upon an order from said board.

Repealer.

6. *And be it enacted*, That so much of any act as conflicts with or is inconsistent with this act be and the same is hereby repealed.

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

Passed April 4, 1873.

CHAPTER DXLIX.

An Act to incorporate the East Windsor Soldiers' Monument Association at Hightstown, New Jersey.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Andrew J. Smith, Charles Keeler, Charles W. Mount, Thomas C. Pearce, Jacob Stults, Maggie Morrison, Lizzie Morrison, Julia S. Reed, Mary E. Smith, Mary V. Reed, Almira Silvers, and such other persons as may be associated with them in the manner hereinafter directed, and their successors, shall be and they are hereby created a body politic and corporate by the name of "The East Windsor Soldiers' Monument Association," and to be located in the borough of Hightstown.

Corporate name.

Business to be managed by trustees.

2. *And be it enacted*, That the business of said corporation shall be managed by twelve trustees, who shall be governed by the by-laws and rules of the corporation, which by-laws shall define the terms and conditions upon which persons may become associated with them as members thereof, and who shall have power to elect a president, treasurer, and such other officers as they shall see fit, from time to time, and whose first annual meetings shall be on the fourth day

of July, unless changed by the vote of the trustees; that the corporators herein named shall be the first trustees, and vacancies in the board, by death or otherwise, shall be filled by the board of trustees, a majority of whom shall be a quorum for that purpose. Vacancies, how supplied.

3. *And be it enacted*, That the general object of said incorporation shall be to raise funds, procure lands and erect a suitable monument to the memory of the officers and soldiers from the township of East Windsor, who have fallen in the service of their country during the late rebellion, and for that purpose they shall contribute such sums, respectively, as they shall agree to pay; shall receive contributions from others who may desire to associate with them; may purchase or receive, by devise or grant, land, and hold the same for the purpose of the incorporation, the whole value of which shall not exceed three thousand dollars. Object and powers.

4. *And be it enacted*, That all moneys that may have been raised by taxation in the township of East Windsor, Mercer county, for the purpose of erecting a soldiers' monument, shall be paid to the treasurer of the East Windsor Monument Association, upon his giving a receipt to the proper township officers for the amount collected. Moneys to be paid to the treasurer of the association.

5. *And be it enacted*, That the property, lands and funds of the corporation, shall be free from taxation, for state, county, borough or township purposes, and that this act shall take immediate effect, and shall not be liable to the state assessment under the act entitled, "An act to increase the revenues of the state," approved March sixth, one thousand eight hundred and fifty-eight. Property to be exempt from taxation.

Approved April 4, 1873.

CHAPTER DLIII.

A Further Supplement to the Charter of the City of Hoboken, passed March twenty-eighth, eighteen hundred and fifty-five.

Election of comptroller.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the next annual charter election of said city there shall be elected a comptroller of said city, and annually thereafter, the term of whose office shall commence on the first day of May in each year.

Compensation of comptroller, his powers and duties.

2. *And be it enacted*, That the comptroller shall receive an annual salary of twelve hundred dollars, to be paid in monthly installments, and shall keep an accurate account of all receipts and disbursements on account of the police department, the fire department, poor fund, public schools, salaries and contingent fund, docks, wharves and piers, and city debt, the opening, widening, regulating and repairing of streets, sewers and public places, and such specific objects as a correct management of the city finances may render necessary, to the end that his books may at all times show what are the appropriations for any specific object, what amount has been collected for the same, whether the said amount has been exhausted, or how much remains to the credit of such appropriations, with a detailed account of expenditures for the same; he shall also be subject to all such ordinances and resolutions of the mayor and council as they shall from time to time adopt; his office shall be in the city hall, where he shall attend during the business hours of each day, and he shall make weekly reports of the state of the finances to the council, or oftener if required; he shall give a bond, for the faithful performance of his duties, in the sum of ten thousand dollars, with two sureties, to be approved by the mayor and council.

Receipts shall be audited by the comptroller.

3. *And be it enacted*, That no receipt of any officer of said city for any moneys from any source whatsoever shall be valid against the said city, except the same shall have been presented to, and have been audited by the said comptroller.

May be removed for cause.

4. *And be it enacted*, That the comptroller shall be subject to removal for cause in the same manner as the city clerk or other city officers.

Duties of the city treasurer as to moneys received

5. *And be it enacted*, That all moneys received by the collector of revenue, or any officer or agent of said city, which should be paid into the treasury of said city, including all license fees, fines, penalties, and forfeitures, shall be delivered to the city treasurer by such officer or agent within forty-eight hours after he receives the same, and the city treasurer shall, within twenty-four hours thereafter, deposit the same to the credit of the city of Hoboken, in such safe or reliable institution to be designated by the council as may be willing to allow the highest rate of interest for the use of the average balances held by it; *provided*, that no bank holiday shall be taken as a part of said twenty-four hours; *provided also*, that the responsibility of the treasurer as to all amounts deposited in said bank shall cease as soon as said deposit is made and the receipt of the bank obtained therefor.

Proviso.

Proviso.

Statement of amount paid to treasurer to be filed with the comptroller.

6. *And be it enacted*, That when any officer or agent of the city shall pay any money to the city treasurer, the said officer or agent shall also forthwith file with the said comptroller a statement under his hand of the amount so paid, and of the time of payment; which statement shall also show upon what account the said money came to the hands of such officer or agent, to the end that the comptroller may enter the same correctly in his books; and when any money is paid to the city treasurer by any other person than an officer or agent of the city, the treasurer shall forthwith file with the comptroller a similar statement under his hand of the moneys so paid to him.

Comptroller shall prepare an annual statement of finances.

7. *And be it enacted*, That it shall be the duty of the comptroller to prepare an annual statement of the finances of the city, and file the same with the city clerk not more than thirty nor less than twenty days before the annual charter election.

Tax payers, &c., to have free access to books and accounts.

8. *And be it enacted*, That the citizens and tax payers of said city shall at all times during the business hours of the day, have full and free access to the books and accounts of the comptroller, collector of revenue and treasurer.

Amendment

9. *And be it enacted*, That section three of the supplement to the city charter, approved April fourth, eighteen hundred and sixty-seven, be and the same is hereby amended, by

striking out the word "fifteen," and inserting in lieu thereof, the word "eight."

Compensation of commissioners of appeal.

10. *And be it enacted*, That the commissioners of appeal in cases of taxation in said city shall each be entitled to receive the sum of forty dollars in full for all services performed by them as such commissioners, and that the council of said city shall have no power or authority to alter the tax books of said city.

Assessors to give notice of amount of assessment, &c.

11. *And be it enacted*, That the assessors of the said city shall, at the time of making the assessment for taxes, or as soon thereafter as practicable, notify every person so assessed of the amount of such assessment, and the time the commissioners of appeal will sit to hear objections to such assessment.

Collector of revenue may appoint an assistant.

12. *And be it enacted*, That the collector of revenue of the city of Hoboken be and he is hereby empowered to appoint an assistant at a salary not exceeding five hundred dollars per annum, and that the council shall have power to appropriate the necessary sum to pay said salary from the contingent fund of said city of Hoboken; and the collector of revenue shall be responsible to the said mayor and council for the proper discharge of the duties of his assistant and shall be liable to be sued on his bond for any neglect of the duties of his office, or for any defalcation in the collection of the revenue of said city.

Repealer.

13. *And be it enacted*, That section seven of the supplement to the city charter, approved April sixth, eighteen hundred and seventy-one, be and the same is hereby repealed.

Repealer.

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

Approved April 4, 1873.

CHAPTER DLV.

An Act to authorize the inhabitants of the Township of Bedminister, in the County of Somerset, to vote by ballot at their annual town meetings.

Inhabitants authorized to vote by ballot.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Bedminister, in the county of Somerset, be and they are hereby authorized and required to elect by ballot, at their annual town meeting, between the hours of ten o'clock in the morning and four o'clock in the afternoon (excepting one hour adjournment between the hours of twelve o'clock, noon, and one o'clock in the afternoon) in the manner now authorized by law for the election of state and county officers, all such township officers (excepting overseers of the highways) as the inhabitants of the said township are now or hereafter may be authorized or required to elect; and shall in like manner designate and fix the amounts of money to be raised by the said township for schools, roads and other purposes, and also the place of holding the next regular election in said township for the election of state and county officers.

Duties of the inspectors of election.

2. *And be it enacted*, That the inspectors of election elected at the last general election for state and county officers, or at any future election for such officers, shall preside at and conduct the election at the next ensuing annual town meetings in said townships respectively, which town meetings shall be held at the same place as the regular election for state and county officers next preceding the same was held.

Plurality vote sufficient.

3. *And be it enacted*, That a plurality of votes shall be sufficient to elect any officers at such election, and to determine the amount of money to be raised or specified for any particular purpose; and in case of a tie vote, or a neglect or refusal of any officer elected to serve, the township committee shall have power to fill such vacancy at their next meeting after such election, and to decide between those having an

equal number of votes, and to determine the amount or amounts of money to be raised.

Election of overseer of road districts

4. *And be it enacted*, That hereafter the acting overseer of the highways in each and every road district in said township shall call a meeting of the voters of said road district to be held on Saturday previous to the next regular town meeting, by a notice in writing under the hand of said acting overseer of the highways in said district, set up at two of the most public places in said district for at least five days previous to such meeting, for the purpose of electing an overseer of the roads for said district for the ensuing year, and the person who shall receive a majority of the votes cast at such meeting thus called shall be the overseer of said respective road district for the next year, and it shall be the duty of the late overseer to report the result of such election to the town committee elected at the town meeting next preceding the same.

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

Approved April 4, 1873.

CHAPTER DLVI.

An Act to lay out and open streets in the Township of North Plainfield, in the County of Somerset, and in the City of Plainfield in the County of Union.

Preamble.

WHEREAS, it is provided, by the charter of the city of Plainfield, in the county of Union, that surveyors of highways shall have no authority in said city to lay out highways therein; but that the same shall be laid out under the authority and directions of the common council of said city; *and whereas*, the town of North Plainfield is situated in the township of North Plainfield, in the county of Somerset, adjacent to said city of Plainfield, and separated from it by a small stream, but not within the corporate limits of said city; *and whereas*, whenever it is desirable and necessary to lay out a street or road running or ex-

tending into both of said places, great inconvenience is experienced from the different methods provided by law in the said places, for laying out and opening such road or street; for remedy thereof,

Commissioners shall be appointed by city of Plainfield and township of North Plainfield to open and lay out streets, roads, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any road, street or highway hereafter laid out and opened, extending from the city of Plainfield, in the county of Union, into the township of North Plainfield, in the county of Somerset, or extending from the latter place into the former, shall be laid out by six commissioners or a majority of them; three of whom shall be appointed by the common council of said city, and three by the township committee of the township of North Plainfield, who, before entering upon the duties of their appointment, shall be sworn or affirmed before any person by law authorized to administer an oath, faithfully and impartially to execute the duties imposed upon them by law, and they may meet from time to time, and if necessary adjourn; and they are hereby authorized and empowered to lay out and order opened any such road, street or highway as aforesaid, whether or not such street may run through any house, barn or other private buildings, and take and appropriate for such purpose any lands that may be necessary therefor, and make an assessment to the owners of such lands and real estate, taken for such road or street, as near as may be in accordance with the provisions of the act of the legislature of New Jersey, entitled "An act concerning roads," revision approved April sixteenth, one thousand eight hundred and forty-six, and the various supplements thereto, including the supplement approved March 23d, A. D. 1859, and excluding the supplement approved March 22d, A. D. 1860.

Notice shall be given of intended application to be made for opening streets, &c.

2. *And be it enacted*, That whenever application is intended to be made for the laying out and opening of any such street or road as aforesaid, notice shall be given of such intended application by advertisements signed by one or more of the applicants for such street or road, containing a brief description of such street or road, and the names of the owners of the lands through which said road or street is proposed to be run, if the same can be ascertained, and the time and place of such application, set up at three or more public places in the said city of Plainfield, and also in said township of North Plainfield, at least ten days before said

application, and by publishing the same in at least one newspaper, printed and published in said city, at least five days before such application, and proof of such advertisements and of such publication shall be made to the said common council and said township committee before appointing said commissioners, which proof shall be final; and the said application need not necessarily be made to said common council and said township committee at the same time.

Surveys and maps to be made.

3. *And be it enacted*, That said commissioners shall cause such street or road to be surveyed, and two maps thereof to be made, and shall make and certify under their hands, or under the hands of a majority thereof, two certificates, or reports of the laying out of such street or road, and the assessment of the damages and benefits therefor, one of which certificates or reports, together with one of said maps, shall be filed with the clerk of said city of Plainfield, and the other certificate or report with the other map shall be filed with the clerk of said township, within ten days after the said certificates or reports shall have been signed; and as soon as said certificates or reports with the assessments of damages and benefits shall have been accepted and approved by the said common council and said township committee, the said street or road shall be a lawful street or road, unless an appeal be taken from such report and assessment as hereinafter mentioned.

Proceedings for the appointment of commissioners.

4. *And be it enacted*, That before any such commissioners shall be appointed, written applications shall be made to said common council and to said township committee, signed by persons owning or representing at least one half of the frontage of said proposed road or street, requesting the laying out of such road or street; and upon such application being made to each of said common council and township committee, it shall be the duty of said common council and township committee, each to appoint three commissioners, as aforesaid; *provided*, that no commissioner interested as owner of land through which said road or street may run, or from any other cause, shall in any case be appointed.

Proviso.

City clerk and clerk of township shall give notice of amount of assessment.

5. *And be it enacted*, That the clerk of said city, and the clerk of said township committee, shall, each within fifteen days from the time such report and map shall be filed with him, cause notice to be served upon all persons residing or owning land within their respective districts who may have been assessed, either for benefits or damages, in laying out or opening such street or road, of the amount of such assess-

ment, which notice may be given personally or by leaving the same at the residence of the party, or in case the said party is a non-resident, by mailing such notice to his or her address, if it can be ascertained, and if such residence cannot be ascertained, such notice shall be published at least twice in one or more newspapers, printed and published in the city of Plainfield.

Proceedings when owner or owners are dissatisfied.

6. *And be it enacted*, That if any land owner, upon whom any sum shall be assessed, either for damages or benefits, in laying out or opening any such road as aforesaid, shall be dissatisfied with such assessments, such land owner, within thirty days from the date of filing the report and certificate of such commissioners, appeal from said report and assessment, and on filing notice of such appeal with the clerk of said city or of said township, as the case may be, it shall be the duty of said common council and of said township committee, each to appoint three persons from their own body, not interested in the matter, as commissioners of appeal, to review said report and assessment of damages and benefits; which said commissioners shall meet as soon as practicable, at such times and places as they may appoint, and before entering upon the duties of their appointment shall be first sworn, in the same manner as the first set of commissioners, and shall cause ten days' notice of the time and place of their meeting to be given to the appellant or appellants, and shall review such assessment of damages or benefits, and lessen or increase the same as to them, in their judgment shall seem fit and just, and if any change be made in said assessment by said last named commissioners, the whole of said assessment shall be varied, so that the whole amount assessed for damages shall be assessed for benefits, so that said assessments shall be balanced, the one by the other; and the certificates and reports of said commissioners, or a majority thereof, under their hands, two of which shall be made and signed by them, shall be filed with the clerks aforesaid within ten days from the time of making thereof, and shall be binding and conclusive to the parties interested, on the same being approved and confirmed by said common council and said township committee; *provided, however*, that no party interested shall be debarred from having any proceeding herein named reviewed by certiorari.

Proviso.

7. *And be it enacted*, That the township committee of

Collection of assessments for benefits.

said township, and the common council of said city, shall cause the amount of damages that may be assessed in favor of any person in the laying out of any road or street as aforesaid, within their respective bounds, to be collected from the person or persons, or party upon whom the same shall have been assessed for benefits, at the same time and in the same manner as the usual city or township taxes are now collected, and shall pay the same, when collected, or tender the same to the person or persons to whom the said damages have been awarded, and who are entitled to receive them, after which the said road or street shall be opened for public use.

Approved April 4, 1873.

CHAPTER DLVII.

A Supplement to an act entitled "A Supplement to An Act Concerning Roads, so far as it applies to the Township of Union, in Union County, approved April sixteenth, one thousand eight hundred and forty-six," approved March twenty-third, one thousand eight hundred and seventy-one.

Proceedings when petition is presented to the overseer of roads in road district.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a petition in writing signed by at least five of the legal voters in any one of the road districts which have been or shall be laid off in said township, under the provisions of the act to which this is a supplement, shall be presented to the overseer of the roads for such district for that purpose, the said overseer shall immediately call a public meeting of the legal voters of said road district, to be held therein, by advertisements signed by him, stating the time and place of such meeting, and the object for which the same is called shortly; which advertisements shall be set up in three of the most public places in said district, at least five days before said proposed meeting, at which time the legal voters so convened, or a majority of those present, shall be authorized and empowered to raise by tax, over and above the regular taxes for the improve-

ment and repair of public roads, such sum or sums of money in such district as they may determine, for the purpose of making and repairing the roads, streets, highways or avenues in such district, which tax shall be assessed and levied against and collected from the inhabitants of such road district by the same means, and at the same time and in the same manner as the township taxes are assessed, levied and collected, and when collected, shall be paid by the township collector to the commissioners of highways of said township for the time being for the use of such road district.

Overseers of roads to be under the supervision and control of the commissioners of highways.

2. *And be it enacted*, That the overseers of the roads in said township of Union, in the working and repairing of the roads and highways in said township, under the provisions of the act to which this is a supplement, shall in all cases be subject to the supervision and control of the commissioners of highways of said township for the time being, and shall in all cases conform to the directions of said commissioners of highways as to which roads in the respective districts shall be worked and improved, and the amount and kind of improvement to be done on each of such roads; *provided, nevertheless*, that such improvement shall in all cases be such only as such overseers are now empowered by law to make on the roads in said township, and that the respective overseers shall not in any one year expend a greater sum in any one of such road districts for such working and improvement of the public roads therein, than shall be apportioned to such district for that year by such commissioners, together with so much as may be raised by special tax for that purpose in such district under the preceding section of this act.

Proviso.

Roads to be kept free from obstructions by limbs and boughs of trees, &c.

3. *And be it enacted*, That the owners of all lands in said township of Union, bordering upon any of the public highways in said township, shall at all times keep the trees, bushes, grass and weeds, except ornamental trees growing in such highways, in front of their respective lands, cut off and mowed; and all limbs and boughs of trees growing in said highways in front of their respective lands, or on the lands adjoining such roads, respectively, that grow in such a position as to interfere with the free and full use of such highways by the public, trimmed off; and that in case any such owner shall neglect or refuse for the space of five days to remove such obstruction or obstructions as aforesaid, after notice to remove the same by the overseer of the road district in which such road shall be situate, such overseer is

hereby authorized and required to cause such obstruction or obstructions to be removed, and to sue for and recover from the owner or owners of lands adjoining or upon which such obstruction or obstructions shall be, the expense of removing such obstruction or obstructions, with costs of suit in an action of debt, in the name of the inhabitants of the township of Union, in the county of Union, before any court having jurisdiction of the same; such money when recovered, to be paid to said commissioners of highways for the time being for the use of the road district in which such work was done.

Proceedings when petition is presented for the paving, planking or flagging of sidewalks.

4. *And be it enacted*, That whenever a petition in writing, signed by two-thirds of the owners in lineal feet along any road, street or highway in any such road district in said township, or upon so much thereof as lies between two points named in such petition, shall be presented to the township committee of said township of Union, requesting to have any sidewalk in any such road, street or highways or between such designated points flagged, planked or paved with any designated material, the township committee shall without delay proceed to ascertain the cost of such improvement, and shall have the same done by contract in the manner and of the materials mentioned in such petition; and the said township committee shall pay therefor from any moneys in their hands to the person or persons who shall be employed by them to do such work, and shall assess the whole cost of such improvement upon the owners of the lands on both sides of the road, street or highway or section thereof so designated in such petition, as the case may be, in proportion to the number of lineal feet owned by each along such road, street or highway or section of the same, and the collector of said township of Union shall include in the tax bills of the persons against whom such assessments shall have been assessed by virtue of this act, the respective sums so assessed against them, which are hereby made payable and collectable at the same time, in the same manner, and by the same means as the township taxes are.

Amendment

5. *And be it enacted*, That the twelfth section of the act, to which this is a supplement, shall be amended by striking the words "successor in office" out of the sixth and seventh lines of said section, as the same is printed in the pamphlet laws for the year one thousand eight hundred and seventy-

one, and substituting therefor the words "commissioners of highways of said township for the time being for the use of such district."

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

Approved April 4, 1873.

CHAPTER DLVIII.

A Supplement to the act entitled "An Act for the better collection of Taxes in the Townships of Hamilton and Buena Vista, and the Town of Hammonton, in the County of Atlantic," approved March thirty-first, one thousand eight hundred and sixty-nine.

Township committee may lease, sell and dispose of lands, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where the township of Buena Vista, in the county of Atlantic, has or may hereafter become the owner of any lands or tenements by virtue of the act to which this a supplement, the township committee of said township shall have full power and are hereby authorized to lease, sell and dispose of the same to any person or persons either at public or private sale, for such price and upon such terms as to them shall seem proper; and said township committee shall have full power to convey the same unto the purchaser or purchasers thereof by a good and sufficient deed in fee simple or otherwise, the said deed therefor shall be made in the corporate name of the "Inhabitants of the Township of Buena Vista," and signed by at least a majority of said township committee; the funds arising from the sale of said lands to be paid over to the township collector, and by him kept and paid out as other funds belonging to said township are kept and paid out.

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

Approved April 4, 1873.

CHAPTER DLIX.

A Further Supplement to an act entitled "An Act Concerning Roads," approved April sixteenth, one thousand eight hundred and forty-six.

Overseers of roads shall be elected annually.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That overseers of roads for each district in the township of Raritan, in the county of Middlesex, shall hereafter be elected by the legal voters of each road district in said township, at a meeting to be by them held on the third Monday in April in each year, at some convenient place within the district, to be selected and appointed by the overseer who shall be in office, and at an hour to be by him fixed, of which time and place of meeting he shall give at least ten days' previous notice in writing, set up in two public places in his district; and that said legal voters, when assembled, shall choose a moderator and clerk, and proceed in such way and manner as they may determine, to elect, by a majority of voices or votes, an overseer of roads for the district for the ensuing year; and that the said moderator and clerk shall certify the result of such election in writing, under their hands, to the town clerk of said township of Raritan, within ten days after said election.

Township committee may fill vacancy by appointment.

2. *And be it enacted*, That in case of the failure of the legal voters of any district or districts to meet in accordance with the provisions of this act, or in case of their failure to elect an overseer at any such meeting, or in case the said office shall, from any cause, be or become vacant, then and in either such case the township committee of said township of Raritan shall and may, at any subsequent meeting by them held, appoint for such district or districts an overseer or overseers of the roads, to serve until the third Monday in April thereafter.

Repealer.

3. *And be it enacted*, That acts inconsistent with this act so far as relate to said township of Raritan, are hereby repealed, and this act shall take effect immediately.

Approved April 4, 1873.

CHAPTER DLX.

An Act to authorize the inhabitants of the Township of Woodbridge, in the County of Middlesex, to purchase land and erect a Town Hall and to issue bonds therefor.

Township committee authorized to issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the town committee of the township of Woodbridge, in the county of Middlesex, are hereby authorized to issue bonds, pledging the whole real and personal property of the township for the payment of such bonds, payable at such time or times as they may appoint, with interest at seven per centum per annum, for the purpose of purchasing land in the central part of the village of Woodbridge as a site for a town hall, and for the purpose of building said hall; *provided*, the amount of bonds so issued shall not exceed the sum of twelve thousand dollars; and the money requisite to meet and pay the principal and interest of said bonds shall be from time to time assessed, collected and raised by taxation, in the same mode and manner as township taxes are now assessed, collected and raised in said township.

Proviso.

May purchase land and erect town hall.

2. *And be it enacted*, That said town committee at any time in their discretion may purchase lands for the purpose aforesaid, and erect said town hall; *provided, however*, that the cost of said building and lands shall not exceed the sum in the first section of this act mentioned as the maximum amount for which bonds may be issued by said town committee.

Proviso.

Town hall to have suitable rooms for a lock-up.

3. *And be it enacted*, That the said town committee are authorized to have suitable rooms constructed and prepared in said town hall as a lock-up to confine disorderly persons, or persons charged with crime in when arrested, until they can be tried by a justice, or justices of the peace, or shall be committed or shall give security as required by law.

Persons arrested may be detained in lock-up.

4. *And be it enacted*, That it shall be lawful for any constable or police officer to lodge any person or persons arrested, in said lock-up, and hold them therein until they

can be tried or committed or shall give security as required by law.

Repealer.

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

Act not to have effect until accepted by a majority of the electors voting.

6. *And be it enacted*, That this act shall take effect immediately, but its provisions remain inoperative until assented to by a majority of the electors voting upon the said law at an annual town meeting to be held in said township, of which election notice shall be given by an advertisement set up in five conspicuous places in said township by the town clerk five days before said town meeting.

Approved April 4, 1873.

CHAPTER DLXI.

An Act relative to Societies in the County of Gloucester, formed under the act entitled "An Act to authorize the formation of Societies for the Protection of Property," approved March thirteenth, one thousand eight hundred and fifty-one.

May elect pursuers who shall have constabluary powers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of direction of any company now formed, or that hereafter may be formed in the county of Gloucester, under the act entitled "An act to authorize the formation of societies for the protection of property," approved March thirteenth, one thousand eight hundred and fifty-one, may appoint or elect any number not exceeding thirty pursuers, and give to each a badge of office, who shall each have the power and authority of a constable so far as may be necessary to carry out the objects of any such company, and may execute warrants for that purpose issued by justices of the peace; and shall be liable to all the responsibilities of constables in the exercise of said power and authority; *provided*, that they shall not be liable to the performance of any services except as directed by the by-laws of any such company, nor shall they be entitled to any fees or compensation for their services,

Proviso.

except out of the funds of such company and according to the by-laws or other regulations thereof; and that they shall before entering upon the duties of their office, respectively take an oath or affirmation, of which a record shall be kept by the secretary of such company, any member of the board of direction of such company being authorized to administer the same, to support the constitution of the United States, and the constitution of the state of New Jersey, and perform the duties of their office with fidelity.

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

Approved April 4, 1873.

CHAPTER DLXII.

A Supplement to an act entitled "An Act respecting Bridges," approved April tenth, one thousand eight hundred and forty-six.

Proceedings when it shall be necessary to erect rebuild or repair any bridge, the expense whereof shall exceed five hundred dollars.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the director of the board of chosen freeholders of the county of Sussex, for the time being, upon receiving such notice in writing from any overseer of the highways as is provided by the first section of the act to which this is a supplement, (when it shall be necessary to erect, rebuild or repair any bridge the expense whereof shall exceed five hundred dollars) be and he is hereby authorized, if he shall think fit, instead of convening the board of chosen freeholders of said county, to appoint any number of the chosen freeholders of said county, not less than five nor more than nine, a committee for the purpose of considering and deciding upon the necessity and utility of erecting, rebuilding or repairing said bridge, and such committee so appointed shall have power to order, if they think proper, the said bridge to be built, rebuilt or repaired, and to superintend or contract for the erection, rebuilding or repairing of any such bridge as is mentioned in said first section of the act to which this is a supplement, and any

contract made by said committee (of whom, for the purpose of their appointment, a majority shall constitute a quorum) shall be as binding in law upon the said county of Sussex and upon the other contracting party as if made in pursuance of a resolution of the board of chosen freeholders of the county of Sussex, for that purpose adopted.

Appointment shall be made by the director of the board of chosen freeholders.

2. *And be it enacted*, That the appointment of the committee provided for in the first section of this act shall be made by said director in writing and shall designate the time and place at which said committee shall meet to discharge the duties of their appointment; and said appointment shall be filed by the said director with the clerk of the said board, whose duty it shall be forthwith to notify the persons named therein of their said appointment by writing under his hand, directed to said persons, and left at their respective places of abode at least fourteen days prior to the day of meeting, mentioning therein the time, place and purpose of such meeting.

Expenses how defrayed.

3. *And be it enacted*, That for defraying the expense of building, rebuilding or repairing any such bridge as is hereinbefore mentioned, the said director shall draw upon the county collector, who is hereby empowered and required forthwith to pay the same out of any county moneys in his hands; *provided*, that no such order from the director of said board shall be paid by said collector unless the same shall be accompanied by a copy of the appointment of said committee, certified by the clerk of said board, and by a certificate addressed to said director and signed by a majority of said committee, showing the nature of the work done, the expense thereof and the name of the person or persons entitled to be paid therefor, which said copy of appointment and certificate shall be retained by said collector as vouchers.

Proviso.

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

Approved April 4, 1873.

CHAPTER DLXXIX.

An Act to revise the Laws governing the Township of West Hoboken, in Hudson County.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the county of Hudson, beginning at the intersection of Herman street and the Hackensack turnpike, following the centre of Hackensack turnpike northerly to the intersection of the northerly line of Lossburg; thence westerly along said northerly line to the easterly line of Palisade avenue; thence northerly along the easterly line of Palisade avenue, to the centre of the Hackensack turnpike; thence westerly along said centre line, to the centre of the Bergenwood road; thence southwesterly along the centre of the Bergenwood road, to a point where the same intersects Paterson avenue, and thence along the lines and in the several courses designated in section one of the "Act to divide the Township of North Bergen," approved February twenty-eighth, one thousand eight hundred and sixty-one, to the point or place of beginning, shall be called and known by the name of the township of West Hoboken in the county of Hudson.

Township name.

Officers of the township.

2. *And be it enacted*, That the officers of the township shall consist of five township committeemen, a treasurer, a township clerk, one engineer-in-chief of the fire department, one overseer of the poor, three school trustees, a street commissioner, two surveyors of highways, one assessor, one collector of taxes and arrears of taxes, five constables, two pound keepers, three commissioners of appeal, three judges of elections, one chosen freeholder, one recorder, three commissioners of assessments, and so many justices of the peace as the township is constitutionally entitled to.

Time of holding the annual town election.

3. *And be it enacted*, That the annual town election shall be held on the second Tuesday in April in each year, and the said election shall be held at such place as the township committee shall designate, and the election shall be held and conducted by the judges of election in the same manner, and

at the same hours, and under the same regulations in all things, as prescribed by law for state elections for members of the legislature, so far as practicable.

Election of township officers.

4. *And be it enacted*, That the township committee, township clerk, overseer of the poor, assessor, collector of taxes and arrears of taxes, constables, pound keepers, commissioners of appeal, three judges of election, school trustees, and street commissioner, shall be elected by the people at their annual spring election, and shall hold their office for the term of one year from the date of their election, and until their successor or successors are inducted into office, except the township committee and school trustees, whose term of office are to be as hereinafter provided for.

Election of township committeemen.

Term of office and compensation.

5. *And be it enacted*, That two township committeemen be elected at the ensuing spring election, to serve for two years, in place of the two whose terms will then expire; and at the spring election, in eighteen hundred and seventy-four, there shall be three elected to serve for two years in place of those whose terms will then expire, and thereafter, annually, in that order, as their respective terms shall expire; in case of any vacancy by death, resignation, or otherwise, the remainder of the township committee shall fill the vacancy by appointment, until the next spring election of the people, when a committeeman shall be elected to fill the unexpired term; nothing herein contained shall affect the term of those township committeemen now in office; and they shall, each of them, receive two dollars for each day he shall be necessarily employed in discharging the duties enjoined on him by this act; and they shall for the purpose of organization, meet at the town hall in said township, on the third Wednesday in April of each year, between one and two o'clock in the afternoon; and they shall thereupon elect from among their own number, a chairman and treasurer, and shall thereupon, or upon some subsequent day, appoint not from among their own number, a recorder and three commissioners of assessment, as required by this act, and thereafter a majority of said township committee shall constitute a quorum for the transaction of business.

Commissioners of assessments their powers and duties.

6. *And be it enacted*, That commissioners of assessments shall hold their office for the term of one year; the said commissioners shall, before they enter upon the performance of their duty, take and file with the town clerk an affidavit which they may take before said clerk, he being hereby au-

thorized and empowered to take such affidavit; in said affidavit they shall swear that they are freeholders of, and reside in said township, and that they will faithfully execute the duties of their office; and they shall, as soon as possible, after the letting of the contract for the improvement of any street, meet and view said street; and in case any one or more of the said commissioners shall be owners of property fronting on said improvement, then the township committee shall appoint some discreet and impartial freeholder of, and who shall reside in the township of West Hoboken, in lieu of the commissioner or commissioners so interested; and the person or persons so appointed, shall take and subscribe the oath or affirmation required in this section; the township committee also shall have power to fill vacancies caused by any other reason, or to remove said commissioners and appoint others in their place, if the interest of the township should make such removal advisable; *provided*, that the aforesaid commissioners shall be required to act only upon street improvements commenced after the passage of this act; said commissioners shall receive compensation not exceeding the sum of ten dollars for each improvement. Proviso.

7. *And be it enacted*, That the school trustees shall be elected at the same time, and in the same manner as other township officers are elected, and are to serve three years, in classes of one annually, on the expiration of their present term of office. Election of school trustees.

8. *And be it enacted*, That the township treasurer, who shall be appointed by the township committee, the collector of taxes and arrears of taxes, and such other officers as the township committee may require, shall each before they enter on the duties of their office give bonds to the township in its corporate name, in such sums and with such sureties as the township committee may approve for the faithful performance of their duties. Township treasurer and collector shall give bond.

9. *And be it enacted*, That the township committee shall have power to pass, alter, and repeal ordinances, to take effect within said township, for the following purposes: Township committee may pass and repeal ordinances.

1. To manage, regulate, control, and protect the finances and property of the township, and for the maintaining a town hall, school-houses, a township lock-up, and such other buildings as may be necessary for the objects of this charter; To regulate finances.

11. To establish, regulate, and control a day and night police, and to regulate and define the manner of their ap- To establish and regulate the police.

pointment and removal, their duties and compensation; such police force shall hold office during good behavior, and shall be removed only upon charges of dereliction of duty, duly made and proven by sworn testimony before said township committee; and may consist of five patrolmen, and one superintendent of police, which said police shall have authority and are hereby empowered to make arrests with or without warrant, and convey the person so arrested to the police station for examination; the salary of the patrolmen not to exceed eight hundred dollars each, and that of the superintendent not to exceed one thousand dollars per annum; and that the township committee are hereby authorized to order an assessment annually sufficient for this purpose; *provided*, that said police may be appointed for any specified time of less than one year, payable at the above named rates, and that the township committee may discharge and discontinue the whole, or any part of said police force, as in their opinion the wants of the township may require, making payment at the same rates;

Proviso.

To establish and regulate a fire department.

III. To establish, regulate, and control a fire department, with power to exempt its members from militia duty in time of peace, and from serving as jurors in courts for the trial of small causes, and the mode of their removal and appointment; to provide engine-houses, fire engines and apparatus, and for the purpose of guarding against fires, and providing for the safety of firemen; to regulate the manner of building dwelling houses and other buildings, and of constructing and placing engines, chimneys, ovens, flues, pipes, and all matters connected therewith, and the manufacture and keeping of gunpowder, fireworks, and other dangerous and combustible articles; and to provide water for the extinguishment of fires;

To abolish office of fire trustees and vest control in township committee.

IV. To provide for the abolishment of the office of fire trustees; all property held by them, and under their control, shall be vested in the township committee;

To provide for the election of chief engineer of the fire department &c.

V. To provide that the chief engineer of the fire department and assistant engineer be elected annually, on the first Monday in May of each year; the active firemen and exempt firemen, under the control of the department performing active duty, shall alone be qualified to vote at the election for chief engineer; the chief engineer may be an exempt fireman, and the assistant shall be an active fireman; both officers to be elected from persons connected with the

department, the salary of the chief engineer to be one hundred and fifty dollars per year, payable quarter-yearly, which shall be paid out of moneys raised for fire purposes; the chief engineer to have sole control and supervison of the fire department and apparatus, under such ordinances as the town committee shall from time to time adopt;

To provide for lighting the streets.

VI. To provide for the lighting of public streets and avenues with gas or oil in such places as they in their judgment may think necessary; the payment and cost of the same to be included in the annual tax, and be a general tax upon the property of the township;

To provide for the laying out, widening and opening streets, &c.

VII. That it shall be lawful for the township committee, by ordinance, to provide for the taking of land and the improvements thereon, for the laying out, opening, altering, widening streets, roads and avenues, and to fill up, grade and alter the grade of, refill, macadamize, gutter, curb, bridge, plank, gravel and pave the streets, roads and avenues, or any part thereof in said township, and also for flagging or planking the sidewalks, and for repairing and resetting the curb, and bridge-stones and bridging, and for building drains and sewers, on the application in writing, to the said township committee, by some of the owners of lands adjoining the street or streets over which such improvements are to pass; and that on application of any owners of land fronting upon any of the streets now open, the said street may be extended and opened the entire length of said street, as shown on the map laid out by the assessment map commissioners, unless the owners of a majority of the land fronting on said street and its proposed extension, object thereto; that the owners of land on any street part of which only is improved, shall have the same voice in the matter of improving the balance or unimproved part of said street, as the owners fronting immediately on the part not improved; that upon any such application, the township committee shall immediately thereafter, by a resolution, direct the township clerk to advertise the said petition for two weeks, once in each week successively in a newspaper published in Hudson county, and circulating in said township, and to post copies of said petition in five of the most public places in said township, designated by the township committee, for ten days; the clerk shall also publish and post as above, a notice stating that objections in writing to said proposed

Proceedings on application of owners of land fronting on any street for extending said street, &c.

improvements may be filed with him, and of the time and place when and where the township committee will meet to consider such objections, which time shall not be less than ten days after the date of the first publication in said newspaper; said clerk shall also serve, or cause to be served, a like notice on the owners of property residing along the route of said proposed improvements, by leaving such notice at such residence with any person thereon at least five days previous to the meeting of said township committee; but said notice need not be served on any owner of property not residing along the route of said proposed improvements; at the expiration of said time designated for publishing and posting, the township clerk shall file in his office a copy of said petition and notice, with an affidavit annexed thereto, showing that the same have been published and posted as required by law; at any time after the expiration of the time named in said notice, the township committee may forthwith proceed to pass an ordinance for said improvement, unless the owners of a majority of the property along the route of the proposed improvement object thereto, in which case all costs and expenses incurred by the township committee in such proceedings shall be repaid to the township by the petitioners for such improvements, and the township committee may make such regulations touching the receiving any petitions, and the proceedings thereon, and security for the expense thereof, as they may deem proper; the ordinance may be introduced and passed at the same meeting, and it shall be valid if it describes in general language the improvement authorized by the township committee, and it shall not be necessary to state therein any other matter or thing connected with said improvement; the township clerk shall publish and post a printed copy of said ordinance in the same manner and for the same time he is required to publish and post the petition for the improvements described therein, and in like manner at the expiration of the time designated for publishing and posting said ordinance, shall file in his office a copy of said ordinance, with an affidavit annexed thereto, showing that the same has been duly published and posted; at any time after the passage of said ordinance the township committee may direct the township clerk to advertise for proposals for said improvements in a newspaper, to be designated by said township committee, and the township committee may, at any

Ordinance may be introduced and passed at the same meeting.

time after the expiration of the time for publishing and posting said ordinance, enter into a contract with any person or persons to furnish the work and materials for said improvement, with such other agreements and covenants therein as shall be approved by the township committee, but the township committee shall be under no obligation to accept the lowest bid, and may reject all bids, if they shall deem it best for the interest of the township, and in case of rejecting all proposals received, they shall again advertise for proposals, and proceed in all things as if no proposals had been offered; the township committee shall require the party who enters into the contract to give a bond, with ample freehold security, for the due performance thereof; the township committee may, on application of the owners of a majority of land on the line of improvement, appoint an inspector over the work and material for said improvement, compensation for the same to be charged on said improvement; the property owners on said improvement shall have an opportunity, before the township committee accept any work on any street improvement, or the clerk issue any final certificate, to bring in any objection thereto in writing, and the clerk shall notify the owner on said line of improvement of such meeting in the same manner and for the same time as he published and posted the petition for said improvement; and if the objections are found worthy of consideration, then the township committee shall appoint a committee of two of their board to examine such complaints or objections and report thereon to said township committee before the acceptance of the work by them, and the decision thereon by the township committee shall be final and binding on the owner and contractor; after the completion of said improvement all the costs and expenses thereof shall be determined and assessed by the commissioners of assessment provided in section six of this act, on all the land and real estate fronting thereon, except the intersections which shall be assessed in the adjoining or intersecting streets, roads or avenues, to the extent of half a block on each side of said streets or avenues, and except the cost of land taken for opening and widening streets, which shall be assessed on all the lands benefited thereby, but such assessment shall not extend to lands or real estate more than half a block on each end of said street, or more than half a block along the intersecting streets, in proportion to the benefit received by

Proceedings when objection is made.

Lands to be assessed for benefits.

said lands and real estate, but the damage to improvements on lands so taken shall be assessed upon all lands benefited thereby; and except the cost of Belgian pavement laid on any street or avenue, one-third of which shall be assessed on all lands in the township according to their assessed value, and two-thirds on the street improvement; and except the drains and sewers, which shall be assessed by the said commissioners upon the lands benefited thereby; and they shall examine into the whole matter, and shall determine and report in writing to the township committee what real estate fronting upon any improvement ought to be assessed, and what proportion of the expense thereof shall be assessed to each separate parcel or lot of land, and they shall accompany such report with a map containing each lot assessed, and the names of the owners thereof, as far as the same are known to the said commissioners, but no assessment shall be deemed defective by reason of any mistake in the names of said owners, or by omitting said names, or any of them; this report and map shall be filed in the office of the township clerk, and thereafter the said clerk shall publish and post a notice (in the same way and manner, and for the same time as he published and posted the petition for said improvements), stating that the map and report of the commissioners have been filed in his office, and that the township committee will consider any objections to said assessment presented in writing on or before a day named in said notice, to be fixed by said township committee which day shall be at least ten days after the first publication, on which day the township committee will meet to consider such objections; and in case such objections are not sustained by them, the township committee may confirm such assessment, or if they refuse to confirm the same, they may return the same to said commissioners for correction in any particulars named by said township committee, and the said commissioners may amend said report and map in the particulars named, and report again to the township committee; the township committee may thereafter, without any notice to any person, confirm said assessment, and upon said confirmation said assessment shall constitute a lien on the property assessed for the amount of such assessment, or excess of assessment over any award, and shall be collected under and by virtue of an ordinance or ordinances made by said township committee for that purpose; and if the persons assessed neglect to pay to the

Proceedings in matter of assessments continued.

township treasurer the amount of their respective assessment, or excess of any assessment over any award, or neglect to give bonds for the same in lieu of cash payment, as hereinafter provided, within thirty days from the passage of the ordinance to collect the same, the said township committee may proceed to enforce the lien created in the manner prescribed in this act; and whenever within said township any assessment, or excess of any assessment over any award on any lot or parcel of land, shall remain unpaid for thirty days after the confirmation thereof by the township committee, or no bond be given as above mentioned, it shall be lawful for the township committee to charge, receive and collect in addition to the amount of said assessment or excess of any assessment over any award, interest thereon to be computed at the rate of twelve per centum per annum from the time of the confirmation of the assessment until the same is paid; no other notice than required by this act need be given to any person interested in any improvement or assessment therefor; the minutes of the township committee, and all papers filed in the township clerk's office, or certified copies thereof, shall be evidence in all courts and places that the statements therein set forth are true, and that everything stated to have been done has been done and performed as therein stated.

Parties assessed may give a bond in lieu of cash payment.

10. *And be it enacted*, That the parties assessed, upon any property for any street or public improvement may, within the time provided for the payment of the same, and in lieu of a cash payment, deliver to the township treasurer a bond payable to him, in such form as the township committee may provide, for not less than fifty dollars, entered into by the owner or owners of the property assessed, conditioned for the payment of such assessment, or excess of any assessment over any award as aforesaid in ten years from the date of the confirmation thereof, by paying ten per centum of the amount of said assessment, or excess thereof, in each and every year, with interest upon the amount of said assessment, or excess thereof, or such parts thereof as remain unpaid, at the rate of eight per centum per annum, payable annually; and the said bond shall be forthwith filed in the office of the said township treasurer, and when so filed shall be recorded in a book or books of assessment bonds, and the said bond, or a certified copy of the record thereof, under the hand and seal of said treasurer shall be conclusive evidence in any court of the contents of the same, and of the legality of the assessment

for which the said bond was given, and of all proceedings in relation thereto, up to and including the date thereof; and in case any installment of said bond, so given for an assessment, or any interest thereon, shall not be paid according to the terms thereof, the whole amount of the bond unpaid shall become immediately due and payable, and interest shall be charged thereon at the rate of twelve per centum per annum from the date of its becoming due until paid; *provided*, that the lien on the property assessed for the amount of the assessment shall be in no wise affected by the giving of said bond, but when said bond becomes due the said property so assessed shall be sold in the manner provided in this act for the sale of lands for unpaid taxes and assessments for the amount of such assessment, with interest as above stated, costs and expenses; *provided*, that if the owner or owners of any property on which, at the time of the passage of this act, assessments are due and unpaid shall, within ninety days after the date of the passage of this act, execute and deliver to the township treasurer a bond, as hereinbefore provided, for the amount of said assessment, with interest at twelve per centum per annum, to the date of the delivery of said bond to the treasurer, and with the same condition as the said bond hereinbefore mentioned, except that the same shall be conditioned to pay said assessment in ten years from the date of the said bond, then said treasurer shall receive the same, on the same terms as the bond hereinbefore provided for; *provided further*, that at any time, upon the payment of the principal of said bond, or such parts thereof as may be then unpaid, with interest and costs to the date of such payment, the treasurer shall cancel said bond, and shall give to the party paying a receipt in full for said assessment.

Proviso.

Proviso.

Proviso.

Township committee may take land for sewerage purposes.

11. *And be it enacted*, That the township committee shall have power to take any land for sewerage purposes, when any owner of land to be benefited thereby and assessable therefor shall petition for the same, and the assessment for the cost thereof shall be laid upon all lands benefited thereby; the proceedings, before passing the ordinance therefor, shall be the same as in case of street improvements, provided for in article seven of section nine of this act; the ordinance may be passed unless the owners of a majority of the land to be assessed object thereto, for which purpose the township committee shall cause a map to be made of all the

lands proposed to be assessed, for the taking of said land, and have said map placed conspicuously in the town hall, before the first day of advertising for objections to said taking of land; the land when taken to be paid for as provided for in section seventeen of this act; after lands are so taken the township committee may, upon application of any of the owners designated in the foregoing part of this article, unless the owners of a majority of the lands to be assessed object thereto, pass an ordinance and proceed to construct sewers or drains on any part of the land so taken; the work to be done by contract, as provided in case of street improvements in article seven, section nine of this act; the assessments for taking land and constructing sewers shall be a lien upon all lands assessed therefor, and collectable in the same manner and by the same proceedings as are provided for street improvements under this act.

May take land for cisterns and reservoir purposes.

12. *And be it enacted*, That the township committee shall have power to take lands for cisterns or reservoir purposes, not exceeding ten thousand square feet in any one plot or parcel, and to issue and sell coupon bonds, as provided in section seventeen of this act, to pay for the same; the lands to be taken by appointing three commissioners therefor, who shall be duly sworn, and whose award, when confirmed by the township committee, shall be final; the property owner shall have an opportunity to object to the award before its confirmation; before taking possession thereof, payment shall be made or tendered as provided in section seventeen of this act; this land shall then belong to the township and no assessment made on land therefor, but assessed on the township at large; the township may proceed to build cisterns or reservoirs thereon, and lay pipes connecting with hydrants at various places on the public streets, at their discretion, for the use of the fire department, and the costs and expenses thereof shall be assessed by the commissioners of assessments on all property benefited thereby, in accordance with the provisions in section sixteen of this act.

Joint committees may be appointed to devise plans and specifications.

13. *And be it enacted*, Whenever it shall be deemed necessary to lay any drain or sewer along or across other townships or cities, to connect with the township of West Hoboken, then it may be lawful for the township committee to appoint a committee of their body, to meet a similar committee, appointed by the corporate bodies of such other townships or cities, to devise a plan and specifications for such

Powers and duties of the joint committee.

work, and upon the approval of the same by such corporate bodies interested, they shall severally have power and are hereby authorized to appoint two commissioners from each township or city, to advertise and receive bids for such work, stating the whole cost or total amount for the completion of such work in full, notwithstanding any error in the surveyor's estimated quantities of material or labor to be performed; the said commissioners shall have power to enter upon and survey and take lands necessary for such purposes, and determine the damages and awards for the same; they shall make an assessment map, showing all the lands assessed therefor and the amount assessed to each piece or parcel of land with such other information as they may deem necessary, a copy of which shall be filed in the township or city clerk's office of each township or city for at least ten days, and a notice published in the official paper of each township or city one insertion each week for two weeks, stating that the commissioners will meet to hear objections on a certain day named in such notice, said time being after the ten days' filing of said maps; the commissioners, after hearing such objections, shall review their assessment, and if they shall deem it just to alter the same, they shall make such alterations, and upon their completion they may confirm the same and place on file in the several clerks' offices a copy, subscribed and sworn to, and such assessment shall be a lien on all the lands so assessed, and the amounts to be collected in each township or city shall be assumed by such township or city, and collected by the proper officials of the different townships and cities in the same manner and under the same penalties as if the assessment were made by such township or city; the work shall be performed and completed under the direction of the commissioners chosen as above (the power that appointed them having power to fill vacancies that may arise); they shall have power to choose a surveyor to lay out and superintend the work, and to fix his compensation, and may charge for their own services a sum not exceeding fifty dollars each, all of which shall be charged in the assessment map; they shall also, on the sworn certificate of the surveyor of the completion of any portion of the work named in the contract, apportion the amount to the several townships or cities, and draw warrants for the contractor on such townships and cities therefor, who shall thereupon pay over to such person or persons the amount of the warrants

so drawn; the contract for such work is not to be begun or entered into by those commissioners before the confirmation of the assessment map; the said commissioners shall, before they enter upon their duties, subscribe to an oath that they are not in any way directly interested in such drain or sewer, or in the lands or streets through which they pass, or in the bids, contracts or awards for the same, and that they will make a just and equitable assessment and award for the same, on such lands as are benefited thereby; the majority of the commissioners shall decide all questions arising under this commission, and in case of a tie the joint commission shall have power to request some suitable person, from some township or city not interested in the improvement, to meet with said commissioners, and such person shall constitute one of the board for making such assessment.

Township committee empowered to construct the Hillside road or roads.

14. *And be it enacted*, That the township committee shall have power to construct the Hillside road or roads, as nearly as may be, as laid out upon the assessment map referred to in section twenty-one of this act; the taking of the land and the assessment therefor, and the construction of the road or roads, shall be made in the same manner, and by the same means, as provided in section number eleven of this act for building of sewers; and if in their judgment it is necessary to secure the co-operation of adjoining cities or townships, they may take proceedings therefor, in accordance with section number thirteen of this act, for the construction of sewers.

Township committee are authorized to take land for public parks, &c.

15. *And be it enacted*, That the township committee shall have power to take land for one or more public parks, on the hill-side, and the buildings and improvements thereon, not exceeding six acres in any one plot or parcel, and for this purpose shall appoint three commissioners to assess the value of the lands designated by the township committee to be so taken, and the buildings and improvements thereon, which commissioners are to be appointed and to act in the same manner as provided in section number twelve of this act; when the land is so taken and paid for, the commissioners of assessments shall assess all lands directly benefited thereby for a fair and just proportion of the benefit to be received, and the balance they shall assess upon the township at large, but this assessment shall not be collected from the township until the expiration of ten years from the date thereof, and the interest thereon, at the rate of eight

per centum, shall be assessed and collected by the assessor and collector, and paid over to the treasurer of the township annually; any part thereof, or buildings thereon, may be rented by the township committee, and the rents received, after paying all repairs and necessary care of said park, shall be reserved as a sinking fund for the final extinguishment of the said assessment on the township; *provided*, that if at any time after the land has been designated for said park, and an assessment made therefor, within five years from the passage of this act, at any spring election of the people of said township, of which election and for what purpose due notice has been given by the township clerk, it shall be decided by voting on ballots styled "For Park," and "No Park," at such election, that a majority of the voters voting at such election are in favor of the park, the township committee may proceed to purchase and lay out said park, and not otherwise.

Proviso.

Empowered to take land and build stairs.

16. *And be it enacted*, That the township committee shall have power to take land for one or more stairs on the hillside, east of Palisade avenue, and to build stairs of iron, wood or other material thereon; the assessment for the cost thereof shall be laid upon all land benefited thereby; the township committee may pass an ordinance, and proceed to take land for this purpose, by appointing three commissioners in the same manner as is provided in section number twelve of this act, and after paying for the same, as provided in section number seventeen of this act, proceed to construct such stairs by contract, as provided for in case of street improvements, in article number seven in section nine of this act; and the assessment for taking land and constructing stairs shall be a lien upon all lands assessed therefor, and collected in the same manner and by the same proceedings as are provided in street improvements under this act.

May issue coupon bonds.

17. *And be it enacted*, That when lands are taken for cistern, or reservoir, or sewerage and staircase purposes, or for laying out, opening, or widening of streets, as provided in this act, the township committee may issue and sell at their discretion, but at not less than ninety-three cents on the dollar, coupon bonds bearing interest at seven per centum, and payable in not exceeding ten years from date of issue, in order to make payment for the lands and improvements so taken, and the loss on the sale of said bonds shall be added in the assessment for the cost, upon

the confirming of the award for the value of lands taken and the damages thereby, the township treasurer shall tender and pay to the owners of said lands, if resident in the township, the amount of said award due to him; but if such owner is not resident in the township, or upon due inquiry cannot be found therein, or is a lunatic or idiot, or an infant, or if for any other lawful cause he is incapacitated to receive the same, or if such owner will not accept the same, and sign a proper receipt therefor when tendered, then the treasurer shall make affidavit of such facts, and file the same with the township clerk; and the said township committee shall, after inquiring into the facts of the case, direct the amount of such award to be placed in some safe bank for the use of the person to whom the same may be due; and upon filing such receipt of the owner, or the passing of such resolution by the township committee, the said lands shall be vested in the township, and the township officers may proceed with such improvements, and the said moneys so deposited shall be paid by the township to the person entitled thereto on demand, without interest, except from such time as a demand may be made and payment refused.

Assessments on certain lots or lands.

18. *And be it enacted*, That a corner lot of land, running one hundred feet or less sideways on a street, be assessed both for the street grading and improvement of intersections, at six-tenths of its lineal measurement, and the remaining four-tenths be assessed on all lots or lands to the centre of the block on said street, and also on the cross or intersecting streets; and for flagging, curbing and guttering, to pay full measurement as other lots.

Lot shall not be assessed for a larger amount than lot has been benefited by improvements.

19. *And be it enacted*, That no lot shall be assessed, for any improvement of any street, for a larger amount than said lot has been benefited by said improvement; and when the owner thereof shall prove, to the satisfaction of the township committee, that his lot, after said improvement, is not worth the cost of the assessment in addition to the assessor's valuation of said lot, as made last previous to the commencement of said improvement, the township committee may, by unanimous vote, reduce said assessment to said owner to the extent of its actual benefit to said lot, and the balance shall be added to the taxes of the next year, and the assessor shall add the same to his annual tax assessment.

20. *And be it enacted*, That all irregular lots or parcels of

Lot to be assessed only for benefits received.

lands which have less than fifty feet in depth and fronting on a street under improvement, at the time of the passage of the ordinance for said improvement, shall be assessed only for the benefits received, and the balance shall be laid upon all lands benefited thereby.

Assessment map ratified, legalized and confirmed.

21. *And be it enacted*, That the map made by the commissioners for assessment purposes, and for establishing the boundaries of all streets and public alleys, and for the laying out of all necessary streets, roads and avenues in the township of West Hoboken, mentioned in article eight of section eight of a supplement to an act entitled "An act to divide the township of North Bergen," in the county of Hudson, passed February twenty-eighth, eighteen hundred and sixty-one, which supplement was passed April sixth, eighteen hundred and seventy-one, and which map was approved by the township committee and placed on file in the office of the township clerk, by an ordinance passed January twenty-fifth, eighteen hundred and seventy-three, be and the same is hereby legalized, ratified and confirmed as the legal and official map of the township; and that hereafter all streets and avenues, when laid out and opened, shall conform to said map; and it shall not be necessary to file, in the office of the county clerk, any copy of the grade and sewer map or maps for said streets, roads or avenues, but that said map or maps, when completed, shall be filed in the office of the township clerk only, and that hereafter all assessments for intersections or intersecting streets shall be made as though the streets were already opened as laid out on the said assessment map; and whenever proceedings shall be taken for the opening of any street or avenue laid down on the aforesaid map, it shall not be lawful for the township committee of the said township, or for the commissioners appointed, to make an estimate and assessment of the damages which any owner or owners of any lands and real estate will sustain by the opening of such street or avenue, to allow any sum or compensation whatsoever for any building or buildings, or improvement of any kind or description, which at any time subsequent to the passage of this act may have been built, placed or erected, or made in part or in whole, on any such street or avenue.

22. *And be it enacted*, That the township committee may permit the several owners of real estate to lay out, make,

and otherwise improve streets, roads or avenues through their land in said township, at their own charge and expense, when streets have not before been laid out; the owners, however, complying with and observing such grades of streets and widths of sidewalk and streets as established by the grade map, and which may be approved by the township committee, the work to be done under the supervision of one of the township surveyors; and when the surveyor shall report that the street is done and ready for acceptance, the committee shall examine the street, and if correct, accept the same for public use; no owner shall have the right to open any street for public use not so accepted.

Owners may improve streets, &c. at their own cost and expense.

23. *And be it enacted*, That the township committee have power to issue certificates, payable within one year or less, with interest, to the amount of seventy per centum of work done on any street improvement when certified as correct by the surveyor, and when the contract is fully completed, and the work is accepted by the township committee, they may issue a certificate for an additional twenty per centum of said work done, and in ninety days after the date of that certificate they may issue a final certificate for the balance due.

Certificates bearing interest may be issued in payment.

24. *And be it enacted*, That in case any certificate or certificates heretofore or hereafter given for work on any street, shall become due before the assessment for said street improvement is collected, the township committee shall have power to issue coupon bonds, payable in not exceeding five years, for the redemption of said certificates, and also for the paying of interest and redemption of said bonds, which may at any time be unprovided for, and redeemable at the pleasure of the township committee, by their publishing sixty days' notice when and where such bonds shall be redeemed, and all interest thereon shall cease after the date named in such notice; and for the payment of bonds (and accrued interest) issued for the redemption of over due certificates to the amount of one-third of the costs incurred in laying Belgian block pavements, the township committee shall order the assessor to assess said costs, not to exceed ten thousand dollars in any one year, in the manner described in section nine, article seventh, in relation to the laying of Belgian block pavements. and the collector shall place said assessment as a separate item upon the annual tax bill, and collect the same at the same time that other taxes are collected.

May issue coupon bonds.

Proceedings in certiorari.

25. *And be it enacted*, That in cases in which persons shall bring writs of certiorari to remove the proceedings of the township committee, it shall be lawful for the township clerk to charge and receive from the parties bringing such certiorari, at the rate of ten cents per folio for the necessary return thereto, and said parties bringing said certiorari shall pay said sum to said clerk before the return day of said certiorari; and in default thereof, the court shall dismiss said certiorari; no costs shall be allowed the prosecutor in certiorari on setting aside any ordinance assessment or proceeding of said township committee; that no ordinance, assessment, or proceeding of the township committee of said township shall be set aside on certiorari by reason of the return to said certiorari failing to show that all the requirements of this act have been complied with, but after the filing by the prosecutor of the reasons in certiorari, the clerk of said township may make a further return to said writ of certiorari, stating such additional facts as he may be advised are proper and necessary to state in answer to any of said reasons; and the said township committee may take proof with reference to said facts, and if the same are established to the satisfaction of the court, then the court shall affirm the ordinance, assessment, or proceeding in question, the same as if such facts had properly appeared in the minutes, records, and proceedings of said township committee; whenever any assessment is set aside, the said township committee may appoint new commissioners to make a new assessment; and if it shall appear by the judgment of the court that the assessment heretofore made, or any part thereof, was illegal and uncollectable from the property owners, and that a portion should be assessed on the township at large, then, in that case, there shall be five commissioners chosen: two by the township committee, and two by the property owners interested; the property owners shall be notified by the township clerk to meet, for that purpose, at such time and place as may be designated by the township committee, which notice shall be published in the official paper of said township, and on the town bulletin, for at least two weeks previous to said meeting; and in default of said choice, the town committee to have power to appoint said two commissioners, and the four commissioners to choose the fifth, who shall examine into all details of the matter and proceed and make an assessment which shall be equitable to the

Proceedings when assessment is set aside.

property owners and the township and report thereon to the township committee, which, if the township committee approve, they may confirm, or if they disapprove they may return to the commissioners for their reconsideration; after such reconsideration, the commissioners shall bring in their report, and file with the town clerk; and the township committee shall confirm the same, and the amount assessed against the township shall be collected as otherwise provided for in this act; said commissioners shall, before they enter upon their duties, subscribe to an oath to make an assessment that shall be just and equitable to the property owners and the township at large; that no certiorari shall be allowed or granted to set aside any ordinance for any improvement in said township after the contract therefor shall have been awarded by the township committee of said township; and no certiorari shall be allowed or granted to set aside any assessment for any improvement in said township after thirty days shall have elapsed from the date of the confirmation of said assessment by the township committee of said township; that in case any assessment for any improvement is set aside on certiorari, after a portion of the said assessment has been collected by the corporate authorities of said township, that in that case all sums of money so collected shall be refunded and paid to the then owners of the lots or parcels of land so assessed, and upon which said payments were so made; and the new assessment for said improvement shall be made without any reference to the fact that any sums of money have been heretofore paid under the said assessment so set aside on certiorari; the sums herein provided to be refunded shall be paid out of the first sums of money collected under the new assessment for said improvement.

Commissioners shall take and subscribe an oath.

26. *And be it enacted*, That in case of any injunction, certiorari or other legal proceedings being served on the township committee during the progress of any improvement contemplated in this act, the township committee may proceed with all other portions of said improvement which are not included in the said injunction, certiorari or other legal proceedings, and on the completion thereof, the commissioners of assessment may assess that portion of the property which may have been improved for its fair proportion of the costs and expenses of the said improvement, and the township committee shall cause the assessment so made, to be col-

Proceedings in case of an injunction.

lected as though the improvement had been all completed, and when the balance of the improvement, so included in the injunction, certiorari or other legal proceeding, shall be completed, the assessment therefor shall be made and collected by the usual proceedings under street improvements as a separate assessment.

Amount of road tax that may be raised annually.

27. *And be it enacted*, That the township committee shall have power to raise an amount not exceeding three thousand dollars annually, as road tax, and shall authorize the assessor and collector to assess and collect such sum as they may direct, at the time and in the same manner as other taxes are assessed and collected; that all repairs to the carriage ways of any street, road or avenue in said township, in any part thereof, which said township committee shall consider necessary, then and in that case the township committee shall cause the said repairs to be made, by contract or otherwise, and the costs and expenses of such repairs shall be paid by the township committee upon their approval of the same, out of the road tax; that all repairs to sidewalks, curb and gutter shall be made by the owners of the land in front of which such repairs are necessary, upon written notice by the township committee; and if the said owner or owners shall be non-resident, it shall be sufficient for the township committee to post said notice upon or near said lot or lots in front of which the sidewalks, and curb and gutter may be required to be repaired or relaid, and if the same shall not be repaired within fifteen days from the date of serving or posting said notice as aforesaid, then it shall be lawful for the township committee, and they are hereby authorized and empowered, to cause the same to be made, and the costs and expenses of such repairing or relaying as aforesaid, shall be assessed by said township committee upon the lands directly in front of which said repairs shall be made, and shall remain a lien thereon, and shall be collected as prescribed by this act for the collection of assessments and improvements; and any road assigned to the street commissioners shall be subject to such regulations and ordinances as the township committee shall see fit to adopt; that whenever any owner of property on any street shall plant trees in front of his property, he shall be entitled to receive from the township committee one dollar for each tree set out, according to the regulations and ordinances of said township committee.

28. *And be it enacted*, That all taxes and all assessments

which shall hereafter be levied, assessed or made upon any lands, tenements, or real estate situate in said township of West Hoboken, shall be and remain a lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereof, and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed for the payment thereof, it shall and may be lawful for the township committee to cause such lands, tenements or real estate to be sold at public auction for the shortest term for which any person will agree to take the same and pay such tax or assessment, or the balance thereof remaining unpaid, with the interest thereon, and all costs, charges and expenses, and to execute under the common seal of said township, a declaration of such sale, to be signed by the chairman of the township committee and the township clerk, and to deliver the same to the purchaser; and such purchaser, his executors, administrators or assigns, shall by virtue thereof lawfully hold and enjoy the said lands, tenements or real estate, for his and their own proper use, against the owner or owners thereof, and all persons claiming under him or them until said term shall be completed and ended; *provided*, the said township committee shall first have caused said sale to be advertised for at least two months, once in each week, in at least one public newspaper generally circulated in said township, and also by advertisements put up in at least five public places in said township, which shall be designated by the township committee, which advertisements shall describe the said lands, tenements or real estate, and specify the amount of assessment or tax, and the recitals in such declaration of sale shall be evidence of the assessment, advertising and sale; *and provided also*, that the lands, tenements or real estate so sold may be redeemed by the owner, mortgagee, occupant or persons interested therein, or by any other persons for or in behalf of the owner, mortgagee, or claimant of such lands, tenements or real estate, at any time within three years after the sale for either taxes or assessments, or for both by paying to the treasurer of the township for the use of said purchaser, the purchase money, together with any other sum paid for tax or assessment, which the said purchaser may have paid, chargeable on such lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon, at the rate

Taxes and assessments to be and remain a lien until paid.

Proviso.

Proviso.

of fifteen per centum per annum, in addition thereto; and the certificate of the treasurer of the township, stating the payments, and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption; any mortgagee shall have power to redeem at any time until the expiration of the six months' notice herein specified; no mortgagee, whose mortgage shall have been duly recorded before sale for any tax or assessment, shall be affected by such sale, unless six months' notice in writing shall have been given to him by the purchaser or those claiming under him either personally, or if not to be found in the said township of West Hoboken, then such notice shall be deposited in the post-office nearest to said township, directed to him at his last known place of residence, (or at the post-office nearest thereto) but nothing therein contained shall be so construed as to impair the lien created by such tax, assessment or sale; *and provided*, the said term of time for which any lands, tenements or real estate so sold as aforesaid shall not commence nor shall said purchaser, or those claiming under him, have a right of possession to said lands, tenements or real estate, until the three years limited for the redemption of the same shall have expired; and the said purchaser or those claiming under him, shall at the expiration of the time limited in such declaration of the sale, quit and surrender the said lands, tenements or real estate, in as good state and condition as when he entered thereon, natural wear and accidents excepted; *provided also*, that the said sale may be adjourned or postponed from time to time or suspended, as the township committee may direct; *and provided*, that if at any sale of lands, tenements or real estate, for assessment or taxes, the whole or any part thereof shall remain unsold for the want of purchasers, then it shall be lawful for the said township committee to adjourn the said sale not less than thirty days, nor more than sixty days; twenty days notice at least shall be given as aforesaid of the said adjourned sale; and if at said adjourned sale there shall be no purchasers for said lands, tenements or real estate, or for any part thereof, then it shall be lawful for the treasurer of the said township to purchase the said lands, tenements or real estate for the benefit of the township, subject to the same redemption as hereinbefore provided for; *provided also*, that all moneys paid for the redemption of said lands, tenements or real estate as aforesaid, together with such taxes and assess-

Proviso.

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ments paid by any mortgagee or judgment creditor, shall be a lien upon said lands, tenements or real estate for the amount so paid with interest at the rate of seven per centum per annum, and such lien shall have the precedence over all other liens on said lands, tenements or real estate, and on foreclosure of any mortgage by such mortgagee redeeming, shall be directed to be made out of the said lands, and on sale of said lands under any such foreclosure, judgment shall be paid out of the proceeds of the sale; *provided further*, that a complete record of all taxes and assessments shall be kept in the township clerk's office, which record shall contain the time when such assessment and taxes were laid, the time when they were paid (and if the property has been sold therefor) the time of said sale and to whom sold, and if redeemed, when and by whom; it shall be the duty of the township clerk to record, in a book to be called "Record of Sales," all declarations of sale, and to give certificates of search in relation to liens to any person or persons applying for the same, and to cancel such declarations when the property for which they were given shall be redeemed, on certificate of the township treasurer of such redemption, and to file such certificate in the said clerk's office; it shall be the duty of the treasurer to make out two certificates for all property redeemed, one for the person redeeming, and one to be filed in the said clerk's office; the clerk and treasurer are hereby authorized to charge and collect a sum for such service as the township committee may by ordinance regulate.

Proviso.

29. *And be it enacted*, That the said township committee may, by their title of "The Inhabitants of the Township of West Hoboken," have power to pass, enforce, alter and repeal ordinances to take effect within said township of West Hoboken, for the following purposes, to wit: to ascertain and establish the boundaries of all streets, roads and avenues in said township, and to prevent and remove all encroachments and nuisances in and upon any street, or any part thereof, lot or enclosure, place or places in said township, and in every other respect to secure to the public and adjoining owners the safe and convenient use of the streets and sidewalks for the purpose for which they are or may be laid out and dedicated; to prevent and prohibit all animals from running at large in said township, and to impose fines upon the owners thereof; they shall impose a fine of three

Township committee may pass and repeal ordinances for certain specific purposes.

For safe and convenient use of streets and sidewalks.

To prevent cattle from running at large.

dollars for each goat, one dollar for each swine, and fifty cents for each goose, together with the costs of the court, for each offence, and the informer shall be entitled to one-half the fine; to provide for the establishment of one or more public pounds, and for the impounding therein all animals running at large, and for the sale of the same; to make and adopt an assessment map, whereby to describe lands assessed for taxes or improvements; to prevent immoderate driving in the streets, and driving over and upon sidewalks; to prevent riots, routs, disturbances, or disorderly assemblages in any street, house, or place in said township: to prevent and suppress gaming-houses, and to prohibit gaming, and to restrain and punish all mendicants, vagrants, street beggars, and common prostitutes; to restrain all dogs from running at large, and to authorize their destruction; to suppress vice and immorality; to license, regulate and to prohibit inns or taverns, to require the payment of an annual fee of not less than twenty-five dollars from every person licensed to sell ale, beer or other liquors, and to prohibit all traffic in or sale of intoxicating drink or drinks, and to license, regulate and prohibit hawkers and pedlers; all licenses to expire on the first of May in each year, upon such terms and under such regulations and penalties as the township committee shall by ordinance impose; and no other license for such purposes within said township granted by any other authority, shall be lawful except licenses granted by the governor to hawkers and pedlers; and to prescribe the duties and compensation of all officers not defined by this act or the statutes of this state; *provided*, that no ordinance or by-law shall be enacted or passed by the said township committee unless the same shall have been first introduced at a previous meeting, and agreed to by at least four of said township committee upon the passage thereof; all penalties for violation of any ordinance of said township shall be sued for and recovered before any justice of the peace of said township in an action of debt, and execution may be issued against the goods, chattels and body of the defendant; *provided*, no penalty for violation of any ordinance shall exceed fifty dollars, or imprisonment more than thirty days.

To prevent immoderate driving.

To suppress gaming houses.

To license inns and taverns.

To license pedlers, &c.

Proviso.

Proviso.

30. *And be it enacted*, That the township committee shall have power to pass an ordinance for the regulating of the use of the streets of the said township of West Hoboken, by

To regulate the use of the streets by railway companies.

the North Hudson County and other street railway companies, compelling them to confine their tracks to such grade of the streets as may be establised from time to time by the township committee; and also to keep that portion of the street in thorough repair between their rails, and to the extent of eighteen inches on each side of the rail and on a level with the rails, and to impose fines and penalties on them for non-compliance.

Compensation to commissioners.

31. *And be it enacted*, That the compensation of the commissioners appointed by virtue of sections twelve, fifteen and sixteen of this act, shall be fixed by the township committee, and shall not exceed the rate of five dollars per day.

Compensation to treasurer.

32. *And be it enacted*, That the compensation of the treasurer of said township shall be one-half of one per centum upon all township money disbursed by him, and one per centum upon all money for street improvements collected by him.

To provide for cleaning from snow and ice.

33. *And be it enacted*, That the township committee shall have power to provide for the cleaning of snow and ice from the side walks and gutters, and pay for the same from the road moneys annually raised by taxes.

Mode of electing judges of election.

34. *And be it enacted*, That the officers constituting the board of judges of elections in said township shall consist of three persons, and shall be elected in the manner following: each ballot for that purpose shall contain no more than two names, one of which names shall be the nominee for assessor; in case more than two names are voted for, the ballot shall only be void as to said judges; and the three persons who received the highest number of votes shall be deemed and taken to be elected judges of election; in case two persons shall receive an equal number of votes, the first person named on the ballot for judge of elections shall be elected; said board of judges shall receive the sum of ten dollars each in full compensation for their services.

Dog tax to be levied.

35. *And be it enacted*, That the assessor shall levy a tax of one dollar per head on all male dogs and three dollars per head on all female dogs, in lieu of state tax, which shall be a school tax, and appropriated to the support of public schools.

Copies of assessor's books to be printed.

Proviso.

36. *And be it enacted*, That the town committee be authorized to print copies of the assessor's books in pamphlet form, prior to the first day of October, of each year; *provided*, the

whole cost of compiling and printing the same shall not exceed the sum of seventy-five dollars.

Annual meeting of commissioners in cases of taxation.

37. *And be it enacted*, That hereafter the commissioners of appeal in cases of taxation in said township, are required to convene on the second Tuesday of October, annually, for the purpose of discharging the duties of their office; and they may hold sessions at such adjourned days as they may fix, not exceeding three in number, and not later than the eighteenth day of October; and the compensation of such commissioners shall be four dollars per day.

Annual notice to be given by the township collector.

38. *And be it enacted*, That hereafter the collector of said township shall annually, immediately after the third Monday in September, give the notice required by the tenth section of "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six; and he shall make the demand and give the notice required by the eleventh section of said act, within twenty days after the third Monday in September, and the day fixed by him for the payment of said taxes shall not be later than the first day of November.

Duties of the township clerk.

39. *And be it enacted*, That the township clerk shall, in addition to the duties required of him by this act or any other act of this state, have charge of all the records, books and documents of the township, except when the township committee shall otherwise direct; he shall keep a record of the proceedings of the township committee, he shall engross all the ordinances of the township committee in a book to be provided for that purpose, with proper indices, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the chairman or acting chairman of the township committee and said clerk; copies of all papers duly filed in his office, and transcripts thereof, and of the records and proceedings of the township committee and copies of the laws or ordinances of said township, certified by him under the corporate seal, shall be evidence in all courts and places; he shall keep his office open at the town hall, from nine to twelve o'clock in the forenoo , each day (Sundays and legal holidays excepted), and shal receive as compensation therefor, including such other ervices as may be required of him by the township commit ee, a salary not exceeding eight hundred dollars per yea: , and shall give bonds to the township in its corporate name in such sums and with such sureties as

Compensation.

the township committee may approve, for the faithful performance of his duties.

Annual statement to be published of all receipts and expenditures

40. *And be it enacted*, That the township committee shall, at least once a year, in lieu of any other publication, within the ten days immediately preceding the annual town election, publish in pamphlet form a full statement of all receipts and expenditures of every description for the fiscal year preceding such statement, including all the moneys which have passed through the hands of the treasurer for any purpose whatever, together with the different sources of revenue, and the amount received under each; with all such other information as may be necessary for a full understanding of the financial concerns of the township.

Compensation to be paid the assessor.

41. *And be it enacted*, That the office of the assessor shall be a salaried office, and that the same shall not exceed the sum of five hundred dollars per year, anything herein contained, or any law to the contrary notwithstanding.

Compensation to be allowed collector.

42. *And be it enacted*, That the collector shall receive as compensation for his services one per centum on all sums collected by him over ten dollars; and ten per centum on all sums under ten dollars and over five; and twenty per centum on all sums of five dollars and under.

Assessments for support of schools.

43. *And be it enacted*, That the township committee shall direct annually an assessment for schools, the amount allowed to be raised by state law for the support and maintenance of schools in said township, together with such an additional amount as shall be voted for by the people on the recommendation of the trustees and the township committee.

Money to be assessed to be first voted upon.

44. *And be it enacted*, That all moneys proposed to be raised by assessment upon the property of the township of West Hoboken, for any purpose whatever except as herein otherwise provided for, shall, before being assessed, be voted upon and approved of by a majority of the voters of the township voting at the annual spring election.

May borrow money.

45. *And be it enacted*, That the township committee shall have power to borrow money upon the credit of the township by issuing coupon bonds or otherwise, payable in not exceeding ten years, in sufficient amounts to liquidate any judgment or assessment that may be obtained against them; and they are authorized to order the assessor and collector of the township to assess and collect, at the same time and in the same manner as other township moneys are assessed and collected, not exceeding in any one year the sum of ten

thousand dollars, for the payment of such bond and interest thereon, and in payment for any judgment or assessment.

Appointment of recorder.

46. *And be it enacted*, That hereafter and until otherwise provided by law, there shall be appointed by the township committee, annually on the day as stated in section five of this act, one of the justices of the peace of this township, who shall act as recorder, and who shall have jurisdiction of all violations of township ordinances, and who shall have such powers and authority in the said township of West Hoboken as is now conferred upon the recorder in the city of Hoboken; and that all fines inflicted by ordinance shall, when received be paid into the township treasury; and that the compensation of the recorder shall be such fees as are now allowed to justices of the peace in the courts for trials of small causes, and in case the costs of suit cannot be collected from the defendant, then and in that case the township treasurer shall pay the said costs out of any unexpended moneys in his hands collected from fines, and that the said recorder shall keep a docket or record of all proceedings, and shall report to the township committee at their regular monthly meeting, and shall pay over to the treasurer of the township all moneys collected from fines, and so forth.

Assessment for incidentals.

47. *And be it enacted*, That the township committee shall have authority to assess, not to exceed ten per centum on the gross amount of the assessment, to provide for incidentals.

Repealer.

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

Special election to accept or reject charter.

49. *And be it enacted*, That a special election shall be held at the same place, and be conducted in the same manner in all respects as the annual township election is conducted in West Hoboken, on the second Tuesday in May next, and if a majority of the voters voting at said election shall vote on ballots printed for that purpose, "charter," this act shall take effect immediately thereafter; but if a majority shall vote "no charter," then and in that case this act shall be void and of no effect.

50. *And be it enacted*, That this act shall not take effect unless it shall be first submitted to a vote of the people of the township of West Hoboken, at the next annual election to take place after the passage of this act; and if a majority of the people voting by ballot on which shall be written or printed the words "charter," or "no charter," at the said

election, shall vote in favor of "charter," then this act shall become a law, but not otherwise.

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

Approved April 4, 1873.

CHAPTER DLXXX.

A Further Supplement to an act entitled "A Supplement to an act for the Preservation of Clams and Oysters," approved April fourth, one thousand eight hundred and forty-six, which Supplement was approved March twenty-sixth, one thousand eight hundred and sixty-two.

Chosen freeholders shall appoint a commissioner.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of the county of Ocean, to appoint a suitable and judicious person, resident of said county, commissioner, for the better enforcement of said act in the waters of Ocean county, and in the name of said county said commissioner may for the violation of said act by any person or persons whomsoever, collect the penalties provided for in said act, and against the said person or persons refusing to pay the same, bring suit in the manner provided in the second section of said act.

Additional compensation to be allowed.

2. *And be it enacted*, That in addition to the compensation provided for in the second section of said act the board of chosen freeholders shall cause such additional compensation to be paid to said commissioner for his services as to them shall seem meet and proper.

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

Approved April 4, 1873.

CHAPTER DLXXXI.

An Act to Prevent Accidents by Railways in the City of Paterson and to provide for the Building of Gates at certain street crossings.

Hoisting gates shall be erected and maintained.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the Erie Railway Company to erect and maintain, as hereinafter provided, hoisting gates in the city of Paterson, of a style and character similar to those in use by the Erie Railway Company and those in use upon the New Jersey Railroad Company's road or its lessees in the city of Jersey City, for the protection of travel in said city of Paterson, on each side of the said Erie Railway at the following streets, to wit: at the junction of Market and Willis streets, where the same cross or meet the said railroad of the Erie Railway, and also at the crossing where Broadway intersects said railway and at the crossing where River street intersects said railway.

When the gates shall be erected.

2. *And be it enacted*, That the said hoisting gates at the crossings aforesaid shall be erected, kept and maintained by the said the Erie Railway Company on or before the first day of May, one thousand eight hundred and seventy-three.

Penalty for neglect.

3. *And be it enacte*d, That the said Erie Railway Company shall forfeit and pay the sum of one hundred dollars to be sued for and recovered in an action of debt in the name of "The Mayor and Aldermen of the city of Paterson," and for its use and benefit for each and every day after the said first day of May, one thousand eight hundred and seventy-three, that the said company shall omit or neglect to build, erect and complete for use, such gates or any of them for the protection of persons and travel; and it shall likewise be the duty of said company under a like penalty of one hundred dollars for every offence, to be sued for and recovered as aforesaid, to shut down and close said gates immediately previous to the approach of every locomotive or train and to raise and open the same immediately after

the passage of each and every locomotive or train at the street crossings aforesaid; and the said gates shall be erected, kept, maintained, opened and shut by the said Erie Railway Company, its officers and servants, and at their sole expense.

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

Approved April 4, 1873.

CHAPTER DLXXXII.

An Act to prevent persons and private corporations from discharging the refuse of petroleum or rock oil, or the body of any dead animal into the River Passaic, within the boundaries of the Counties of Essex and Hudson.

Penalty for discharging refuse into the river.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or private corporation, distilling or refining crude petroleum or rock oil, to discharge the refuse of such distillation or refining into the river Passaic within the boundaries of the counties of Hudson and Essex; and any person so offending against the provisions of this section shall be liable to indictment, and for the first offence shall be liable to a fine of one hundred dollars, and for the second offence shall be liable to a fine of one hundred dollars or imprisonment for six months, or both, at the discretion of the court.

Penalty for throwing dead body of any animal into the river.

2. *And be it enacted*, That it shall not be lawful for any person to throw the dead body of any animal into the Passaic river within the boundaries of the counties of Essex and Hudson; any person so offending shall be liable to indictment, and for the first offence liable to a fine not to exceed fifty dollars, and for the second offence to a fine not to exceed one hundred dollars.

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

Approved April 4, 1873.

CHAPTER DLXXXIII.

A Further Supplement to the act entitled "An Act to Revise and Amend the Charter of the City of New Brunswick," approved March eighteenth, one thousand eight hundred and sixty-three.

Preamble. WHEREAS, the mayor and common council of the city of New Brunswick, under the provisions of an act entitled "An act appointing commissioners of streets and sewers in the city of New Brunswick," approved March twenty-third, one thousand eight hundred and seventy-one, are legally liable for and are required to raise and pay certain moneys for public improvements already constructed, and others which are to be constructed in the said city within the scope of the said act by the commissioners therein appointed, and have applied to the legislature of this state for authority to issue bonds of the said city, to provide means for payment of said liability; therefore,

May provide for payment by issuing bonds. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and common council of the city of New Brunswick may provide for the payment of the said liability now accrued and hereafter to accrue as aforesaid, by issuing the bonds of the said city on the faith, credit and property of the said city, in its corporate name and under its common seal and in such manner as may be best, bearing interest at the rate of seven per centum per annum, payable semi-annually, to an amount not exceeding one hundred thousand dollars, payable at or before the expiration of twenty years from the date of issuing the same; *provided*, that none of the said bonds shall be made payable within five years after the passage of this act; which said bonds shall not be disposed of at less than par value, and shall be used exclusively for the purpose aforesaid, and only when actually required.

Proviso.

2. *And be it enacted*, That the issuing of the said bonds shall be entrusted to an auditing committee of three citizens

of New Brunswick, to be appointed by and hold office at the pleasure of the common council of the said city, of whom the treasurer of the said city shall be ex-officio, who shall issue and dispose of the said bonds at such times and in such amounts as the common council shall direct, and may be required to give bonds in sufficient amount and with sufficient surety or sureties for the faithful discharge of their trust and duties; and may receive such just compensation for their services as common council may order; *provided*, that no member of common council shall at any time be one of said committee. Bonds shall be issued under the supervision of an auditing committee. Proviso.

3. *And be it enacted*, That an additional tax may be assessed and collected by the said common council in the manner prescribed in the charter of the said city at such times as they may order for the payment of the interest and principal of the said bonds, as the same may become due. Additional tax may be assessed to provide for payment of interest.

4. *And be it enacted*, That all provisions in the act to which this is a supplement and in the several supplements thereto, inconsistent with this act, are hereby repealed. Repealer.

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

Approved April 4, 1873.

CHAPTER DLXXXIV.

A Supplement to an act entitled "An Act relating to the repair of bridges owned by Railroad, Canal or other Private Corporations and their lessees, in the County of Hudson," approved March fifth, one thousand eight hundred and seventy-three, extending the same to the County of Essex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is a supplement and the provisions thereof, be and the same are hereby extended to the county of Essex, and said act is hereby made as fully applicable to the said county of Essex as if the said county of Essex had been named in said act, in the same manner and connection that the county of Hudson Provisions of act extended to Essex county.

Proviso. is therein named; *provided, nevertheless*, that the publication required by the second section of said act shall be made in one of the daily papers of the city of Newark.

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

Approved April 4, 1873.

CHAPTER DLXXXV.

An Act for the protection of the Fish and Fisheries in Cumberland County.

Penalty for erecting or maintaining any weir, rack, fishing dam, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall not be lawful for any person or persons whomsoever to erect, build, set up, repair or maintain, or to aid, or assist, or abet in erecting, setting, repairing or maintaining any weir, rack, fishing-dam, or pond, or to fix or fasten to a weir any seine, or nets of any kind, for making wings thereof for the purpose of catching fish or for any other purpose, in any of the waters of Cumberland county, or in any parts of Delaware bay contiguous thereto, and any person or persons so offending shall forfeit and pay for every such offence the sum of one hundred dollars, to be recovered by action of debt, before any justice of the peace of the county of Cumberland, with costs of suit, by any person who may prosecute for the same, one-half of said fine to go to the prosecutor, and one-half to be paid to the county collector for the support of the poor of the county.

Penalty shall extend to the forfeiture of fishing apparatus and boats.

2. *And be it enacted*, That any person or persons offending against the provisions of this act, and being thereof convicted, shall forfeit all fishing apparatus of every kind, and any boat or boats which may be found in their possession at the time of committing such offence, which apparatus and boat or boats thus forfeited shall be sold, and the proceeds after deducting necessary expenses, paid to the county collector for the support of the poor of the county.

3. *And be it enacted*, That in any action or suit for the recovery of any forfeiture, fine, or penalty created by the

provisions of this act, the same may be commenced by warrant or summons in the court for the trial of small causes, and be proceeded in as in other causes therein commenced by warrant or summons, any law, usage or custom to the contrary notwithstanding. Proceedings, how commenced.

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

Approved April 4, 1873.

CHAPTER DLXXXVI.

A Further Supplement to an act entitled "An Act to Incorporate Morristown."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the common council of Morristown, if they shall deem it advisable, to provide by ordinance for another election to be held, to ascertain the sense of the people of Morristown as to the propriety of the said town owning and controlling the water supply thereof, which election shall be conducted in all respects, in accordance with the provisions of the sixth section of the supplement to the charter of Morristown, which was approved April fourth, one thousand eight hundred and sixty-seven, and if at any such election, a majority of votes shall be cast "For Water Works," then the said supplement shall be revived, and be in full force, in all respects the same as if at the election heretofore held thereunder, a majority of votes had been cast "For Water Works," and Theodore Ayers shall be one of the board of water commissioners of said town, in the place of William C. Baker; *provided*, that the bonds to be issued under the provisions of said supplement, shall not exceed one hundred thousand dollars; *and provided further*, that no company or corporation shall have the power to lay down pipes for the conducting of water or gas through the streets of Morristown without the consent of the common council thereof. Council may provide, by ordinance, for an election, to ascertain the sense of the people as to town owning the water works. Proviso. Proviso.

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

Approved April 4, 1873.

CHAPTER DLXXXVII.

A Supplement to an act entitled "An Act to Annex the Townships of Washington and Munroe, in the County of Camden, to the County of Gloucester," approved February twenty-eighth, one thousand eight hundred and seventy-one.

Sale of lands, real estate, &c., heretofore sold by sheriff or former sheriff, or other lawful officer, ratified and confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in making sale of any lands, tenements, hereditaments and real estate in the said townships of Washington or Munroe, by the sheriff or any former sheriff or other lawful officer of the county of Camden, upon executions issued upon any judgment obtained in any of the courts of the county of Camden, in any action, suit or proceedings commenced or depending before the approval of the act to which this is a supplement, or upon any execution issued upon any judgment or decree obtained in the supreme court or court of chancery of the state of New Jersey, and delivered to the sheriff or any former sheriff or other lawful officer of the county of Camden, before the approval of the act to which this is a supplement, the sheriff, former sheriff or other lawful officer shall proceed and advertise and make sale and conveyance of the same, in the same manner as he would have been required to do if the act to which this is a supplement had not been passed; and that any sale of any lands, tenements, hereditaments and real estate in the said townships of Washington or Munroe, made by the sheriff or any former sheriff or other lawful officer of the county of Camden, since the act to which this is a supplement was approved and advertised, sold and conveyed as herein provided, be and the same is hereby ratified, validated and confirmed.

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

Approved April 4, 1873.

CHAPTER DLXXXVIII.

An Act to authorize the Board of Chosen Freeholders of the County of Camden to borrow money and issue bonds therefor.

Preamble.

WHEREAS, the expenditures and liabilities of the county of Camden have been unusually large in consequence of the erection of county buildings, bridges, and other improvements of an expensive nature, whereby a large indebtedness has been incurred; therefore,

Board of chosen freeholders authorized to issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said "The Board of Chosen Freeholders of the County of Camden," to provide for the payment of the said indebtedness, and of any further indebtedness that may be incurred by said board, in executing the legal purposes, objects, business and affairs of said county, by issuing bonds in the corporate name and under the corporate seal of said board, to be signed by the director of said board, and attested by their clerk, for an amount not exceeding in the aggregate the sum of fifty thousand dollars; and the said bonds to be for such sums and payable at such time or times as the said board shall deem proper; and bearing interest not to exceed seven per centum per annum, and to pledge the property and credit of said county for the payment of the same; and the said board of chosen freeholders and their successors shall have power to sell or assign said lands in such a manner as they shall deem most advantageous to the interest of said county.

Payment of bonds and interest provided for by taxation.

2. *And be it enacted*, That the said board are hereby authorized and required to provide for the payment of the said bonds and the interest thereon, as the same shall from time to time become due and payable by taxation to be made, levied, assessed and collected at the times and in the manner that other county taxes in said county are levied, assessed and collected.

Proceeds of sales of bonds, how applied.

3. *And be it enacted*, That the proceeds of the bonds issued under and by virtue of this act, shall be applied by said board to the payment and satisfaction of the indebtedness aforesaid and in the legal purposes, objects and affairs of said county, as the said board or a major part of them shall deem proper.

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

Approved April 4, 1873.

CHAPTER DLXXXIX.

Supplement to an act entitled "An Act to Regulate the Fire Department in the Town of Newton," approved March seventh, one thousand eight hundred and seventy-one.

Town committee may purchase real estate for use of the fire department.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the town committee of the said town of Newton, or a major part of them, shall have the right and power to purchase and hold real estate sufficient for the use of the said fire department, of the town of Newton, and the right to erect and build all necessary buildings thereon, for the purpose aforesaid, and keep in repair said buildings, and to insure, and keep the same insured.

Payment of purchase money may be secured by mortgage.

2. *And be it enacted*, That the said town committee, or a major part of them, shall have the right and power to mortgage said real estate so purchased to secure the payment of the purchase money of said real estate and the costs and expenses of erecting and building thereon, for the purposes aforesaid; and shall also have the right and power to make sale of said real estate whenever in their judgment the same shall be required for the benefit of the said fire department, and on sale thereof, the money arising from such sale shall be by them paid to the town collector for the use of said town of Newton, and shall be held by him upon the like liability of other town moneys, and shall be paid by him upon the order of said town committee or a major part of them, and the said town committee, or a major part of

them shall by a resolution authorize and empower the chairman of the said town committee to execute, seal and deliver all necessary deeds, conveyances and mortgages to carry into effect the provisions of this act.

Amount of money to be raised shall be determined by vote of the legal voters.

3. *And be it enacted*, That the legal voters of the said town of Newton, at their annual town meetings shall determine by plurality of vote, what amount of money shall be raised by assessment for the purpose of purchasing real estate and erecting suitable buildings thereon, and for the purpose of keeping the said buildings in repair, and keeping the same insured for the use of the fire department of the town of Newton.

Money shall be raised by tax.

4. *And be it enacted*, That the sum so voted, if any, shall be assessed, levied and collected, in the same manner that other town taxes or moneys are assessed and collected; and that the money so raised, from time to time shall be held by the town collector upon the like liability of other town moneys, and shall be paid by him upon the order of the town committee, or a major part of them.

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

Approved April 4, 1873.

CHAPTER DXC.

An Act relative to Bridges in and for the County of Morris, in the State of New Jersey.

Notice to be given, in writing, of necessity for erection or repairs to any township bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when it shall be necessary to erect, rebuild or repair any bridge in a township in the county of Morris, or between any two townships in the said county, the expense whereof shall exceed one thousand dollars, it shall be the duty of the overseer of the highways within whose limits or division the same may be, or either of the overseers of the highways of the adjoining townships, to give notice thereof in writing under his hand to the director of the board of chosen freeholders of said county or in case of his absence, inability or death, to the clerk of said board, who shall thereupon convene (in the like manner and under the like penalties as if such notification had

been made and subscribed by any three of the chosen freeholders of said county) the said board or corporation for the purpose of their considering and deciding upon the utility and necessity of erecting, rebuilding or repairing the said bridge.

Proceedings for ascertaining expense of building bridge or repairs, and paying for the same.

2. *And be it enacted*, That when the expense of erecting, rebuilding or repairing such bridge shall exceed two hundred and fifty dollars, and be less than one thousand dollars, it shall be the duty of the overseer of the highways within whose limits or division the same may be, or of either of the overseers of the adjoining townships, to give notice thereof in writing, under his hand, to the chosen freeholders of such township and of the two next adjacent townships in said county, and in such notice to appoint the time and place of their meeting, for the purpose of taking the same under their consideration; and the said chosen freeholders, or a majority of them are hereby authorized to order if they think proper, the said bridge to be built, rebuilt or repaired, and to superintend or contract for the doing thereof; and for defraying the expense thereby incurred, the director of the board of chosen freeholders of said county shall draw upon the county collector, who is hereby empowered and required forthwith to pay the same out of any county moneys in his hands.

Proceedings when expense shall not exceed a prescribed sum.

3. *And be it enacted*, That when the expense of erecting, rebuilding or repairing such bridge shall not exceed two hundred and fifty dollars, inclusive of the necessary materials, it shall and may be lawful for the overseer of the highways within whose limits or division the same may be, and the two chosen freeholders of the said township, or the major part of them, to direct such bridge to be built, rebuilt or repaired and to superintend or contract for the doing thereof; and for defraying the amount of said expense not exceeding the sum aforesaid, the director of the said board of chosen freeholders of said county shall draw on the county collector, who is hereby authorized and directed to pay such order out of any county moneys in his hands.

Repealer.

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

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

Approved April 4, 1873.

CHAPTER DXCI.

A Supplement to the act providing for a Reform School for Boys in the City of Newark, entitled "A Further Supplement to an act to revise and amend the Charter of the City of Newark," approved March eleventh, one thousand eight hundred and fifty-seven, approved March seventeenth, one thousand eight hundred and seventy.

School may be located outside the city limits, in Essex county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the reform school for boys provided for in the act to which this is a supplement, may be located and established at any place outside of the limits of the city of Newark, provided it be within the county of Essex, and that all the provisions of said act to which this is a supplement, shall relate and apply to said reform school if located and established outside of said city limits, the same and as fully as they would if it were established in said city of Newark; the object of this act being to allow said reform school to be located and established either within or without the limits of said city of Newark.

March substituted for April.

2. *And be it enacted*, That the word April in the title of the supplementary act authorizing the establishment of said reform school be struck out and the word March inserted in lieu thereof.

Repealer.

3. *And be it enacted*, That all acts or parts of acts conflicting with this act, are hereby repealed, and that this act shall be deemed and taken as a public act and shall take effect immediately.

Approved April 4, 1873.

CHAPTER DXCII.

An Act to incorporate The School Borough of Caldwell.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That School Districts Numbers Thirteen, Seventeen and Eighteen, of the township of Caldwell, and county of Essex, be and hereby are consolidated under the corporate name of The School Borough of Caldwell, whose boundaries shall be as follows: beginning at the north corner of Zenas G. Harrison's land on the Passaic river; thence running along the northerly line of lands of said Harrison, Cyrus F. Harrison and Samuel O. Harrison, to the east corner of Samuel O. Harrison's farm; thence to the north corner of Benjamin C. Kent's land, and along the northerly line of the same to the road leading from Caldwell to Centreville; thence southerly along the centre of said road to the north corner of William J. Best's farm; thence along the northerly line thereof to the west corner of Amos C. Gould's land, and continuing thence on the same course to the western boundary of West Orange township; thence following the boundary thereof northerly and easterly to the summit of the Second Mountain; thence northerly along Second Mountain to a point east of S. Dobbins' house, on the road leading from M. C. Dobbins' to North Caldwell; thence along the line of said road to a bridge between J. V. Baldwin and N. O. Baldwin; thence in a straight line northwesterly to an angle in the road leading from Caldwell to North Caldwell, opposite J. Mead's house; thence northwesterly to the northern boundary of lands of J. J. Sevin; thence to the eastern boundary of lands of S. M. Courter; thence southwesterly in a straight line to the place of beginning.

Names of persons to constitute the board of education, and term of office.

2. *And be it enacted*, That Joel D. Mead and Caleb M. Harrison, of the village of Caldwell, Cyreneus D. Connor and Isaac N. Canfield, of the village of Franklin, and Nathaniel N. Crane, of the village of Westville, be and hereby are constituted a board of education for the aforesaid school

borough, whose terms of office, which shall be determined by ballot at their first meeting, shall be limited so that one term shall expire on and at the annual school meeting to be held on the first Monday of September, one thousand eight hundred and seventy-three, and one each at every following annual September school meeting, at each of which school meetings as aforesaid, one member shall be duly elected to serve for a period of five years; it being further provided that at the aforesaid annual elections the members of the said board shall be so chosen that its representative character may be maintained, two thereof being residents of the village of Caldwell, two of the village of Franklin, and one of the village of Westville.

Board of education may borrow money and issue bonds,

3. *And be it enacted*, That the said board of education be and hereby are empowered to negotiate a loan of a sum of money not to exceed fifteen thousand dollars, by the issue of bonds or otherwise, which the said board shall use in purchasing grounds, erecting a suitable school building thereon, and furnishing the same, and in liquidation of the debt thus incurred, upon the warrant of the aforesaid board of education, the township assessor shall assess upon the inhabitants of said borough a special poll tax of three dollars per poll, and also such additional sum upon the real and personal property within the borough as may be required; first, to meet the annual interest accruing on the aforesaid loan, and second, to reduce the principal of said loan in a sum not to exceed one thousand dollars yearly, which assessments shall be annually levied and collected and applied in payment of the debt incurred in accordance with the provisions of this act, until the same be liquidated.

Empowered to sell certain school property.

4. *And be it enacted*, That the said board of education be and hereby are empowered to sell the school properties of School Districts Numbers Thirteen and Seventeen, and apply the moneys realized therefrom to the erection of a school edifice for the borough, but the said board shall hold the school property of District Number Eighteen for the purpose of organizing a primary school therein, whenever in the judgment of the said board such school may be imperatively demanded; and the said board are also empowered to erect and maintain primary schools in each of the villages of Caldwell, Franklin and Westville, when such may be demanded by a majority vote of the legal voters of the aforesaid borough.

Annual reports shall be made.

5. *And be it enacted*, That the said board of education shall make full and accurate reports yearly at the annual September school meetings as aforesaid, of all moneys received, and from what sources, and how appropriated, together with a statement of the indebtedness of the borough, and the condition and progress of the school or schools under their charge.

Matters not specified, how provided for.

6. *And be it enacted*, That in all matters not specified and defined in this act, relating to the raising of moneys, the appointment of teachers, and paying the salaries of the same, and in the management and appointments of the school or schools under the charge of the said board, the said borough and board of education shall be subject to the several provisions of the act entitled "An act to establish a system of public instruction," approved March twenty-first, one thousand eight hundred and sixty-seven, and of the several supplements thereto.

7. *And be it enacted*, That this act be taken and held as a public act, and that it shall take effect immediately.

Approved April 4, 1873.

CHAPTER DXCIII.

A Supplement to an act entitled "An Act to Establish District Courts in the City of Newark."

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section eleven of the act to which this is a supplement, be amended by striking out the word "times" in said section, and inserting in its place the word "terms;" that section twelve of said act be amended by inserting after the word "Essex" the words "in cases where an appeal to said court is given by any of the acts or supplements mentioned in section five of this act;" and that section seventeen of said act be amended by inserting after the words "Be it enacted that" the words "except in the case of proceedings in forcible entries and detainers,

or forcible or unlawful detainers, which may be removed as heretofore."

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

Approved April 4, 1873.

CHAPTER DCVI.

An Act to provide for opening, constructing, and maintaining an Avenue or Road in the County of Hudson.

Names of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alfred A. Lutkins, James Gopsill, Solon Humphreys, Peter Henderson, Marcus Beach, Hermand D. Busch, Samuel C. Nelson, Orestes Cleveland, Adolph Meckert, and their successors, to be appointed as hereinafter provided, be and they are hereby constituted a board of commissioners, to be designated and known as "The Hudson County Avenue Commissioners," for the purpose of opening, laying out, constructing, appropriating, improving, ornamenting, and maintaining an avenue or road in the county of Hudson, that shall afford better facilities for those who may wish to travel upon the same for purposes of business or pleasure; that the acts of a majority of said commissioners shall be deemed the acts of the board; and that each of said commissioners shall, before entering upon the duties of his office, take and file in the office of the clerk of the county of Hudson, an oath or affirmation to act faithfully and impartially in the execution of the trust reposed in him by this act, and each shall give bond to the county collector of said county, in the sum of twenty thousand dollars, with two good and sufficient sureties, to be approved by a justice of the supreme court, conditioned for the faithful performance of his duties under this act, which bond, in case of forfeiture, shall be prosecuted by said county collector, for the use of said county, and that the commissioners shall hold their office for a period of four years.

Commissioners shall take oath and give bond.

Term of office.

2. *And be it enacted*, That the said board are hereby authorized and invested with all the rights and powers neces-

Powers and duties of the commissioners.

sary and expedient to survey, open, lay out, locate, construct, reconstruct, ornament, improve, and maintain one main avenue or road, extending the whole distance across the county of Hudson, north and south, from any point adjacent to the line between the counties of Hudson and Bergen on the north, and the waters of the Kill-von-Kull on the south; said avenue or road not to be less than one hundred feet, nor more than one hundred and fifty feet in width, such width to be adjusted and determined by said commissioners, and in making the surveys they may use all of the surveys and maps now on file in the clerk's office of the board of chosen freeholders and relating to avenues in the county of Hudson, and this act shall not be construed to authorize the construction of more than one avenue, and that avenue shall be the one provided for in this section, and shall be continuous, and which avenue when constructed, shall be deemed and taken to be a public road or avenue.

Further powers of the commissioners.

3. *And be it enacted*, That the said board may include in said avenue, as a part thereof, any road, street, highway or avenue, or part thereof, already laid out, opened or dedicated, in said county, that they may think can be advantageously included within the limits of said avenue; and said board shall have the exclusive control of said avenue, and regulate the use thereof throughout the entire length thereof; that said board shall have power to pave, macadamize, sewer and otherwise improve said avenue, or any part thereof, and to grade the said avenue in such way and manner, and according to such grade as the board shall fix and determine.

Land may be taken and damages allowed.

4. *And be it enacted*, That the said board, their agents, engineers, surveyors, and others in their employ, shall have full power to enter at all times upon lands for any of the purposes contemplated by this act; that any land and real estate deemed necessary by the said board for the opening, laying out, constructing, improving, ornamenting and maintaining said avenue, or any part thereof, may be taken therefor, and damages shall be allowed, and benefits assessed by the said board to and against the persons owning the lands and real estate so taken and benefited respectively as hereinafter provided.

Organization of the board.

5. *And be it enacted*, That the board shall organize by the election of a president, who shall be a commissioner; they shall appoint a secretary and treasurer, who need not be commissioners, and such other officers, agents, surveyors,

engineers, workmen and servants as may be deemed necessary for the purposes of this act, and fix their compensation; the president shall be elected annually, and the other officers and employees of the board shall hold office during the pleasure of the board; any member of the board may be expelled for cause, by a vote of a majority of the commissioners, after having an opportunity to be heard in his own defence.

Notice of the organization to be made, and that the commissioners will hear suggestions relative to the improvement of the avenue.

6. *And be it enacted*, That said board, after its organization by the election of a president, shall, as soon as it conveniently can, publish a notice to property holders in Hudson county that they are ready to hear suggestions in reference to the location, width, extent, and improvement of said avenue, and all of said suggestions shall be in writing, and filed with said board on or before the day fixed therefor in said notice; after the day fixed, said board may, from time to time, consider the same, and cause a preliminary map to be prepared in accordance with the views of the commissioners at that time, which map shall show the width, location, and extent of the proposed avenue, and after the preparation of said preliminary map, it shall be filed in the office of the board, and be open to the inspection of property owners for at least one month; after it has been filed the commissioners shall publish a notice that they are ready to receive and consider objections to the proposed location, width and extent of said avenue, as shown on said preliminary map, and all said objections shall be in writing, and filed with the secretary of said board on or before the day fixed in said notice; after said day said board may, from time to time, consider the same, and fix and determine the location, width and extent of said avenue, as in their judgment they may deem best, and cause a final map of said avenue to be prepared, which final map when approved by the board shall be filed in the office of the clerk of said county of Hudson, and certified copies thereof shall be evidence in all courts and places the same as the original would be if produced.

Notice to be given of the filing of map.

7. *And be it enacted*, That the said board shall, within ten days after the filing of said map, publish in all the newspapers published in the county of Hudson, in every issue thereof during two weeks, a notice of such filing, which notice may describe said map as "Map of the Hudson County Avenue," and state the date of its filing; from and after the expiration of said two weeks, all owners of land,

contractors, builders and all other persons shall be deemed to have notice that said avenue is to be opened, constructed and used as laid down on said map; such owners, contractors, builders and other persons shall thereafter make all improvements upon the lands of said owners, to conform to the route of said avenue; any owner or owners, contractor or builder, or other person interested, not so conforming, shall not be allowed, in estimating the compensation due to him, her or them for the locating, laying out, opening, constructing and use of said avenue, any damages or other compensation for any property which after the filing of said map and the publication of notice thereof shall have been put upon the lands lying within said location, nor any damages for injury done, which would not have been done if said improvements had been made so as to conform to said avenue so to be laid out, opened, constructed and used; in case, however, any person interested shall make it appear to the commissioners of assessment hereinafter provided for, that he, she or they, in good faith, and without any intention of increasing his compensation, and without notice or knowledge of the location of said avenue, entered into any contract for having put or putting upon the said lands within the lines of said location, any building or other improvement, and abandoned his, her or their purpose on receiving such notice, and by such abandonment suffered loss or damage, said commissioners of assessment may allow such portion thereof as they shall deem equitable; *provided also*, that in any case in which the said board of avenue commissioners may deem it most economical, they may request any owner to go on with any erection instead of stopping it at once, and in such case the owner shall continue such erection to such state of completeness as the said board shall request, and shall be compensated accordingly.

Proviso.

Commissioners may enter upon lands, remove buildings, &c.

8. *And be it enacted*, That the said commissioners, or their successors in office, may enter upon and pass over all the lands in or near the said avenues, prior to their filing their map, and after that may (first making the compensation hereinafter provided,) enter upon, from time to time, such portions of the lands and buildings lying within the said avenue, and remove therefrom any building or other thing upon said lands, and construct on said lands the avenue hereby authorized to be made, and open to public use such portion of the lands not yet open to public use,

within the lines of said avenue, from time to time as they shall think it advisable, until the whole thereof are open for use; in order to expedite the construction of said avenue, the same shall be divided into as many sections as the commissioners shall determine; and all of said avenue shall be opened and fitted for use within five years from the date hereof; *provided also*, that no person in possession of any dwelling-house, store or shop shall be disturbed, nor any dwelling-house, store or shop, church, engine or school-house, or other public structure, be taken down, removed or destroyed before the expiration of three months after the said publication of notice of the filing of the said map, except by consent of the person in possession, as well as the owner thereof; the said commissioners shall (making compensation therefor) have power to take and appropriate any earth, rock or other material near the line of said avenue, for the purpose of constructing, improving or ornamenting any part of said avenue; all work and all materials of or exceeding one thousand dollars, shall be done or furnished by contract; the commissioners and their successors in office shall advertise for proposals for doing any work or furnishing any material amounting in the whole to one thousand dollars or more, for at least two weeks, but not more than one month (according to the extent and nature of such work), in such of the papers of the county of Hudson as they may deem expedient, and also in their discretion, in one or more of the principal daily papers of New York city, and shall thereafter give the contract or contracts to the lowest reponsible bidder, with such good and sufficient sureties as may be approved by said board of commissioners; but the said commissioners shall be under no obligation to accept the lowest bid, and may reject all bids if they think proper, and in case of such rejection the commissioners shall again advertise for proposals, and proceed in all things as if no proposals had before been offered.

Proviso.

9. *And be it enacted*, That the said commissioners, or their successors, shall construct said avenue by excavating and removing earth, rocks, trees, stumps, buildings and all obstructions, buildings and improvements, and disposing of such portion thereof as are not needed in the construction of said avenue to the best advantage at public auction, and filling up any low parts of the route, and otherwise preparing the premises for said avenue; and by building all

Commissioners may proceed to excavate, &c.

bridges on said avenue, and all necessary sewers and culverts within or without the lines of said avenue; *pro-*
Proviso. *vided*, the said avenue shall be constructed upon the grades established by the municipal authorities (if any have been established) as near as conveniently may be, so as to ensure an even and easy grade throughout the entire avenue, and in case any grade shall be changed, compensation shall be made to the person injured (if any there shall be who are
Proviso. injured by such alteration of grade); *and provided also*, that the said avenue shall be so constructed and improved as to combine hardness, evenness, and durability with economy; the said commissioners, or their successors in office, shall establish and determine the width of the carriage way and of the sidewalks, and relay in their proper place, and so as to conform to the commissioners' plans, all curbing and flagging that they shall take up in constructing said avenue, so far as the same shall conform to the plans of said commissioners, and shall have power to curb and flag the sidewalks wherever they may deem it
Proviso. necessary so to do, and keep the same in repair; *and provided also*, that the average cost per mile of construction of said avenue shall not exceed one hundred and fifty thousand dollars, exclusive of the compensation and damages to be paid for the use of the land and improvements thereon; *and*
Proviso. *provided also*, that except to cross the same, no horse or dummy railroad shall be allowed on said avenue or within two hundred feet thereof, and for that purpose the said commissioners shall have power and authority to make and enforce an arrangement with the owners of any railroad located, or heretofore authorized to be located on any part of said avenue, to remove the said railroad from the said avenue, and to relinquish their right thereon; and such commissioners may, as a part of the arrangement for the removal of said railroad, stipulate, in behalf of the state and the public, for the use of other roads or streets, by said owners of said railroads, and for the owners of said railroad having the refusal of the privilege to lay the rails in said avenue, in case the privilege is ever thereafter granted.

Owners shall be entitled to compensation.

10. *And be it enacted*, That the owners of that part of the lands over which said avenue shall be laid, which is not already lawfully in public use, shall be entitled to compensation for the use thereof hereby authorized, and the owners of any building or part thereof, or other improvement which

it shall be necessary to remove, take down, or destroy, shall be entitled to compensation for such building or part thereof, so to be removed, taken down or destroyed, said compensation to be ascertained as all other compensation is herein provided to be ascertained; and the owner of any building which is situated partially, but not wholly within said avenue, may enter into an agreement with said commissioners to remove the whole of said building outside of the avenue, upon such compensation to said owner as shall be agreed upon.

Amount of expenses and costs to be raised by assessments.

11. *And be it enacted*, That the money necessary to pay the entire cost of laying out and opening the said avenue shall be raised by assessing the same upon all lands lying within two thousand feet of the centre line of said avenue, and in such proportion upon each piece and parcel of land as in the opinion of the commissioners of assessment shall be equal to the benefit received, and that the money necessary to pay the entire cost and expense of executing this act and of constructing said avenue shall be borne by the public at large of the county of Hudson and shall be raised by tax on all lands in the county of Hudson and on the goods and chattels therein owned by residents thereof, the proportion of such tax to be raised on the lands, goods and chattels in any township or ward of any city or town, shall be determined by the said commissioners and shall be included by the board of chosen freeholders of the county of Hudson in the amount of tax to be raised for county purposes, and when raised shall be paid to said commissioners or their successors in office.

Director of the board of chosen freeholders shall make requisition for the issuing of bonds to pay for land and damages.

12. *And be it enacted*, That it shall be lawful for the said board of commissioners to make a requisition upon the director of the board of chosen freeholders of the county of Hudson, from time to time, as necessity may require, for the issue of bonds to pay for lands taken or damages sustained or to pay for the improvement of said avenue, or any part thereof, or any salaries or expenditures that may be necessary for the purpose of properly executing this act, or any part of this act, and any sum that they may deem necessary in anticipation of the collection of any assessment or assessments to be made or levied under this act, and said director of the board of chosen freeholders, for the purpose of providing funds for such several purposes, shall immediately issue bonds to be denominated "The Hudson County

Avenue Improvement Bonds," which bonds shall be signed by the director of the board of chosen freeholders of said county, and countersigned and registered by the county collector, and sealed by the corporate seal of the said county, and said bonds shall be numbered from one upwards in the order of their issue, and said bonds may be coupon bonds, and may be made payable to bearer, or registered in the name of the party holding the same, or registered bonds without coupons according to the option of the holder thereof, and such coupon bonds may at the option of the holder be converted into registered bonds, and the principal sum for which each bond is issued shall be not less than one thousand dollars, and said bonds to bear interest from date at the rate of seven per centum per annum payable semi-annually, and the said bonds to be made payable in twenty years from date; said bonds may be sold by the director of the board of chosen freeholders in connection with the county collector, either at public or private sale at par, or if not at par at a discount not to exceed three per cent; and the money raised by the sale of said bonds shall be paid by the county collector over to the treasurer of the said commissioners, from time to time, as the money is obtained, to be used by them for the purposes of said avenue as embraced in their said requisition: *provided*, the principal sum of said bonds in the whole shall not exceed for the construction of said avenue the sum of two millions of dollars; and that for the purpose of paying promptly the interest on said bonds, the county collector shall be authorized to make requisition on the treasurer of said commissioners for the amount of semi-annual interest falling due, from time to time, and the said treasurer shall thereupon forthwith pay to the county collector the amount of said requisition out of any money in the treasury of said commissioners, or such part thereof as there may be money in such treasury; for the ease of the persons liable to pay said assessments, the commissioners may forbear to collect said assessments for a time, and arrange for the payment thereof by equal installments, fifteen in number, nor more than one installment in any one year, but in all cases where there is at the time any assessment levied under this act, an unpaid award due to the same party, the lesser shall be taken from the greater, and only the difference shall be held to be due, and any forbearance of assessments shall only be for

Proviso.

the excess of any assessment over any awards due the same party, and only the excess of awards over any assessments due by the same party shall be due and paid by said board; the commissioners of assessment may determine in the same report, if so directed by said board, the amount of the awards for land and real estate taken, and damages done, by the laying out and opening of said avenue, or any part thereof, and also the assessments to be levied for such improvement on all the lands benefited thereby, in proportion to the benefit received, and the difference between the same, where the same party is awarded compensation and also assessed for benefits; as the said assessments, or any part thereof, are paid to said commissioners, they shall pay the same over to the county collector, in order that the principal and interest of said bonds may be liquidated thereby, and the whole of the bonds so issued by the said board, and all interest thereon, shall be discharged out of the said assessment moneys, as far as possible, which said moneys are pledged for the payment of said bonds, as well as the real and personal estate in the county of Hudson.

Amount of compensation to be ascertained by three commissioners to be appointed for that purpose

13. *And be it enacted*, That in all cases the compensation to be paid to owners of lands and buildings, or to any party for any purpose, and the assessment to be levied for any improvement as provided in this act, shall be ascertained by three commissioners of assessment; and it shall be the duty of the director of the board of chosen freeholders of the county of Hudson, to nominate to the judge of the Hudson county circuit court ten suitable persons to be such commissioners, and said judge out of the number so nominated shall select and appoint three persons to be such commissioners, and in case any or all of said commissioners shall be interested in any assessment to be made, the board of commissioners shall notify said judge, who shall appoint commissioners in the place of the commissioners interested in any assessment to be made.

Commissioners of assessment shall fix a time and place where parties interested can be heard.

14. *And be it enacted*, That the commissioners of assessment shall in all cases, whether awarding damages for lands or buildings, or materials taken, or assessing property for benefits received, fix a time and place where parties interested may be heard in relation to the same, of which they shall give public notice in three newspapers, to be designated by said board of avenue commissioners, one of which

said papers shall be a paper published in the city or town in which the lands are taken or assessed, if any such paper shall be published in said city or town, by publication for two weeks, and shall also cause a notice to be served on every person interested in any assessment or property taken, which notice shall be served at least one week before the time so designated for hearing, and served at the place of abode of said party, in case he reside in any township, city or town where said lands are located, and if he be a non-resident by mailing the same, postage paid, to his last known residence or place of business; and they may adjourn, from time to time, without further notice, until they have made up their award or assessment.

Opportunities shall be given parties interested to be heard before assessment is confirmed.

15. *And be it enacted*, That no award or assessment shall be confirmed or acted upon by said board until after they have given the parties interested an opportunity to be heard thereon, by notice published and served as directed and prescribed in the fourteenth section of this act, which notice shall fix a time when objections to such award or assessment may be presented; all objections shall be in writing, and signed by the party making the same; after the board shall consider said objections and make such determinations as they may deem proper, they may either confirm said award or assessment as made by the commissioners of assessment, or if they do not concur in the same they shall send it back to the commissioners of assessment for modification and correction, and when said commissioners of assessment shall have corrected and returned the same, the said commissioners shall confirm said assessment or award, and the said assessment, when confirmed or settled as aforesaid, shall immediately be a lien on the lands and real estate upon which the same are assessed until paid as herein provided, and said award when so confirmed or settled shall be immediately due and payable.

Parties dissatisfied may appeal.

16. *And be it enacted*, That if any person to whom compensation shall be awarded, or whose property shall be assessed, shall be dissatisfied with the amount thereof, such party may, within one month, appeal from said adjudication to the next circuit court of the county of Hudson, which is hereby given jurisdiction to re-hear the said matter at the next term of said court, and to cause a proper issue to be framed to try the question of compensation or assessment, and to have the same tried by jury as an issue out of the

supreme court in a civil action is tried, in the said court; but such appeal shall not restrain the commissioners from proceeding with the construction of said avenue over any lands and removing any buildings if the compensation settled upon by said board shall have been tendered or paid; if the jury shall find in the case of an award more than the amount appealed from, the increase and the costs of such appeal shall be paid by the commissioners, but if the jury find an amount equal to or less than said award, the costs of appeal shall be paid by the owners; in case of an appeal from an assessment, if the jury shall not find any less amount than that appealed from, then the party appealing shall pay the costs of appeal, otherwise the commissioners shall pay such costs; in case any parties entitled to compensation cannot be found to whom to pay the same, or are unknown, or labor under disabilities, payment of such compensation into the hands of the county collector of the county of Hudson shall be equivalent to payment of the parties entitled; the right of any party to appeal from an award shall not be affected by the fact of his having taken the amount awarded; *provided*, he has accepted the same under protest, and filed with the secretary of said board a statement of his dissatisfaction and further claim, at the time of receiving the amount first awarded.

Proceedings on appeal.

Proviso.

17. *And be it enacted*, That said commissioners shall have power to contract for the improvement of said avenue in sections, and have said improvement made in sections, and after the work on any section is completed and finished, said board may appoint commissioners of assessments on said section, and the costs of such improvement on said section may be assessed upon the property benefited thereby, in proportion to the benefit received, notwithstanding the entire improvement may not be completed; and all assessments made for the improvement of any of said sections shall be legal, valid, and binding for all intents and purposes the same as if the entire work was completed.

Improvement may be made by contract and the work done by sections.

18. *And be it enacted*, That said commissioners shall have power to lay out and open said avenue by sections, and take the land necessary for the opening of any section, and make the awards and payments therefor, and the assessments for said opening and taking of lands and for damages and expenses thereof, in the same way and manner as if the whole of said avenue was opened at the same time.

Avenue may be laid out by sections.

Assessments shall be payable in installments, with interest

19. *And be it enacted*, That any assessment or any surplus of assessment over awards, if such cases shall exist, shall be payable in fifteen equal installments, with interest on all sums unpaid after the same shall become due and payable; whenever assessments shall become due, the board of avenue commissioners shall give public notice in one or more newspapers published in the county of Hudson, stating the date of the confirmation of assessment, and the several amounts and the names, if known, to whom assessed; all assessments shall be payable on the first Monday of October, and the above notice shall state the year in which the first installment will be required to be paid, and the assessment shall bear interest at the rate of seven per centum per annum from the date of confirmation, as before provided, to the first Monday of October, on which the first installment becomes due and is required as above, and the next or second installment, or one-fifteenth of the whole assessment or surplus of assessment over award, as the case may be, shall become due and payable on the first Monday of the next October, with interest thereon from the date of the confirmation of the assessment, at seven per centum per annum; the third installment or fifteenth shall become due and payable on the first Monday of the succeeding October, with interest thereon from the date of the confirmation of the assessment, and so with each installment, making one-fifteenth of the whole amount due, payable on the first Monday of October in each year, with interest at the rate of seven per centum per annum from the date of the confirmation as aforesaid; and interest shall be paid on all amounts remaining unpaid upon the payment of each installment, but any owner whose land is assessed may discharge his land or any part thereof from the lien of said assessment by at any time paying the whole of the assessment on said lands to the commissioners, and thereupon said commissioners shall cancel said lien of record.

Assessments to be and remain a lien on land or real estate until paid.

20. *And be it enacted*, That all assessments which shall hereafter be assessed or made under this act, upon any land, tenements, or real estate, situate in said county of Hudson, shall be and remain a lien thereon, from the time of the confirmation thereof until paid, notwithstanding any devise, descent, alienation, mortgage or other encumbrance thereof, and that if the full amount of any such assessment, or any portion thereof, shall not be paid and satisfied within the

time limited and appointed for the payment thereof, it shall and may be lawful for the said board to cause such lands, tenements, or real estate to be sold at public auction for the shortest term any person will agree to take the same, and pay such assessment, or the balance thereof remaining unpaid, or the installment due, with the interest thereon, and all costs, charges, and expenses, and to direct to be executed, under the seal of said board, a declaration of such sale, to be signed by the president of said board, and to deliver the same to the purchaser, and such purchaser, his executors, administrators, or assigns, shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements, or real estate for his or their proper use, against the owner or owners thereof, and all persons claiming under him or them, until said term shall become completed and ended; but said land shall be liable for any unpaid installments of any assessment the same as if such sale and purchase had not been made; *provided*, that Proviso. the said board shall first have caused such sales to be advertised once a week for five weeks, in such of the newspapers (or supplements thereto) printed and published in said county, as said board may designate by resolution, which advertisements shall describe the said lands, tenements, or real estate, which may be done by reference to any assessment map on file in the county clerk's office, and showing any lands as thereon described by lot and block number, or otherwise, and specify the amount of the assessment; and the recitals in such declaration of sale shall be evidence of the assessment, advertising, and sale; *and provided also*, that Proviso. the lands, tenements, or real estate sold, may be redeemed by the owner, mortgagee, occupant, or person interested therein, or by any other person, for and in behalf of the owner or owners, mortgagees, or any creditor or creditors under a judgment, attachment, or mechanics' lien, or claimant of such lands, tenements, or real estate at any time within two years after the sale for assessments, or any part thereof, by paying to the treasurer of the board for the use of the said purchaser, the said purchase money, together with any other sum paid for any taxes, assessments, or water rents, or any part thereof, which the said purchasers may have paid chargeable on said lands, tenements or real estate, and which he is hereby authorized to pay, with interest thereon, at the rate of fifteen per centum per annum, in addition thereto, and the certificate of the treasurer of the board, stating the

payment, and showing what lands, tenements, and real estate such payment is intended to redeem, shall be evidence of such redemption; the owner or owners, mortgagee, or any creditor or creditors, under a judgment, attachment, or mechanics' lien, shall have power to redeem at any time, until the expiration of six months' notice in writing given to said owner or owners by the purchaser, or those claiming under him, either personally, or, if not to be found in the county, then by depositing such notice in any post-office of said county, directed to him, her, or them, at his, her, or their last known place of residence, (or at the post-office nearest thereto.) but nothing herein contained shall be so construed as to impair the lien created by such assessment or sale; within a month after the service of such notice by the purchaser, or by those claiming under him, it shall be the duty of the person serving or causing the same to be served, to file in the county clerk's office a copy of the notice served, together with an affidavit of some person who shall be certified by the officer before whom said affidavit shall be taken, to be a credible person, proving the due service of the said notice, which affidavit shall be evidence in all courts of the facts therein contained; *and provided also*, that the said terms for which any lands, tenements, or real estate are sold as aforesaid shall not commence, nor shall said purchaser, or those claiming under him, have a right of possession to said lands, tenements, or real estate, until the two years above limited for the redemption of the same shall have expired, and the said purchaser, or those claiming under him, shall, at the expiration of said term, quit and surrender the said lands, tenements, or real estate, in as good state and condition as when he entered therein, natural wear and damage by the elements excepted; *provided, also*, that the sale of such lands, tenements, or real estate, or any portion of them, may be adjourned or postponed from time to time, or suspended, as the said board may direct; *and provided*, that if at any such sale of lands, tenements, or real estate, the whole or part thereof shall remain unsold for the want of purchasers, then it shall and may be lawful for the said board to adjourn the said sale not less than thirty nor more than sixty days; twenty days' notice, at least, shall be given as aforesaid of the said adjourned sale; and if at said adjourned sale there shall be no purchasers for said land, tenements, or real estate, or any part thereof, then it shall be lawful for the treasurer

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of the board to purchase the said lands, tenements, or real estate, for the benefit of the county, subject to the same redemption as hereinbefore provided for, and said board may assign said purchase to any party upon such terms as said board may deem just and proper; *provided also*, that all moneys paid for the redemption of said lands, tenements, or real estate, as aforesaid, together with such taxes and assessments as shall be paid by a mortgagee or other creditor, under a judgment, attachment, or mechanics' lien, shall be a lien on said lands, tenements, or real estate, for the amount so paid, with interest at the rate of fifteen per centum per annum, and such lien shall have precedence of all other liens on said lands, tenements, or real estate; and on foreclosure of any mortgage by such mortgagee redeeming, said sums and interest shall be directed to be made out of said lands, and on sale of said lands, under any such judgment, attachment, or mechanics' lien, said sums and interest shall be paid out of the proceeds of sale; *provided further*, that a complete record of all assessments shall be kept in the office of the avenue commissioners, which record shall contain the time when such assessments were confirmed, the time when they were paid, and if the property has been sold therefor, the time of sale, and to whom sold, and if redeemed, when, and by whom; it shall be the duty of the commissioners to cause to be recorded in a book, to be called "record of sales," all declarations of sale, to give certificates of search in relation to liens to any person or persons applying for the same, and to cancel such declarations when the property for which they were given shall be redeemed, on certificate of the treasurer of said board of such redemption; it shall be the duty of the treasurer to make out two certificates for all property redeemed, one for the person redeeming, and one to be filed in the county clerk's office.

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21. *And be it enacted*, That it shall be the duty of the said board to give notice of the expiration of the time limited for the redemption of all lands sold for assessments, or any part thereof, by virtue of this act, by advertisement as aforesaid, once a week for eight weeks next preceding the expiration of the time so limited for redemption, specifying the property unredeemed and the amount due thereon.

Notice to be given of the expiration of time limited for redemption of lands sold for assessments.

22. *And be it enacted*, That nothwithstanding any mistake occurring in the name or names of the owner of any lands or

Assessments to be valid, notwithstanding any mistake that may occur in the name or names of owner.

chattels real in said county, in assessing any lands or real estate under this act, such assessment shall be valid and effectual in law against such lands or chattels real, and the same may be proceeded against and sold in the manner herein prescribed, with the same effect as though such assessments had been made in the name of the real owner or owners thereof; *provided*, that in the advertisement of sale of such land or chattels real, under any assessment, the name or names of the real owner or owners, if discovered, shall be made to appear.

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Lease may be made to the purchasers if land is not redeemed.

23. *And be it enacted*, That after the expiration of the time limited for the redemption of any land sold for non-payment of any assessment or any part thereof, and proof to said board that all taxes and assessments thereon up to the date of such application have been paid, and proof of service of notice on all parties entitled to redeem as required by this act, and the expiration of the time given them therefor, the said board shall execute to the party who purchased said property at such assessment sale, and who paid the taxes and assessments thereafter accruing thereon, or to the party who is the assignee of such person, a lease of said premises for the unexpired term of years for which he purchased the same, and said lease shall be evidence that all the provisions of this act have been duly and fully complied with, and that the lessee is entitled to hold the said land for the term of years mentioned therein, free and clear of all encumbrances.

Duties of the commissioners of assessments after the avenue is opened for use.

24. *And be it enacted*, That after the said avenue shall be constructed and opened, and fit for use, the commissioners of assessments shall be charged with all the duties with respect to assessing on the lands benefited the costs and expenses not included in the former assessment, including all discounts and interests allowed or paid by said commissioners as they are hereinbefore charged with, in respect of said costs and expenses included in said former assessment, and like proceedings shall be taken with reference to the new assessment by the commissioners and all others charged with any duties respecting the former assessment, that were prescribed to be taken with reference thereto; and the said assessment shall be payable and collectable in like manner, and shall, with the costs of assessing and collecting the same, be a lien on the lands assessed from the like time, and said lands may be sold as hereinbefore provided.

Vacancies, how supplied.

25. *And be it enacted*, That any vacancy in the board of Hudson county avenue commissioners occurring by death, resignation, removal from the county, or other cause, shall be filled by the judges of the court of common pleas of Hudson county.

Commissioners shall keep an office in Hudson county.

26. *And be it enacted*, That the said board of commissioners shall have power to make and use a common seal, and alter the same at pleasure, and shall keep an office in Hudson county, with a clerk in attendance thereat, to give information to all parties interested; to require and take bonds from any officer, agent or employee, by their title as aforesaid.

No commissioner, officer, agent or clerk shall be interested in any contract.

27. *And be it enacted*, That no commissioner, or officer, agent, clerk or employee of said board (except a contractor for work to be done on said avenue) shall at any time be interested in any proposal, bid or contract that shall be made by or offered to, or made with said board, or in any work done for or materials to be supplied to said board.

May establish rules and regulations.

28. *And be it enacted*, That the said commissioners may establish such rules and regulations for the authentication of all their acts and contracts, and for all other purposes necessary or expedient to the efficient execution of this act, as to them shall seem convenient; they shall keep a record of all their meetings and proceedings, and regular accounts of all moneys received and expended, and make a quarterly report and also report such accounts in detail annually to the board of choson freeholders of the county of Hudson, and shall within thirty days after making the said report, cause the same to be published in at least three newspapers published in the county of Hudson, for the information of the public.

Compensation to the president of the board and the commissioners.

29. *And be it enacted*, That the president of said board shall receive an annual salary of fifteen hundred dollars, and each of the other commissioners an annual salary of one thousand dollars.

Monuments to be placed along the avenue.

30. *And be it enacted*, That the said commissioners shall place monuments within or along the lines of said avenue, as finally located, and designate the location of the same upon the map or maps of said avenue.

Time within which the avenue shall be opened and improved.

31. *And be it enacted*, That said avenue shall be opened and improved within two years from the passage of this act, and the powers of the commissioners for the purpose of maintaining the same, shall continue one year longer; and

then, all the powers in this act, necessary for the purpose of maintaining said avenue, shall be vested in the board of chosen freeholders of Hudson county; if the proceedings of said board should, at any time, be stayed by legal proceedings, the time of such stay shall not count as any part of the time limited in this section.

Improvement certificates may be issued.

32. *And be it enacted*, That the said board of commissioners shall have power to issue "improvement certificates" in payment for work done or materials furnished, or any expense incurred in the execution of this act, and to issue them at such times during the progress of the work and after it has been finished, for such amounts, payable at such periods and executed in such manner as they may deem best; said improvement certificates shall be paid out of the proceeds of the sale of bonds, authorized to be issued by section twelve of this act; the improvement certificates shall bear interest at the rate of seven per centum per annum from the date thereof, and may be paid at any time within one year from the date thereof, at the option of said board.

Minutes of the board and all papers filed in their office shall be matters of public record.

33. *And be it enacted*, That all the proceedings and acts of said avenue commissioners, as the same shall appear upon the minutes of said board, and all maps, contracts, awards, assessments, or other matters or papers on file in their office, shall be matters of public record, and all parties shall be deemed to have due notice of the existence thereof, and the same shall be open to the inspection of the public every day, except Sundays and holidays.

"Commissioners of the Hudson County Sinking Fund," how constituted.

34. *And be it enacted*, That the persons holding the offices of director of the board of chosen freeholders of Hudson county, president of the Hudson county avenue commissioners, and the county collector of the county of Hudson, from time to time, be and they are hereby constituted and appointed a board of commissioners, which shall be known by the name of "The Commissioners of the Hudson County Avenue Sinking Fund," whose joint duty it shall be to invest,

Their powers and duties.

from time to time, all the money directed by this act to be paid to the county collector of Hudson county, and all interest and profits accruing thereon, and they may re-invest and change any investment as they deem best, and the same shall remain a sinking fund, to be appropriated to no other purpose than the payment of the principal and interest of the bonds issued under this act; said sinking fund commissioners shall annually report to the board of chosen freeholders of

Hudson county a detailed and particular statement of all the investments, re-investments, and changes thereof made within said year; said commissioners of the sinking fund shall only invest in United States bonds, bonds of the state of New Jersey or the state or city of New York, bonds and improvement certificates of the county of Hudson, or any city, town, or township therein, or bonds or improvement certificates issued under this act.

Certain words, how construed.

35. *And be it enacted*, That whenever in this act words importing the plural number are used in describing or referring to any matters, parties or persons, any single matter, party, or person shall be deemed to be included, although distributive words may not be used; and when any subject, matter, party, or person is described or referred to by words importing the singular number or the masculine gender, several matters and persons, and females as well as males, and bodies corporate as well as individuals, shall be deemed to be included; and these rules of construction shall apply in all cases, unless it be otherwise specially provided herein, or unless there be something in the subject or context repugnant to such construction.

Treasurer to give bonds.

36. *And be it enacted*, That the treasurer appointed by said board of commissioners shall give bonds in such sum as the commissioners shall require, and said commissioners may fix the compensation of the commissioners of assessment provided in this act and pay the same.

Repealer.

37. *And be it enacted*, That no county, city, township, municipal or other authority, shall, under any act of the Legislature, have any power to interfere with the said commissioners in the execution of this act, or any part thereof; and all acts or parts of acts, general or special, inconsistent with this act, or any part thereof, shall be and the same are hereby repealed; and this act shall be a public act, and take effect immediately.

Approved April 4, 1873.

CHAPTER DCVII.

An Act to revise "An Act authorizing the appointment of Commissioners to institute and make local improvements in that portion of the Township of Belleville, included within the boundaries of the Belleville Polling District," approved April sixth, one thousand eight hundred and seventy-one, also to the supplement to the said act, approved April fourth, one thousand eight hundred and seventy-two.

Commissioners shall be appointed, and known as Commissioners of the Belleville Polling District.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be seven commissioners appointed or elected, as hereinafter provided, to lay out, open, regulate, grade and improve, vacate and alter streets, sidewalks and roads, and to construct surface drains and sewers, where they cross any street, and also to conduct the waters to the rivers within the boundaries of Belleville polling district in said township; and provide for furnishing gas and water through any street or streets within the boundary of said district, to be called and known as Commissioners of the Belleville Polling District, by which name they are constituted a body politic and corporate, and by and in that name may sue and be sued, implead and be impleaded in all courts of law and equity in this state.

Election of commissioners and their terms of office

2. *And be it enacted*, That the electors within the said polling district at their next annual township election shall elect seven freeholders, who shall serve two for one year, two for two years, and three for three years, the three receiving the highest number of votes shall hold their office for three years, and the two receiving the next highest number of votes for two years, and the remaining two for one year, at which election no ballot shall contain more than the names of four freeholders for such commissioners, and if more, all such ballots shall be rejected, and the seven candidates receiving the highest number of votes shall be declared

elected, and should all seven or more than two receive the same number of votes, then such commissioners elect shall at their first meeting determine by lot according to the intention of this act, by the number of votes each received, who shall serve for three years, and who for two years, and the electors of said district shall elect two freeholders at each succeeding annual election, excepting upon every third annual election thereafter, they shall elect three freeholders, all of whom shall hold their office for three years, and no ballot at any such election shall contain more than the names of two persons for such commissioners, and if more, all such ballots shall be rejected, and the two candidates receiving the highest number of votes on each first and second year, and the three candidates receiving the highest number of votes on each third year, shall be declared elected.

Powers and duties of the commissioners.

3. *And be it enacted*, That it shall be lawful for said commissioners, or a majority of them, and they shall possess the exclusive power to lay and map out, and establish the grades of all streets and avenues within the Belleville polling district, of such width, extent and direction as to them shall seem most conducive to the public good, and upon the written application of the owners of a majority of the lineal feet on any street or streets, avenue or avenues, they shall have the power to close, or direct to be closed, any streets, roads or alleys, or any parts thereof, heretofore laid out and not opened according to law; and said commissioners shall not lay out any streets or avenues of not less than fifty feet in width.

May enter upon lands for the purpose of surveying and laying out streets, &c.

4. *And be it enacted*, That it shall be lawful for said commissioners, and all persons acting under them, to enter upon any lands which they shall deem necessary to be surveyed, used or converted for the laying out and opening of any street, or the construction of any sewer as aforesaid; and said commissioners, or a majority of them, shall cause maps, plans and surveys to be made of the streets and avenues so laid out by them, or the alterations therein, exhibiting their connections with the lines of the present streets in said district, and establish grades for the same; and the said commissioners in performing their work, shall make the same conform, as far as may be practicable and consistent with the public convenience, to a map already made by an association of property holders, north of Jeroloman street, so far as it may apply to that portion of the district comprised in

that map; and the said commissioners may cause such maps, plans and surveys to be made in sections, and the same or each section thereof shall be attested by the said commissioners and filed in the office of the register of the county of Essex, there to remain of record; and from the time of so filing, the same shall be final and conclusive in respect to all persons and authorities, unless an appeal to the court shall be made within fifteen days, as hereinafter provided in section thirteen of this supplement; and the said commissioners shall cause a copy of each section of said maps, plans and surveys to be attested, and filed in their office, to remain there of record.

May employ surveyors and assistants.

5. *And be it enacted*, That the said commissioners shall have the power to employ such surveyors and assistants as they shall deem necessary, at such compensation as they may agree upon, for the performance of the duties required under the provisions of this supplement; and also to elect one of their number treasurer, who shall enter into bonds to the township in the sum of not less than ten thousand dollars.

May pass and repeal ordinances for purposes as follows.

6. *And be it enacted*, That the said commissioners, whenever in their opinion the public good requires it, may pass, alter and repeal such ordinances as they may think proper for the following purposes:

To alter, widen or vacate streets.

I. To open, alter, widen or vacate streets and roads, or sections thereof, within said district, in accordance with the maps aforesaid, and to take and appropriate for such purposes such lands and real estate as may be necessary;

To construct sewers.

II. To order and cause sewers and drains to be constructed within said district;

To cause streets to be graded, graveled, paved, flagged, &c.

III. To order and cause any street, or section thereof, not less than one block in extent, to be graded, graveled, paved, flagged, macadamized, or otherwise improved, in such manner as they may deem advisable, at the expense of owners of land on the line of said street or section; *provided*, that any improvement under this sub-division shall not be commenced except upon the written application of owners of land, representing more than one-half of lineal feet along the line of the proposed improvement, and the assessment for such expense shall, in all cases, be based on the number of lineal feet owned by each person on the line of such street or section so improved; and if at any time hereafter the owners of a majority of lineal feet of property of any one street, of a not less extent than one thousand feet, shall make

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a written application to the commissioners to have the same curbed and paved from curb to curb; *provided however*, that streets west of Washington avenue, or north of Jeroloman street, may be paved a less width than from curb to curb, if so applied for in manner aforesaid, naming the material with which the same shall be paved, the commissioners shall proceed with the paving thereof in accordance with said application, by making out specifications for the work to be done and materials to be furnished, and putting them up in at least three public places in the district, stating when and where bids for the same will be received and opened, at which time and place, or at such time and place as they may adjourn to, they shall proceed to award said contract to the lowest bidder giving satisfactory security for the completion of such work; and said commissioners may reserve the right to reject any and all bids which they may deem unsatisfactory to themselves, or the acceptance of which in their judgment would not be of advantage to the owners of property to be improved; and for the payment thereof the commissioners shall issue bonds, to be denominated Belleville Improvement Bonds, which said bonds shall be made payable in ten equal yearly payments, bearing interest at seven per centum per annum, payable semi-annually, and shall bear the common seal of the commissioners, by them heretofore adopted, and shall be signed by the president, countersigned by the secretary, and endorsed by the treasurer of the commissioners, which said bonds shall be binding upon all property within the Belleville polling district, and shall not exceed sixty thousand dollars per mile of the street or parts of a street so applied for to be paved, and the amount of principal and interest of said bonds shall be assessed by the commissioners upon the property owners upon the line of said paved street or streets, in ten equal annual assessments, and shall be collected in the manner provided for other assessments by section nineteen of this supplement; *provided*, that in no case shall the bonds so issued by such commissioners be sold at a greater discount than ten per centum; and if any horse railroad company do now or shall hereafter occupy, with the tracks of said horse railroad company, any part or portion of any street or streets within said district that shall or may be ordered by the commissioners to be graded or paved, are hereby required to bear and pay the costs and expenses of grading

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and paving so much of said street as lies between the rails thereof, and eighteen inches on the outside of each rail, and the same shall be assessed upon and remain a lien upon their real property in said district, and shall be collected in the manner provided for the collection of other assessments in section nineteen of this supplement; and such horse railroad company or companies shall further be liable to said commissioners for the amount of such costs and expenses, which amount may be recovered in an action of debt with costs, in any court of record in this state, in which action judgment shall be given therefor, with interest and execution may be issued thereon as in any other action; and no interference with the travel on such roads shall be caused or permitted by said commissioners beyond what shall be necessary for the speedy and proper completion of such work.

Commissioners shall cause sidewalks to be paved.

7. *And be it enacted*, That it shall be the duty of the said commissioners to cause the sidewalks on the west side of Main street from Schuyler street to Jeroloman street, and on the east side of Main street, from the southerly line of John Eastwood's residence, to the northerly line of Theodore Sanford's land, on which now stands "national hall," on both sides of Courtlandt street, from John Street to Mill street, and on both sides of William street, from Main street to Bridge street, and on both sides of John street from Main street to Washington avenue, and on both sides of Academy street, from Main street to Stephens street, and on both sides of Holmes street from Main street to Washington avenue, and on both sides of Jeroloman street from Main street to the Paterson and Newark railroad to be paved, [and that each landowner on the streets thus designated shall at their own cost pave] not less than four feet wide with a gradual slope towards the street with good flagging, concrete, hard merchantable brick, plank or other pavement, which said "board of commissioners" shall approve; the sidewalks in front of lands on the streets and avenues above designated shall conform to the grade established by said commissioners under whose direction the work shall be done, and whenever a petition in writing shall be presented to said commissioners, signed by the owners of one half of the number of lineal feet upon one side of any road or street, or avenue, beside those streets or parts of streets above mentioned in said district, or upon so much of one side thereof as lies between

two points not less than two hundred feet, named in said petition, requesting to have so much of the sidewak of said street as lies between the said points named, and upon that side named in said petition, laid with stone, plank or composition, and setting forth the materials to be used and the width of walk to be made, not less than two feet, the said commissioners shall immediately proceed to lay the same or cause the same to be laid in accordance with the request of such petition; and when the cost of constructing such sidewalk shall have been ascertained by the said commissioners, they shall assess and collect the said cost upon the owners of the lands fronting upon such sidewalk as in section nineteen; *provided*, that in case a sidewalk shall have been already constructed of stone, plank or composition, which in the judgment of the said commissioners shall be as good as is required to be laid, they shall not take up such previously constructed sidewalk, except to regulate the grade, nor make any assessment against the owners of the lands for the number of feet thus previously laid, except for the expense incurred in regulating such grade; *and provided, also*, that any land owner on the said street shall have the privilege of laying said sidewalk in front of his own land under the direction of said commissioners, if done within thirty days after the passage of the resolution directing such improvement to be made; unless the time shall be extended.

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8. *And be it enacted*, That if any land owners shall neglect or refuse to pave the sidewalks on the streets or avenues named in the preceding section of this act within thirty days after they shall be notified by said commissioners to do so, the said commissioners or a majority of them, or their successors, shall proceed to have the same done and they shall recover all the expenses and costs thereof in the name of the treasurer or board of commissioners or their successors, which shall include all necessary expenses including the cost of material, carting, labor and costs of collection with interest from such land owner under action of debt before any court having cognizance thereof, and the declaration in any such action may be general, stating the demand is for so much money paid, laid out, expended and due, in paving the sidewalks in front of their land by virtue of this act, and that the special matter may be given in evidence

Proceedings if land owners neglect or refuse to pave.

under it; the costs and expenses shall be a lien upon the property improved until paid.

Sidewalks shall be kept clear of snow and ice, &c.

9. *And be it enacted*, That each and every landowner in front of whose lands, sidewalks shall have been or may hereafter be made in pursuance of this act, and every occupant of such lands shall at all seasons of the year remove from said sidewalks all snow, ice, slush, mud or other incumbrance that may be thereon, and shall also at all times clean out and keep open for the free and easy passage of and flow of water, the drains and gutters in front thereof; and if any such landowner or occupant shall neglect or refuse to do so for the space of six hours after being notified by said commissioners, or their street commissioner, the said commissioners or street commissioner shall have the same done, and the expenses thereof may be recovered in the manner hereinbefore provided.

Sidewalks to be kept in good repair.

10. *And be it enacted*, That after sidewalks shall be graded and paved as hereinbefore mentioned, each landowner shall thereafter keep the same in good and sufficient repair in front of their lands, and in case of neglect or refusal, the said commissioners shall cause the same to be so kept, and the expenses thereof shall be a lien on such property, and shall be by them recovered against such landowner so refusing or neglecting as hereinbefore provided,

Notice shall be given of intention to make improvements.

11. *And be it enacted*, That whenever the said commissioners shall determine to make any improvement under section six of this supplement, they shall cause public notice to be given of their intention to cause such improvement to be made, which notice shall be signed by the president and secretary of their board, and be published in some newspaper printed in the city of Newark and circulating in said district; and which notice shall briefly describe the improvement proposed to be made, and shall request all persons who may object thereto to present their objections in writing, at the office of said commissioners, within ten days from the date of said notice; and at any time after the expiration of said ten days, the commissioners may proceed to consider such ordinance.

Assessment of damages shall be made.

12. *And be it enacted*, That whenever said commissioners shall have determined, by ordinance to open, vacate, alter or widen, any street or road, or to make any sewer or drain within said district, and to appropriate for such purpose any lands, it shall be lawful for them to appoint three disinter-

ested persons, residing in said district, appraisers, to make an assessment of the damages that any owners of lands so appropriated will sustain; and in estimating and assessing said damages, the said appraisers shall have due regard both to the value of the lands so taken, with the improvements thereon, and to any special injury to the remaining lands of such owner or owners by making such award; the remaining lands or real estate of such owner shall be liable to assesement for the costs, damages and expenses of making such improvement in common with other property benefited.

Appraisers shall give notice by advertisement to be published.

13. *And be it enacted*, That the said appraisers shall give one week's notice, by advertisement, in a newspaper published in the city of Newark, of the time and place of their first meeting; and they shall have power to examine witnesses under oath, to be administered by any one of them, and to adjourn from time to time, and to make the assessment aforesaid, and a certificate thereof, and to file the same with said commissioners; and said assessment, being ratified by the commissioners, shall be binding and conclusive upon the owner or owners of any such lands and real estate; and the said commissioners shall then cause the same to be converted and used for the purposes aforesaid; *provided*, that any such owner or owners may appeal from said assessment, to the circuit court of the county of Essex, within sixty days from such ratification, which court shall then order a trial by jury, to assess the damages sustained by the party appealing, the trial whereof shall be conducted as in other cases of trial by jury; and any damages assessed as aforesaid, with interest from the date of assessment, or in case of appeal, the amount of verdict rendered, with interest from the date of entry of such verdict, shall be payable on demand; and in case of non-payment thereof, the person entitled thereto may sue for and recover the same against the commissioners of the Belleville polling district, in an action of debt with costs, in any court having cognizance thereof; but no such appeal shall arrest or delay the progress or completion of said work.

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Assessment to be made upon owners of lands benefited.

14. *And be it enacted*, That in order to provide for the payment of the costs, damages and expenses for any improvements authorized under the first and second subdivisions, under section six of this supplement, the said commissioners shall ascertain the whole amount of such costs, damages and expenses, including therein discount and inter-

est on money borrowed or expended in making such improvement, and shall cause to be made a just and equitable assessment thereof upon the owners of all lands benefited thereby, in proportion to the advantage each shall be deemed to acquire; and said commissioners shall appoint three disinterested persons, residing in said district, assessors, to make such assessment, who shall make a report, in writing, of such assessment, and before signing the same, shall place the report in the office of said commissioners for examination by the parties interested therein, and shall give notice for the period of one week, in a newspaper published in the city of Newark, notifying all persons interested, of a time and place when and where they can be heard by said assessors; and after hearing the parties the said assessors shall complete the report, making such alterations as they deem proper, and shall then sign and return the same to said commissioners, with all written objections thereto by parties interested.

Assessments shall be and remain a lien.

15. *And be it enacted*, That the whole amount of the costs and expenses authorized under the third subdivision of the sixth section of this supplement shall be ascertained by said commissioners, and the assessment thereof shall be made by their surveyor, and shall be and remain a lien upon the land assessed from the time when such improvement respectively shall have been made; and the said surveyor, after making his assessment upon the principle hereinbefore mentioned, shall make a report thereof, giving such notice, and taking such proceedings, and exercising the same powers as are herein given to the assessors of costs, damages and expenses of improvements authorized under the first and second subdivisions of said sixth section of this supplement.

Commissioners may correct report and assessment of assessors and surveyor.

16. *And be it enacted*, That the said commissioners, upon the return of the report and assessment of assessors or surveyor, shall thereupon examine the matter, and correct, if necessary, said reports and assessments, if they deem proper, and ratify the same; and when ratified, the same shall be and remain a lien on the lands assessed, with interest thereon from the time of ratification until the same shall be paid; *provided*, that any correction made by said commissioners shall require a vote of two-thirds of all the commissioners.

Proviso.

Vacancy, how filled.

17. *And be it enacted*, That in case of a vacancy in the office of commissioner, appraiser, or assessor, said commissioners may fill such vacancy for the unexpired term.

Commissioners shall have power to abate any nuisance.

18. *And be it enacted*, That said commissioners shall have power to remove or abate all or any nuisance or obstruction on any street, avenue, vacant lot or lots within said district, at the expense of the person or persons causing or permitting the same.

Proceedings when assessments are ratified.

19. *And be it enacted*, That upon the ratification of assessments made by assessors or surveyor, the treasurer of said commissioners shall prepare a transcript of such assessment, briefly describing therein the improvement for which such assessment was made, the names of the owners, if any be given, of lands assessed, and the amounts of assessments thereon respectively, and enter the same in a book to be kept for that purpose; and said treasurer shall immediately thereafter give notice in a newspaper published in the city of Newark, and continue therein at least once in each week for three successive weeks, requiring the owners of land assessed to pay the amount to him, with the interest, at his office, within ninety days from the first publication of said notice; and whenever any such assessments shall not be paid within the time required in such notice, it shall be the duty of said treasurer to cause further notice to be published in said newspaper for four weeks successively, at least once in each week, briefly describing therein the names of the owners who have neglected to make such payment, and the amount of such assessment, and stating that unless said assessments shall be paid on or before a time therein mentioned, he shall proceed to sell by public auction, at his office, the lands on which said assessments shall be unpaid for the lowest term of years, not exceeding fifty years, for which any person will take the same and pay the amount of such assessment, with interest and expenses thereon.

Proceedings in case of sale of lands, &c.

20. *And be it enacted*, That at the time and place so appointed, or in case of any adjournment being made at that time, which said treasurer is hereby authorized to make, then at the time to which said sale shall be adjourned, the said treasurer shall proceed to make such sale in accordance with said notice, and within five days thereafter shall execute and deliver a certificate of sale to the purchaser or purchasers, signed by the president of said commissioners, and attested by said treasurer, which certificate shall recite the fact of assessment, advertising and sale, the date of sale, a short description of the property sold, the tenure for which sold, the particular assessment, with interest and expenses on

account whereof sold, and the times of redemption thereof; and such certificate shall be presumptive evidence of the facts stated therein, and may be recorded in the office of said commissioners, and shall entitle the purchaser thereof, his representatives and assigns, to the property so by him purchased for the term mentioned therein, and subject to redemption, as therein contained; *provided*, that said certificates or assignments thereof shall be invalid, unless recorded in the office of said commissioners.

Proviso.

Owner may redeem lands sold.

21 *And be it enacted*, That any legal owner or mortgagee of any lands, sold for said assessments, may redeem the same within two years after such sale, by paying to said treasurer the said purchase money, together with such other assessments or taxes chargeable thereon, and which said purchaser may have paid, for the use of said purchaser, his representatives and assigns; *provided*, that interest shall at the same time, for the same purpose, be deposited with said treasurer upon said payments at the rate of fifteen per centum per annum, whereupon all proceedings in relation to said sale shall cease, and said treasurer shall cause the same to be refunded to said purchaser, his representatives or assigns; and if the person so redeeming be a mortgagee of the premises, he shall thereafter have a lien thereon in like manner as if the same were included in his mortgage, and may enforce the same in the same manner.

Proviso.

Proceedings if land is not redeemed.

22. *And be it enacted*, That if any land so sold shall not be redeemed as herein provided, a declaration of sale, signed by said president and attested by said treasurer, describing said premises, the fact of assessment, advertisement and sale, and the period for which the premises were sold, shall be executed to said purchaser, his representatives and assigns, which declaration shall be presumptive evidence that such sale and proceedings were regularly made according to the provisions of this supplement; and the person in whose favor said declaration is made shall lawfully hold and enjoy the lands therein mentioned, against all persons claiming under the owner thereof, until the term for which purchase shall be ended; and said declarations shall be recorded, in order to make the same valid, in the same manner as certificates of sale are directed to be recorded.

Compensation to the commissioners.

23. *And be it enacted*, That the compensation of said commissioners shall be two dollars per day when in session, which session shall be on the last Monday in each month;

they may also hold extra meetings, (without compensation), from time to time, as they shall see proper; and they shall keep a record of all their proceedings, which shall be open to the inspection of persons interested therein, at all reasonable hours.

Commissioners may make contracts for materials and work.

24. *And be it enacted*, That the record of proceedings of said commissioners shall be presumptive evidence of the facts therein contained, that said commissioners may make contracts for any work authorized under this supplement; that whenever such work exceeds in amount two hundred dollars, proposals therefor shall be advertised for two weeks in a newspaper published in the city of Newark, which contracts may also include the furnishing of materials for such work, and no commissioner shall be directly or indirectly interested in such contract; and any commissioner so interested, or who shall knowingly vote for the misappropriation of any money borrowed for any particular purpose, or any officer who shall knowingly carry or assist to carry such misappropriation into effect, shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding six months, or both, at the discretion of the court.

Damages not to be allowed for any building built or commenced subsequent to the filing of the maps.

25. *And be it enacted*, That whenever proceedings shall be taken for the opening, altering, widening or closing of any street laid down on any of the aforesaid maps of said commissioners, it shall not be lawful to allow damages to be assessed for any buildings or any improvement which may be built, or made in whole or in part on any such street, subsequent to the filing of said maps.

Amount which the commissioners are authorized to expend.

26. *And be it enacted*, That for the purpose of making said original and other surveys and maps, and of doing all work necessary to lay out the streets and highways in said district, said commissioners are authorized to expend any sum not exceeding, in the whole, five thousand dollars in any one year; and the assessor of the township of Belleville shall be required to assess so much thereof, from time to time, as may be required and directed by said commissioners, by a general assessment upon all taxable property within said district; and all provisions relating to the collection of taxes in the township of Belleville shall apply to the collection of this assessment.

27. *And be it enacted*, That said commissioners may, from

Street commissioner may be appointed.

time to time, appoint a street commissioner, who shall take the place of the overseer of the roads in said district, the office of which overseer is hereby abolished; and it shall be the duty of said street commissioner to keep the roads, sidewalks and streets in said district in repair, and he shall possess all the powers of overseer of roads, subject to the direction of said board of commissioners; and all road taxes to be raised in said district, shall be ordered by said commissioners, who may raise and expend any amount by them deemed proper for said repairs, not exceeding fifty cents on the hundred dollars of the taxable valuation of the property in said district, and all road taxes ordered by them shall be assessed and collected in the same mode as herein provided for raising the sum required to meet the expenses of surveys and maps.

Commissioners may provide for lighting the streets, &c.

28. *And be it enacted*, That the said commissioners appointed by said act and their successors shall have the power to make agreements with any gas company to lay pipes and erect lamp-posts through any streets or avenues, and to furnish gas to light the same, which cost of lighting said streets or avenues shall be assessed upon the property along the line of any such street or avenue, and shall be collected in the manner provided for the collection of other assessments in section twenty-six of this supplement.

Commissioners may provide for laying water pipes and supplying water.

29. *And be it enacted*, That the said commissioners appointed by said act, and their successors, shall have power to make any agreement with the Newark or Jersey City Water Commissioners, for the laying of pipes for the supply of water through any street or streets within the limits of said district, and may allow an interest, not exceeding ten per centum per annum, on the cost of the same, which amount shall be assessed upon the property along the line of such street or streets, and upon lands lying within three hundred feet of said street, and upon all lands which may have water connections with said pipes at a greater distance; which tax shall be assessed and collected in the manner provided for the collection of other assessments, in section twenty-six of this supplement.

Commissioners shall take oath and give bonds.

30. *And be it enacted*, That the same commissioners before entering upon their duties shall take and subscribe an oath and enter into bonds to the township of Belleville with one or more sureties in the sum of one thousand dollars, to be

approved by the township committee or their treasurer, for the faithful performance of their duties.

Empowered to pass necessary ordinances.

31. *And be it enacted*, That the said commissioners are hereby authorized and empowered to pass all necessary ordinances, rules and regulations to carry out the provisions of this act.

Repealer.

32. *And be it enacted*, That all acts and parts of acts inconsistent with this act and supplement heretofore passed, are and the same is hereby repealed.

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

Approved April 4, 1873.

CHAPTER DCIX.

An Act for the Control and Government of the Public Schools in Jersey City.

Term of office of board of education to be determined by lot.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of directors of education shall meet on the first Monday of May next succeeding their election at the place of the last meeting of the board of education, at half-past seven o'clock in the evening, and determine by lot which of them shall hold office for the various terms; each member having previously taken and subscribed before the city clerk of Jersey City an oath or affirmation faithfully and impartially to execute the duties of his office, to the best of his skill, ability and understanding, which oath or affirmation shall remain on file in the office of said city clerk.

Duties of the president and compensation.

2. *And be it enacted*, That the board of education shall hold stated meetings at least once in each month at such places as they may designate; they shall choose one of their number to be president, to serve one year, who shall receive a salary of one thousand dollars per annum, who shall in addition to his duties as presiding officer of the board, perform such other duties and exercise such powers as the board may assign to him; he shall be required to be in attendance at least one hour of each school day of the year at the office

of the city superintendent of public schools, to advise and consult with the superintendent and others upon matters relating to the welfare of the schools.

Election of clerk and compensation.

3. *And be it enacted*, That the board of education shall have power to elect a clerk to perform such duties, and at such salary (not exceeding fifteen hundred dollars per annum) as they may direct, and to establish rules and regulations for the government of the board, among which shall be one providing for the calling of special meetings.

Election of superintendents of public schools and term of office.

4. *And be it enacted*, That the board of education shall elect a city superintendent of public schools, who shall hold office for three years, commencing on the second Monday of May, next succeeding the organization of said board, unless removed for cause; they shall elect a treasurer of said board, who shall give such bonds as the board may require, and such principals, teachers, janitors and other employees for the public schools of Jersey City, as they may deem necessary, who shall hold office during the pleasure of the board; they shall have power to establish rules and regulations for the opening, closing and management of the public schools of said city; *provided*, that such rules and regulations do not interfere with the free tuition of every child within said city between five and eighteen years of age, and are in other respects consistent with the laws of the state.

Proviso.

Shall provide for free tuition.

5. *And be it enacted*, That the board of education shall have power to provide, and it shall be their duty to provide as far as practicable, for such schools, whether day schools or night schools, within said city, as in their judgment may be necessary for the free tuition of every child in said city, between five and eighteen years of age; *provided*, that if any other buildings or lands be necessary for that purpose than such as are now in use for school purposes, said board of education shall so report to the board of public works, who may then provide such other buildings or lands, and in any case where new buildings are erected for school purposes the same shall be done in accordance with plans approved by the board of education, and in case said board of education cease to require any building or lands theretofore used for school purposes, they shall so report to the board of public works, who may thereupon sell or dispose of the same.

Proviso.

6. *And be it enacted*, That the board of education shall

define the duties and fix the compensation of the principals, teachers and janitors of public schools and other employees of the board, and shall provide everything in their judgment necessary for or appertaining to the public schools in said city, except the purchase of lands, the erection of buildings and the making of repairs where the outlay therefor shall in a single instance exceed five hundred dollars; and said board shall have power to expend not only so much of the taxes as may be levied in said city for the support of public schools, but also such portion of the state school fund as may be apportioned to the said city, or any part thereof, and generally, said board of education shall exercise the powers and perform the duties assigned by general law to the board of trustees of school districts, except as otherwise in this act provided. General powers and duties of the board of education.

7. *And be it enacted*, That the board of education shall have power to appropriate and expend a sum annually, not exceeding one thousand dollars for the establishment and maintenance of a free library, for the use of the teachers and pupils of public schools and others, subject to such rules and restrictions as said board may deem necessary. Authorized to establish a free library for the use of teachers and schools.

8. *And be it enacted*, That the board of education, shall have power to provide such normal school or schools as in their judgment may be necessary for the instruction of the teachers of public schools or others, and to establish rules and regulations for the same. May provide normal schools.

9. *And be it enacted*, That it shall be the duty of the board of education: General duties.

First—To keep a complete record of the proceedings of said board and cause the same to be published in the official newspapers of said city; To cause official record of proceedings to be published.

Second—To obtain by contract if practicable all supplies and work required for the public schools (excepting services of principals, teachers, janitors and other permanent employees of the board) involving an expenditure exceeding two hundred dollars; proposals for which shall be advertised for in the official newspapers of said city at least one week previous to deciding thereon, and to award the contract for any article or articles or work to any responsible party proposing the lowest price for the same, who shall give satisfactory security for the execution of the contract; *provided*, that the said board may in their discretion reject any or all bids so received; To contract for work and supplies. Proviso.

To make rules and regulations.

Third—To make and enforce such by-laws, rules and regulations for the government of said board and of the public schools, as to secure an economical and efficient system of public education;

To cause an annual statement to be published of all property under their charge for school purposes.

Fourth—To prepare and cause to be published in the month of August, of each year, a statement of all the property and effects in their possession used in said city for school purposes, together with a report of the number of schools under their charge, the number and names of the teachers employed in each, the number of pupils enrolled, the average attendance, the annual cost of each school, and the expenditures of said board for the year, properly classified under the respective heads of rents, repairs and alterations, school furniture, salaries, school books and stationery, fuel and incidental expenses, together with such general remarks in regard to the progress, management and wants of the public schools as the board may deem advisable;

To prepare an estimate of amount necessary for support of schools.

Fifth—To prepare and transmit to the board of finance and taxation on or before the first day of July of each year, an estimate of the amount of money necessary for the support of the public schools for the ensuing year, specifying the several purposes for which the same shall be required and the amount required for each; and the board of finance and taxation may at their discretion insert in the tax levy of said city for the current year the amount of said estimate, less the amount received or to be received from the school fund of the state for the current year.

May order warrants for the payment of salaries.

10. *And be it enacted*, That the board of education may at any regular meeting, or special meeting called for the purpose, order the drawing of a warrant for an amount sufficient to pay the salaries of the employees of the board for the current month, and the amounts due for such salaries may be paid by the officer duly authorized by said board, upon pay-rolls certified and approved by the city superintendent of public schools; and at the beginning of the summer vacation it shall be lawful for said board to order the payment of all salaries of principals and teachers for the balance of the school year, as defined by the state law.

Compensation of the superintendent.

11. *And be it enacted*, That the city superintendent of public schools shall receive such annual salary, not exceeding three thousand five hundred dollars, as the board of

education shall direct, and shall perform the duties and exercise the powers within said city which would otherwise belong to a county superintendent, and shall perform such other duties and exercise such other powers as the said board shall assign to him.

May expel any member for cause.

12. *And be it enacted*, That the board of education shall have power to expel any of the members thereof for any of the following named causes:

For neglect to attend meetings.

First—For neglect or refusal to attend the meetings of the board, when such neglect or refusal is persisted in for three or more successive meetings;

For immoral practices.

Second—For grossly immoral practices calculated to bring said board into disrepute;

For malfeasance. Proviso.

Third—For malfeasance in office; *provided*, that no member shall be expelled until he shall have been furnished with a copy of the charge against him and an opportunity afforded him to appear in his own defence, either in person or by counsel, and two-thirds of all the members voting therefor shall be required to pass a vote of expulsion; and if any member shall remove outside the limits of the aldermanic district from which he was chosen, his office shall thereupon become vacant.

Election to fill vacancies

13. *And be it enacted*, That at the charter election immediately preceding the expiration of the term of office of any of the members of the board of directors of education, the electors of the aldermanic districts in which the members of said board reside, whose term shall expire, shall choose as many persons to be members of said board as shall be required to fill the vacancies caused by said expiration of terms, and the persons so chosen shall hold office six for one year and six for two and thereafter the term shall be two years, commencing on the first Monday in May next succeeding said election; and if any vacancy shall occur in said board after the charter election of any year, from any cause other than the expiration of terms, the board of aldermen of Jersey City may order a special election in the district in which said vacancy shall occur, and persons chosen to fill vacancies shall hold office during the unexpired term only.

Duties not provided for to be performed as heretofore.

14. *And be it enacted*, That the said board shall exercise the powers and perform the duties theretofore belonging to the board of education of Jersey City not otherwise in this act provided for.

Repealer.

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

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

Approved April 4, 1873.

CHAPTER DCXI.

A Supplement to an act entitled, "An Act to incorporate the Carlstadt Fire Department of Bergen County," approved March eighth, one thousand eight hundred and seventy-two.

Boundaries of the corporation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the male inhabitants between the ages of twenty-one and fifty-five years, of those parts of the townships of Lodi and Union, in the county of Bergen, and state of New Jersey, included within the following boundaries, namely: commencing at the Woodridge station, on the Hackensack and New York Railroad; thence along the westerly line of said Hackensack and New York Railroad to its junction with the Erie Railroad; thence northerly along said Erie railway to where the same is crossed by a public road leading from the Boiling Spring bleachery to Passaic bridge; thence northerly along said public road to where the same forms a junction with a proposed public road across the lands of James Hind and others; thence along said proposed road, the several courses thereof, to the Paterson and Pavonia plank road; thence northerly along a public road to the northerly line of lands of Smith; thence easterly along said line and the northerly line of lands of Henry Buggeln to the line known as the Pollifly line; thence northerly along said line to the division line between the lands of John D. Anderson and Henry E. Brinkerhoff; thence easterly along said division line to the place of beginning, be and the same are hereby created and declared to

be a body politic and corporate, under the name and style of The Carlstadt Fire Department of Bergen county. Corporate name.

2. *And be it enacted*, That said inhabitants shall have power at any time hereafter to form such and so many fire engine, hose and hook and ladder companies, as they may deem advisable for the purpose of protecting the property of said district from damage or destruction by fire; *provided*, that no engine company shall be composed of more than sixty men, or hose company of more than twenty-five men, or hook and ladder company of more than forty men; *provided*, not more than one engine company, one hose company, and one hook and ladder company be formed to every three thousand inhabitants of said district. Inhabitants may form companies. Proviso. Proviso.

3. *And be it enacted*, That the members of the fire department of said district shall, on the second Saturday in September next, elect, by plurality of voters, from among their members, one president and three commissioners, the president to hold office for one year; the commissioners, after their election, at their first meeting, shall divide by lot, one of which shall go out of office at the expiration of the first year, another at the expiration of the second year, and another at the expiration of the third year; and annually thereafter there shall be elected by the department one commissioner to serve three years, in place of the commissioner whose term has expired; there shall also be elected by each company at their next annual meeting, one trustee; and at their first meeting they shall divide by lot, one of which shall go out of office at the expiration of one year, another at the expiration of the second year, and another at the expiration of the third year; and annually there shall be elected a trustee to serve three years, to represent the company whose trustee's time has expired; and that the present president, commissioners and trustees elected under an act entitled "An act to incorporate the Carlstadt Fire Department of Bergen county," approved March eighth, one thousand eight hundred and seventy-two, shall be the trustees of this corporation until the first election under this act; and the commissioners now elected or hereafter to be elected, by a majority of their number, shall have power to grant or annul a certificate of membership of either of said fire engine, hook and ladder, or hose companies, and that such certificate shall be necessary to constitute membership of any such company; Election of president and commissioners, and terms of office. Election of trustee.

no certificate shall be given at any time to honorary members.

Real and personal estate vested in the commissioners and trustees.

4. *And be it enacted*, That the estate, both real and personal, now belonging to the corporation created by the act in the last section referred to, or hereafter to be acquired under this act, is hereby vested in the said commissioners and trustees, and their successors in trust, always, for the benefit of the said corporation hereby created; the said commissioners and trustees may from time to time make and enforce such by-laws and regulations for the acquisition, management and control, in furtherance of the objects of this corporation, as they shall deem expedient; *provided*, the same are not inconsistent with the constitution and laws of the United States, or of this state; a majority of said commissioners and trustees shall constitute a quorum for the transaction of business.

May raise money by taxation for maintaining the fire department.

5. *And be it enacted*, That the inhabitants of the district aforesaid, be and they are hereby authorized at an annual meeting to be held at the Carlstadt fire hall on the first Monday in July, to vote for, assess and collect, in the same manner that the other taxes of said townships are voted for and assessed and collected, any sum of money not less than five hundred dollars, nor more than two thousand dollars annually, which money, when collected, shall be paid over by the collectors of said townships to the chairman of said board of commissioners and trustees, and take his receipt for the same as a sufficient voucher, which money shall be solely and exclusively applied by said board of commissioners and trustees, to the procuring, repairing, maintaining and preserving the engines, engine houses, cisterns or reservoirs of water, ladders, buckets, fire hooks and all necessary implements and machines, and to the purchase of real estate necessary for such houses, and to such other incidental expenses as shall to the said commissioners and trustees appear best calculated to secure the property of said inhabitants from injury or destruction by fire.

Election of chief engineer and assistant engineer.

6. *And be it enacted*, That the duly constituted members of said department shall have power to elect, by plurality of votes, a chief engineer and assistant engineer of said department, who shall hold office for three years, and until others shall have been chosen to succeed them, their election having been first confirmed by a majority of the commissioners and trustees; *provided*, they may at any time be removed, if

Proviso.

desired by two-thirds of such members, in which case, and upon the request of two-thirds of said members, a new election shall be held to supply their place.

Vacancies, how filled.

7. *And be it enacted*, That vacancies in the said board of commissioners, occasioned by death, removal, or refusal to serve, shall be filled by a majority vote of the members of the fire department.

Members of the department to be exempt from jury and military duty.

8. *And be it enacted*, That all persons during the period of their actual membership of either of the companies organized in and by the said department, shall be exempt from serving as jurors in all the courts of this state, and also from military duty and military tax in time of peace; and all persons having served as a member of said department for the period of seven years, and having received from the board of commissioners a certificate of such service, shall be forever exempt from such jury duty, and from military duty and tax, except in case of war, invasion or insurrection.

Firemen's register shall be kept by the county clerk.

9. *And be it enacted*, That the clerk of the county shall provide, at the expense of the county, a suitable book, which shall be entitled "The Firemen's Register," in which he shall arrange in alphabetical order the names thus filed in his office, the date of filing and the name of the company to which each person belongs, and also the time when he ceased to be such exempted fireman, which information shall be furnished annually on the second day of January, by the chief officer of each company, by sending to the clerk a certified list of those whose names have been taken off during the year; said book to be open for inspection without charge, for which service the clerk performing the same shall be entitled to demand and receive twenty-five cents from the person filing his name before the same shall be marked, filed, or registered.

Repealer.

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

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

Approved April 4, 1873.

CHAPTER DCXIII.

An Act to authorize the land owners of the Village of New Carlstadt, in the County of Bergen, to make Improvements.

Land owners authorized to improve the streets and sidewalks.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the land owners, owning property on the respective streets as laid down on certain maps filed in the Bergen county clerk's office, entitled as follows, viz.: "Map of New Carlstadt Land Association, four hundred and twenty-one lots," filed February twenty-seventh, one thousand eight hundred and sixty-seven; "Map of property of Middle Carlstadt Land Association," filed January twenty-fifth, one thousand eight hundred and seventy-one, and "Map of property of the Central Carlstadt Land Verein," filed June sixth, one thousand eight hundred and seventy-two, to improve the said streets and sidewalks thereof, by grading and paving the same, and to make such other improvements as they may deem desirable, and that it may be done as is hereinafter provided.

Election of a board of trustees to be styled "The Board of Trustees of New Carlstadt."

2. *And be it enacted*, That there shall be an election held by the said land owners on the third Tuesday in April, one thousand eight hundred and seventy-three, of which election notice shall be given by notices put up in at least five public places within said limits, and by publication in a newspaper or newspapers published in or nearest said place, for the same length of time, designating the time, place and object of said election, and said land owners or such as may attend, shall by a majority of votes elect nine suitable persons, being land owners as aforesaid, who shall constitute and be styled "The Board of Trustees of New Carlstadt," three of whom shall be elected for the term of one year, three for the term of two years, and three for the term of three years; which election shall be conducted, and notice thereof given by the following persons, viz.: Henry Cordes, Richard Krause and Henry Gerecke, and their certificate of

the election of the persons to the office aforesaid shall be evidence thereof.

Election to fill vacancies

3. *And be it enacted*, That on the third Tuesday in April in each year, upon notice as provided for in the second section of this act, given by said board of trustees, an election shall be held for the purpose of electing three trustees to take the place of the three whose term of office shall be most nearly expired, and such additional trustees as may be necessary to fill vacancies in said board, if any such there may have occurred, which election shall be conducted by the acting members of said board; special election to fill vacancies may be ordered at any time by the board of trustees, upon giving the same notice as in regular elections.

Election of officers.

4. *And be it enacted*, That the members of the first board of trustees shall on the Tuesday next following their election hold a meeting, at which meeting said board shall organize by electing from their number a president and a vice president, and shall also elect a clerk, a collector and a superintendent of public works; and said board shall annually thereafter hold such meeting, effect such organization and elect such officers.

Duty of the clerk of the board.

5. *And be it enacted*, That the clerk of said board of trustees shall keep an impartial record of the proceedings of said board, and shall keep in a book or books provided for that purpose an accurate account of all moneys borrowed, taxes and assessments collected, the number and amount of bonds outstanding and the name of the person or persons at whose instance said bonds were issued; and shall at the request of any two members of said board, furnish to said board a detailed statement of the same, and shall at least ten days before each annual election publish a similar statement, together with a statement of the collector's account to be furnished to said clerk by the collector, in the newspaper or newspapers published in or nearest said place.

Duties of the collector.

6. *And be it enacted*, That said collector shall have the control of all moneys raised under the direction of said board of trustees, and provided for by this act, and shall pay out no moneys except upon the written order of said board of trustees, signed by the president and countersigned by the clerk, and shall enter into bonds with at least two sureties to said board, in such an amount as said board may direct, which bond shall be approved by said board; *provided*,

Proviso.

such bond shall be of an amount at least double the amount of money at any time in the hands of said collector.

Superintendent to be subject to the orders of the board of trustees.

7. *And be it enacted*, That the superintendent of public works shall have charge of and superintend all improvements, repairs and other work hereinafter mentioned, subject to the orders of the board of trustees.

Powers and duties of the trustees.

8. *And be it enacted*, That said board of trustees, or a majority of them, shall have power to grade, pave, flag, curb, work and repair the said streets, and the sidewalks thereof, and provide for the lighting of the same, and procure and set apparatus therefor, and make all other improvements whenever the owners of lands adjoining such streets may have determined that such improvements shall be made as hereinafter provided, and they shall have power to prevent and remove all encroachments and obstructions, and to regulate, clean and keep said streets in repair, and to enforce the removal of snow, ice, dirt or garbage, from the sidewalks and gutters, by the owners or occupants of the lands fronting thereon; to direct and regulate the planting, rearing, trimming and preserving of ornamental shade trees in said streets, and to authorize or prohibit the removal or destruction of such trees, and keep in good order and proper condition the public wells and pumps, and may from time to time make assessments for such general expenses in proportion to the number of square feet of land owned by each land owner.

Trustees shall make an estimate of the probable cost of the improvements.

9. *And be it enacted*, That whenever the persons owning lands on any street in said village, or any portion of such street of not less than two hundred feet in length, shall determine by a majority of votes to grade, regulate, pave, flag or otherwise improve such streets or sidewalks, the said trustees, upon being notified of such determination, shall make or cause to be made an estimate of the probable cost of such grading, paving or other improvement, and shall apportion the amount among the said land owners in proportion to the number of feet of land, running measure, each land owner owns on such street, and the amount so assessed against such land owners shall be paid to the collector of said board within sixty days after written demand thereof shall have been made by said collector, and in case of neglect or refusal, said collector shall make out a list of such delinquents, and place the same in the hands of any justice of the peace of the county of Bergen, who shall issue

a precept in the nature of a tax warrant, directed to any constable of said county, who shall proceed to collect the amount due from such delinquent land owner in the same manner as township and county taxes are authorized to be collected; any land owner on such street or part of a street desirous of making improvements, may call a meeting of the land owners owning lands on such street or part of streets, under this section, by a written notice put up in three public places in said village, at least five days previous to the day of meeting, and by publication for the same length of time in a newspaper or newspapers published in or nearest said place, designating the time, place and object of such meeting; and said land owners, when so assembled shall choose a chairman and secretary who shall receive and count the votes; and their certificate of such determination shall be evidence thereof.

Delinquents may be proceeded against.

10. *And be it enacted*, That as soon as said assessment shall have been made, the said trustees shall cause such work to be done as speedily as possible, and shall procure or cause to be procured all necessary materials for the doing thereof, and the expenses thereof shall be paid out of the moneys collected for that purpose.

Expenses to be paid out of the money collected for that purpose.

11. *And be it enacted*, That improvements desirable on the public property in said village may be made by said trustees upon determination at a meeting of the land owners of said village, called by any land owner in the manner prescribed in the ninth section of this act, and the cost thereof, as also of all grading, paving, and flagging of street crossings, shall be apportioned by said trustees among the owners of land in said village in proportion to the number of square feet of land owned by each.

Cost of paving, grading, &c., may be apportioned among the owners of the land proportionately.

12. *And be it enacted*, That all taxes levied and assessments laid upon lands within said limits, by virtue of any provisions of this act, shall be and remain a lien upon the lands assessed until the same are paid.

Assessments shall be a lien.

13. *And be it enacted*, That in case any land owner within said limits is unable to pay, within the time prescribed in this act, the amount of taxes and assessments levied against such land owner for any improvements made and shall so state in writing to said board of trustees, then said board shall have power, and they are hereby authorized to borrow money not to exceed in amount the sum of twenty-five thousand dollars, and to issue bonds for the same payable in ten

Trustees may borrow money and issue bonds.

years from the date of their issue, with interest at the rate of seven per centum per annum, payable semi-annually, which bonds shall be signed by the president, clerk and at least one other member of the said board of trustees.

Accrued interest, &c., to be paid by the person at whose instance bonds are issued.

14. *And be it enacted*, That the person or persons at whose instance money shall have been borrowed and bonds be issued for the same, shall annually pay ten per centum of the original taxes and assessments so as aforesaid secured, together with the accrued interest, and a proportional share of the costs and expenses incident thereto, until the whole amount thereof shall be paid.

Compensation to clerk, collector and superintendent, to be fixed by the trustees.

15. *And be it enacted*, That the clerk, collector and superintendent of public works shall receive such compensation for their services as shall be fixed by said board of trustees, and all other members of said board shall receive no compensation, but shall be allowed and paid all reasonable expenses incurred in the performance of the duties pertaining to their office.

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

Approved April 4, 1873.

CHAPTER DCXV.

A Further Supplement to an act entitled "An Act to incorporate the Plainfield Fire Department," approved March third, one thousand eight hundred and fifty-four.

Preamble.

WHEREAS, the second sections of the supplements to the Plainfield Fire Department, approved March sixteenth, one thousand eight hundred and sixty-nine, and March eighth, one thousand eight hundred and seventy, require the payment of three thousand dollars and the interest on all unpaid bonds annually, which amount in connection with the current expenses necessary for the use of said department exceeds the sum of six thousand dollars, the amount authorized to be raised in any one year by act approved March eighth, one thousand eight hundred and seventy,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said corporation are hereby authorized to issue two bonds annually, of five hundred dollars each, in anticipation of the payment of one thousand dollars annually of the bonds issued under the provisions of the supplement approved March sixteenth, one thousand eight hundred and sixty-nine, which bonds shall be made payable seven years after date of issue, and bear interest at the rate of seven per centum per annum, payable semi-annually. Authority to issue certain bonds.

2. *And be it enacted*, That the said corporation are hereby authorized to borrow the sum of three thousand dollars, and to issue bonds for the same in sums of five hundred dollars each, with interest at the rate of seven per centum per annum, payable semi-annually, which bonds shall be payable in eight, nine and ten years from date, one thousand dollars each year, for the purpose of paying an indebtedness already incurred for the current expenses of said department. Authorized to borrow money.

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

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

Approved April 4, 1873.

CHAPTER DCXVI.

A Further Supplement to an act entitled "An Act to Incorporate the City of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken, shall have power by ordinance to raise by general taxation a sum of money not exceeding twelve thousand dollars, for the purpose of erecting suitable additions or wings to school house number three, in said city. May raise by tax money to erect additions to school house.

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

Approved April 4, 1873.

CHAPTER DCXVII.

An Act to authorize the inhabitants of the Township of Branchburg, in the County of Somerset, to vote by ballot at their annual Town Meetings.

Township officers to be elected by ballot.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Branchburg, in the county of Somerset, be and they are hereby authorized and required to elect by ballot, at their annual town meeting, between the hours of ten o'clock in the morning and four o'clock in the afternoon (excepting one hour adjournment between the hours of twelve o'clock, noon, and one o'clock in the afternoon) in the manner now authorized by law for the election of state and county officers, all such township officers (excepting overseers of the highways) as the inhabitants of the said township are now or hereafter may be authorized or required to elect; and shall in like manner designate and fix the amounts of money to be raised by the said township for schools, roads and other purposes, and also the place of holding the next regular election in said township for the election of state and county officers.

Mode of conducting the election.

2. *And be it enacted*, That the inspectors of election elected at the last general election for state and county officers, or at any future election for such officers, shall preside at and conduct the election at the next ensuing annual town meeting in said townships respectively, which town meetings shall be held at the same place as the regular election for state and county officers next preceding the same was held.

Plurality vote shall be sufficient to elect, &c.

3. *And be it enacted*, That a plurality of votes shall be sufficient to elect any officers at such election, and to determine the amount of money to be raised or specified for any particular purpose; and in case of a tie vote, or neglect or refusal of any officer elected to serve, the township committee shall have power to fill such vacancy at their next meeting after such election, and to decide between those

having an equal number of votes, and to determine the amount or amounts of money to be raised.

Election of overseers of road districts

4. *And be it enacted*, That hereafter the acting overseer of the highways in each and every road district in said township shall call a meeting of the voters of said road district to be held on Saturday previous to the next regular town meeting, by a notice in writing under the hand of said acting overseer of the highways in said district, set up at two of the most public places in said district for at least five days previous to such meeting, for the purpose of electing an overseer of the roads for said district for the ensuing year, and the person who shall receive a majority of the votes cast at such meeting thus called shall be the overseer of said respective road district for the next year, and it shall be the duty of the late overseer to report the result of such election to the town committee elected at the town meeting next preceding the same.

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

Approved April 4, 1873.

CHAPTER DCXVIII.

A Supplement to the "Act concerning Roads in the Townships of Wayne and Manchester, in Passaic County," approved March twenty-third, one thousand eight hundred and seventy-one.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the fifth section of the act to which this is a supplement as fixes the time and manner of holding elections for overseers in the road districts of the township of Wayne, be and the same is hereby repealed.

Election of overseers of highways in road districts

2. *And be it enacted*, That hereafter the overseers of highways in the several road districts in the township of Wayne shall be elected on the Monday before the annual town meeting; and the overseers of the highways in each road dis-

trict in said township shall give ten days' notice of the time and place of holding every such election, by notice set up in three public places in said district; the places of holding the first election after the passage of this act shall be fixed by the overseer of each district, and at the first and every subsequent election, the place for holding the next succeeding annual election for such overseer shall be fixed by the voters of the district present at such election.

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

Approved April 4, 1873.

CHAPTER DCXIX.

An Act to authorize the building of a Bridge over the Cohansey River, at or near the Village of Greenwich, in the County of Cumberland.

May construct a draw or swing bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of the county of Cumberland, to build and construct, or cause to be built and constructed a bridge across the Cohansey river, commencing at or near the village of Greenwich, in the township of Greenwich, in said county, and thence to a point on the opposite side of said river, in the township of Fairfield, in said county, and to place on said bridge a draw or swing, of at least sixty feet in width in the clear, and of such construction as not to impede the navigation of said river.

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

Approved April 4, 1873.

CHAPTER DCXX.

An Act to authorize the Chosen Freeholders of the Counties of Cape May and Cumberland, to Build a Bridge over West Creek, on the line between the said Counties.

Authorized to construct bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of the counties of Cape May and Cumberland, and they are hereby authorized and empowered to erect, construct and maintain a bridge over West creek, on the line between the said counties of Cape May and Cumberland, and on the road leading from Leesburg to Dennis creek, between the lands late of Daniel Robinson and William Goff, which bridge shall be built without any draw, and of such height as said boards of chosen freeholders shall determine.

Repealer.

2. *And be it enacted*, That the act entitled "An act to build a bridge over West creek, in the counties of Cumberland and Cape May," passed November fourth, one thousand eight hundred and twenty-nine, be and the same is hereby repealed.

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

Approved April 4, 1873.

CHAPTER DCXXI.

An Act for the Protection of Game and Fruit in the County of Hunterdon.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter any person or persons who shall hunt with a gun, or with a dog and gun, or

Penalty for killing game or destroying fruits.

with any kind of firearms or weapon, or shall in any way kill, take or destroy with any trap, snare or other device whatsoever, any bird or animal, except such as are commonly considered noxious and valueless, or shall pluck, gather, or in any way destroy berries or any fruit of any kind, shall be liable to a penalty of ten dollars for each and every offence; *provided*, that nothing herein contained shall prevent any person or persons from destroying any bird or animal or gathering berries or fruit on his or their own lands, or on the lands of others if their consent be first obtained.

Proviso.

Owner or occupant of premises may arrest without process.

2. *And be it enacted*, That the owner or occupant of the premises upon which the offence named in the first section of this act has been committed, or their authorized agent or agents shall have power to arrest without process any person or persons having committed such offence, and take him or them before any justice of the peace of the said county having competent jurisdiction, who shall proceed as provided in the sixth section of a supplement to an act entitled "An act for the preservation of deer and other game, and to prevent trespassing with guns," approved March twenty-sixth, anno domini one thousand eight hundred and sixty-six; and for this purpose the said owners, occupants and agents are hereby vested with all the powers, immunities and responsibilities of the constables of said county.

Fines, how disposed of.

3. *And be it enacted*, That all fines collected under this act one-half shall be paid to the complainant and the remainder to be paid to the overseer of the poor of the township, borough or city where the offence was committed, for the use of the poor of said township, borough or city; and on the non-payment of the said penalty or penalties and costs, the defendant shall be committed to the county jail until the penalty or penalties and costs are paid; *provided*, that the said imprisonment shall not exceed ninety days.

Proviso.

Repealer.

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

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

Approved April 4, 1873.

CHAPTER DCXXII.

An Act to repeal an act entitled "An Act to authorize the erection of a Town Hall and House of Detention in the township of Randolph, in the county of Morris."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to authorize the erection of a town hall and house of detention in the township of Randolph, in the county of Morris," approved April tenth, one thousand eight hundred and sixty-seven, be and the same is hereby repealed. Repealer.

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

Approved April 4, 1873.

CHAPTER DCXXIII.

A Supplement to an act entitled "An Act to incorporate the City of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

WHEREAS, the owners of lands situate in the city of Hoboken and in the township of Weehawken, heretofore petitioned the mayor and council of the city of Hoboken to improve Fifteenth street, from the westerly line of Meadow street to the foot of the hill, and in pursuance of said petition the said The Mayor and Council of the city of Hoboken passed an ordinance authorizing said improvement to be made; *and whereas*, the said improvement has been made, and the said The Mayor and Council of the city of Hoboken, have become liable to pay the costs and expenses of doing said work on said street; *and whereas*, it has been suggested that the said ordinance is irregular and Preamble.

illegal, for the reason that a small portion of the said street improved as aforesaid lies beyond the corporate limits of the city of Hoboken, that is to say, in the townships of Weehawken and West Hoboken; therefore,

Ordinance declared to be legal and binding.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a certain ordinance entitled "An ordinance to provide for street improvements on Fifteenth street, from the Westerly line of Meadow street to the foot of the hill," passed by the said The Mayor and Council of the city of Hoboken on the twenty-first day of September, one thousand eight hundred and sixty-nine, and approved by the mayor of said city on the twenty-second day of September, one thousand eight hundred and sixty-nine, be and the same is hereby ratified, confirmed and declared to be legal, valid and binding, and that all contracts and proceedings had, done, performed and taken, under and in pursuance of said ordinance, shall be as legal, valid and binding as if said ordinance had been in all respects regular at the time of its passage.

Equitable proportion of costs and expenses of improvement to be assessed on lots benefited

2. *And be it enacted*, That the commissioners of assessments of the city of Hoboken are hereby authorized and empowered to assess a just and equitable proportion of the costs and expenses of said improvement upon lots benefited thereby, though situate in the township of Weehawken or West Hoboken, and that the collector of revenue is hereby authorized to collect and receive the said assessments, and that the same shall be a lien upon the lands assessed until paid; *provided nevertheless*, that a copy of the report of the commissioners of assessments shall be filed in the clerk's office of the township of Weehawken, and in the clerk's office of the township of West Hoboken.

Proviso.

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

Approved April 4, 1873.

CHAPTER DCLXXI.

A Supplement to the "Act Concerning Taxes."

Relative to township of Pequannock, Morris county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all lands or real estate situate in the township of Pequannock, county of Morris, shall be assessed by the assessor of said township, and all taxes assessed thereon shall be paid to the collector of said township.

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

Approved April 4, 1873.

CHAPTER DCLXXII.

An Act to authorize the Cleaning out, Opening, Widening and Straightening of Hackensack Creek, in the Village of Hackensack, in the County of Bergen, within the limits therein named.

Application may be made for appointment of commissioners to clear out and open Hackensack creek.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That within six months after the passage of this act, it shall and may be lawful for any two or more persons, being owners of lands upon or adjoining Hackensack creek, in the village of Hackensack and county of Bergen, to make application in writing to the court of common pleas of said county, in open court, to appoint any three of the board of chosen freeholders of said county a board of commissioners to clear out, open, widen and straighten Hackensack creek, between a point on the north where said creek crosses the northerly line of Manning M. Knapp, and a point on the south where said creek is crossed by the Essex street bridge.

Notice shall be given of intended application.

2. *And be it enacted*, That at least twenty days' previous notice of said application, and of the day on which said application is intended to be made, shall be given by said applicants to the persons through whose lands said creek passes within the limits aforesaid, which notice shall be served personally upon said owners, or by leaving the same at the usual place of residence of such owner or owners.

Appointment of commissioners.

3. *And be it enacted*, That the said court of common pleas, when applied to as aforesaid, on due proof being made that the notice or notices mentioned in the second section of this act, have been served as in said section directed, are hereby authorized and required to appoint any three of the board of chosen freeholders of said county, a board of commissioners, to carry out the objects of this act, and the said board of commissioners so appointed, shall meet at such time and place as the court shall direct, a copy of which appointment shall be served by said applicants, or any one of them, on each of said commissioners at least six days prior to the time of their meeting, and said applicants shall at least twelve days prior to the said time, cause written notice to be given to each of said owners within the limits aforesaid, setting forth the time and place of the meeting of said board of commissioners, agreeably to the directions of the court.

Notice to be given of the time and place of meeting of the commissioners.

Commissioners shall cause surveys and maps to be made.

4. *And be it enacted*, That it shall and may be lawful for the said board of commissioners, when met as aforesaid, or a majority so met, on due proof being made to them that the notices of their meeting have been served as in this act directed, to view the premises, and may, if they shall think it necessary, order said creek to be opened, widened, straightened and cleared out to any width not exceeding ten feet, and cause the said creek to be surveyed and marked at proper distances in the line of the same, in such manner as to show how and where the same has been straightened and widened by them, and they shall also make a return thereof with a map or draught of the same, and the time within which the same shall be widened, opened, straightened and cleared out by the owners of the lands adjoining said creek within said limits, which return the said commissioners or a majority of them shall date, sign and deliver to the applicants, who shall deliver the same to the clerk of the court of common pleas of said county, to be by him recorded.

Duty of the commissioners if owners neglect to open and clear out said creek.

5. *And be it enacted*, That in case said owners or any of them shall fail or neglect to widen, straighten, open and clear out said creek within the time mentioned in said return, then it shall and may be lawful for said commissioners or either of them to enter into and upon the lands lying upon said creek within the limits aforesaid, with all necessary workmen and implements and open, widen, clear out, straighten and remove all obstructions to the free passage of the waters within the limits aforesaid, according to said return; and the mud, timber and other obstructions taken out of said creek to be cast upon the lands next adjacent thereto; and the cost of such clearing out, widening and straightening shall be recovered by said commissioners or either of them from such owner or owners as may have neglected or refused to widen, open clear out and straighten according to said return, by an action of debt in any court having cognizance thereof, with costs of suit.

Penalty for obstructing.

6. *And be it enacted*, That if any person whatsoever after the passage of this act, shall wilfully put anything whatever in the said creek that will in any way obstruct or be an impediment to the free course of the water in said creek within the limits aforesaid, he, she or they so offending shall pay the sum of ten dollars for each and every offense, to be recovered by any one of said owners or possessors of lands along the Hackensack creek in an action of debt with costs of suit in any court having cognizance of the same.

Compensation to be allowed.

7. *And be it enacted*, That said board of commissioners shall be authorized to adjourn from time to time until the objects of this act have been carried into effect, and they shall severally be entitled to receive for each and every day employed in discharging the duties required of them by this act, the sum of three dollars, to be paid to them by the collector of the county of Bergen.

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

Approved April 4, 1873.

CHAPTER DCLXXIII.

An Act to set off a part of the Township of Landis, in the County of Cumberland, to the Township of Maurice River in said County.

Boundaries of part annexed to township of Maurice River.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Landis, lying and being to the eastward of a line commencing at the corner stone of Landis, Millville and Maurice River townships, in the county of Cumberland, running thence a northwesterly course to a stone on the road leading from Cumberland Furnace to Millville, the same being a corner stone of Millville and Landis townships; thence a northeast course to Forge avenue, at a point where the "Dallas Line" intersects the same; thence a southeasterly course down said avenue to Manumuskin creek, said creek being the dividing line between the townships of Maurice River and Landis, be and the same is hereby set off and annexed to the township of Maurice River.

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

Approved April 4, 1873.

CHAPTER DCLXXIV.

A Further Supplement to an act entitled "An Act to provide for the assessment and collection of taxes in the Township of Aquackanonk, in the County of Passaic."

Warrant for sale of lands, &c., shall be issued by the township committee.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the warrant for the sale of lands, tenements, hereditaments or real estate on account of taxes assessed thereon, authorized by "An act to make

taxes a lien on real estate in the county of Passaic, and to authorize the sale of the same for the payment thereof," approved March nineteenth, one thousand eight hundred and fifty-two, shall hereafter be issued by the township committee of the township of Aquackanonk, and delivered to the collector of arrears of taxes in said township, notwithstanding any provision or implication to the contrary, which may be contained in any supplement to said act to which this is a further supplement.

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

Approved April 4, 1873.

CHAPTER DCLXXV.

A Further Supplement to an act entitled "A Further Supplement to an act entitled 'An Act to Divide the Township of North Bergen, in the County of Hudson,'" passed February twenty-eighth, one thousand eight hundred and sixty-one, which Supplement was approved March eighteenth, one thousand eight hundred and seventy, and to validate the dedication of a highway by map.

Amendment

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section eleven, line fifty, of said supplement, as the same appears in the pamphlet laws of eighteen hundred and seventy, be, and the same is hereby amended by inserting after the word "after," as the same appears in said line, the words "and any mortgagee shall have power to redeem at any time until the expiration of the six months' notice herein specified; no mortgagee, whose mortgage shall have been duly recorded before sale for any assessment, shall be affected by such sale, unless six months' notice in writing shall have been given to him by the purchaser or those claiming under him, either personally, or if not to be found in the township of North Bergen, then such notice shall be deposited in the post office nearest to said township, directed to him at his last known place of residence,

or at the post office nearest thereto, but nothing therein contained shall be so construed as to impair the lien created by such assessment or sale."

Amendment

2. *And be it enacted*, That section eleven, line seventy-five, of said supplement, as the same appears in said pamphlet laws of eighteen hundred and seventy, be, and the same is hereby amended, by inserting after the word "provided," in said line, the words "*provided, also*, that all moneys paid for the redemption of said lands, tenements or real estate, as aforesaid, together with such assessments paid by any mortgagee, or judgment creditor, shall be a lien upon said lands, tenements or real estate, for the amount so paid, with interest at the rate of seven per centum per annum, and such lien shall have the precedence over all other liens on said lands, tenements or real estate; and on foreclosure of any mortgage, by such mortgagee redeeming, shall be directed to be made out of the said lands; and on sale of said lands under any such foreclosure, judgment shall be paid out of the proceeds of the sale."

Collector and treasurer to give surety.

3. *And be it enacted*, That hereafter, the bonds given by the collector of arrears of taxes, the collector and the treasurer of said township, before entering upon the duties of their respective offices, shall each be signed by two or more freeholders of said township, as sureties, who shall justify as now provided.

Dedication of street to public use, accepted, ratified and confirmed.

4. *And be it enacted*, That inasmuch as Abel I. Smith and Deborah Smith, heirs at law of Abel I. Smith, deceased, have dedicated to public use a street in the township of North Bergen aforesaid, which dedication has been made by a map entitled "map of proposed new road through the lands of Abel I. Smith, deceased, from the southerly line of lands of Abel I. Smith, deceased, to the westerly line of said Secaucus road; surveyed May, one thousand eight hundred and seventy-two; Abel I. Smith, Deborah Smith, heirs of Abel I. Smith, deceased, and which map has been filed with the township committe of said township, now therefore it is hereby declared that the street so dedicated by the said map, be and the same is hereby accepted and the said dedication is hereby ratified and confirmed.

Repealer.

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

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

Approved April 4, 1873.

CHAPTER DCLXXVI.

An Act fixing the Salary of the County Collector, and the term of office of the Chosen Freeholders of the County of Mercer.

Compensation to be paid the county collector.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the second Wednesday in May next, the salary of the county collector of the county of Mercer shall not exceed the sum of fifteen hundred dollars a year.

Election of members of the board of chosen freeholders, and term of office

2. *And be it enacted*, That at the election next to be held for members of the board of chosen freeholders for said county, in the year one thousand eight hundred and seventy-three, there shall be elected in the manner now provided for by law for the election of such freeholders, in each of the townships of Hamilton, East Windsor, Princeton and Hopewell, and in the third, fourth and fifth wards of the city of Trenton, one qualified person for said office, who shall hold his office for the term of one year, and at the elections held as aforesaid in each of the townships of Washington, Ewing, Lawrence and West Windsor, and in the first, second, sixth and seventh wards of the city of Trenton, there shall be elected one qualified person for said office for the term of two years; and that the chosen freeholders to be elected thereafter shall severally hold their offices for the term of two years; *provided, however*, that the members of the said board elected in the present year, one thousand eight hundred and seventy-three, and before the passage of this act shall respectively hold their offices for the term of two years, as above provided.

Proviso.

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

Approved April 4, 1873.

CHAPTER DCLXXVII.

An Act to facilitate the Collection of Taxes in the Township of Woodbridge, in the County of Middlesex.

Proceedings for the collection of delinquent taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Woodbridge, in the county of Middlesex, shall have power to enforce the collection of all delinquent taxes heretofore assessed or which may hereafter be assessed on any real estate in said township, whether owned by residents or non-residents of this state, by exposing the same for sale at auction for the shortest time for which any person will take the same and pay all the taxes and the costs thereon; and in case where the said committee may deem it for the interest of the township, they may authorize the collector of the said township to appear at such sale and bid on such lands as are offered for sale as aforesaid, in the name of the township, the land so sold to him, if any, to be the property of said township.

Township collector shall make return to the township committee.

2. *And be it enacted*, That no land shall be sold by virtue of this act until the township collector shall have made a return to the township committee, that the taxes assessed on said lands are unpaid and have by him been returned as delinquent, and shall verify the same by his affidavit attached thereto; and the collector neglecting or refusing to make such return and affidavit on or before the annual township meeting for the election of officers, shall be liable to the township for all of said unpaid delinquent taxes not so returned.

Copy of return to be recorded in clerk's office of township, &c.

3. *And be it enacted*, That within ten days after the said return by the collector of the township, the township committee shall cause a copy of said return to be recorded in the clerk's office of said township, and a copy thereof to be posted in at least three public places in said township, one of said places to be at the place where the last election of said township was held, the same to be certified to and signed by the clerk of the township.

Proceedings when delinquents make payment after notice.

4. *And be it enacted*, That if any of said delinquents, at any time before the expiration of twenty days after the first posting of said notices, shall appear before said clerk and pay said delinquent taxes and the costs, together with the additional sum of fifty cents as registry fee for said clerk, then in such case, the clerk shall receive the same in the name of the township committee, and give his receipt therefor; but in case such delinquents do not appear and make the said payment within the said twenty days, the township committee shall cause a certified copy of the said return and affidavit of the collector to be published in one or more newspapers published in said county for at least six weeks, specifying the time and place where the same will be sold at public vendue as aforesaid, for the collection of said returned and delinquent taxes.

Sales to be made at public vendue.

5. *And be it enacted*, That on the day mentioned in said notice as the day for said sale or on some subsequent day to which said sale may be adjourned, the chairman of the said committee shall at the hour named in said notice, proceed to sell the several tracts or parcels of land returned and unpaid, and in the order so returned at public vendue as aforesaid, to the person or persons who will take said premises so offered for the shortest time, and pay the amount of said delinquent taxes with the costs of advertising and sale.

Township committee shall give certificates of sale.

6. *And be it enacted*, That immediately after such sale the township committee shall execute and deliver to such person or persons, who may become the purchasers of said land, a certificate of such sale, describing the piece, or several pieces so sold, as the case may be, together with the amount paid for the same, entitling the holder thereof to a lease of the premises so sold; *provided*, that the owner or owners of said land or lands, do not within two years from the date of said certificate, appear before the said committee and deposit with them for the purchaser of said lease, the amount so paid by him, together with interest at fifteen per centum per annum, in which case the said certificate shall be deemed to be canceled and the amount so received shall on demand be paid to the party holding and owning such certificate.

Proviso.

Lease to be executed to purchaser if land is not redeemed.

7. *And be it enacted*, That if at the expiration of two years from the time of said sale, the owner or owners of any land so sold do not appear to redeem said land as aforesaid, then the said township committee shall execute to the holders

and owners of said certificate a lease of the premises described therein in the corporate name of said township, the party receiving said lease to be at the expense of the recording the same, and on the delivery of said lease the sale shall be final, and the leasehold to such lands pass irrevocably to the holders thereof, until the said lease expire.

Quorum. 8. *And be it enacted*, That a majority of the said committee shall constitute a quorum for the purposes of this act, and may adjourn from time to time as they shall deem proper.

Repealer. 9. *And be it enacted*, That this act shall be deemed to be a public act, and shall take effect immediately and all acts or parts of acts inconsistent herewith so far as relate to said township of Woodbridge are hereby repealed.

Approved April 4, 1873.

CHAPTER DCLXXVIII.

An Act to authorize the Inhabitants of the Township of Tewkesbury, in the County of Hunterdon, and the Township of Marlboro, in the County of Monmouth, to vote by ballot at their town meetings.

Township officers shall be elected by ballot. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Tewkesbury, in the county of Hunterdon, and the township of Marlboro, in the county of Monmouth, are hereby authorized and required to elect by ballot, and not otherwise, at their annual town meetings, until otherwise required by law, the following officers, whose qualifications and duties shall be the same as now, or as may hereafter be fixed by law, that is: a township clerk, a judge of election, an assessor, a collector, one chosen freeholder, three commissioners of appeal, the same number of surveyors of the highways and overseers of the poor as are now chosen in said townships, a township committee consisting of five persons, as many justices of the peace as the townships may be constitutionally entitled to elect, one or more constables,

one or more poundkeepers; and shall also, upon the same ballot, vote for the amount to be raised for the support of the poor, for school purposes, for the repair of roads, and for the place of holding the next annual town meeting, and the election of state and county officers.

Hour for opening and closing the election.

2. *And be it enacted*, That the said election shall open at eight o'clock in the morning, and close at four o'clock in the afternoon, and that it be conducted in the same manner, and be subject to the same rules as elections for state and county officers are or shall be.

Plurality vote shall be sufficient to elect.

3. *And be it enacted*, That a plurality of votes shall be sufficient to elect any officer or determine any question submitted to the said town meeting; and in case of an equal number of votes being cast for any candidates, or the failure to elect an officer by the town meeting, or to decide upon the amount of money to be raised or specified, or to determine any question within its province, or in case of the refusal of any person elected to accept the appointment, then the township committee shall, at their next meeting advise and determine the same; and if an equal number of ballots have been cast for opposing candidates, or on opposing sides of the same question, then the determination of the township committee shall be confined to the candidates or sides receiving equally the highest number of ballots.

Proceedings in case of a tie vote.

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

Approved April 4, 1873.

CHAPTER DCLXXIX.

A Further Supplement to an act entitled "An Act to Revise and Amend the Charter of Egg Harbor City," approved February thirteenth, one thousand eight hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this supplement, it shall and may be lawful for the com-

Manufactories to be exempt from taxation under certain conditions.

mon council of said city, and they shall have full power and authority to release from all municipal taxation manufactories, or any part thereof of every kind and description hereafter to be established therein, where the actual capital invested therein exceeds the sum of five thousand dollars, for a term of years not exceeding ten years, to be determined and fixed by said common council, and that from and after the passage and recording of said release and exemption as aforesaid, it shall not be lawful during the continuance of said term to assess, collect or exact the payment of any taxes whatever for municipal purposes from any such manufactories thus established or from any capital employed therein.

Exemptions to be recorded by city clerk.

2. *And be it enacted*, That in each and every case where the common council of said city shall make such release or exemption, they shall cause the same to be within ten days thereafter, recorded by the clerk of said city, in a book to be provided for that purpose, and to be known as the "city tax exemption book;" and the same after being recorded as aforesaid, shall during said term of exemption be considered taken and construed by all courts as a full and legal exemption from all such municipal taxation.

Time of holding the annual election for city officers.

3. *And be it enacted*, That the time of holding the annual election of officers of and for said city, as mentioned in the fourth section of the act to which this is a further supplement, be and hereby is changed to the fourth Tuesday in March of each and every year, and that the first election under this act shall be held on the fourth Tuesday in March, one thousand eight hundred and seventy-four; and that the present officers of and for said city, and their successors in case of any vacancy shall hold over until the said first election under this act, or until others shall be chosen and legally qualified in their stead.

Amendment

4. *And be it enacted*, That the fifteenth section of the act to which this is a further supplement, be and hereby is altered by changing the words "but three months before the time" to "and within the same time;" and further that the seventeenth section of the said act, to which this is a further supplement, be and hereby is altered by changing the words "three months before the day" to "at the time when."

5. *And be it enacted*, That said city shall constitute one

independent school district, and that all public school affairs in said city shall be governed and regulated by the common council, the board of trustees and the superintendent of public schools of said city, and the said common council, board of trustees and superintendent of public schools of said city shall in performing their respective duties act in all cases, in which their powers and duties are not expressly prescribed by this act, in accordance with the general school law of this state. City to constitute one school district.

6. *And be it enacted*, That it shall be the duty of the common council of said city to order the raising and cause to be raised a sufficient district school tax, and also to order the payment of all bills duly certified by the board of school trustees and all salaries fixed by the board of education of said city, out of the funds in the hands of the city treasurer for public school purposes. Common council shall order district school tax to be raised.

7. *And be it enacted*, That it shall be the duty of the board of school trustees of said city and they shall have full power and authority to employ janitors, mechanics and laborers, and fix, alter and allow their compensations; to rent, furnish and repair school buildings and keep the same insured; to purchase personal property for the public schools of said city; to provide books for indigent children; to permit the school buildings to be used for other than school purposes, when a majority of the trustees present shall so agree at a meeting regularly called for that purpose. Duty of the school trustees.

8. *And be it enacted*, That the board of trustees, the mayor and superintendent of public schools of said city shall constitute the board of education of said city, who shall have power and it shall be their duty to employ and dismiss teachers and to fix and alter their salaries; to make and enforce regulations, not conflicting with the general school laws of this state and the regulations of the state board of education, for the government of the schools, pupils and teachers in said city; to enforce the regulations of the state board of education and to prescribe the course of study to be pursued, and a uniform series of text books to be used in the school or schools under their charge; to suspend or expel pupils from school, to require all pupils to be furnished with suitable books as a condition of membership in the school; and to require every teacher to keep a school register. The board of education, how constituted, their powers and duties.

9. *And be it enacted*, That it shall be the duty of the

Duty of the superintendent.

superintendent of public schools of said city to preside at the meetings of the board of education; to carry out the regulations made by the board of education of said city, and to perform all such other duties as are enjoined on city superintendents by the general school laws of this state and the regulations of the state board of education.

Repealer.

10. *And be it enacted*, That the thirteenth section and so much of the act to which this is a further supplement, as is inconsistent with or contrary to the provisions of this act, be and the same are hereby repealed.

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

Approved April 4, 1873.

CHAPTER DCLXXX.

An Act to Provide for and Regulate Street Improvements in the Township of North Plainfield, in the County of Somerset.

Owners of lands may petition for improvement of roads by grading and paving.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the owners of any lands upon the lines of any street, avenue or highway in the township of North Plainfield which may have been accepted as one of the public roads of the township, to present a petition, in writing, to the township committee, containing a request to have the whole or a certain designated section of any such public road improved by being graded or macadamized or paved; upon receiving such petition, it shall be the duty of the township committee to ascertain the length of the road or section of a road designated in such petition, and also the number of lineal feet upon the lines of such road or section owned by the person subscribing such petition, and if, upon investigation, it shall appear that the owners of three-fifths of the number of lineal feet upon the road or section designated in said petition shall have subscribed the same, and that such section, (in case a section be designated) extend the length of

Duty of the township committee.

an entire block, to wit: the distance from centre to centre between two cross roads, it shall be lawful for the township committee to order and cause the work requested in such petition to be done, and shall establish the centre, curb and side lines of said street and establish a suitable grade, and file a map of the same with the town clerk.

Township committee may make contracts &c.

2. *And be it enacted*, That in case the township committee shall order and cause any road or section of a road to be improved under the provisions of this act they shall proceed to make contracts, after having advertised for proposals, with one or more persons for the work called for in said petition; but in all cases the estimates, proposals and contracts shall designate, separately, the grading and the macadamizing or paving, and the price or cost of each respectively.

Costs and expense of improvement to be assessed pro rata.

3. *And be it enacted*, That the entire cost of grading and macadamizing or paving, and the expenses of overseeing and engineering, shall be borne and paid by the owners of the lands along the line of the road or section improved under the provisions of this act; and whenever the cost of such grading and macadamizing or paving and overseeing and engineering shall have been ascertained, the township committee, or a majority of them, shall make and sign an assessment of the entire amount of such cost and expense upon the lands along the lines of the road or section of a road so improved, pro rata, according to the number of lineal feet upon the lines of such road or section in the tracts or lots of the several owners respectively; and the township committee shall deliver a copy of such assessment, when made, to the township assessor, who shall enter the same in his duplicate; and it shall be the duty of the township collector to collect the said assessments at the same time, in the same manner and by the same means as the county and township taxes; and every such assessment made in pursuance of this act is hereby declared to be a legal, valid and binding assessment against the owners and upon the property therein designated, and a lien upon the lands on which said assessment is made.

Lands assessed to be exempt from township taxes for road purposes.

4. *And be it enacted*, That all lands upon which any assessment shall be made by virtue of the provisions of this act shall be exempted from all township taxes for road purposes whatever for the period of five years, in case such assessment shall be made for macadamizing or paving to a

width of not less than eighteen feet of the centre of the road, said periods to be recorded from and after the payment of such assessment in all cases.

Contracts, how executed.

5. *And be it enacted*, That in making of all contracts under the provisions of this act the township committee shall cause them to be prepared in the name of the inhabitants of the township of North Plainfield, in the county of Somerset, as a party thereto, and shall by resolution cause them to be executed by their chairman and attested by the township clerk.

Township committee may borrow money, &c.

6. *And be it enacted*, That for the purpose of carrying into effect the provisions of this act, it shall be lawful for the township committee of said township to borrow money, from time to time, in the corporate name of said township, and to secure the payment of the same by note or other instrument in writing under the common seal of said township, in anticipation of the collection of the taxes and assessments; and every such note under the common seal of the township, signed by the chairman of the township committee in pursuance of a resolution of said committee, shall be the valid obligation of said township, and the township committee shall not negotiate or sell the same for less than their par value.

Repealer.

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

Approved April 4, 1873.

CHAPTER DCLXXXI.

An Act to authorize the purchase of the Bridge of "The Washington Bridge Company," over the South River, Middlesex County, New Jersey.

Preamble.

WHEREAS, The Washington Bridge Company, a body corporate of the state of New Jersey, created by an act of the legislature, entitled "An Act to provide for the building of a draw-bridge across South river, in the county of

Middlesex," dated February fourteenth, one thousand eight hundred and thirty-one; *and whereas*, The Washington Bridge Company above named are severally and respectively willing to dispose of their stock to the county of Middlesex; now therefore,

Names of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Andrew J. Disbrow, Dennis Vanderbilt, James Higgins, James Applegate, Henry Brown, Peter Fisher and James Scudder, seven of the residents and freeholders in the said county of Middlesex and state of New Jersey, disinterested parties, be and they are hereby appointed as commissioners of said county to confer with said company and agree upon a price and conditions for and upon which the said county may purchase the franchises, privileges and stock of said company, in toto, for the purpose of making the bridge of said company free to all for crossing and re-crossing.

Board of chosen freeholders may issue bonds.

2. *And be it enacted*, That when a price shall have been agreed upon for the said bridge, its several and respective franchises, it shall be lawful for the board of chosen freeholders to issue county bonds of the said county of Middlesex, of the denomination of one thousand dollars each, said bonds to bear interest at the rate of seven per centum per annum, payable semi-annually at the office of the county collector, and to become due and payable at the office of the said county collector, in one, two, three, five, ten or fifteen years from the date thereof, as the said board of chosen freeholders may determine to be best suited to the convenience of the said county of Middlesex.

Payment of bonds and interest to be provided for by taxation.

3. *And be it enacted*, That it shall be lawful for the said county of Middlesex to assess and collect, in addition to the ordinary amount of taxes, an amount sufficient to pay the interest accruing upon said bonds and the principal of said bonds as they may become severally due and payable, and an amount sufficient to keep and maintain in good order said bridge.

Bridge shall be property of county.

4. *And be it enacted*, That when said bridge shall have been purchased by the said county of Middlesex, it shall become and immediately be, the property of the said county of Middlesex, the same as all other ordinary bridges in said county, and be governed by the general laws of the state of New Jersey concerning bridges and highways.

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

Approved April 4, 1873.

CHAPTER DCLXXXII.

An Act to confirm the Acknowledgments and Proofs of Deeds and other instruments of writing taken by Paul F. Heerbrandt.

Preamble.

WHEREAS, it appears that the senate and general assembly of the state of New Jersey, appointed in joint meeting held on the thirty-first of March, anno domini, one thousand eight hundred and sixty-nine, Paul F. Heerbrandt of the town of Union, in Hudson county, to take acknowledgments and proofs of deeds, who was commissioned and sworn into office as such commissioner; *and whereas*, it appears that there was no authority for the appointment of said Paul F. Heerbrandt a commissioner of deeds for the town of Union, in said county of Hudson; *therefore*, said Paul F. Heerbrandt's appointment was a nullity, and by reason of acknowledgments and proofs taken by him, innocent persons may be subject to great loss; therefore,

Acts confirmed and legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several acknowledgments and proofs of deeds and other instruments of writing taken and certified by the said Paul F. Heerbrandt as commissioner, from the time of his entering upon the duties of said appointment to the present time, be and the same are hereby confirmed and declared valid and effectual in like manner as if the said Paul F. Heerbrandt had been lawfully authorized to take the same.

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

Approved April 4, 1873.

CHAPTER DCLXXXIII.

An Act to authorize the Construction and Maintenance of a Swing or Pivot Bridge over the Morris Canal, in the City of Paterson, where Barclay street crosses the same.

Authorized to construct a swing or pivot bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders of the county of Passaic, are hereby authorized to cause to be constructed if they shall deem the same expedient a pivot or swing bridge over the Morris canal, where it crosses Barclay street, in the city of Paterson, and to maintain such bridge and keep the same in repair, and to provide for the appointment of suitable and proper persons to attend such bridge for the purpose of opening and closing the same, in such manner as shall in no wise hinder nor interfere with the navigation of said canal, nor in any way cause unnecessary obstruction or stoppage of boats on said canal.

Cost to be paid by the county.

2. *And be it enacted*, That the cost of erecting and maintaining said swing or pivot bridge, shall be wholly paid by the county aforesaid.

Repealer.

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

Approved April 4, 1873.

CHAPTER DCLXXXIV.

A Further Supplement to an act entitled "An Act to authorize the Inhabitants of the Village of Carlstadt, in the County of Bergen, to improve the Sidewalks of the streets of said Village," approved March twelfth, one thousand eight hundred and sixty, and a supplement thereto, approved March twenty-fourth, one thousand eight hundred and sixty-nine.

Election of board of trustees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be an election held by the owners of lands within the limits designated by the act to which this is a further supplement, as soon as conveniently can be after the passage of this act, of which election ten days' previous notice shall be given by the acting commissioners elected under the act to which this is a further supplement, by notices put up in at least five public places, and by publication in a newspaper or newspapers published nearest said place, designating the time, place and purpose of such election; and said land owners, or such as may attend, shall by a majority of votes, elect by ballot, nine suitable persons, being land owners as aforesaid, who shall constitute and be styled "The Carlstadt Board of Trustees," three of whom shall be elected for the term of three years, three for the term of two years, and three for the term of one year; also one superintendent of streets and two street commissioners for the term of one year respectively; which election shall be conducted by the acting superintendent of streets and the three street commissioners, and one justice of the peace residing within said limits, and their certificate of the election of the persons to the offices aforesaid shall be evidence thereof.

Election of trustees to fill vacancies

2. *And be it enacted*, That on the second Tuesday of January of each year, upon notice as provided for in the first section of this act given by said board of trustees, an election shall be held for the purpose of electing three trustees

to take the place of three whose full term of office shall be most nearly expired, and such additional trustees as may be necessary to fill vacancies in said board, one superintendent of streets, and two street commissioners; which election shall be conducted by the acting members of said board.

Trustees shall choose a president, clerk and collector.

3. *And be it enacted*, That the members of the first board of trustees shall, on the Tuesday next following their election, hold a meeting, at which meeting said board shall organize by electing from their number a president and vice-president, and shall also elect a clerk and a collector; and said board shall annually thereafter hold such meeting, effect such organization, and elect a clerk and a collector.

Duties of the collector.

4. *And be it enacted*, That said collector shall have the control of all moneys raised under the direction of said board of trustees, and provided for by this act, and the act to which this is a further supplement, and shall enter into bonds with at least two sureties to said board, in an amount at least equal to the whole amount of any assessment made, which bond shall be approved by said board; and said collector shall pay out no moneys except upon the written order of said board.

Powers and duties of the trustees.

5. *And be it enacted*, That said board of trustees, or a majority of them shall have power to grade, work and repair the streets and roads now laid out, and hereafter to be laid within said limits, and to prevent and remove all encroachments and obstructions on roads and streets, and to control and regulate the width and grade of sidewalks, and the manner of paving and maintaining the same, to provide for lighting such of the streets as the owners of lands adjoining the same may determine to have lighted, and procure and set apparatus therefor.

Assessments to be a lien upon lands assessed.

6. *And be it enacted*, That all taxes levied and assessments laid upon lands within said limits, by virtue of any provision of the act to which this is a further supplement the supplement thereto, and this act, shall be and remain a lien upon the lands assessed until the same are paid.

Board of trustees are empowered to borrow money.

7. *And be it enacted*, That in case any land owner within said limits is unable to pay within the time prescribed by the act to which this is a further supplement, the amount of taxes and assessments levied against such land owner for any improvements made in grading, paving and curbing of sidewalks, and shall so state in writing to said board of trustees, then said board shall have power, and they are

hereby authorized to borrow money, not to exceed in amount the sum of fifty thousand dollars, and issue bonds for the same, in denominations of not more than one hundred dollars, and payable in ten years from the date of their issue, with interest at the rate of seven per centum per annum, payable semi-annually; which bonds shall be signed by the president, clerk, and at least one other member of said board.

Persons at whose instance bonds are issued shall pay pro portion of costs and expenses.

8. *And be it enacted*, That the person or persons at whose instance money shall have been borrowed, and bonds shall be issued for the same, shall annually pay ten per centum of the original taxes and assessments so as aforesaid secured, together with the accrued interest, and a proportional share of the costs and expenses incident thereto, until the whole amount thereof shall be paid.

Clerk of the board shall keep account of money borrowed and bonds outstanding

9. *And be it enacted*, That the clerk of said board of trustees shall keep in a book or books provided for that purpose, an accurate account of all moneys borrowed, taxes and assessments collected, the number and amount of bonds outstanding, and the name of the person or persons at whose instance said bonds were issued; and shall at the request of any two members of said board, furnish to said board a detailed statement of the same; and shall at least ten days before each annual election, publish a similar statement, together with a statement of the collector's account, to be furnished to said clerk by the collector, in the newspaper or newspapers published nearest said place.

Compensation to clerk and collector

10. *And be it enacted*, That the clerk and collector shall receive such compensation for their services as shall be fixed by said board of trustees at their annual meeting, and all other members of said board shall receive no compensation, but shall be allowed and paid all reasonable expenses incurred in the performance of the duties pertaining to their office.

Repealer.

11. *And be it enacted*, That so much of the act to which this is a further supplement, and the supplement thereto conflicting with this act, be and the same is hereby repealed.

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

Approved April 4, 1873.

CHAPTER DCLXXXV.

A Supplement to "An Act to Incorporate the Town of Union, in the Township of Union, in the County of Hudson," approved March twenty-ninth, eighteen hundred and sixty-four.

Duties of the collector of taxes and his compensation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the office of collector of arrears be and the same is hereby abolished; and hereafter the collector of taxes shall collect all moneys due and to grow due to the town; he shall receive no fixed salary, but shall be paid a per centage on all moneys collected by him as follows: one and one-half per centum for all taxes collected up to the twentieth day of December of each and every year, and five per centum for all taxes collected on real estate, and ten per centum on personal property after the said twentieth day of December; one and one-half per centum on all assessments and other moneys collected by him for said town—said per centage in all cases to be added and collected from parties owing said taxes, assessments or other moneys; the collector shall procure an office in some convenient part of said town, where he shall remain to attend to the business of his office at least three hours each day, except Sundays and legal holidays; his office hours shall be fixed by the board of council, and notice thereof given in one or more of the official papers of the town; the week preceding the twentieth of December in each and every year, the collector shall remain in his office from nine A. M. to nine P. M., to receive all moneys that may be offered in payment of taxes or otherwise; he shall give bonds in such sum as the board of council shall direct, to be fixed by said council previous to the annual spring election in each year; the collector and treasurer shall present a detailed monthly report to the board of council, who shall post a copy thereof in the town hall for the inspection of all persons interested therein.

Shall give bonds.

Salary of town clerk.

2. *And be it enacted*, That hereafter the town clerk shall receive a salary of six hundred dollars per annum, to be in full payment for all services rendered; except for the sale of property for non-payment of taxes and assessments, drawing declarations of sale and for services in all matters of street improvements in said town, he shall give bonds in an amount to be fixed by the council for faithful performance of duty, and shall devote three hours each day to the business of his office.

Property purchased for non-payment of taxes may be sold after two years.

Proviso.

3. *And be it enacted*, That the board of council of the town of Union, for all property heretofore or that may hereafter be purchased by said town for non-payment of taxes or assessments, shall be empowered to sell the same after the expiration of two years from the date of said purchase; *provided*, that the requirements of the charter of said town, and the supplements thereto have been fully complied with; the board of council shall, six weeks prior to the expiration of said two years, direct the clerk of said town to insert in the official papers a notice requesting any and all persons holding mortgages or other liens upon property so purchased, for non-payment of taxes or assessments as aforesaid, by the said town or by any individual, to redeem the same within six weeks from the inserting of said notice; and if the same be not redeemed within the said six weeks, the mortgages or other liens so held shall cease to be encumbrances upon said property, and the holders thereof shall be forever barred from collecting the same out of said property; the said town shall be empowered, whenever any land so purchased for non-payment of taxes or assessments as aforesaid, to sell the same either at public auction or otherwise, and give quit-claim deed or deeds therefor to the purchaser or purchasers thereof.

Authorized to borrow money and issue bonds.

4. *And be it enacted*, That the council of the town of Union are hereby authorized to borrow a sum of money not exceeding thirty thousand dollars, and to issue their bonds therefor; the money realized from the sale of said bonds to be used in paying off that part of the present indebtedness of said town, incurred in the purchasing of land for unpaid taxes and assessments; said bonds shall run for the term of five years, with the privilege of redeeming sooner if sufficient money in the town treasury, realized from the redemption or sale of land held as aforesaid; if considered necessary, a sufficient amount of said thirty thousand dollars

may be used in payment of obligations due and owing for any street improvement; *provided*, the same shall be again returned to the town treasury out of the moneys collected for said street improvement; and in no case shall an assessment already levied for any street improvement be set aside, but shall remain a lien thereon until paid; said bonds shall not be sold for less than their par value. Proviso.

5. *And be it enacted*, That the town council may if they think it advisable pave Durham avenue from Bergen Wood road to the Hackensack plank road, with Belgian pavement, and appropriate ten thousand dollars of the money provided to be raised by this act for the payment of the same, and after the completion thereof may appoint three commissioners as is now provided by the act to which this is a supplement and the supplements thereto, to assess the costs and expenses thereof upon property benefited thereby in proportion to benefit received, and in no event shall the town of Union be answerable in damages either for the making or improving of said Durham avenue to the owners of property along the line thereof. May pave avenue with Belgian pavement.

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

Approved April 4, 1873.

CHAPTER DCLXXXVI.

An Act to Define and Establish the Boundaries of School District Number Fifty-three, in the County of Hunterdon.

WHEREAS, doubts are entertained whether the boundaries of School District Number Fifty-three, in the county of Hunterdon, as established by the county superintendent of said county, are in accordance with the provisions of section eight of an act entitled "An act to make free the public schools of the state," approved April sixth, one thousand eight hundred and seventy-one, Preamble.

Boundaries of school district.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the boundaries of School District Number Fifty-three, in the county of Hunterdon, known as Clinton district, as now established be the true and legal boundaries of said district, said boundaries being as follows: in addition unto the district heretofore bounded by the limits of the town of Clinton; beginning at the southwest corner of the town of Clinton, thence due east to the South Branch of the Raritan river, thence in a southerly course along the South Branch of Raritan river to the southwest corner of lands of Mrs. H. H. Aller, thence in an easterly course along lands of heirs of Haver Aller deceased, to the southeast corner of the same, thence in a northerly direction to the northwest corner of George Alpaugh's lands, thence in an easterly course along lands of Jacob D. Fritts to Isaac Aller's lands, thence in a northerly course along the east line of said Isaac Aller's lands to the northeast corner of the same, thence along the same in a westerly course to the southeast corner of Oliver Kline's and John B. Weller's lot, thence in a northerly course along the east line of the same to the road leading from Clinton to Annandale, thence easterly along said road to a point where the road coming from Peter Yauger's intersects said road, thence along said road coming from Peter Yauger's in a northerly course to the southern line of lands of William H. Yauger, thence along the southern line of said William H. Yauger's lands to the South Branch of the Raritan river, thence up the South Branch of Raritan river in a northerly course to a point in the same the northeast corner of lands of Garret Conover, thence in a northwesterly course to the Spruce Run, including the lands of Garret Conover, now in occupancy of Theodore Y. Conover and J. T. Conover, thence down the Spruce Run in a southerly course to the northern line of the town of Clinton, this being the boundaries of what was District one hundred and nine, and which was known as Clinton Border District; also, beginning at a stake in the road known as New Jersey turnpike, at the place where the public road leading from (formerly) Bormell's tavern to the Union intersects said turnpike road, and runs from thence along said road to the Union to a stake in said road and corner of lands of (late) A. W. Dunham, deceased, in a line of lands late of Godfrey Case, deceased, thence along said Case's line due east to

the southwest corner of William S. Wyckoff's lands, thence along the west line of said Wyckoff's land to the northwest corner of said Wyckoff's land in Garret Conover's line, thence along said Conover's line a westerly course to lands of Whit D. Carhart thence along his line a westerly course to the northwest corner of Asher Smith's lands, thence along said Smith's west line a southerly course to a corner in the New Jersey turnpike road, thence along said turnpike road and the road leading from the turnpike road to Joseph G. Case's, to a corner in said road last mentioned, where Samuel L. Bormell's private road intersects said road, thence along said private road to the turnpike road, thence along the turnpike road an easterly course to the beginning; this being a part of what was recently District one hundred and ten, known as Seaver's District.

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

Approved April 4, 1873.

CHAPTER DCLXXXVII.

An Act to provide for a Map of Essex County.

Map to be made and reported to the legislature.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Essex county public road board are hereby instructed to repo t to the next session of the legislature an accurate map of such portions of the county of Essex as are included within the limits of the improvements heretofore authorized to be made by them under acts of the legislature already passed, together with such suggestions as they may deem proper to make, in order to establish an economical system of public parks connected by boulevards or public drives, so as to furnish suitable grounds and drives for the purposes of health and recreation.

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

Approved April 4, 1873.

CHAPTER DCXCIII.

A Supplement to an act entitled "An Act to Revise and Amend the Charter of the City of Elizabeth," approved March fourth, one thousand eight hundred and sixty-three, and the several supplements thereto.

Mode of appointment of board of commissioners and their compensation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act and its supplements to which this act is a supplement, as relates to the appointment of commissioners to assess the costs and expenses and damages and benefits of any public improvement in said city, is hereby repealed, and hereafter a board of commissioners, consisting of three persons, residents and freeholders in said city, whose term of office shall be three years, (except as herein specially provided,) shall perform all the duties of such commissions; at the second meeting of the city council after the passage of this act, the mayor shall nominate to the city council suitable persons to serve as commissioners under this act, to serve for one, two and three years respectively, from and after the date of their confirmation by the council, and until their successors shall be appointed and qualified; and at the expiration of their first respective terms of one, two and three years, their successors shall be appointed by nomination of the mayor, by and with the advice and consent of the city council, for the full terms of three years severally, under the general provision of this act, and until their successors shall in the same manner be duly chosen and qualified; and any vacancy occurring in the office of commissioner under this act shall be filled for the unexpired term in the same mode, to wit: by the appointment of the mayor by and with the advice and consent of the council; the commissioners appointed under this act shall receive for compensation five dollars per day for each day's service, and five dollars each for the inspection on the ground of each work of public improvement for which they shall be required to make an assessment; such compensa-

tion to be paid out of the city treasury as the compensation of other city officers is paid; and before entering upon their office, every commissioner under this act shall take the usual oath under the charter to perform faithfully the duties of the said office. Commissioners shall make oath.

2. *And be it enacted*, That the said board of commissioners shall make all assessments for the costs and expenses, and the damages and benefits of all public improvements hereafter to be made, and which are required to be made by commissioners, as well as such other assessments for work already done as the city council shall refer to them; and they shall make their assessments upon the principles contained in the subsequent sections of this act; all assessments for damages and benefits of public improvements shall hereafter be made separately, but returned to the city council at one and the same time; *provided*, that no assessments for damages shall be paid until the assessments for benefits are deducted therefrom. Powers and duties of the commissioners as to assessments. Proviso.

3. *And be it enacted*, That the board of commissioners created by this act shall meet at the call of the comptroller of the city whenever their services shall be required, and at the times and places he shall name, and the comptroller shall be ex-officio secretary of said board, and shall keep the minutes of their proceedings and the maps and records pertaining to the work of said commissioners, open to public inspection as other records of his office; and said commissioners shall cause to be endorsed by the comptroller upon each and every certificate of assessment returned by them, the time engaged in making such assessment, the value of the time so employed, to be assessed as a part of the costs of the improvement, and paid into the city treasury; and in case of the disqualification of either of said commissioners by reason of personal interest in any award to be made by him, or from any other cause, a special commissioner shall be appointed, in the mode already prescribed, to make such award in place of the commissioner so disqualified. Comptroller to be a member of the board ex officio.

4. *And be it enacted*, That whenever any ordinance directing the making of any improvement for which an assessment is to be made shall take effect, the commissioners to be appointed under this act shall forthwith proceed in the discharge of their duties in reference to such improvement, and shall ascertain and determine what lands and real estate are benefited or damaged thereby, in order to define the Commissioners shall ascertain what lands and real estate are benefited or damaged by the improvement and cause a map to be made.

New Jersey State Library

assessment district of said improvement; they shall also estimate the said benefits and damages to each tract within said district, having regard to the superficial feet of each tract, as well as to the lineal feet thereof along the line of the improvement; they shall cause a map to be made by the city surveyor of all lands so benefited or damaged, designating the different tracts thereof, and shall also ascertain and declare what proportion of the whole amount of the costs, damages and expenses of the said improvement ought to be assessed against each tract within said district benefited thereby, said proportion being determined, as nearly as may be by the advantage each shall be deemed to acquire; in all cases where lands and real estate are taken and appropriated in making any improvement, the said commissioners shall also appraise the value of the lands and real estate of each owner actually taken by the said improvement, as well as the value of the buildings or other improvements taken or damaged thereby, reference being had in the valuation to the practicability of removing said buildings or improvements to other or adjacent land of the owner; and all buildings damaged or taken in part by the line of improvement may be taken in whole, to be sold or removed as may be for the interest of the city; and said commissioners shall ascertain and report all cases where the owner or owners of lands have dedicated the same for said improvement, and shall also estimate the benefits and damages to each tract of land off the line of said improvement and within said district.

Map and report shall be deposited with the comptroller.

5. *And be it enacted*, That the commissioners shall deposit the said map, estimate, valuation, appraisement and declaration of proportionate assessment amount of benefits as well as damages to each owner or owners of land, in the office of the comptroller for inspection, and thereafter the said map and accompanying papers shall be known as the commissioners' report and estimate of the improvement; after depositing the said report and estimate as aforesaid, the said commissioners shall cause notice to be given to the owner or owners of the tracts of land designated on said map, by notice deposited in the post-office, directed to the post-office address of said owners, if known to the said commissioners, and also by at least one advertisement of a week's time, in two newspapers of said city, requiring all objections thereto to be made to the commissioners at a time therein to be

specified; *provided*, that said report and estimate shall remain in the office of the said comptroller for inspection for one week previously to the hearing of objections; at the time so specified or at an adjourned meeting thereafter, the commissioners shall hear all parties interested who desire to be heard, and consider all objections to said report and estimate, and may revise, confirm, correct or add to the same; *provided*, that no addition shall be made to said assessment district without reasonable notice as aforesaid, to the owner or owners of lands proposed to be added, and an opportunity given to every such owner or owners to be heard by said commissioners in reference thereto. Proviso. Proviso.

6. *And be it enacted*, That the commissioners shall, after the notice, publication and hearing as aforesaid, report their determination, and the map and accompanying papers composing their report and estimate to the city council, who shall consider the same, and if in the opinion of the city council the same should be altered or corrected, it shall be referred to a committee of the council, who shall act in connection with said commissioners, and report the result of their deliberations to the council for approval; and whenever the said city council shall approve the map so made and determined upon, the district of lands designated thereon as benefited or damaged shall be deemed the assessment district of the said improvement, and all assessments for the same shall be made solely upon lands lying within the said district, and said estimate, valuation, appraisement and declaration of proportionate assessment amount shall be conclusive upon the owner or owners of said lands as to the value thereof, and as to the relative benefit and damage to each tract, unless the said owner shall within sixty days after said approval appeal to the courts, as now provided in the city charter. Commissioners shall submit their report and estimate to the city council.

7. *And be it enacted*, That whenever the city council shall have determined the assessment district, and the whole amount of the costs, damages and expenses of any improvement, the said commissioners shall forthwith proceed, and shall within thirty days thereafter make and report to the city council a just and equitable assessment thereof upon the lands benefited thereby, within the assessment district, in the proportion ascertained by them or the city council; or in case of an appeal therefrom, then in the proportion ascertained by the determination of said appeal; and all Commissioners shall report assessment of costs and damages

assessments finally reported under the terms of this section, on being ratified by the city council, shall be and remain a lien upon the land and real estate so assessed for the amount of said assessment, with interest thereon at the rate of eight per centum per annum from the time of the ratification thereof by the city council until the same shall be paid, except as hereinafter provided.

Time within which lands sold may be redeemed.

8. *And be it enacted*, That the owner, mortgagee, occupant, or any person or persons having a legal or equitable interest in any lands or real estate heretofore sold for taxes or assessments, and struck off to the city, the title thereof remaining in the city, and the time for the redemption whereof shall have expired, shall have until the first day of May next, after the passage of this act, to redeem the same by payment of the amount for which the said lands or real estate shall have been sold, with the penal interest prescribed by existing laws, and costs, and in case of such payment the sale shall be canceled; and if made by a judgment creditor or mortgagee, he shall have a lien therefor as provided in section eighty-seven of the act to which this is a supplement; or if made by a tenant or other person in interest, he shall have a claim for so much money paid to and for the use of the owner, and it shall be the duty of the city clerk in all cases to notify the mortgagee of the sale for taxes or assessments of lands mortgaged; and if any such lands or real estate shall not be redeemed on or before the said first day of May next, or if any other lands or real estate struck off to the city shall not be redeemed within the time as now limited by law, the city may forthwith take possession thereof, and receive and take the rents, issues and profits during its term of years, or sell the interest of the city in the same at public auction under the direction of the comptroller.

Proceedings when city council shall determine to pave streets, &c.

9. *And be it enacted*, That whenever the city council of said city shall determine to pave any street, highway, alley or section thereof in said city, they shall determine to pave the same without fixing upon or determining the particular kind of pavement, except that the same shall be of stone or some modification thereof; and shall in the notice of intention required to be published for making said improvements, declare only that it is the intention of the city council to pave said street, highway, alley or section thereof; and it shall be the duty of the city council to advertise for sealed

proposals for paving the same, which advertisement of such proposals shall contain a notice that under the same the city council will receive proposals from any person or persons, corporation or corporations to pave said street, highway alley or section thereof, with any kind of stone pavement or with any kind of materials of which stone is the chief component part, not patented; and it shall be the duty of the city council to receive and open all such proposals, which proposals shall be referred to the appropriate committee, who shall report the same in open meeting to the city council with the prices annexed thereto; and the owners of a majority in running feet of the land fronting on said street, highway, alley or section thereof, to be paved as aforesaid, shall be and are authorized within thirty days from and after the date of the meeting of the city council, to which said proposals have been reported by the said committee, to select, by petition in writing to the city council, out of said proposals and at the price therein stated any one kind of payment of stone or the modification thereof, with which to pave such street, highway, alley or section thereof; and whenever such a petition shall be presented to the city council within the time aforesaid, it shall be the duty of the city council to award the contract for paving said street, highway, alley or section thereof, in accordance with said petition and with the kind of pavement stated in said petition, and no other, and at the price named in the lowest of said proposals for the kind of pavement selected; and if said required number of property owners shall neglect to petition the city council within the time aforesaid, the city council shall be authorized to pave said street, highway, alley or section thereof with any one kind of the pavements contained in said proposals and at the lowest price therein stated for the same, as they shall deem best for the interests of said city.

Property owners may make improvements at their own cost and expense.

10. *And be it enacted*, That in case the property owners, owning two-thirds of the lineal front, on the line of any proposed improvement, shall petition for the making of such improvement at their own cost and expense, the city council, by a vote of a majority, may order and cause the same to be done under the rules and restrictions governing other city work; and the same proceedings shall be thereon had, except that the said work shall be done on the credit of the property owners, and not of the city; no improvement bonds

shall be issued for the said work, and the city shall not in any way be liable therefor, or liable in any action at law whatever resulting from said improvements; but the contractor shall be authorized to collect the amount due him from said property owners procuring the work to be done.

Appointment of inspector.

11. *And be it enacted*, That a majority of the property owners in running feet of the property liable to be assessed to pay the costs and expenses of any public improvement, shall have the right, at any time before the commencement or completion of the work, to request the city council in writing to appoint the person therein named, to be the inspector of said work, and the city council shall thereupon appoint said person to be such inspector, who shall perform the duties and receive the compensation of inspectors heretofore appointed by the city council; but if said required number of property owners shall fail to act in the premises, there shall be no inspector of said work other than the street commissioner or his deputies on the part of the city.

Deduction to be made for prompt payment of taxes

12. *And be it enacted*, That in order to promote the prompt payment of the amount of the annual taxes hereafter to be levied by and paid to said city, the comptroller of said city shall be authorized and empowered to deduct from the aggregate amount of such taxes, to be paid by the tax-payers (excluding from such amount the amount of the taxes levied and assessed for county and state purposes) at the rate of two per centum a month on all taxes paid after the first day of September, and on or before the twentieth day of October, in each and every year; and in case taxes remain due and unpaid after the twentieth day of October, the rate of two per centum per month shall be added to the amount of each tax bill so delinquent, for the time during which the taxes shall remain delinquent, and it shall be the duty of constables in said city of Elizabeth to collect tax bills placed in their hands by the comptroller for the purpose of collection, and they shall receive the same fees therefor that are allowed them by law for the collection of debts.

Owners of land may give bond for amount of assessments due and unpaid.

13. *And be it enacted*, That it shall be lawful for any owner or owners of any land or real estate in said city upon which there shall remain any assessment or assessments due and unpaid to said city at the date of the passage of this act, and for the payment whereof no bond has been given and the time for giving which has elapsed, to execute and deliver to said city, in the discretion of the comptroller, on

or before the first day of July next, upon payment of the whole amount of interest due on said assessment and twenty per centum of the principal, a bond or bonds conditioned for the payment of the remainder of said assessment or assessments in three years from the date of said bond or bonds by paying one-third part of the principal of said bond or bonds in each and every year with interest upon the same at the rate of eight per centum per annum, payable semi-annually; *provided, however*, that no bond shall be taken by the comptroller or extension given in cases where the sale of the property has taken place; and in every bond hereafter given for the payment of any assessment there shall be contained a condition that should any installment of the principal or interest of said bond remain due and unpaid for the space of ninety days after the same becomes due, then the whole principal sum of said bond, with the accrued interest thereon, shall immediately become due and payable, and the land and real estate so assessed may be sold under the provisions of the charter of said city for the payment of the whole principal and interest of said bond, with the costs and expenses of said sale; and whenever any installment or the principal of any bond now given or hereafter to be given for the payment of any assessment shall become due and remain unpaid, the comptroller may at his option bring an action at law in the name of said city against the parties executing said bond, or their legal representatives, for the recovery of the amount due upon said bond, together with the costs of such proceedings, in any court of competent jurisdiction; and that from and after the first day of July next all assessments due and to become due to the city of Elizabeth, and for the payment of which individual bonds have not been given, shall bear interest at the rate of ten per centum per annum from and after the date that the same are or shall become due.

Proviso.

Proceedings in case of violation or evasion of provisions of city charter, &c., by any officer, employee or contractor under the city government

14. *And be it enacted*, That any member of the city council, or any other officer of the city, or any employee or contractor under the city government, who shall with the intent to defraud the city of Elizabeth, violate or evade any of the provisions of the city charter, or of the amendments and supplements thereto, or of the ordinances and resolutions of the city council passed in pursuance of law, or shall wilfully and corruptly aid or abet in such violation

or evasion, or shall knowingly permit any person to corruptly violate or evade any provision of the city charter, or of the amendments and supplements thereto, or of the lawful ordinances and resolutions of the city council passed thereunder, or shall procure or aid and abet in procuring any fraudulent, corrupt or injurious contract for work under the city, to be paid for out of the city treasury, or by property owners under any ordinance of the city, whether by collusion in bidding or filing bids not made in good faith, but intended only to secure a technical compliance with the law, or by presenting petitions to the council containing unauthorized signatures, or signatures obtained by any deceit or false representations, or shall aid and abet in the fraudulent and dishonest execution of any contract for work, materials, property or service to be rendered to the city and paid for out of the city treasury, or by property owners under any ordinance of the city, or shall knowingly consent to or permit or perpetrate any fraudulent or dishonest practices in the execution of any contract, bargain and sale, or agreement with or under the city government, whereby goods and wares, materials and workmanship or services shall be rendered inferior to that demanded by the contract, bargain and sale or agreement, such officer or person so offending, and any contractor or contractors, or person or persons knowingly or corruptly doing or profiting by such prohibited acts, shall be deemed guilty of a misdemeanor, and in addition to the penalties now imposed by law, shall, on conviction of such offence or offences, if an officer, forfeit his office, and be excluded in the future from holding any office under the city; and any citizen claiming to have suffered damages by any dishonest action prohibited by this section, may bring suit against the wrong-doer and all persons knowingly and wilfully profiting by the wrong and recover his damages.

Assessment and collection of tax on bank stock.

15. *And be it enacted*, That the tax for state, county and municipal purposes now imposed by law on the stockholders of banks, and banking associations in the city of Elizabeth, on account of the stock held in said institutions, shall hereafter be levied and collected according to the terms of the sixteenth section of a supplement of "An act concerning taxes," said supplement having been approved April eleventh, one thousand eight hundred and sixty-six; and it shall be the duty of the presidents or cashiers of any banks

or banking associations making a return to the assessors of taxable capital under this section to include not only the total paid up capital of their respective institutions in the names of stockholders thereof, but also their earned and undivided surplus funds.

Bonds to be exempt from city tax.

16. *And be it enacted*, That the bonds of the city of Elizabeth, issued for local improvements or other municipal purposes, shall be exempt from city taxation, if owned and held in the city of Elizabeth, or county of Union, by corporations, citizens or residents thereof.

Comptroller authorized to make settlements by off-set.

17. *And be it enacted*, That the comptroller of the city of Elizabeth be and is hereby authorized, with the advice and approval of the commissioners of the sinking fund, and of the city attorney, to make settlements in all cases where the same parties are both debtors and creditors of the city, by off-setting one claim against the other, and adjusting the balances, if any, as the nature of each case may require.

Repealer.

18. *And be it enacted*, That that clause of the twenty-third section of an act passed April fourth, one thousand eight hundred and seventy-two, as a supplement to the charter of the city of Elizabeth, and the several supplements thereto, as declares that the certificate of the comptroller setting forth that all taxes and assessments on any real estate have been paid shall operate as a complete discharge of all liens for taxes and assessments on said property, whether the same have been paid or not, be and the same is hereby repealed; and hereafter nothing shall be held as discharging property from the lien of taxes and assessments but the actual payment thereof.

Lien not to be discharged except by payment.

Amendment

19. *And be it enacted*, That the sixth section of the aforesaid act passed April fourth, one thousand eight hundred and seventy-two, be so amended as that the comptroller of the city of Elizabeth, by and with the advice of the commissioners of the sinking fund, may omit the advertisements of bonds for sale by the city of Elizabeth when in their judgment the advertisements would not promote the credit of the city.

City council may order and contract for contiguous improvement.

20. *And be it enacted*, That the closing of streets, highways and alleys shall be classed with public improvements in the meaning of this act; and that hereafter whenever a city improvement shall be ordered or contracted for in which cutting or filling is required, it shall be lawful for the city council to order and contract for any contiguous im-

provement, if thereby the cutting in one place may be made to supply in whole or in part the filling required in another; and the work of the two improvements, in all such cases, shall be embraced in the same proposals and contract; and hereafter the publication of assessment notices describing lots or lands by street frontage or street boundaries shall be deemed sufficient notice to the owners of lots and lands assessed within said boundaries.

Appointment of city treasurer.

21. *And be it enacted*, That from and after the first day of January, one thousand eight hundred and seventy-four, the treasurer of the city of Elizabeth shall be appointed by the mayor, by and with the advice and consent of the city council, and shall hold his office for the term of three years, and until his successor shall in like manner be appointed and qualified.

Sales for taxes, &c., to be for the shortest term of years for which the bidder will take the property.

22. *And be it enacted*, That the portion of the first clause, of the eighty-third section of the city charter that limits the term for which real estate may be sold for taxes and assessments to "fifty years" be amended by the repeal of said limitation, and that hereafter such sales be made for the shortest term for which any bidder at the public sale will take the property and pay the taxes or assessments and interest, costs and charges thereon.

Repealer.

23. *And be it enacted*, That this act shall take effect immediately, and be deemed and taken to be a public act, and that all acts and parts of acts, and all ordinances of the city of Elizabeth, inconsistent with the provisions of this act, be and the same are hereby repealed.

Approved April 4, 1873.

CHAPTER DCXCIV.

A Further Supplement to an act entitled "An Act to regulate the Grading of Streets and Sidewalks, Paving and Curbing, in the Town of Mount Holly."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Northampton, in the county of Burlington, and

their successors in office be and they are hereby authorized and empowered to appoint one or more police officers in said township, whose duty it shall be, upon view and without warrant, to apprehend and arrest all persons committing breaches of the peace in said township and bring them before a justice of the peace of said county, to be dealt with according to law; and also in like manner, to apprehend and arrest all persons in the township aforesaid, who are mentioned and described as disorderly persons in the act entitled "A further supplement to an act to describe, apprehend and punish disorderly persons," approved March twenty-seventh, one thousand eight hundred and seventy-one, and take the same before any justice of the peace of the said county, to be dealt with by said justice in the manner as is provided for in the second section of the act last above mentioned.

Township committee of Northampton township may appoint policeofficers

2. *And be it enacted*, That such police officer or officers shall be appointed and be discharged or dismissed at such times by, and hold their positions for such times and periods only, as the said township committee shall from time to time, and in each case see fit and determine, and shall receive such pay and compensation for their services respectively as shall be fixed and agreed upon by the said township committee; *provided*, the compensation to be made to all such officers so to be appointed and employed shall not, in the aggregate exceed the sum of five hundred dollars in any one year; which amount of money so to be paid to said officers shall be assessed and raised by taxation in the said township of Northampton, in the same manner as other taxes are assessed and raised in said township for township purposes.

Pay and compensation to be fixed by the township committee.

Proviso.

3. *And be it enacted*, That the said township committee of the township of Northampton, shall have power to prevent and remove all encroachments, encumbrances and nuisances in and upon any street, road, sidewalk, lot or enclosure, place or places in said township.

May remove encumbrances on any street or side walk.

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

Approved April 4, 1873.

CHAPTER DCXCV.

A Supplement to an act entitled "An Act to Regulate Fences," approved January twenty-third, one thousand seven hundred and ninety-nine.

Owners may fence their lands along the Passaic river within certain district.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for all persons owning lands on the line between the township of Warren, in the county of Somerset, and the township of Passaic, in the county of Morris, beginning at the Union county line, north of Union village, on the Passaic river; thence along the said Passaic river, between the townships aforesaid to the bridge crossing the junction of the Passaic river and Dead river, on the public road, leading from Mount Bethel, in Warren township, to the village of Millington, in the county of Morris, to fence their said lands along said river, each person building his or her equal proportionate share of the line fence between himself and the adjoining owner, and in case the part or portion to be built, kept up and maintained, shall not be divided or agreed upon between such owners, or in case no fence shall have been kept up heretofore, then any person owning lands upon such river and line aforesaid, may, upon ten days' notice in writing, require such adjoining owner to meet at a certain time and place, in the said notice specified, for the purpose of agreeing upon a division of the fence so to be built, rebuilt, kept up, maintained and repaired; and if the parties so meeting at the time and place designated, shall fail to agree upon the part, portion or share to be kept up and maintained by each, then and in that case, the question shall be determined by three freeholders, residents of the said townships, or either of them, one to be selected by each of the parties interested, and the third by the two thus chosen, who shall be empowered and authorized to view the premises, hear the allegations of parties, and decide the part or portion to be built, maintained, kept up and repaired by each, and where the same shall be built, kept up, maintained

Proceedings if parties fail to agree.

or repaired, which decision shall be delivered to each of the said proprietors; which decision shall also state within what time each person shall build, make, keep up and repair, his or her said portion.

Proceedings when parties refuse to comply with the decision of the arbitrators or freeholders.

2. *And be it enacted*, That any person or persons having received the notices aforesaid, and refusing to comply therewith, or refusing to comply with the decision of the arbitrators or freeholders thus chosen in case freeholders are elected, shall be held liable for all injuries that may arise for or on account of the stock, horses, cattle, sheep, oxen and hogs, of the owner giving notice as aforesaid, crossing the said river at any point from the lands of said person thus having given notice, and doing damage any where, also for any injury that may arise to said stock, or loss of service of the same to the said owner for or by reason of their absence, or for any time spent in recovering the possession of the said stock, to be recovered by action of debt before any justice of the peace, in either of said counties, and proof of the legal service of notice requiring the said owner of lands, by reason of whose default the said act is not complied with, shall be sufficient proof of the fact of liability for any damage, which the owner of said stock may prove to have suffered for or by reason of any injury to said stock or the loss of service of such stock, or for any time spent in the recovery thereof, or for any damage which any other person or persons not owners thereof, may have suffered by reason of any stock, horses, cattle, oxen, sheep or hogs trespassing upon his or her lands.

Act not to conflict with remedy by law for damage by trespass.

3. *And be it enacte*d, That this act shall in no way conflict with the remedy parties now have by law for the recovery of damage by reason of trespass upon their lands with horses, cattle, sheep and hogs, but only one action shall be brought for the recovery of damage for any one offence or trespass.

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

Approved April 4, 1873.

CHAPTER DCXCVI.

An Act to establish a new Township in the County of Warren, to be called the Township of Allamuchy.

Boundaries of township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Independence, in the county of Warren, lying within the boundaries and descriptions following, to wit: beginning in the centre of the Morris canal, at the east corner of Japhes Smith's farm in said township of Independence; thence in a direct line to a point in the centre of the public highway leading from Vienna to Long Bridge, two rods southwest of the present residence of Rev. John McLaughlen; and from thence on a straight line northwesterly, to a point two rods northeast of the southwest corner of the present residence of Benjamin Howell, in said township of Independence, and still continuing on the same straight line to the division line of the townships of Independence and Frelinghuysen, in said county of Warren; thence northeasterly along said division line of the townships of Independence and Frelinghuysen, to the division line of the counties of Sussex and Warren; thence southeasterly along said county division line to the centre of Musconetcong river; thence down the middle of said river to the east corner of the borough of Hackettstown; thence northwesterly along the line of said borough to the place of beginning, shall be and is hereby set off into a separate township, to be called and known by the name of the township of Allamuchy.

Inhabitants declared to be a body politic and corporate.

2. *And be it enacted*, That the inhabitants of the said township of Allamuchy, shall be and they are hereby constituted a body politic and corporate, and shall be styled and known by the name of the inhabitants of the township of Allamuchy, in the county of Warren, and shall be entitled to all the rights, powers, authority, privileges and advantages, and subject to the same regulations, government and liabilities, as the inhabitants of the said township

of Independence, in the said county of Warren, are now entitled or subject to by the existing laws of the state.

Town meeting to be held at Allamuchy.

3. *And be it enacted*, That the inhabitants of the township of Allamuchy shall hold their first annual town meeting at the house now occupied by Eliphalet D. Hoover, at Allamuchy, in the said township of Allamuchy, on the second Monday in April next.

Town meeting to be held at Danville.

4. *And be it enacted*, That the inhabitants of the township of Independence shall hold their next annual town meeting at the house now occupied by Lewis Martemus, at Danville, in said township of Independence, on the second Monday in April next.

Township committees shall meet to allot and divide the township properties, &c., between the townships.

5. *And be it enacted*, That the township committees of the townships of Independence and Allamuchy shall meet on the Monday next after their first annual town meetings, at the hotel of Lewis Martemus, at Danville, in the said township of Independence, at ten o'clock in the forenoon, and then and there proceed by writing, signed by a majority of those present, to allot and divide between the said townships, all properties and moneys on hand, due or to become due, in proportion to the taxable property and ratables, as taxed by the assessor within their respective limits at the last assessment, and may adjourn the said meeting from time to time, as a majority of those present may think proper; and the inhabitants of the township of Allamuchy shall be liable to pay their just proportion of the debts, if any there be; and if any of the members of the said township committees shall neglect or refuse to meet as aforesaid, those assembled may proceed to make the division, and the decision of a majority of those present shall be final and conclusive.

Right to surplus revenue or school fund not to be impaired.

6. *And be it enacted*, That nothing in this act shall be so construed as to impair, or in anywise affect the right of the said township of Allamuchy, of, in, and to any portion of the surplus revenue of the general government, or to school fund of any nature, to which the said township may now or at any time hereafter be entitled in the distribution of any and all such fund or funds.

Charge of paupers.

7. *And be it enacted*, That all paupers who may be chargeable to the said township of Independence, at the time this act goes into operation, shall thereafter be chargeable to and supported by that township within the bounds of which they have respectively acquired their legal settlements.

Commissioners to run and mark the division line.

8. *And be it enacted*, That Aaron O. Bartow, of the township of Knowlton, Caleb H. Valentine, of the town of Hackettstown, and Isaac L. Cook, of the township of Frelinghuysen, in said county of Warren, be and they are hereby appointed commissioners to run and mark by or before the first day of April next, the separating line between the said townships of Independence and Allamuchy, and a majority of them if necessary can perform said commission in all respects, and that the expenses and reasonable compensation of said commissioners be equally paid by said townships, and said townships shall comprise a part of the second assembly district.

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

Approved April 4, 1873.

CHAPTER DCXCVII.

An Act creating a County Board of Commissioners of Appeal in Cases of Taxation, and for Equalizing Assessments for Taxes in the County of Hudson.

Duties of the assessors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assessment of taxes shall be uniform throughout the county of Hudson, and shall be commenced as soon as practicable after the first Monday of April in each year, by the assessors of the various cities, towns and townships in said county; and it shall be the duty of said assessors to have completed their field books of assessments by the first Monday of June in each year.

Appointment of commissioners of appeal in cases of taxation.

2. *And be it enacted*, That it shall be the duty of the judges of the circuit court, and court of common pleas of the county of Hudson, on the first Tuesday of May next, to appoint five commissioners of appeal in cases of taxation, who shall hold their offices for three years; and each of said commissioners shall be entitled to an annual salary of five hundred dollars, to be paid by the county collector in quarterly payments; and it shall be the duty of the judges of the aforesaid courts to fill any vacancies that may occur

in said board by expiration of terms of offices, resignation, death or other cause; and said commissioners so appointed, shall hold office for the term of three years; and if ten residents and tax-payers of said county shall petition said courts for the removal of any commissioner for cause, it shall be the duty of said court to summon said commissioner before them, and in a summary manner to hear and adjudge said complaint, and to dismiss any commissioner if good cause shall be shown for said removal, and if any commissioner shall absent himself from the county for ten days during the months of May, June or July, in any year, the commissioners may by resolution declare the office of said commissioner to be vacant, and it shall be lawful for the judges of said court to fill the vacancy; and each of said commissioners shall, before he enters upon the duties of his office, take an oath to faithfully, honestly, and fairly perform the duties of his office, according to the best of his skill and understanding, which oath shall be taken before the county clerk, and filed in his office.

Time and place of meeting of the commissioners.

3. *And be it enacted*, That said commissioners shall hold their sessions at the court house in Jersey City, and it shall be the duty of the board of chosen freeholders to furnish a suitable place for the transaction of the business of said commission, and that they shall meet and organize on the first Monday of June next, and on the first Monday of June in every year thereafter, by the appointment of one of their own number as president, and by the appointment of a secretary; and it shall be the duty of the several assessors to bring before said commissioners on the said first Monday of June in each year their field books, containing the ratables and persons liable to taxation in their respective assessment districts, townships and wards in said county.

Powers and duties of the commissioners.

4. *And be it enacted*, That said commissioners shall have power to examine any assessor upon oath as to his assessments, both as to the valuations as a whole, and as to any particular piece of property assessed, and in any other manner as to said commissioners shall seem equitable and just; and to inquire by the testimony of witnesses under oath or otherwise into all assessments returned to them by each assessor, and for the purpose of equalizing the same between the several assessment districts, cities, towns, or townships of said county, and if it shall appear to said commissioners, that the value of the property contained in any

duplicate is relatively less than the value of other property in the county, they may for the purpose of fixing and adjusting the said proportion or quota, and for that purpose only, add thereto such per centage as shall appear to them just and proper, but not otherwise, or to increase or diminish any particular piece of property in any assessment district, township or ward in said county, such increase or diminution however shall not be made except upon careful examination, and if the commissioners deem best, after the examination of witnesses, and full investigation relative thereto.

Duties of the assessors.

5. *And be it enacted*, That it shall be the duty of the several assessors to attend said commissioners from day to day, for ten days after the first Monday in June, of every year, to render such aid and assistance as they may be able to give, for the purpose of arriving at a fair and equitable adjustment of value throughout the whole county.

Abstract of ratables tobe returned to the commissioners for the purpose of hearing appeals.

6. *And be it enacted*, That on the second Wednesday in June, or as soon thereafter as said commissioners can, they shall return to each assessor their assessment abstracts as adjusted and corrected by them, and each assessor shall forthwith serve on every tax payer in his district a notice containing the value in gross of all his real estate assessed against him in his assessment district, and the gross amount of valuation of his personal property, and said notice shall contain the fact that said tax payer may appear before the commissioners in ten days from the service of said notice, to appeal from such valuations, or within such further time as the commissioners may allow; and as soon as each assessor has made out all the notices required by this act, he shall return his abstract of ratables to said commissioners for the purpose of hearing appeals; and all such appeals shall be heard and decided by said commissioners on or before the fourth Tuesday in July in each year; and said notice may be served on said tax payer personally, or by leaving it at his usual place of residence with a member of his family, and if said tax payer shall reside out of the assessment district, ward or township, said notice may be served on a tenant in possession of the premises, any real estate agent, having charge of the property, or mailed to the owner at his last known residence or place of business, at the discretion of the assessor; *provided*, that no assessment shall be illegal for want of service of the above notice.

Proviso,

7. *And be it enacted*, That in hearing appeals in cases o

taxation it shall be lawful for the commissioners to examine under oath the person appealing, and such other persons as may be produced before them, or upon an actual view of the property, and fix upon a fair and equitable valuation as near as may be with the values assessed upon other property and the tax shall be levied upon the values as finally fixed by said commissioners. Proceedings in case of appeal.

8. *And be it enacted*, That if in the judgment of said commissioners, any property shall have been assessed at too low a value, either real or personal estate, said commissioners shall cause five days' notice to be served on the person so assessed either personally, or at his residence, if resident in Hudson county, or by mailing a notice to him at his last place of residence, if resident out of the county, to appear and show cause why the assessed value of his property should not be increased; and it shall be lawful for said commissioners to increase the same if it shall be equitable and just so to do. Assessed value of property may be increased.

9. *And be it enacted*, That said commissioners shall on the first Monday in August in each year, or as soon thereafter as they have heard and decided all appeals, and finally corrected all values on the assessors' abstracts of ratables, they shall make the apportionment of state and county tax, and after said apportionment is made, they shall return said books to the several assessors who shall proceed to make up their abstracts of ratables, and make and fix the city, town and township percentages, and carry out the percentages on the same, and make such copies as they are now required by law to make, and to file them in accordance with the general statutes of the state, or in accordance with any special law applicable to each assessment district, township, or ward; and the meeting of the county board of assessors on the first Monday in September as now required by law is hereby abolished. Commissioners shall make apportionment of state and county taxes

10. *And be it enacted*, That it shall be lawful for said commissioners or either of them, in the performance of any duty under this act, to administer oaths or affirmations, and any two shall constitute a quorum for the transaction of business. Commissioners shall have power to administer oaths.

11. *And be it enacted*, That each assessor in Jersey City and Hoboken shall receive two cents, and every other assessor shall receive five cents for every notice served by him under this act, and to be reimbursed for all postage Compensation to be allowed the assessors.

paid, and he shall make out a bill for the same, and swear to it; and said bill shall be approved by the commissioners, and when so approved the same shall be paid by the city or township from which the assessor making the same is appointed or elected.

County collector shall send to the commissioners amount of money to be raised by tax.

12. *And be it enacted*, That it shall be the duty of the county collector to send to the said commissioners in the month of July in each year, the amount of money required to be raised by said county, for state, state school tax, and county purposes; and that the assessors of the county shall meet annually on the first Monday in September, at the court house for the purpose of making under oath, the abstract of ratables of said county, to be furnished to the county collector and state comptroller as now required by law.

Appointment of secretary and his compensation.

13. *And be it enacted*, That it shall be lawful for said commissioners to appoint a person outside of their board to be secretary, if they shall require the assistance of such person, who shall have a salary of five hundred dollars, to be paid by the county collector as said commissioners shall order and direct and said commissioners shall keep a short minute of their proceedings, and annually on or before the second Tuesday in September, they shall file the same with the clerk of the board of chosen freeholders, and the same shall become a public record.

Collector may correct mistakes of the assessors.

14. *And be it enacted*, That in making up and carrying out the percentage on the values assessed against any person, on real or personal property, if the assessor shall make a mistake in putting on said percentage, which is clear and patent upon its face, it shall be lawful for any collector charged with the collection of said tax to correct the same, by calculating and carrying out the correct amount of tax which the assessed values should pay according to the rate of per centum fixed for all other persons, and every collector shall keep a book in which all such corrections shall be entered, whether they are in favor of or against any individual tax payer, and in his settlement for and discharge from his receipts for said list, said collector shall be charged with all additions, and credited with all deductions made.

Assessors shall give notice of the time and place for receiving returns.

15. *And be it enacted*, That the assessors shall sit in their respective cities, towns and townships, at such place as they may designate by advertisement published for ten days before their first meeting, in such newspapers as publish the official proceedings of the city, town or township, that said

assessors will sit for receiving returns under oath, of personal property, on the first and second Tuesday and Wednesday evenings in the month of May, from seven to nine o'clock, and on the second and third Saturday forenoons in said month of May, from ten to twelve o'clock; and no other notice shall be required than the notice provided for in this section.

Boards of commissioners of appeal continued.

16. *And be it enacted*, That the several bodies or boards known as commissioners of appeal in cases of taxation as now constituted in the several cities, towns and townships in the county of Hudson, are hereby continued in full force, and shall be authorized to hear and determine all appeals in cases of taxation, both as to real and personal estate as heretofore.

Repealer.

17. *And be it enacted*, That all acts, parts of acts, charters, or other special laws repugnant to, and inconsistent with this act are hereby repealed, and this act shall be a public act and take effect immediately, and no act shall repeal this act unless the title to this act shall be specially referred to in any repealing act.

Approved April 4, 1873.

CHAPTER DCCII.

An Act to provide for the construction of a Main Sewer in the City of Hoboken, and Township of Weehawken.

Names of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Chamberlain and John Reid, of Hoboken, and John Frost, of the township of Weehawken, be and they are hereby appointed commissioners to construct a main sewer in the city of Hoboken and township of Weehawken, commencing at a point in the centre line of Jefferson street, at or near Second street, in the city of Hoboken; thence through the centre of said Jefferson street, to the centre of Fifteenth or Sixteenth streets, in said city of Hoboken; and thence through the centre of said Fifteenth or Sixteenth streets, to the Hudson river; together with such lateral sewers as they may deem

Sewer to be constructed.

necessary for the proper drainage of all that part of the city of Hoboken as shown upon a map of the commissioners appointed in a certain act entitled "An act to provide for the drainage of certain low lands lying in the city of Hoboken, and township of Weehawken," approved April fourth, one thousand eight hundred and sixty-six, and the various supplements thereto, and now on file in the city clerk's office of the said city of Hoboken; *provided, nevertheless*, that said commissioners shall not have power to raise money by bonds for the construction of said sewers, but the power to raise money by bonds for the construction of said sewers shall be vested in the mayor and council of the city of Hoboken; and said bonds so issued shall not exceed the total amount of one hundred and fifty thousand dollars, and shall be payable at a term not less than ten nor more than twenty years from date, and shall not be sold at a less sum than ninety-seven cents on the dollar.

Proviso.

Powers of the commissioners.

2. *And be it enacted*, That only such of the provisions of the act entitled "An act to provide for the drainage of certain low lands lying in the city of Hoboken and the township of Weehawken," approved April fourth, one thousand eight hundred and sixty-six, and the various supplements thereto, as shall be necessary for the purpose of building the said sewers and completing the drainage of the said lands as shown on said map, shall be conferred upon the said commissioners; and that all the powers now given to the mayor and council of the said city to build sewers within the said limits, as shown upon said map, is hereby repealed.

Repealer.

Compensation to be allowed commissioners.

3. *And be it enacted*, That said commissioners shall be entitled to receive as compensation for their services, one-half of one per centum of the total cost of said sewer, to be paid by the treasurer of said city upon a warrant signed by the mayor and countersigned by the city clerk, and issued by order of the council upon the certification of the engineer that the said work is fully completed.

Cost of sewer to be paid by taxation.

4. *And be it enacted*, That upon the completion of the work, that an assessment for the total cost thereof shall be made by the said board of commissioners, and together with a proper map shall be placed on file in the city clerk's office, and upon the confirmation of said assessment by the mayor and council of said city, the collector of revenue shall proceed to collect the same in the same manner as

other assessments are collected in said city; except that the mayor and council of said city shall, upon the written application of the persons owning a majority of the number of lots included in said assessment provide by ordinance that the amount of said assessment shall be divided into five equal annual payments, which shall bear interest from sixty days after the confirmation of said assessment at the rate of seven per centum for the first year, eight per centum for the second year, nine per centum for the third year, and ten per centum per annum for the two succeeding years; but the owner or owners of any lot or lots may pay the whole or any part of said assessment on their property at any time previous to the expiration of the said term, and upon such payment to the collector of revenue such lot or lots shall be immediately relieved from all lien or encumbrance from said assessment.

Redemption of bonds.

5. *And be it enacted*, That the moneys received from said assessment shall be appropriated for the payment of the bonds authorized to be issued by this act, and said bonds may be redeemed by the said mayor and council at any time previous to the expiration of the time for which they were issued, from the moneys standing to the credit of said fund; *provided*, the same can be purchased at par or under.

Proviso.

Powers of the council.

6. *And be it enacted*, That the council shall not exercise any other powers under the several acts providing for the drainage of certain low lands in the city of Hoboken and the township of Weehawken, except to confirm and collect the several amounts due under said acts and to pay all indebtedness of said city incurred thereby.

Repealer.

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

Approved April 4, 1873.

CHAPTER DCCIII.

A Further Supplement to an act entitled "An Act to Incorporate the City of Burlington," approved the fourth day of March, one thousand eight hundred and fifty-one, and the supplement thereto, approved the twentieth day of March, one thousand eight hundred and seventy-one.

Common council authorized to cause expenses of city to be raised by taxation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the common council of the said city, hereafter, to order and cause to be assessed and raised by tax in any one year, for the current expenses of said city and for all other objects and purposes, and in such manner as is set forth in the twenty-seventh section of the act to which this is a supplement, such sum or sums of money not exceeding one per centum of the assessed value of all the real and personal estate taxable within said city; and whenever hereafter a greater sum of money than said one per centum as aforesaid is necessary to be raised in any one year for the uses of said city, that then and in such case, the same resort and proceedings shall be had as is required in the twenty-eighth section of the said act of incorporation.

Repealer.

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

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

Approved April 4, 1873.

CHAPTER DCCIV.

A Supplement to an "Act to provide for the more efficient government of the City of Paterson," approved March twenty-third, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fifteenth section of the act to which this is a supplement, shall be amended by striking out the words "or resolution" where they occur after the word "ordinance," and that said section shall hereafter read as follows: Amendment

"15. *And be it enacted*, That the salaries of all officers "elected or appointed under or by virtue of the provisions "of this act, shall be prescribed by ordinance of the board "of aldermen, and the salary or compensation of any "officer which has been fixed as aforesaid, shall not be "increased or diminished during his term of office; and "any fees paid to any officer for any services required of "him by this act, or by any ordinance of the board of "aldermen, shall immediately, on the receipt thereof, be "paid by such officer into the city treasury." Salaries shall be prescribed by ordinance.

2. *And be it enacted*, That the twenty-eighth section of the act to which this is a supplement shall be amended by adding thereto these words, to wit; "the mayor shall preside at the annual meeting of the board of aldermen, and at all subsequent meetings until one of its members shall be chosen to be president of said board, but the mayor shall have no vote in said board except in case of a tie;" and said section shall hereafter read as follows: Amendment

"28. *And be it enacted*, That the executive power of the "corporation shall be vested in the mayor and in the "departments and city officers hereinafter named. The "mayor shall be a member, ex-officio, of all standing com- "mittees of the board of aldermen, and he shall be, also, "ex-officio, a member of the department of public in- "struction, but shall have no vote therein. The mayor "shall preside at the annual meeting of the board of Amendment

"aldermen, and at all subsequent meetings until one of "its members shall be chosen to be president of said "board, but the mayor shall have no vote in said board, "except in case of a tie."

Amendment

3. *And be it enacted*, That the words "third Monday in August" shall be stricken out of the forty-fourth section of the act to which this is a supplement, and the words "second Monday in September" shall be inserted in lieu thereof, in order that the board of assessment and revision of taxes may have a longer time for the completion of their lists of enumerations, valuations and assessments, and the delivery of the same to the receiver of taxes and assessments of said city.

Amendment

4. *And be it enacted*, That the second sitting of the board of assessment and revision of taxes, for the hearing of appeals, shall begin on the second Monday in September in each year, instead of on the first Monday in September, and the word "first" where it occurs before the words "Monday in September," in the forty-fifth section of the act to which this is a supplement, shall be stricken out, and the word "second" shall be inserted in lieu thereof.

Amendment

5. *And be it enacted*, That the word "month" be stricken out of the fiftieth section of the act to which this is a supplement, and the word "week" shall be inserted in lieu thereof, so that the tax receiver shall be required to give notice of the time and place when and where taxes are due and payable, within one week after the tax lists shall have been delivered to him.

Amendment

6. *And be it enacted*, That the word "January" be stricken out of the fifty-second section of said act, and the word "October" be inserted in lieu thereof, so that it shall be the duty of the tax receiver to proceed with the summary collection of taxes in the manner prescribed in said section, on the fifteenth day of October, instead of on the fifteenth day of January, in each year.

Amendment

7. *And be it enacted*, That the seventy-fourth section of said act be amended by striking out the words "weekly thereafter," and inserting the words "on the first day of December," so that said section shall hereafter read as follows:

Amendment

"74. *And be it enacted*, That the said city treasurer "shall pay over to the collector of the county of Passaic, "on the first day of November, and on the first day of

"December, in each year, so much of the quota of taxes "required by law to be raised in said city for state and "county purposes, as shall have been received by him, "and on the twentieth day of December in each year, he "shall pay over to said collector the balance of said "quota then remaining unpaid."

Amendment

8. *And be it enacted*, That the ninety-second section of said act, which defines the powers of the municipal corporation relative to streets and sewers shall be so amended that the fourth clause of said section shall be hereafter the fifth clause thereof, and the following shall be inserted as the fourth clause of said section:

Amendment

"IV. To employ from time to time and provide for "the compensation of such first-class civil engineer or "civil engineers as may be necessary to survey, map out "and complete a system of sewerage and drainage for "such sections of the city as are not or may not be pro- "vided for by the maps and plans already prepared for "that purpose, and to perfect and extend the system "already in operation; and this work shall be begun "without unnecessary delay, and prosecuted with all "convenient dispatch."

Amendment

9. *And be it enacted*, That the words "and resolutions" and "or adopted" be stricken out of the one hundred and sixty-first section of said act, so that said section shall read as follows:

"161. *And be it enacted*, That the executive officer of "the bureau of buildings shall be known as 'inspector of "buildings,' and he shall be charged with the execution "of the ordinances of the board of aldermen relative to "buildings, passed in accordance with the powers herein- "before granted to said board; the chief executive officer "of the fire department, for the time being, shall be the "inspector of buildings."

Amendment

10. *And be it enacted*, That the one hundred and sixty-second section of said act shall be amended by striking out the word "annually," and by inserting after the word "manner" the words "and for such term or terms, not exceeding two years," so that said section shall read as follows:

"162. *And be it enacted*, That the executive officer of "the fire department shall be known as and called the "'chief engineer of the fire department;' who with two

"assistant engineers of said department, shall be elected "or appointed from among the active or exempt firemen "of said city, at such time and in such manner, and for "such term or terms, not exceeding two years, as the "board of aldermen shall by ordinance for the purpose "prescribe."

Assessments and allowances, how made.

11. *And be it enacted*, That all proceedings of any kind whatsoever begun under an act entitled, "An act for the further revising and amending the act to incorporate the city of Paterson," approved March twenty-fifth, one thousand eight hundred and sixty-nine, and not completed, may be carried on and completed in all respects in the same manner and with the same effect as if that act had not been repealed, excepting that all estimates and assessments and allowances required in such proceedings shall be made by the board of street openings, in the matter of street openings, and by the board of estimates and assessments, in the matter of street improvements, in the same manner and with the same effect, as if such proceedings had been begun under the act to which this is a supplement.

Division shall be made by ordinance.

12. *And be it enacted*, That whenever an election district shall be hereafter divided in said city, the same shall be done by an ordinance of the mayor and aldermen of said city, between the first day of May and the first day of October; and it shall be the duty of the board of aldermen of said city to designate the place in each of said districts so divided, at which the annual election shall be held.

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

Approved April 4, 1873.

CHAPTER DCCV.

A Supplement to an act entitled "An Act to Revise and Amend the Charter of the City of Elizabeth," approved March fourth, eighteen hundred and sixty-three.

Board of education, how constituted.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners of public schools of the several wards of the city of Elizabeth, shall

constitute and be called "The Board of Education of the city of Elizabeth," and shall have full, complete and absolute charge, control and custody of all property, real or personal, owned or that may be owned by the said city of Elizabeth for public school purposes, and shall have absolute control and power over the government and management of the public schools of said city.

Election of president of the board.

2. *And be it enacted*, That the said board shall annually elect a president from its own body, and in his absence a president pro tempore; appoint its times and places of meeting, and determine the rules of its own proceedings; 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 commissioners shall constitute a quorum for the transaction of business, and no resolution or order of the board shall be adopted unless with the consent of a majority of the whole number of commissioners; the president of the board shall have power to call special meetings whenever he shall deem it expedient.

Quorum.

Board of education shall furnish the comptroller annually with an estimate of moneys necessary for school purposes, &c.

3. *And be it enacted*, That the board of education shall prepare and transmit to the comptroller of the city of Elizabeth, on or before the first day of February in each year, an estimate of the amount of moneys necessary for public school purposes during the year, which estimate shall specify particularly, under the several heads of "purchase of school sites, and erection of school buildings," "repairs and furniture," "salaries of teachers," "salaries of school officers and janitors," "libraries, school books and supplies," "heating apparatus and fuel," "evening schools," and "incidental expenses," as nearly as may be the several sums required for each branch of expenditure; which estimate shall be forwarded by him to the mayor at the same time and with the estimates of other city departments, to be transmitted by him, according to law, to the city council of the city of Elizabeth, and the said city council shall, on or before the first day of April in each year, in addition to the sum to be raised for the payment of any interest or debt that may have been incurred for public school purposes, appropriate from the city treasury the sum of money called for in the estimate of the board of education, including therein the quota of the city of Elizabeth, of the annual appropriation made by the state for the support of public schools; but should the said city council deem the estimate made by the

board of education to be excessive in amount, they shall forthwith refer the estimate to a joint commission of seven persons, consisting of the mayor, and three members of each body, to be appointed respectively by the city council and board of education, and this commission shall meet within three days after such reference to them, and the amount agreed upon by a majority of this joint commission, as necessary for public school purposes, shall be referred by them back to the city council, for their approval at their first succeeding meeting; and the said city council are hereby required and empowered, and it is hereby made their special duty, to raise by tax such sum or sums of money as may have been ascertained in the above manner to be required, and to appropriate the same for the public schools in said city of Elizabeth; except that the amount required for the purchase of real estate for sites, and the erection and furnishing of school houses may be raised by the sale of bonds, the authority for the issue of which shall, from time to time, be obtained from the legislature; all moneys raised and appropriated for school purposes, shall be expended by the board of education, for the purchase of sites, erection of school buildings, and the establishment, care and support of public schools in the city of Elizabeth, according to the provisions of this act.

Board shall have charge of all school property and may establish public schools of different grades

4. *And be it enacted*, That the said board shall take charge of all the public school property and public school houses in the city of Elizabeth, 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 pupils, including evening schools for minors, apprentices and adult persons; and to select and employ teachers; to provide books, furniture, and libraries for the schools; to purchase heating apparatus and fuel, and incur such incidental expenses for the maintenance of the schools as may be necessary, and to adopt rules and regulations for the admission of pupils, the visitation, inspection and government of the schools, and the studies to be pursued therein; and the board of education of the city of Elizabeth are empowered to purchase real estate for school purposes, and to erect school houses thereon; and the real estate so purchased as aforesaid, shall be vested in the city of Elizabeth; *provided nevertheless*, that the said board shall at no time make or incur any expenditure exceeding the amount

Proviso,

of the appropriation made by the city council in the manner above provided, and that all moneys appropriated by the city council for school purposes shall be expended by the said board in compliance with the laws of the state; all claims or accounts, and pay rolls for salaries, after being audited or certified in accordance with the rules and regulations of the said board of education, shall be forwarded by the secretary to the comptroller of the city of Elizabeth for payment; no contract entered into by the said board of education for the purchase of real estate for sites, and the erection of school buildings, shall be valid until signed by the mayor of the said city of Elizabeth, and any such contract disapproved by him shall be returned to the said board of education within ten days after being received by him, with his reasons therefor, stated in writing; all such contracts made by the said board of education shall be prepared by the city attorney.

Board shall report at close of fiscal year the number of schools under their charge, names of teachers, number of pupils, &c.

5. *And be it enacted*, That the said board shall, at the close of the fiscal year, prepare a report embracing the number of schools under their charge, specifying their grades, the number and names of the teachers, the number of pupils on the roll and the average attendance in each school, and a full and true account of the expenditures of said board during the year, under the respective heads of "purchase of school sites and erection of school houses," "repairs and furniture," "salaries of teachers," "salaries of school officers and janitors," "libraries, school books, and supplies," "heating apparatus and fuel," "evening schools," and "incidental expenses;" and shall transmit a copy of said annual report to the mayor, comptroller, and city council, and a copy thereof to the state superintendent of public schools; should a vacancy occur in said board, the board of education shall nominate a suitable person to fill the vacancy, and forward the nomination to the city council for approval; any person so appointed shall continue to hold office until the close of the year, and should the vacancy have occurred in the first year of the term, the vacancy for the second year of the term shall be filled at the next succeeding election; the board of education shall give such information to the city council in relation to the public schools, or their own proceedings or acts, as the city council shall, by resolution, require.

Vacancies in board, how filled.

6. *And be it enacted*, That the said board shall have

Appointment of superintendent.

power, from time to time, to appoint a superintendent of public schools of the city of Elizabeth, and such other officers or agents as they may deem necessary for the proper government and maintenance of the public schools of said city, prescribe their duties and fix their compensation, which appointment shall continue until their successors are appointed.

City treasurer to credit moneys to board of education when directed by city council so to do.

7. *And be it enacted*, That whenever, and as often as the city council of the city of Elizabeth shall, by resolution, direct the treasurer of said city to credit the board of education with a sum or sums of money for public school purposes, it shall be the duty of the treasurer of the city of Elizabeth, immediately after the receipt of a copy of such resolution, duly certified by the city clerk, to enter on his books the sum or sums of money therein mentioned, to the credit of the board of education of the city of Elizabeth, and the treasurer of said city shall pay, on presentation, all drafts drawn upon him by the mayor and comptroller of said city of Elizabeth for school purposes, to an amount not exceeding the balance remaining on his books to the credit of the said board of education, and shall preserve such drafts as vouchers to be exhibited in the settlement of his accounts as treasurer of the city of Elizabeth.

Actions for damages, &c. how brought and prosecuted.

8. *And be it enacted*, That all actions or other proceedings brought, or to be brought in any court against any person or persons, or body corporate, for damages for, or on account of any injury to any school-house or appurtenances, or any out-buildings, fences, trees, or other improvements thereto belonging, or in anywise appertaining, or to any school furniture or school books, in any school-house under the charge of the board of education, shall be in the name of "The Board of Education of the city of Elizabeth," whether the title to such property be vested in the said board or otherwise; and all damages which may be recovered in such actions or proceedings shall be appropriated by the said board to the support of public schools in said city.

Duties of the assessors of the several wards as to list of children in their respective wards.

9. *And be it enacted*, That it shall be the duty of the assessors of the several wards of the city of Elizabeth, and they are hereby authorized and required to make out a list of the children between the ages of five and eighteen years, residing within each of the said wards respectively, specifying the age of each child in years, together with the names of the parents or guardians of such children, and to trans-

mit the same under proper certificate, on or before the first day of August annually, to the secretary of the board of education of the city of Elizabeth, and the number of children in said list shall be duly certified by the said board to the school superintendent of the county of Union; and the sum of three dollars for every one hundred names of children contained in said lists respectively, shall be allowed to the assessors duly making and transmitting the same, to be paid by the board of education of the city of Elizabeth.

State appropriation to be paid to the treasurer for the support of the public schools.

10. *And be it enacted*, That the city of Elizabeth shall be entitled to its just quota of the annual appropriation made by the state for the support of public schools, to be ascertained according to law, which shall from time to time be paid to the treasurer of said city, to be expended for the support of public schools in said city, according to the provisions of this act.

Repealer.

11. *And be it enacted*, That this act shall take effect immediately, and be deemed and taken to be a public act, and that all acts and parts of acts, and all ordinances of the city of Elizabeth inconsistent with the provisions of this act, be and the same are hereby repealed.

Approved April 4, 1873.

CHAPTER DCCVI.

A Further Supplement to an act entitled "An Act to create a Road District in the Townships of Lebanon and Bethlehem, in the County of Hunterdon," approved April sixth, one thousand eight hundred and seventy-one.

Time and place of election.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of said district shall hold an election at the hotel of Edward Humphreys, annually, to elect a road overseer for said district, the first election to be held on the second Saturday evening of April next, at seven o'clock; five days' notice of such election shall be given by putting up notices in five of the most

public places in said district, and when so assembled, shall elect one of their number judge and one person clerk, and proceed to vote by ballot, polls to be kept open two hours.

Repealer. 2. *And be it enacted*, That all that act approved April fourth, one thousand eight hundred and seventy-two, extending said district from Foos Brook to Bowlsby's mill, is hereby repealed.

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

Approved April 4, 1873.

CHAPTER DCCVII.

A Further Supplement to an act entitled "An Act to re-organize the Local Government of Jersey City," passed March thirty-first, one thousand eight hundred and seventy-one.

Beginning of fiscal year. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fiscal year shall begin December first, in each and every year.

Board of finance and taxation authorized to sell bonds 2. *And be it enacted*, That for the purpose of carrying out the provisions of this act and to defray the expenses of the city government to December first, one thousand eight hundred and seventy-three; the board of finance and taxation are authorized to issue and sell bonds, not to exceed seven hundred and fifty thousand dollars in amount, bearing interest at seven per centum, running not less than twenty nor longer than forty years; *provided*, the mayor of said city shall deem it necessary and give his assent thereto and not otherwise.

Proviso.

Taxes collected shall be deposited in sinking fund. 3. *And be it enacted*, That all taxes for the years one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two which shall be remaining unpaid December first, one thousand eight hundred and seventy-three, shall, when collected thereafter, be deposited in the sinking fund, and shall be used only for the satisfaction of bonds.

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

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

Approved April 4, 1873.

CHAPTER DCCXI.

An Act Confirming and Establishing the title of "Penns Grove School District Number Fifty-two, in the County of Salem," to Property held by them for School Purposes.

WHEREAS, Joseph Guest and wife, by deed of conveyance, bearing date the twenty-first day of August, one thousand eight hundred and forty-one, conveyed to James E. Dunham, William Sack, Jonathan Hannahs, Isaac Shute, Josiah Harris and David Smith, junior, of the township of Upper Penns Neck, in the county of Salem, as trustees in trust, that certain lot of land and premises situated in the township and county before named, and in the state of New Jersey, and particularly described in said deed, which is duly recorded in the clerk's office of the said county of Salem, in book XX of deeds, folio two hundred and seventy-four, and so forth, which said lot of land and house thereon, (known by the name of Harmony) by the terms of said deed, was "to be governed by the said trustees and their successors in office, in trust for the inhabitants of that neighborhood, for the use and privilege of a school house and church for the worship of Almighty God;" *and whereas*, at that time there was no church within several miles of that locality, while at this time there are two commodious churches within a half mile thereof; *and whereas*, the demand or necessity for its use as a church no longer exists; *and whereas*, the school district in which the house stands, have recently erected a large and commodious new school building, at a cost of several thousand dollars, standing side by side with the old school building which had become insufficient and Preamble.

unfit for the purposes of the district school; *and whereas*, it is desirable that the premises should be freed from the encumbrance of the old building; *and whereas*, a contemplated new street in the village or town of Penns Grove will pass directly through the lot of land conveyed by the aforesaid deed, detaching or separating a narrow strip from one side of the same, which will be no longer available for school purposes; *and whereas*, it is desirable and important that the said school district number fifty-two, of the county of Salem, embracing within its territory the village of Penns Grove, and the vicinity adjacent thereto, should have absolute jurisdiction over said land and premises, in order to execute a proper deed of conveyance; therefore,

Property vested in trustees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title to the lot of land and premises, as conveyed by the aforesaid deed by Joseph Guest and wife, be and the same is hereby declared to be vested in fee simple absolute, in "The Trustees of Penns Grove School District Number Fifty-two, in the county of Salem," and their successors in office, free, clear, and discharged from all and every the trusts, limitations and conditions, subject to which the same has been heretofore held by virtue of the aforesaid deed.

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

Approved April 4, 1873.

CHAPTER DCCXII.

A Further Supplement to "An Act Concerning Taxes," approved April fourteenth, one thousand eight hundred and forty-six.

Compensation to be allowed the collector of taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the collector of the township of Woodbridge, in the county of Middlesex, in lieu of the compensation to which he is now by law entitled for col-

lecting the taxes by him collected, shall annually from and after the passage of this act be entitled to receive the compensation or commission hereinafter mentioned and no more, to wit: on all taxes that shall be by him collected during the official year in which the same has been assessed up to the sum of fifteen thousand dollars, one-half of one per centum of the amount so collected; if more than fifteen thousand dollars and not exceeding twenty-five thousand dollars of such taxes shall be by him collected, two per centum of the amount of the excess over and above said sum of fifteen thousand dollars; if more than twenty-five thousand dollars of such taxes shall be by him collected, five per centum of the amount of the excess over and above the said sum of twenty-five thousand dollars; on all taxes that shall be by him collected in any official year, subsequent to that in which the same have been assessed, such compensation or commission not exceeding five per centum, as the town committee shall determine; *provided*, that no provisions in this act shall allow the collector to receive more than six hundred dollars in any one official year for his services as collector. Proviso.

2. *And be it enacted*, That the assessor of the township of Woodbridge shall receive for his services for assessing the taxes, the sum of fifteen cents for each name assessed upon the duplicate. Compensation to the assessor.

3. *And be it enacted*, That all acts and parts of acts inconsistent herewith, so far as relates to the township of Woodbridge are hereby repealed, and this act shall be deemed a public act and take effect immediately. Repealer.

Approved April 4, 1873.

CHAPTER DCCXVI.

An Act to authorize the appointment of Commissioners to ascertain the probable cost and the best means of supplying the City of Hoboken, and other northerly portions of the County of Hudson, with pure and wholesome water.

Appointment of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the town council of the Town of Union, the township committees of the townships of West Hoboken, Weehawken, and the Board of Water Commissioners of the city of Hoboken, shall each appoint two discreet and suitable persons, which persons so appointed as aforesaid, with the chairman of the town council of the Town of Union, the chairman of the township committee of West Hoboken, and the chairman of the township committee of Weehawken, and the mayor of the city of Hoboken shall constitute a board of commissioners, which commissioners shall be and they are hereby constituted a body politic and corporate, by the name of "The North Hudson County Water Commissioners," and they and their successors may use a common seal, and by their corporate name may sue and be sued in any court of law or equity in this state, in the same manner as other corporations.

Time and place of holding meeting.

2. *And be it enacted*, That the said board of commissioners shall hold their first meeting at such time and place as may be designated by the board of water commissioners of the city of Hoboken, and at their first meeting they shall organize by electing from their own number a president, a treasurer and a secretary.

Duties of commissioners.

3. *And be it enacted*, That it shall be the duty of said commissioners to make all necessary explorations and investigations to enable them as nearly as may be to ascertain the best and most effectual means of procuring a sufficient supply of pure and wholesome water for the public and private use of the inhabitants of the said city, town and townships, also to estimate the costs of the necessary lands,

rights, privileges, pipes, reservoirs, engines, pumps, labor and other necessary things sufficient to secure a full supply of pure and wholesome water for the purposes aforesaid, and for that purpose they are hereby authorized to enter upon any lands in this state to make necessary surveys and to examine the waters thereon, and also to appoint and employ such engineers, clerks, laborers and other assistants as they may deem necessary therefor; *provided*, they shall not expend, nor incur any indebtedness, exceeding in the aggregate the sum of ten thousand dollars.

Shall report plans, estimates of costs, &c.

4. *And be it enacted*, That when said board of commissioners or a majority of them have agreed upon any plan which in their judgment will effect the purpose of so supplying pure and wholesome water to the inhabitants of said city, town and townships, they shall report the same to the mayor and council of the city of Hoboken, to the council of the Town of Union, and to the town committees of said townships of West Hoboken and Weehawken, together with plans, estimates of costs and such other facts, figures and information as will in the opinion of said board best enable all parties interested, to judge of the advisability of constructing such works.

Also information concerning water supplied by the Jersey City water works.

5. *And be it enacted*, That it shall be the duty of said board of commissioners to include in their said report, all information they may be able to obtain in relation to the quality, purity, permanence, extent and cost of the water supplied by the Jersey City water works.

Duties of mayor and council of Hoboken, council of Town of Union, and town committees of townships of West Hoboken and Weehawken when report of commissioners is filed.

6. *And be it enacted*, That within days after the filing of the above mentioned report of said board of commissioners, the mayor and council of the city of Hoboken, the council of the Town of Union, and the respective town committees of the townships of West Hoboken and Weehawken, shall by resolution respectively declare whether they deem it expedient to proceed with the construction of any works recommended by the said board of commissioners, and if any or all of the said municipal bodies declare in favor of proceeding with the construction of such works, then in that case the said board of commissioners shall provide suitable books with the following heading in each: "We the undersigned severally protest against the construction of water works as recommended by the North Hudson County Water Commissioners," and they shall place

one of said books in the office of the city clerk of Hoboken, and one in the office of the town clerk of Union, one in the office of the town clerk of West Hoboken, and one in the office of the town clerk of Weehawken township, and thereupon said board of commissioners shall give notice by advertisement in at least three newspapers published in the county of Hudson, and circulating in said municipalities, and by such other means as they may deem necessary, that said books are placed as aforesaid, and that the same will be open every week day from ten o'clock in the morning to nine o'clock in the evening, for three weeks successively, for parties interested to enter their protest therein, and each person so protesting shall sign his or her own name only, and shall place opposite his or her name the assessed value of the real estate on which he or she as owner paid taxes in the previous year; and when said books are closed after having been so kept open for three weeks, if it shall appear that the owners of a majority of the assessed value of the real estate in said city, town and township have protested against the construction of water works, then no further action whatever shall be taken in said matter; and if it shall appear that the owners of a majority of the value of real estate have not protested, then the said board of commissioners shall procure a suitable bill to be drawn and presented to the legislature to authorize the construction of said water works for the purpose aforesaid.

Expenses provided for by taxation.

7. *And be it enacted*, That for the purpose of paying the necessary expenses to be incurred in carrying out the provisions of this act, the sum of ten thousand dollars shall be raised by taxation to be assessed and levied upon all taxable real estate situate in the city of Hoboken, in the Town of Union, in the township of West Hoboken, and in the township of Weehawken.

Commissioners shall compute said assessment.

8. *And be it enacted*, That the said commissioners shall compute and ascertain the whole value of real estate to be taxed according to the value thereof contained in the duplicates of the several assessors of said city, town and townships for the year one thousand eight hundred and seventy-two, and shall fix and adjust the proportion or quota of said tax to be levied and collected in each of said townships, town or city in proportion to said value, and shall certify the amount to be raised in each township, town or city, and shall send such certificate to the several assessors of said

townships, town or city, and thereupon it shall be the duty of the said assessors to assess the said sums so ordered to be raised, and of the collectors of said townships, town or city, to collect the same in the same manner as other municipal taxes are assessed and collected.

Moneys collected to be deposited in First National Bank of Hoboken.

9. *And be it enacted*, That it shall be the duty of said collectors to deposit the moneys assessed and collected by virtue of this act, in the first national bank of Hoboken, to the credit of the North Hudson County Water Commissioners.

Commissioners may use funds for defraying expenses.

10. *And it be enacted*, That the said the North Hudson County Water Commissioners may use the funds so deposited to their credit for the purpose of paying any indebtedness necessarily incurred in carrying out the provisions of this act; *provided*, that every draft or order on said book for the payment of any money shall be signed by the treasurer of said board, attested by the secretary thereof and countersigned by the president of said board.

Proviso.

Duty of treasurer.

11. *And be it enacted*, That it shall be the duty of said treasurer to keep an accurate account of all moneys paid, and of all debts contracted, and at least once a month to make a plain statement in writing, showing how much has been paid and the amounts of indebtedness owing by said the North Hudson County Water Commissioners.

Limit of indebtedness.

12. *And be it enacted*, That the said commissioners shall not expend nor incur indebtedness exceeding in the whole the sum of ten thousand dollars, and if the sum of ten thousand dollars deposited to the credit of said commissioners is not all expended in carrying out the provisions of this act, such unexpended balance shall be returned to each township, town and city in the same proportion as the same was contributed by said municipalities.

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

Approved April 4, 1873.

CHAPTER DCCXVII.

An Act to lay out, open, regulate, grade and improve a Public Road in the Township of North Bergen, in the County of Hudson.

Preamble. WHEREAS, communication is needed in a nearly direct line from or near where Paterson avenue intersects Nelson avenue (formerly Grand avenue), on the boundary line between Jersey City and the township of North Bergen, in the county of Hudson, to the Hackensack plank road; *and whereas*, the opening of an avenue between such points would be a benefit to the whole county of Hudson, and greatly desired, both by the owners of land and the people in said county; therefore,

Appointment of commissioners to lay out road. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the power to lay out, open, improve and regulate a public avenue between the points aforesaid, be vested in three commissioners to be appointed as hereinafter named, and that the said commissioners be and the same are hereby empowered to lay out and open, regulate, grade, flag, curb, gutter and improve said public avenue, pursuant to provisions which follow.

Boundary of road. 2. *And be it enacted*, That for the purpose of said improvement, the said commissioners are hereby authorized and empowered upon the application hereinafter provided for, to lay out, open, regulate, grade, flag, curb, gutter and improve said avenue, and to locate the same as follows: commencing at or near the present terminus of Nelson avenue (formerly Grand avenue) on the boundary line between Jersey City and the township of North Bergen, in the said county of Hudson, where said avenue intersects Paterson avenue; thence running northerly on the "B" line, or within one hundred and fifty feet of the same on either side thereof, to the Hackensack plank road, with power to change the location to any convenient line in the neighborhood of said "B" line, and that the said avenue shall be forty feet in width on each side of the centre line thereof.

Can enter upon lands.

3. *And be it enacted*, That the commissioners hereinafter named shall have power to enter upon all such lands as they shall deem it necessary to enter, with the necessary attendants and surveyors, for the purpose of executing the powers and performing the duties conferred and enjoined upon them by this act.

Establish the grade.

4. *And be it enacted*, That the said commissioners are hereby authorized to establish the grade of said avenue, and to make a profile and map of the same, which shall be filed with the clerk of the court of common pleas of the county of Hudson.

How graded.

5. *And be it enacted*, That the said avenue shall be regulated and graded in accordance with the grade to be established by the commissioners, and upon the application hereinafter provided for, curbed, guttered, and sidewalks flagged on both sides thereof.

Empowered to take any lands.

6. *And be it enacted*, That the said commissioners shall be empowered to take any lands necessary for the laying out and opening of said avenue upon the payment to the owner or owners the fair value of the lands taken and of the improvements thereon, and the damage done to any tract, lot or parcel, tenement or building, by taking part of it for such purpose.

Expenses laying out road, how provided for.

7. *And be it enacted*, That all expenses for the laying out and opening of said avenue shall be assessed upon and paid by the lands benefited by the same in proportion to the benefit received, and such assessments shall be a lien upon the property to be assessed, and collected and paid in the manner hereinafter provided for.

Mode and manner of assessing and collecting such expenses.

8. *And be it enacted*, That the expenses of regulating, grading, curbing, guttering and flagging when completed shall be ascertained, and assessed by said commissioners, who shall examine into the whole matter and shall determine and report in writing to the court of common pleas of the county of Hudson what real estate ought to be assessed for such improvements, and what proportion of such expenses shall be assessed to each separate parcel or lot of land, and shall accompany such report with a map containing each lot assessed, and the name of the owner or owners thereof, which report and map shall be filed in the office of the said clerk of common pleas, whereupon the said clerk shall cause to be inserted in at least two of the newspapers printed and circulated in the said county of Hudson, for at least ten

days, a notice of the filing of such report and map, and that the said court shall meet at a time and place to be specified in said notice to receive and consider all objections thereto which may be presented in writing, and if the said court shall confirm said assessment it shall constitute a lien on the property assessed for the amount of such assessment, and in case the court of common pleas of the county of Hudson should refuse or decline to confirm such assessment, then it shall be the duty of the court to appoint three disinterested persons commissioners, who within ten days after their appointment shall take the same oath required to be taken by the commissioners appointed by this act, which oath shall be filed with the clerk of the said court of common pleas, whose duty it shall be to proceed to make a new assessment of said improvement after the manner provided for in this act, for making such assessment, and who shall for all things for the purpose of such assessment, be vested with the same powers as the commissioners appointed by this act, and shall file their report and map thereof with said clerk of the court of common pleas, within sixty days after their appointment, which report shall be confirmed by the said court of common pleas at the subsequent meeting of said court after the filing of said report and map, which said report shall be final and conclusive upon all parties interested, and that the costs of the expenses of such new assessment shall be added to the expenses of said improvements and assessed and collected in the same manner as the first assessment of such improvement, and that the powers and duties of the said commissioners appointed by the court of common pleas shall cease and determine upon making their report as aforesaid.

Duties of the commissioners in laying assessments upon property benefited by improvements.

9. *And be it enacted*, That for the laying out and opening of said avenue, after determining the precise improvements to be made in accordance with the provisions of the second section of this act, the said commissioners shall determine what land and real estate will be benefited by said improvements, and shall estimate the whole costs of said improvements according to the best of their judgment, and shall cause a survey and a map to be made of said improvements and of the lots and parcels of land benefited thereby, distinguishing each lot or parcel by numbers on said map, and shall assess such estimated costs upon said lands to be benefited thereby in proportion to the benefit received by each

lot or parcel on said map, estimating the benefit to be done to the residue of any lot, tract or parcel of which part may be taken for such improvements in the same manner as to other lands; and that they also estimate and report the value of the lands taken for such improvements and the erections thereon, and the damages aforesaid done by taking the same, and report to whom said lands so taken belong, and the interest and estate of the several owners in the same as far as practicable, and shall file said report and map with the clerk of the court of common pleas of the county of Hudson within six months after filing their oath of office, as hereinbefore provided, whereupon the said clerk shall cause to be inserted, in at least one of the newspapers printed and circulated in the said county of Hudson, for at least ten days, a notice of the filing of said report and map, and that the said court of common pleas shall meet at a time and place, to be specified in said notice, to consider said assessment and to receive and consider all objections thereto which may be presented in writing, and if the said court shall confirm said assessments, it shall constitute a lien upon the property assessed for the amount of such assessment, and the amount reported by said commissioners as the value of any land to be taken, and the damages by taking the same, shall be the sum to be paid to the respective owners of said lands, and the expenses of said improvements, when completed, including all assessments and the cost of the proceedings, shall be assessed upon the property reported by said commissioners as benefited thereby, and in the proportion reported by them; *provided*, that no assessment for said laying out and opening shall extend in area beyond five hundred feet on either side of the centre line of said avenue. Proviso.

10. *And be it enacted*, That if the said court of common pleas, after considering said assessment, and receiving and considering all objections which may be presented in writing, refuse or decline to confirm said assessment, then it shall be the duty of the said court to appoint three disinterested persons commissioners, who, within ten days after their appointment, shall take the same oath required to be taken by the commissioners appointed by this act, which oath shall be filed with the clerk of the said court of common pleas, whose duty it shall be to proceed to make a new assessment of said improvements, after the manner provided Court of common pleas can appoint commissioners to make a new assessment.

for in this act for making such assessment, and who shall for all things for the purpose of such assessment, be vested with the same powers as the commissioners appointed by this act, and shall file their report and map thereof with the clerk of the said court of common pleas, within sixty days after their appointment, which report shall be confirmed by the said court of common pleas at the next meeting of the said court after the filing of the said report and map, which said report shall be final and conclusive on all parties interested; and that the costs and expenses of such new assessment shall be added to the expenses of said improvements, and assessed and collected in the same manner as the assessments of such improvement, and that the power and duties of the said commissioners appointed by the said court of common pleas shall cease and determine upon making their report as aforesaid.

Contracts for work.

11. *And be it enacted*, That all contracts for doing work or furnishing materials for the improvements provided for in this act, shall at all times be given to the lowest bidder who will comply with the requirements of the commissioners, and will give ample security for doing said work and furnishing said materials according to contract, but said commissioners shall be under no obligations to accept the lowest bid, in which case all other bids shall be thrown up and new proposals offered; and that all proposals for doing work or furnishing materials for the said improvements shall be published two weeks in one or more of the newspapers published in the county.

County collector shall act as treasurer.

12. *And be it enacted*, That the county collector of the county of Hudson, for the time being be and hereby is appointed treasurer of said commission, and whose duties and responsibilities under this act shall be considered as part of his duties and responsibilities as county collector as provided for in his official bond as such collector.

Duties of treasurer.

13. *And be it enacted*, That the said treasurer shall collect all moneys assessed for said improvement, and disburse the same by order of the commissioners; he shall keep an accurate account of all receipts and payments, and be prepared at all times to account therefor to the said commissioners or to the board of chosen freeholders of the county of Hudson; no moneys shall be paid by the said treasurer, except on warrants signed by the said commissioners, or a majority of them, except for the payment of certificates of

indebtedness for improvements, given by said commissioners, and interest on the same; and no warrant shall be drawn on the treasurer by said commissioners, except for moneys necessarily expended for the purpose of said improvements; and all such warrants shall be numbered and made payable to the order of the person or persons entitled to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid; it shall be the duty of said commissioners before they deliver any warrant so drawn, to enter in the margin of a book to be provided for that purpose, opposite said warrant, the number, date and amount of the same, the purpose for which it is ordered, the name of the person or persons to whose order the same is made payable, and to take his or their receipt in the said book at the time of the said marginal entry of said warrant.

Shall give notice of assessment.

14. *And be it enacted*, That it shall be the duty of the said treasurer, within thirty days after due confirmation of the said assessment of the said court of common pleas, as provided for by this act, to notify all persons assessed of the amount of their assessment, and the time on which the same should be paid; and whereon such assessment on any lot or parcel of land shall remain unpaid by the owner or owners thereof for sixty days after the confirmation thereof by the said court, it shall be lawful for the said treasurer to charge, receive and collect, in addition to the amount of said assessment, interest thereon, to be computed thereon at the rate of twelve per centum per annum from the time of the confirmation of said assessment until the same is paid.

Commissioners authorized to issue certificates of indebtedness.

15. *And be it enacted*, That the said commissioners are hereby authorized and empowered to issue certificates of indebtedness under their hands and a common seal, to be adopted by them, payable to the treasurer out of the moneys collected by him for any improvement or any other moneys in his hands under and in and by virtue of this act, at such times as the said commissioners shall in their judgment deem advisable, not to exceed one year from the date of the final confirmation of the assessments made by virtue of this act, bearing interest from the date of their issue, at and after the rate of seven per centum per annum, a record of which certificate of indebtedness so issued shall be kept by the said commissioners.

16. *And be it enacted*, That the board of chosen freehold-

Board of chosen freeholders may advance money.

ers of the county o' Hudson, shall and are hereby authorized to, on application by said commissioners in writing, advance all moneys required for all said improvements to be done under this act, in anticipation of the collection of assessments for said improvements; and for this purpose, the said board of chosen freeholders of Hudson county are hereby authorized to borrow such sum or sums of money as shall be necessary, and to issue the bonds of the county of Hudson therefor, payable at such time as the board of chosen freeholders may direct.

Duties of the treasurer when money is advanced.

17. *And be it enacted*, That when the said treasurer shall receive the moneys assessed for said improvements, he shall credit the same to the amount of money advanced by the board of chosen freeholders of the said county of Hudson.

Commissioners may sell land.

18. *And be it enacted*, That any such assessments which shall be assessed or made on any lands or tenements or real estate situate in said county, shall be and remain a lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage, or other encumbrance thereof; and if the full amount of any such assessment shall not be paid and satisfied within six months from the time of confirmation of the same as aforesaid, it shall and may be lawful for the said commissioners to cause said lands, tenements or real estate, to be sold at public vendue or auction for the shortest term for which any person shall agree to take the same and pay such assessment or the balance thereof remaining unpaid, with interest thereon, and all costs, charges and expenses, and to execute under the common seal of said commissioners, a declaration of such sale, to be signed by said commissioners and treasurer of said commission, and to deliver the same to the purchaser; and such purchaser, his or her heirs, administrator or assigns, shall lawfully hold and enjoy said lands, tenements or real estate, to his or their own proper use against the owner or owners thereof, and all persons claiming under him or them, until his or her term shall be completed and ended; *provided*, that the said commissioners shall first have caused such sale to be advertised for at least sixty days in at least one public newspaper printed and published in the said county, and generally circulated in said county, and also by advertisements put up in five public places in the city or township in which the lands, tenements or real estate to be sold are located, which advertisement shall describe the said lands, tenements or

Proviso.

real estate, and specify the amount of the assessment and the recitals in such declaration of sale, and shall be evidence of the assessment, the advertising and the sale; *and provided also*, that the lands, tenements or real estate so sold may be redeemed by the owner, mortgagee, occupant or persons interested therein, or by any other person or persons, for and on behalf of the owner, mortgagee or claimant of such lands, tenements or real estate at any time within two years after the sale for assessments, by paying to the treasurer of said commissioners, for the use of said purchaser, the said purchase money, together with any other sum paid for assessments which the said purchaser may have paid, chargeable on said lands, tenements or real estate, and which he is authorized to do, with interest thereon at the rate of fifteen per centum per annum in addition thereto, and the certificate of the said treasurer stating the payment and showing what lands, tenements or real estate such payment is intended to release, shall be evidence of such redemption, the mortgagee shall have power to redeem at any time until after the expiration of six months' notice hereinafter specified; no mortgagee whose mortgage shall have been duly recorded before sale for any assessment shall be affected by such sale unless six months' notice in writing shall have been given to him or her by the purchaser, or those claiming under him, either personally, or, if not to be found in the county, then such notice shall be deposited in the post-office of Jersey City, directed to him or her at their last known place of residence or at the post-office nearest thereto; but nothing herein contained shall be so construed as to impair the lien created by the assessment or sale within a month of the service of such notice by the purchaser or by those claiming under him or her; it shall be the duty of the person serving or causing the same to be served, to file with the said treasurer a copy of the notice served, together with the affidavit of some person who shall be certified by the officer before whom said affidavit shall be taken, to be a credible person, proving due service of said notice, which affidavit shall be evidence in all courts of the facts therein contained; *and provided also*, that the same term or terms for which any lands, tenements or real estate so sold as aforesaid shall not commence, nor shall said purchaser or those claiming under him, her or them have a right of possession of said lands, tenements or real estate until two years limited for the

Proviso.

Proviso.

redemption of the same shall have expired, and the said purchaser or those claiming under him, shall at the expiration of said declaration of sale, quit and surrender the said lands, tenements or real estate in as good a state and condition as when he entered thereon, natural wear and accident excepted; *provided also*, that the sale of such lands, tenements or real estate, or any portion of them, may be adjourned or postponed from time to time, or suspended, as the said commissioners may direct; *and provided*, that if any sale of lands, tenements or real estate for assessment, the whole or any part thereof shall remain unsold for the want of purchasers, then it shall or may be lawful for the said commissioners to adjourn the said sale not less than thirty or more than sixty days, twenty days' notice at least shall be given of said adjourned sale; and if at said adjourned sale there shall be no purchaser for said lands, tenements, or real estate, or any part thereof, then it shall and may be lawful for said commissioners to make such further adjournments as may be necessary, giving twenty days' notice at least of such further adjournment; *provided also*, that all moneys paid for the redemption of said lands, tenements or real estate, together with such assessments paid by a mortgagee or judgment creditor, shall be a lien on said lands, tenements or real estate for the amount so paid with interest at the rate of seven per centum per annum, such lien shall have precedence of all other liens on said lands, tenements or real estate, and on a foreclosure of any mortgage by such mortgagee so redeeming shall be decreed to be made out of said lands, and on the sale of such land under any such judgment shall be paid out of the proceeds of sale; *provided, further*, that a complete record of such assessments shall be kept by the treasurer of said commissioners, which record shall contain the time when such assessments were made, the time when they were paid, and, if the property has been sold, then for the time of said sale, and to whom sold and if redeemed, when and by whom.

Proviso.

Proviso.

Proviso.

Extension of assessment.

19. *And be it enacted*, That an assessment made for any improvements under this act, shall not extend, in area, beyond five hundred feet on either side of the centre line of said avenue.

Proceeding in case of non-residents, lunatics, &c.

20. *And be it enacted*, That within three months after the confirmation of the report of the commissioners assessing the value of lands taken and the damages thereby, the said

treasurer shall render and pay to the owner of said lands, if resident in the county of Hudson, the amount of said assessment due him, but if such owner is not a resident of the county of Hudson, or is a lunatic, idiot or infant, or if for any other lawful cause he is incapacitated to receive the same, or if such owners will not accept the same and sign a proper receipt therefor when tendered, then the said treasurer shall make affidavit of such facts and file the same with the clerk of the said court of common pleas of the county of Hudson, and the said commissioners after inquiring into the facts of the case, deposit the amount of such assessment with the clerk of the said court of common pleas for the use of the persons to whom the same may be due, and upon filing such receipt of the owner or depositing the amount of such assessment with the said clerk, the said lands shall be vested in the county of Hudson, and the said commissioners may proceed with the improvements authorized by this act.

Commissioners shall enter into bonds.

21. *And be it enacted*, That the commissioners named in this act shall, before they proceed to the duties of their appointment, enter into bonds to the board of chosen freeholders of the county of Hudson, with at least two freehold sureties, being residents of the county of Hudson, to be approved by the judges of the said court of common pleas, in the sum of three thousand dollars each, conditioned for the faithful performance of their duties as such commissioners; *and further*, that the said commissioners shall be required, before entering upon their duties, to take an oath or affirmation for the faithful performance of their duties before the clerk of said board of chosen freeholders, which said oath or affirmation the said clerk of the board of chosen freeholders is hereby authorized to take; which said oath or affirmation shall be in writing, and which, together with the bond of said commissioners, shall be filed for safe keeping with the clerk of the court of common pleas, subject to the control and use of the same, by the board of chosen freeholders.

Prosecution of bond.

22. *And be it enacted*, That suit or suits upon the bond of said commissioners and sureties shall be instituted in the supreme court of the state, and not elsewhere, at any time that may seem fit to the said board of chosen freeholders; *provided*, that the sureties shall not be charged by virtue of this act beyond the sum contained in said bond.

Proviso.

23. *And be it enacted*, That it shall be the duty of the

Commissioners may be appointed upon application.

circuit court of the county of Hudson, upon application made for that purpose, by petition signed by the owners of a majority of the land fronting upon said street or avenue, notice of the time and place of such application having been first published in one of the newspapers printed and published in this state, and circulated in the neighborhood of said improvement, at least four weeks successively, once in each week, next preceding such application, to appoint three disinterested persons, freeholders and residents of the said county, commissioners, who shall exercise the powers and execute the duties of the commission provided for by this act; and should one or more of said commissioners decline or neglect to serve, or die before said duties are performed, the said court shall upon the happening of said event, appoint as often as may be necessary, some fit person or persons in his or their place, which newly appointed commissioner or commissioners shall take the same oath and enter into the same bonds, and have the same powers, perform the same duties, and receive the same compensation as in this act prescribed.

Compensation.

24. *And be it enacted*, That the compensation of said commissioners shall be fixed at the sum of five dollars per day for each day actually employed in the duties of said trust; and that the said treasurer shall receive a reasonable compensation for his services, to be regulated and fixed by the commissioners appointed by this act.

Application for appointment of commissioners shall bemade in writing.

25. *And be it enacted*, That it shall not be lawful for said commissioners to exercise any of the powers provided for in this act, nor shall any or either of the improvements herein provided for be undertaken or made, unless application for that purpose in writing, signed by the owners of a majority of the land within five hundred feet of the centre of said street together with the owners fronting upon said street is first made to said commissioners, anything contained in this act to the contrary thereof in anywise notwithstanding.

Shall enter bond.

26. *And be it enacted*, That the said commissioners shall, within sixty days from the passage of this act, and before they proceed to the duties of their appointment, subscribe and take the oath and enter into the bond hereinbefore provided for.

Expenses, how assessed

27. *And be it enacted*, That all expenses incident to said improvement and necessary for the completion thereof, shall

be estimated by the said commissioners, and assessed upon the lands benefited by the said improvements, as provided for in section nineteen of this act.

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

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

Approved April 4, 1873.

CHAPTER DCCXVIII.

A Further Supplement to an act entitled "An Act to authorize the appointment of Commissioners to lay out Streets, Avenues and Public Squares in the Township of Clinton, in the County of Essex, and for other purposes," passed February nineteenth, one thousand eight hundred and seventy-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sixth section of the supplement of the act to which this is a supplement, passed March seventeenth, one thousand eight hundred and seventy-three, be and the same is hereby stricken out. Repealer.

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

Approved April 4, 1873.

CHAPTER DCCXIX.

An Act to authorize the Trustees of School District Number Thirty-eight, in the County of Essex, to sell and convey certain real estate and appurtenances.

WHEREAS, David Dodd and Timothy Ward, did about the year one thousand eight hundred and twenty-five, give Preamble.

certain lands and premises situate on the northerly side of Dodd street, in the township of East Orange, Essex county, New Jersey, (then the township of Orange), for school purposes, on which was erected a school house which has been used and occupied for school purposes during the whole period from that time to the present; *and whereas*, the said lands and premises, and school house building and appurtenances are now held by School District Number Thirty-eight, in the county of Essex, and the trustees thereof; *and whereas*, it has become necessary for said school district to have other and greater accommodations for school purposes, and it is desirable to sell and dispose of the said lands and premises, and school house building and appurtenances; therefore,

School trustees authorized to sell property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of School District Number Thirty-eight, in the county of Essex, now being, or their successors, or a majority of either of them, be and they are hereby authorized and empowered to sell and dispose of the said lands and premises, and school house building and appurtenances, and all fixtures and personal property thereto belonging, mentioned in the foregoing preamble, at public or private sale, and to convey by deed of conveyance, under their hands and seals, in fee simple absolute, to the purchaser or purchasers thereof, the said lands and premises and appurtenances; and the said purchaser or purchasers, their heirs and assigns, shall hold the same under and virtue of said conveyance, to and for their use, benefit and behoof, forever, free and clear, and absolutely discharged from all trusts whatsoever, upon, by or under which the same may have been held.

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

Approved April 4, 1873.

CHAPTER DCCXX.

An Act to enable the Trustees of Freehold School District Number Seven to sell the present School Property and to buy other Property and erect a School House thereon, and to issue bonds in payment therefor.

School trustees authorized to sell property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful, and the school trustees of Freehold School District Number Seven, in the county of Monmouth, are hereby authorized and empowered to sell and dispose of the property or properties now belonging to said school district, and to employ the proceeds of such sale toward the purchase of a lot of ground, and for the erection thereon of a suitable school building.

May issue bonds.

2. *And be it enacted*, That it shall be lawful for said trustees to issue bonds to a sum not exceeding in the whole sixteen thousand dollars, and the proceeds of the sale of such bonds shall be used exclusively for the purpose of paying the debt incurred by the trustees in the purchase of ground and erection thereon of a suitable building for school purposes, as provided in section first of this act; and said bonds shall be of such denominations as may be deemed most convenient by said trustees, but shall not be for a larger sum than five hundred dollars each, and the whole of said bonds shall bear interest at a rate not exceeding seven per centum per annum, and payable semi-annually, and shall be so classified that two thousand dollars of said bonds shall be payable in each year and every year, and the whole of said bonds shall be paid in eight years from the date of the first issue; *provided*, the bonds so to be issued shall not be sold for less than ninety-five per centum of their par value.

Proviso.

3. *And be it enacted*, That in addition to the trustees already in office, there shall be elected by the legal voters

Election of additional persons with power.

of said district three reputable men, whose duty it shall be to act with the trustees of said school district and who shall have the like powers and perform the like duties as are imposed upon the said trustees so far as the same shall relate to the sale of the present school property, and the purchase of ground and erection of a new school building; and the time and place of holding such election shall be fixed by the clerk of said school district, and shall be advertised in two newspapers printed in the town of Freehold at least two weeks' previous to the holding of such election; notice of such election, either written or printed, shall be posted up in five or more public places in the district at least ten days before the holding of said election.

Payment of bonds provided for by taxation.

4. *And be it enacted*, That the money to pay said bonds to be raised by special tax on the taxable property in said district number seven, and to be assessed and collected by the regular township assessor and collector and to be known as school tax.

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

Approved April 4, 1873.

CHAPTER DCCXXI.

An Additional Supplement to an act entitled "A Further Supplement to an act entitled a supplement to an act to improve Bergen Wood Road, in Hudson County," approved April ninth, one thousand eight hundred and sixty-nine, approved March seventeenth, one thousand eight hundred and seventy.

Duties of commissioners when new assessment is to be made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the words "and said commissioners having first taken and subscribed the oath prescribed in the original act authorizing said improvements shall take the cost of grading, regulating and improving the section of said road that they may be appointed to make a

new assessment upon, as the same is certified to them in writing by the commissioners appointed to regulate and improve said Bergen Wood Road under an act entitled 'An Act to improve Bergen Wood Road, in Hudson county,' approved April ninth, one thousand eight hundred and sixty-eight, together with the amounts due for all services, expenses and needful disbursements connected therewith, or on account of said section of said road and for which improvement certificates have been issued by said commissioners, together with interest upon all improvement certificates issued upon said section of said road for contract work done in grading and regulating the same from the time (thirty days after) the original review and adjustment of the original assessment, made by the commissioners named in said original act, approved April ninth, eighteen hundred and sixty-eight, together with all other charges and expenses which may be authorized by law, and all such needful charges and expenses as may be incurred by said commissioners in such new assessment, and assess the same upon the lands liable therefor, according to the provisions of said act to improve Bergen Wood Road, approved April ninth, one thousand eight hundred and sixty-eight, and the several supplements thereto; *provided*, that nothing herein contained shall be so construed as to prevent the said commissioners from making the same inquiry and decision touching and relating to said improvement as they are now authorized to do by law; and upon the completion of said assessment shall report the same under their hands to said commissioners appointed by said act to improve Bergen Wood Road, approved April ninth, one thousand eight hundred and sixty-eight, who shall file the same with the treasurer of said Bergen Wood Road commissioners and a copy thereof with the clerk of the county of Hudson, and said original commissioners are authorized and empowered to proceed to the collection of the same in the same manner as if said assessment had been made by them;" *provided, however*, that the valuations for land taken in widening said section shall be the same as they appear upon the schedule of valuations of said section, or of record in the clerk's office of Hudson county be inserted in the sixth line of the second section of said act to which this is a supplement as the said section and said printed line appear in the pam-

Proviso.

Proviso.

phlet laws of one thousand eight hundred and seventy, immediately after the word "assessment," as the same appears in said line.

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

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

Approved April 4, 1873.

CHAPTER DCCXXII.

A Further Supplement to an act entitled "An Act to Revise and Amend the Charter of the City of New Brunswick," approved March eighteenth, anno domini one thousand eight hundred and sixty-three.

Election of justices of peace. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That each ward shall be hereafter authorized to elect one justice of the peace who shall hold his office for the term of five years, and the justice of the peace thus elected in each ward shall open and hold his office for the transaction of business belonging to his official position in the ward in which he is elected and resides.

Who shall be eligible. 2. *And be it enacted*, That no person shall be eligible to the office of justice of the peace for any ward at any such election unless he shall then be an elector and resident of the said ward; and when any justice of the peace elected at any such election shall cease to reside in said ward, his office shall thereby become vacant.

Term of office. 3. *And be it enacted*, That the justices of the peace, whose terms of office do not expire on the first Monday after the first day of May, one thousand eight hundred and seventy-three, shall be and they are hereby continued in office for the period for which each of them was elected and qualified;

Proviso. *provided, however*, that each justice of the peace so continuing in office shall be and is hereby required to open and have his office for the transaction of his official business in the

ward in which he shall reside on and after the first day of May, in the year one thousand eight hundred and seventy-three; *and provided further*, that there shall be no election for the office of justice of peace in any ward until a vacancy shall occur in such ward. Proviso.

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

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

Approved April 4, 1873.

PROCLAMATIONS,

BY JOEL PARKER, GOVERNOR.

PROCLAMATIONS

BY

JOEL PARKER, GOVERNOR OF NEW JERSEY.

PROCLAMATION BY THE GOVERNOR.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
TRENTON, October 21st, 1872.

WHEREAS, on the thirty-first day of March in the year of our Lord one thousand eight hundred and seventy-one, the legislature of this state passed an act relative to bribery, whereby it was enacted, that in addition to any punishment then imposed by statute or the common law, any person convicted of the offences named in said act should be deprived of the right of suffrage; that any corporation whose managers, officers, and agents with the consent of said corporation, should use its money or property for the unlawful purposes therein specified, should forfeit its charter; and that the party to an act of bribery who first complained of the other party should be exempt from the pains and penalties of law;

AND WHEREAS, on the twenty-sixth day of March in the year of our Lord one thousand eight hundred and seventy-two, a supplement to said act was passed extending its provisions to the election of electors for president and vice president of the United States;

AND WHEREAS, the maintenance of the purity of the elective franchise is necessary to the preservation of a republican form of government,

Therefore, I, Joel Parker, governor of the state of New Jersey, enjoin upon all officers of the law within this state the utmost vigilance in enforcing the statutes relative to bribery at elections, by promptly causing the arrest and prosecution of all who shall violate the same, and I exhort all good citizens to give their influence and assistance to the public authorities in their efforts to maintain the purity of the ballot.

The executive will, by the use of all legitimate means, co-operate with officers and citizens in bringing to justice any who may incur the penalties prescribed by said laws.

Given under my hand and seal at the Executive Chamber, in the city of Trenton, this twenty-first [L. S.] day of October, in the year of our Lord one thousand eight hundred and seventy-two.

JOEL PARKER.

Attest:—

JOHN A. HALL, *Private Secretary.*

A PROCLAMATION BY THE GOVERNOR.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
TRENTON, November 12, 1872.

During the year now drawing to a close, the people of this State have been preserved from pestilence; industrial pursuits have been prospered; an abundant harvest has rewarded the labor of the husbandman, and civil strife has been averted.

That we may publicly acknowledge our dependence upon God, and in united worship express our thankfulness for the blessings He has in mercy bestowed upon us:

I, Joel Parker, governor of the state of New Jersey, do designate Thursday, the twenty-eighth day of November, instant, as a day of thanksgiving and prayer, and recommend

to the people that on that day they assemble in their usual places of public worship to give thanks to Almighty God for His manifest blessings, and to pray for their continuance.

Given under my hand and seal at the Executive Chamber, in the city of Trenton, the twelfth day of November, A. D. eighteen hundred and seventy-two.

[L. S.]

JOEL PARKER.

Attest:—

JOHN A. HALL, *Private Secretary.*

PROCLAMATION BY THE GOVERNOR.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
TRENTON, April 16, 1873.

WHEREAS, on the fourth day of April instant, the legislature of the state of New Jersey passed a resolution requesting and empowering the Governor to appoint, by and with the advice and consent of the senate, two persons from each congressional district within this state to suggest and prepare amendments to the state constitution, for submission to and consideration by the next legislature;

AND WHEREAS, the legislature adjourned sine die on the day said resolution was passed, and before official information of its passage came to me;

AND WHEREAS, it is important that amendments to the constitution should be prepared and ready to be submitted for consideration at the opening of the next session of the legislature;

Therefore, I, Joel Parker, governor of the state of New Jersey, by virtue of the power in me vested, do convene the senate of the state of New Jersey, hereby requiring the senators to assemble in the senate chamber, at the state house, in the city of Trenton, on Thursday, the twenty-

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fourth day of April, A. D. 1873, at the hour of twelve o'clock, noon, for the purpose of considering nominations then and there to be made by me (in compliance with the request, and under the authority of said resolution,) of two persons from each of the congressional districts of this state, to suggest and prepare amendments to the constitution of New Jersey for submission to and consideration by the next legislature.

Given under my hand and the great seal of the state of New Jersey, at Trenton, this sixteenth day of [L. S.] April, A. D. eighteen hundred and seventy-three, and of the independence of the United States the ninety-seventh.

JOEL PARKER.

By the Governor.

HENRY C. KELSEY, *Secretary of State.*

PROCLAMATION BY THE GOVERNOR.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
TRENTON, April 29th, 1873.

WHEREAS, on the fourth day of April, A. D. eighteen hundred and seventy-three, the legislature of the State of New Jersey passed a resolution requesting and authorizing the governor to appoint, by and with the advice and consent of the senate, a commission, to consist of two persons from each congressional district within this state, to suggest and prepare amendments to the state constitution, for submission to and consideration by the next legislature;

AND WHEREAS, on the twenty-fourth day of April, A. D. eighteen hundred and seventy-three, Abraham O. Zabriskie, Robert Gilchrist, Theodore Runyon, John W. Taylor, Augustus W. Cutler, Benjamin Buckley, Martin Ryerson, Jacob L. Swayze, Robert S. Green, John F. Babcock,

Mercer Beasley, John C. Ten Eyck, Samuel H. Grey and Benjamin F. Carter were, in conformity with said resolution, appointed such commissioners;

AND WHEREAS, by the said resolution the governor is empowered to convene said commissioners at such time and place as he, by proclamation, may designate;

Therefore, I, Joel Parker, governor of the state of New Jersey, by virtue of the power in me vested, do hereby convene the said commission, requiring the members thereof, hereinbefore named, to assemble in the senate chamber, at the state house, in the city of Trenton, on Thursday, the eighth day of May, A. D. eighteen hundred and seventy-three, at the hour of twelve o'clock, noon, for the purpose of suggesting and preparing amendments to the constitution of this state, to be reported for submission to and consideration by the legislature at its next session.

Given under my hand and the great seal of the state of New Jersey, at Trenton, this twenty-
[L. S.] ninth day of April, A. D. eighteen hundred and seventy-three, and of the independence of the United States the ninety-seventh.

JOEL PARKER.

By the Governor.

HENRY C. KELSEY, *Secretary of State.*

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