

THE

REVISION

CATALOGUE

CONSTITUTION

OF THE

STATE OF NEW JERSEY.



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CONSTITUTION.

A CONSTITUTION agreed upon by the delegates of the people of New Jersey, in convention, begun at Trenton on the fourteenth day of May, and continued to the twenty-ninth day of June in the year of our Lord one thousand eight hundred and forty-four.

We the people of the State of New Jersey, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations, do ordain and establish this CONSTITUTION.

ARTICLE I.

RIGHTS AND PRIVILEGES.

1. All men are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right at all times to alter or reform the same, whenever the public good may require it.

3. No person shall be deprived of the inestimable privilege of worshipping Almighty God in a manner agreeable to the dictates of his own conscience; nor under any pretense whatever be compelled to attend any place of worship contrary to his faith and judgment; nor shall any person be obliged to pay tithes, taxes, or other rates for building or repairing any church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary

to what he believes to be right, or has deliberately and voluntarily engaged to perform.

4. There shall be no establishment of one religious sect in preference to another; no religious test shall be required as a qualification for any office or public trust; and no person shall be denied the enjoyment of any civil right merely on account of his religious principles.

5. Every person may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libellous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

6. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the papers and things to be seized.

7. The right of a trial by jury shall remain inviolate: but the legislature may authorize the trial of civil suits, when the matter in dispute does not exceed fifty dollars, by a jury of six men.

8. In all criminal prosecutions the accused shall have the right to a speedy and public trial by an impartial jury; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour, and to have the assistance of counsel in his defense.

9. No person shall be held to answer for a criminal offense, unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army or navy: or in the militia, when in actual service in time of war or public danger.

10. No person shall, after acquittal, be tried for the same offense. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or presumption great.

11. The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion the public safety may require it.

12. The military shall be in strict subordination to the civil power.

13. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war except in a manner prescribed by law.

14. Treason against the state shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

15. Excessive bail shall not be required, excessive fines shall not be imposed, and cruel and unusual punishments shall not be inflicted.

16. Private property shall not be taken for public use without just compensation; but land may be taken for public highways as heretofore until the legislature shall direct compensation to be made.

17. No person shall be imprisoned for debt in any action, or on any judgment founded upon contract, unless in cases of fraud; nor shall any person be imprisoned for a militia fine in time of peace.

18. The people have the right freely to assemble together, to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances.

19. This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.

ARTICLE II.

RIGHT OF SUFFRAGE.

1. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of this state one year, and of the county in which he claims his vote five months, next before the election, shall be entitled to vote for all officers that now are, or hereafter may be elective by the people; *provided*, that no person in the military, naval, or marine service of the United States shall be considered a resident in this state, by being stationed in any

garrison, barrack, or military or naval place or station within this state; and no pauper, idiot, insane person, or person convicted of a crime which now excludes him from being a witness unless pardoned or restored by law to the right of suffrage, shall enjoy the right of an elector.

2. The legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of bribery at elections.

ARTICLE III.

DISTRIBUTION OF THE POWERS OF GOVERNMENT.

1. The powers of the government shall be divided into three distinct departments—the legislative, executive, and judicial; and no person or persons belonging to, or constituting one of these departments, shall exercise any of the powers properly belonging to either of the others, except as herein expressly provided.

ARTICLE IV.

LEGISLATIVE.

Section I.

1. The legislative power shall be vested in a senate and general assembly.

2. No person shall be a member of the senate who shall not have attained the age of thirty years, and have been a citizen and inhabitant of the state for four years, and of the county for which he shall be chosen one year, next before his election; and no person shall be a member of the general assembly who shall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the state for two years, and of the county for which he shall be chosen one year next before his election; *provided*, that no person shall be eligible as a member of either house of the legislature, who shall not be entitled to the right of suffrage.

3. Members of the senate and general assembly shall be elected yearly and every year, on the second Tuesday of October; and the two houses shall meet separately on the second Tuesday in January next after the said day of election, at which time of meeting, the legislative year shall

commence ; but the time of holding such election may be altered by the legislature.

Section II.

1. The senate shall be composed of one senator from each county in the state, elected by the legal voters of the counties, respectively, for three years.

2. As soon as the senate shall meet after the first election to be held in pursuance of this constitution, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the first year ; of the second class at the expiration of the second year ; and of the third class at the expiration of the third year, so that one class may be elected every year ; and if vacancies happen by resignation or otherwise, the persons elected to supply such vacancies shall be elected for the unexpired terms only.

Section III.

1. The general assembly shall be composed of members annually elected by the legal voters of the counties, respectively, who shall be apportioned among the said counties as nearly as may be according to the number of their inhabitants. The present apportionment shall continue until the next census of the United States shall have been taken, and an apportionment of members of the general assembly shall be made by the legislature at its first session after the next and every subsequent enumeration or census, and when made shall remain unaltered until another enumeration shall have been taken ; *provided*, that each county shall at all times be entitled to one member ; and the whole number of members shall never exceed sixty.

Section IV.

1. Each house shall direct writs of election for supplying vacancies, occasioned by death, resignation, or otherwise ; but if vacancies occur during the recess of the legislature, the writs may be issued by the governor, under such regulations as may be prescribed by law.

2. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business ; but a smaller number may adjourn from day to day, and may be au-

thorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

3. Each house shall choose its own officers, determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, may expel a member.

4. Each house shall keep a journal of its proceedings, and from time to time publish the same; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

5. Neither house, during the session of the legislature, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

6. All bills and joint resolutions shall be read three times in each house, before the final passage thereof; and no bill or joint resolution shall pass, unless there be a majority of all the members of each body personally present and agreeing thereto; and the yeas and nays of the members voting on such final passage shall be entered on the journal.

7. Members of the senate and general assembly shall receive a compensation for their services to be ascertained by law, and paid out of the treasury of the state; which compensation shall not exceed the sum of three dollars per day for the period of forty days from the commencement of the session; and shall not exceed the sum of one dollar and fifty cents per day for the remainder of the session. When convened in extra session by the Governor, they shall receive such sum as shall be fixed for the first forty days of the ordinary session. They shall also receive the sum of one dollar for every ten miles they shall travel, in going to and returning from their place of meeting, on the most usual route. The president of the senate, and the speaker of the house of assembly shall, in virtue of their offices, receive an additional compensation, equal to one-third of their per diem allowance as members.

8. Members of the senate and general assembly shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the sitting of their respective houses, and in going to and returning

from the same; and for any speech or debate, in either house, they shall not be questioned in any other place.

Section V.

1. No member of the senate or general assembly shall, during the time for which he was elected, be nominated or appointed by the governor or by the legislature in joint meeting, to any civil office under the authority of this state, which shall have been created, or the emoluments whereof shall have been increased, during such time.

2. If any member of the senate or general assembly shall be elected to represent this state in the senate or house of representatives of the United States, and shall accept thereof, or shall accept of any office or appointment under the government of the United States, his seat in the legislature of this state shall thereby be vacated.

3. No justice of the supreme court, nor judge of any other court, sheriff, justice of the peace, nor any person or persons possessed of any office of profit under the government of this state shall be entitled to a seat either in the senate or in the general assembly; but on being elected and taking his seat his office shall be considered vacant: and no person holding any office of profit under the government of the United States shall be entitled to a seat in either house.

Section VI.

1. All bills for raising revenue shall originate in the house of assembly; but the senate may propose or concur with amendments, as on other bills.

2. No money shall be drawn from the treasury but for appropriations made by law.

3. The credit of the state shall not be directly or indirectly loaned in any case.

4. The legislature shall not, in any manner, create any debt or debts, liability or liabilities, of the state, which shall singly or in the aggregate with any previous debts or liabilities at any time exceed one hundred thousand dollars, except for purposes of war, or to repel invasion, or to suppress insurrection, unless the same shall be authorized by a law for some single object or work, to be distinctly specified therein; which law shall provide the ways and means, exclusive of loans, to pay the interest of such debt or lia-

bility as it falls due, and also to pay and discharge the principal of such debt or liability within thirty-five years from the time of the contracting thereof, and shall be irrepealable until such debt or liability, and the interest thereon are fully paid and discharged: and no such law shall take effect until it shall, at a general election, have been submitted to the people, and have received the sanction of a majority of all the votes cast for and against it at such election: and all money to be raised by the authority of such law shall be applied only to the specific object stated therein, and to the payment of the debt thereby created. This section shall not be construed to refer to any money that has been, or may be, deposited with this state by the government of the United States.

Section VII.

1. No divorce shall be granted by the legislature.
2. No lottery shall be authorized by this state; and no ticket in any lottery not authorized by a law of this state shall be bought or sold within the state.
3. The legislature shall not pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or depriving a party of any remedy for enforcing a contract which existed when the contract was made.
4. To avoid improper influences which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title.
5. The laws of this state shall begin in the following style, "Be it enacted by the Senate and General Assembly of the State of New Jersey."
6. The fund for the support of free schools, and all money, stock, and other property, which may hereafter be appropriated for that purpose, or received into the treasury under the provision of any law heretofore passed to augment the said fund, shall be securely invested, and remain a perpetual fund; and the income thereof, except so much as it may be judged expedient to apply to an increase of the capital, shall be annually appropriated to the support of public schools, for the equal benefit of all the people of the state; and it shall not be competent for the legislature to borrow, appropriate, or use the said fund or any part thereof, for any other purpose, under any pretence whatever.

7. No private or special law shall be passed authorizing the sale of any lands belonging in whole or in part to a minor or minors, or other persons who may at the time be under any legal disability to act for themselves.

8. The assent of three-fifths of the members elected to each house shall be requisite to the passage of every law for granting, continuing, altering, amending or renewing charters for banks or money corporations; and all such charters shall be limited to a term not exceeding twenty years.

9. Individuals or private corporations shall not be authorized to take private property for public use, without just compensation first made to the owners.

10. The legislature may vest in the circuit courts, or courts of common pleas within the several counties of this state chancery powers, so far as relates to the foreclosure of mortgages, and sale of mortgaged premises.

Section VIII.

1. Members of the legislature, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

“I do solemnly swear, (or affirm, as the case may be,) that I will support the constitution of the United States and the constitution of the state of New Jersey, and that I will faithfully discharge the duties of senator (or member of the general assembly, as the case may be) according to the best of my ability.”

And members elect of the senate or general assembly are hereby empowered to administer to each other the said oath or affirmation.

ARTICLE V.

EXECUTIVE.

1. The executive power shall be vested in a governor.

2. The governor shall be elected by the legal voters of this state. The person having the highest number of votes shall be the governor: but if two or more shall be equal and highest in votes, one of them shall be chosen governor by the vote of a majority of the members of both houses in joint meeting. Contested elections for the office of governor shall be determined in such manner as the legislature shall

direct by law. When a governor is to be elected by the people, such election shall be held at the time when, and at the places where, the people shall respectively vote for members of the legislature.

3. The governor shall hold his office for three years, to commence on the third Tuesday of January next ensuing the election for governor by the people, and to end on the Monday preceding the third Tuesday of January, three years thereafter: and he shall be incapable of holding that office for three years next after his term of service shall have expired: and no appointment or nomination to office shall be made by the governor during the last week of his said term.

4. The governor shall be not less than thirty years of age, and shall have been for twenty years, at least, a citizen of the United States, and a resident of this state seven years next before his election, unless he shall have been absent during that time on the public business of the United States or of this state.

5. The governor shall, at stated times, receive for his services a compensation which shall be neither increased nor diminished during the period for which he shall have been elected.

6. He shall be the commander-in-chief of all the military and naval forces of the state; he shall have power to convene the legislature, whenever in his opinion public necessity requires it; he shall communicate by message to the legislature at the opening of each session, and at such other times as he may deem necessary, the condition of the state, and recommend such measures as he may deem expedient; he shall take care that the laws be faithfully executed, and grant, under the great seal of the state, commissions to all such officers as shall be required to be commissioned.

7. Every bill which shall have passed both houses shall be presented to the governor: if he approve he shall sign it, but if not he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it; if, after such reconsideration, a majority of the whole number of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved of by a majority of the whole number of that house, it shall

become a law; but, in neither house shall the vote be taken on the same day on which the bill shall be returned to it; and in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor, within five days (Sunday excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature by their adjournment, prevent its return, in which case it shall not be a law.

8. No member of congress, or person holding an office under the United States, or this state, shall exercise the office of governor; and in case the governor, or person administering the government shall accept any office under the United States or this state, his office of governor shall thereupon be vacant.

9. The governor or person administering the government, shall have power to suspend the collection of fines and forfeitures, and to grant reprieves, to extend until the expiration of a time not exceeding ninety days after conviction; but this power shall not extend to cases of impeachment.

10. The governor, or person administering the government, the chancellor, and the six judges of the court of errors and appeals, or a major part of them, of whom the governor, or person administering the government, shall be one, may remit fines and forfeitures, and grant pardons, after conviction, in all cases except impeachment.

11. The governor and all other civil officers under this state shall be liable to impeachment for misdemeanor in office during their continuance in office and for two years thereafter.

12. In case of the death, resignation, or removal from office of the governor, the powers, duties, and emoluments of the office, shall devolve upon the president of the senate, and in case of his death, resignation or removal, then upon the speaker of the house of assembly, for the time being until another governor shall be elected and qualified; but in such case another governor shall be chosen at the next election for members of the legislature, unless such death, resignation, or removal, shall occur within thirty days immediately preceding such next election, in which case a governor shall be chosen at the second succeeding election for

members of the legislature. When a vacancy happens, during the recess of the legislature in any office which is to be filled by the governor and senate or by the legislature in joint meeting, the governor shall fill such vacancy and the commission shall expire at the end of the next session of the legislature, unless a successor shall be sooner appointed: when a vacancy happens in the office of clerk or surrogate of any county, the governor shall fill such vacancy, and the commission shall expire when a successor is elected and qualified.

13. In case of the impeachment of the governor, his absence from the state or inability to discharge the duties of his office, the powers, duties and emoluments of the office shall devolve upon the president of the senate; and in case of his death, resignation or removal, then upon the speaker of the house of assembly for the time being, until the governor absent, or impeached shall return or be acquitted, or until the disqualification or inability shall cease, or until a new governor be elected and qualified.

14. In case of a vacancy in the office of governor from any other cause than those herein enumerated, or in case of the death of the governor elect before he is qualified into office, the powers, duties and emoluments of the office shall devolve upon the president of the senate, or speaker of the house of assembly, as above provided for, until a new governor be elected and qualified.

ARTICLE VI.

JUDICIARY.

Section I.

1. The judicial power shall be vested in a court of errors and appeals in the last resort in all causes as heretofore; a court for the trial of impeachments; a court of chancery; a prerogative court; a supreme court; circuit courts, and such inferior courts as now exist, and as may be hereafter ordained and established by law; which inferior courts the legislature may alter or abolish, as the public good shall require.

Section II.

1. The court of errors and appeals shall consist of the chancellor, the justices of the supreme court, and six judges,

or a major part of them; which judges are to be appointed for six years.

2. Immediately after the court shall first assemble, the six judges shall arrange themselves in such manner that the seat of one of them shall be vacated every year, in order that thereafter one judge may be annually appointed.

3. Such of the six judges as shall attend the court shall receive, respectively, a per diem compensation, to be provided by law.

4. The secretary of state shall be the clerk of this court.

5. When an appeal from an order or decree shall be heard the chancellor shall inform the court, in writing, of the reasons for his order or decree; but he shall not sit as a member, or have a voice in the hearing or final sentence.

6. When a writ of error shall be brought, no justice who has given a judicial opinion in the cause in favor of or against any error complained of, shall sit as a member, or have a voice on the hearing, or for its affirmance or reversal; but the reasons for such opinion shall be assigned to the court in writing.

Section III.

1. The house of assembly shall have the sole power of impeaching by a vote of a majority of all the members; and all impeachments shall be tried by the senate; the members, when sitting for that purpose, to be on oath or affirmation "truly and impartially to try and determine the charge in question according to evidence;" and no person shall be convicted without the concurrence of two-thirds of all the members of the senate.

2. Any judicial officer impeached shall be suspended from exercising his office until his acquittal.

3. Judgment in cases of impeachment shall not extend farther than to removal from office, and to disqualification to hold and enjoy any office of honor, profit or trust under this state; but the party convicted shall nevertheless be liable to indictment, trial and punishment according to law.

4. The secretary of state shall be the clerk of this court.

Section IV.

1. The court of chancery shall consist of a chancellor.

2. The chancellor shall be the ordinary or surrogate general, and judge of the prerogative court.

3. All persons aggrieved by any order, sentence, or decree of the orphans' court, may appeal from the same, or from any part thereof to the prerogative court; but such order, sentence, or decree shall not be removed into the supreme court, or circuit court if the subject matter thereof be within the jurisdiction of the orphans' court.

4. The secretary of state shall be the register of the prerogative court, and shall perform the duties required of him by law in that respect.

Section V.

1. The supreme court shall consist of a chief justice and four associate justices. The number of associate justices may be increased or decreased by law, but shall never be less than two.

2. The circuit courts shall be held in every county of this state, by one or more of the justices of the supreme court, or a judge appointed for that purpose; and shall in all cases within the county, except in those of a criminal nature, have common law jurisdiction, concurrent with the supreme court; and any final judgment of a circuit court may be docketed in the supreme court and shall operate as a judgment obtained in the supreme court from the time of such docketing.

3. Final judgments in any circuit court may be brought by writ of error into the supreme court, or directly into the court of errors and appeals.

Section VI.

1. There shall be no more than five judges of the inferior court of common pleas in each of the counties in this state after the terms of the judges of said court now in office shall terminate. One judge for each county shall be appointed every year, and no more, except to fill vacancies which shall be for the unexpired term only.

2. The commissions for the first appointments of judges of said court shall bear date and take effect on the first day of April next; and all subsequent commissions for judges of said court shall bear date and take effect on the first day of April in every successive year, except commissions to fill vacancies which shall bear date and take effect when issued.

Section VII.

1. There may be elected under this constitution, two, and not more than five, justices of the peace in each of the townships of the several counties of this state, and in each of the wards, in cities that may vote in wards. When a township or ward contains two thousand inhabitants or less, it may have two justices: when it contains more than two thousand inhabitants, and not more than four thousand, it may have four justices: and when it contains more than four thousand inhabitants, it may have five justices; *provided*, that whenever any township not voting in wards contains more than seven thousand inhabitants, such township may have an additional justice for each additional three thousand inhabitants above four thousand.

2. The population of the townships in the several counties of the state and of the several wards shall be ascertained by the last preceding census of the United States, until the legislature shall provide, by law, some other mode of ascertaining it.

ARTICLE VII.

APPOINTING POWER AND TENURE OF OFFICE.

Section I.

MILITIA OFFICERS.

1. The legislature shall provide by law for enrolling, organizing and arming the militia.

2. Captains, subalterns, and non-commissioned officers, shall be elected by the members of their respective companies.

3. Field officers of regiments, independent battalions, and squadrons, shall be elected by the commissioned officers of their respective regiments, battalions or squadrons.

4. Brigadier generals, shall be elected by the field officers of their respective brigades.

5. Major generals, shall be nominated by the governor, and appointed by him, with the advice and consent of the senate.

6. The legislature shall provide, by law, the time and manner of electing militia officers, and of certifying their elections to the governor, who shall grant their commissions, and determine their rank, when not determined by law;

and no commissioned officer shall be removed from office, but by the sentence of a court martial, pursuant to law.

7. In case the electors of subalterns, captains, or field officers, shall refuse or neglect to make such elections, the governor shall have power, to appoint such officers, and to fill all vacancies caused by such refusal or neglect.

8. Brigade inspectors shall be chosen by the field officers, of their respective brigades.

9. The governor shall appoint the adjutant general, quarter master general, and all other militia officers whose appointment is not otherwise provided for in this constitution.

10. Major generals, brigadier generals and commanding officers of regiments, independent battalions, and squadrons, shall appoint the staff officers of their divisions, brigades, regiments, independent battalions, and squadrons respectively.

Section II.

CIVIL OFFICERS.

1. Justices of the supreme court, chancellor and judges of the court of errors and appeals, shall be nominated by the governor, and appointed by him, with the advice and consent of the senate.

The justices of the supreme court and chancellor, shall hold their offices for the term of seven years: shall at stated times receive for their services a compensation which shall not be diminished during the term of their appointments; and they shall hold no other office under the government of this state or of the United States.

2. Judges of the courts of common pleas shall be appointed by the senate and general assembly, in joint meeting.

They shall hold their offices for five years; but when appointed to fill vacancies they shall hold for the unexpired term only.

3. The state treasurer and the keeper and inspectors of the state prison, shall be appointed by the senate and general assembly in joint meeting.

They shall hold their offices for one year, and until their successors shall be qualified into office.

4. The attorney general, prosecutors of the pleas, clerk of the supreme court, clerk of the court of chancery and secre-

tary of state, shall be nominated by the governor and appointed by him with the advice and consent of the senate.

They shall hold their offices for five years.

5. The law reporter shall be appointed by the justices of the supreme court or a majority of them; and the chancery reporter shall be appointed by the chancellor.

They shall hold their offices for five years.

6. Clerks and surrogates of counties shall be elected by the people of their respective counties, at the annual elections for members of the general assembly.

They shall hold their offices for five years.

7. Sheriffs and coroners shall be elected annually by the people of their respective counties at the annual elections for members of the general assembly. They may be re-elected until they shall have served three years, but no longer, after which three years must elapse, before they can be again capable of serving.

8. Justices of the peace shall be elected by ballot at the annual meetings of the townships in the several counties of the state, and of the wards in cities that may vote in wards, in such manner and under such regulations as may be hereafter provided by law.

They shall be commissioned for the county, and their commissions, shall bear date and take effect on the first day of May next after their election.

They shall hold their offices for five years: but when elected to fill vacancies, they shall hold for the unexpired term only; *provided*, that the commission of any justice of the peace shall become vacant upon his ceasing to reside in the township in which he was elected.

The first election for justices of the peace, shall take place at the next annual town-meetings of the townships in the several counties of the state, and of the wards in cities, that may vote in wards.

9. All other officers, whose appointments are not otherwise provided for by law, shall be nominated by the governor and appointed by him with the advice and consent of the senate; and shall hold their offices for the time prescribed by law.

10. All civil officers elected or appointed, pursuant to the provisions of this constitution shall be commissioned by the governor.

11. The term of office of all officers elected or appointed

pursuant to the provisions of this constitution, except when herein otherwise directed, shall commence on the day of the date of their respective commissions; but no commission for any office shall bear date prior to the expiration of the term of the incumbent of said office.

ARTICLE VIII.

GENERAL PROVISIONS.

1. The secretary of state shall be ex-officio an auditor of the accounts of the treasurer, and as such, it shall be his duty to assist the legislature in the annual examination and settlement of said accounts, until otherwise provided by law.

2. The seal of the state shall be kept by the governor or person administering the government, and used by him officially and shall be called the great seal of the State of New Jersey.

3. All grants and commissions shall be in the name and by the authority of the State of New Jersey, sealed with the great seal, signed by the governor or person administering the government, and countersigned by the secretary of state, and it shall run thus: "The State of New Jersey, to _____, greeting." All writs shall be in the name of the state; and all indictments shall conclude in the following manner, *viz.*: "against the peace of this state the government and dignity of the same."

4. This constitution shall take effect and go into operation on the second day of September in the year of our Lord one thousand eight hundred and forty-four.

ARTICLE IX.

AMENDMENTS.

Any specific amendment or amendments to the constitution may be proposed in the senate or general assembly, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the legislature then next to be chosen, and shall be published for three months previous to making such choice, in at least

one newspaper of each county, if any be published therein ; and if in the legislature, next chosen, as aforesaid, such proposed amendment or amendments, or any of them, shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment or amendments, or such of them as may have been agreed to as aforesaid by the two legislatures, to the people, in such manner and at such time, at least four months after the adjournment of the legislature, as the legislature shall prescribe ; and if the people at a special election to be held for that purpose only, shall approve and ratify such amendment or amendments, or any of them by a majority of the electors qualified to vote for members of the legislature voting thereon, such amendment or amendments so approved and ratified shall become part of the constitution : *provided*, that if more than one amendment be submitted, they shall be submitted in such manner and form that the people may vote for, or against each amendment separately and distinctly ; but no amendment or amendments shall be submitted to the people by the legislature oftener than once in five years.

ARTICLE X.

SCHEDULE.

That no inconvenience may arise from the change in the constitution of this state, and in order to carry the same into complete operation, it is hereby declared and ordained, that :

1. The common law and statute laws now in force not repugnant to this constitution, shall remain in force until they expire by their own limitation, or be altered or repealed by the legislature ; and all writs, actions, causes of action, prosecutions, contracts, claims and rights of individuals and of bodies corporate, and of the state, and all charters of incorporation, shall continue, and all indictments, which shall have been found, or which may hereafter be found, for any crime or offence committed before the adoption of this constitution, may be proceeded upon as if no change had taken place. The several courts of law and equity, except as herein otherwise provided, shall continue with the like powers and jurisdiction as if this constitution had not been adopted.

2. All officers now filling any office or appointment, shall continue in the exercise of the duties thereof, according to their respective commissions or appointments, unless, by this constitution it is otherwise directed.

3. The present governor, chancellor and ordinary or surrogate general, and treasurer shall continue in office until successors elected or appointed under this constitution shall be sworn or affirmed into office.

4. In case of the death, resignation, or disability of the present governor, the person who may be vice president of council at the time of the adoption of this constitution shall continue in office and administer the government until a governor shall have been elected and sworn or affirmed into office under this constitution.

5. The present governor, or in case of his death or inability to act, the vice president of council, together with the present members of the legislative council and secretary of state shall constitute a board of state canvassers, in the manner now provided by law, for the purpose of ascertaining and declaring the result of the next ensuing election for governor, members of the house of representatives, and electors of president and vice president.

6. The returns of the votes for governor, at the said next ensuing election shall be transmitted to the secretary of state, the votes counted, and the election declared, in the manner now provided by law in the case of the election of electors of president and vice president.

7. The election of clerks and surrogates, in those counties where the term of office of the present incumbent shall expire previous to the general election of eighteen hundred and forty-five, shall be held at the general election next ensuing the adoption of this constitution; the result of which election shall be ascertained in the manner now provided by law for the election of sheriffs.

8. The elections for the year eighteen hundred and forty-four shall take place as now provided by law.

9. It shall be the duty of the governor to fill all vacancies in office happening between the adoption of this constitution and the first session of the senate, and not otherwise provided for and the commissions shall expire at the end of the first session of the senate or when successors shall be elected or appointed and qualified.

10. The restriction of the pay of members of the legisla-

ture, after forty days from the commencement of the session, shall not be applied to the first legislature convened under this constitution.

11. Clerks of counties shall be clerks of the inferior courts of common pleas and quarter sessions of the several counties, and perform the duties, and be subject to the regulations now required of them by law until otherwise ordained by the legislature.

12. The legislature shall pass all laws necessary to carry into effect the provisions of this constitution.

PROPOSED AMENDMENTS

TO THE

Constitution of the State of New Jersey.

ARTICLE I.

RIGHTS AND PRIVILEGES.

Insert as paragraph 19, a new paragraph, as follows :

"19. No county, city, borough, town, township or village shall hereafter give any money or property, or loan its money or credit, to or in aid of any individual, association or corporation, or become security for, or be directly or indirectly the owner of, any stock or bonds of any association or corporation."

Insert, as paragraph 20, a new paragraph, as follows :

"20. No donation of land or appropriation of money shall be made by the state or any municipal corporation to or for the use of any society, association or corporation whatever."

Change the number of present paragraph 19 to number 21.

ARTICLE II.

RIGHT OF SUFFRAGE.

Section I.

Strike out the word "white" between the word "every" and the word "male" in the first line.

Add to the paragraph the following:

"And provided further, That in time of war no elector in the actual military service of the state, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the legislature shall have power to provide the manner in which, and the time and place at which, such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside."

Section II.

Strike out all of the second section after the word "bribery."

ARTICLE IV.

LEGISLATIVE.

Section I.

Paragraph 3—Strike out the words "second Tuesday of October," and insert in lieu thereof the words "first Tuesday after the first Monday in November."

Section IV.

Paragraph 7—Strike out the following words:

"A compensation for their services, to be ascertained by law, and paid out of the treasury of the state; which compensation shall not exceed the sum of three dollars per day for the period of forty days from the commencement of the session, and shall not exceed the sum of one dollar and fifty cents per day for the remainder of the session. When convened in extra session by the governor they shall receive such sum as shall be fixed for the first forty days of the ordinary session. They shall also receive the sum of one dollar for every ten miles they shall travel in going to and returning from their place of meeting on the most usual route."

—and insert in lieu thereof the following:

"Annually the sum of five hundred dollars during the time for which they shall have been elected, and while they shall hold their office, and no other allowance or emolument, directly or indirectly, for any purpose whatever."

Also strike out the words "per diem."

Section VII.

Paragraph 4—Add to the paragraph the following:

"No law shall be revived or amended by reference to its title only, but the act revived, or the section or sections amended, shall be inserted at length. No general law shall embrace any provision of a private, special or local character. No act shall be passed which shall provide that any existing law, or any part thereof, shall be made or deemed a part of the act or which shall enact that any existing law, or

any part thereof, shall be applicable, except by inserting it in such act."

Paragraph 6—Insert the word "free" between the word "public" and the word "schools," and add to the paragraph the following:

"The legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in this state between the ages of five and eighteen years."

Strike out paragraph 8, as follows:

"8. The assent of three-fifths of the members elected to each house shall be requisite to the passage of every law for granting, continuing, altering, amending or renewing charters for banks or money corporations; and all such charters shall be limited to a term not exceeding twenty years."

Change the number of present paragraph 9 to 8.

Insert as paragraph 9, a new paragraph, as follows:

"9. No private, special, or local bill shall be passed, unless public notice of the intention to apply therefor, and of the general object thereof, shall have been previously given. The legislature, at the next session after the adoption thereof, and from time to time thereafter, shall prescribe the time and mode of giving such notice, the evidence thereof, and how such evidence shall be preserved."

Insert as paragraph 11, a new paragraph, as follows:

"11. The legislature shall not pass private, local or special laws in any of the following enumerated cases, that is to say:

"Laying out, opening, altering and working roads or highways.

"Vacating any road, town plot, street, alley or public grounds.

"Regulating the internal affairs of towns and counties; appointing local offices or commissions to regulate municipal affairs.

"Selecting, drawing, summoning or empaneling grand or petit jurors.

"Creating, increasing or decreasing the per centage or allowance of public officers during the term for which said officers were elected or appointed.

"Changing the law of descent.

"Granting to any corporation, association or individual any exclusive privilege, immunity or franchise whatever.

"Granting to any corporation, association or individual the right to lay down railroad tracks.

"Providing for changes of venue in civil or criminal cases.

"Providing for the management and support of free public schools.

"The legislature shall pass general laws providing for the cases enumerated in this paragraph, and for all other cases which, in its judgment, may be provided for by general laws. The legislature shall pass no special act conferring corporate powers, but they shall pass general laws under which corporations may be organized and corporate powers of every nature obtained, subject, nevertheless, to repeal or alteration at the will of the legislature."

Insert as paragraph 12, a new paragraph, as follows:

"12. Property shall be assessed for taxes under general laws, and by uniform rules, according to its true value."

Section VIII.

Insert as paragraph 2, a new paragraph, as follows:

"2. Every officer of the legislature shall, before he enters upon his duties take and subscribe the following oath or affirmation: 'I do solemnly promise and swear (or affirm) that I will faithfully, impartially and justly perform all the duties of the office of —, to the best of my ability and understanding; that I will carefully preserve all records, papers, writings or property entrusted to me for safe keeping by virtue of my office, and make such disposition of the same as may be required by law.'"

ARTICLE V.

EXECUTIVE.

Paragraph 6—After the word "legislature," where it occurs first in said paragraph, insert the words "or the senate alone."

Paragraph 7—Add to the paragraph the following:

"If any bill presented to the governor contain several items of appropriations of money, he may object to one or more of such items while approving of the other portions of the bill. In such case he shall append to the bill, at the

time of signing it, a statement of the items to which he objects, and the appropriation so objected to shall not take effect. If the legislature be in session he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If, on reconsideration, one or more such items be approved by a majority of the members elected to each house, the same shall be a part of the law, notwithstanding the objections of the governor. All the provisions of this section in relation to bills not approved by the governor shall apply to cases in which he shall withhold his approval from any item or items contained in a bill appropriating money."

Paragraph 8—Add to the paragraph the following:

"Nor shall he be elected by the legislature to any office under the government of this state or of the United States, during the term for which he shall have been elected governor."

ARTICLE VII.

APPOINTING POWER AND TENURE OF OFFICE.

Section I.

MILITIA OFFICERS.

Paragraph 5—After the words "major generals," insert the words "the adjutant general and quartermaster general."

Paragraph 9—Strike out the words "the adjutant general, quartermaster general and."

Also strike out the word "other."

Section II.

CIVIL OFFICERS.

Paragraph 1—Strike out the word "and" (where it occurs first) in the paragraph, and insert after the word "appeals" the following words: "and judges of the inferior court of common pleas."

Change the number of present paragraph 3 to number 2, and strike therefrom the following words: "and the keeper and inspectors of the state prison;" and insert in lieu thereof the words "and comptroller."

Also, strike out the words "one year" in the second clause of paragraph 2 of section 2, and insert in lieu thereof the words "three years."

Change the number of present paragraph 4 to number 3, and strike out the word "and" where it occurs between the word "chancery" and the word "secretary."

Also, insert after the word "state" the words: "and the keeper of the state prison."

Change the number of present paragraph 5 to number 4.

Change the number of present paragraph 6 to number 5.

Change the number of present paragraph 7 to number 6, and strike therefrom the words "annually," "annual" and "they may be re-elected until they shall serve three years, but no longer." Insert after the word "assembly" the following words: "and they shall hold their offices for three years;" and add to the paragraph the following words: "sheriffs shall annually renew their bonds."

Change the number of present paragraph 8 to number 7.

Change the number of present paragraph 9 to number 8.

Change the number of present paragraph 10 to number 9.

Change the number of present paragraph 11 to number 10.

A C T S

OF THE

One Hundredth Legislature,

OF THE

STATE OF NEW JERSEY.



PATERSON, N. J.:

CHISWELL & WURTS, BOOK AND JOB PRINTERS, 269 MAIN STREET.

1876.

The following General Public Laws passed at the last session of the legislature are compiled in accordance with the act entitled, "An Act relative to the public printing," Approved April 12, 1876, which provides that "the public laws shall be collated and printed in the front part of the Volume." The Joint Resolutions and Proclamations by the Governor are placed after the General Public Laws, followed by a Table of Contents and Index. The Special Public Acts follow in the order of their approval, with Table of Contents and Index, and the Private Laws with Table of Contents and Index complete the volume.

HENRY C. KELSEY,

Secretary of State.

MEMBERS

OF THE

One Hundredth Legislature of New Jersey

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BERGEN.....	GEORGE DAYTON.
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CAMDEN.....	WILLIAM J. SEWELL.
CAPE MAY.....	RICHARD S. LEAMING.
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ASSEMBLYMEN.

— 5 —

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MERCER	ENOCH H. DRAKE. JOHN HART BREWER. ROBERT L. HUTCHINSON.
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SOMERSET.	JAMES J. BERGEN. JOSEPH H. VOORHEES.
SUSSEX	WILLIAM OWEN.
UNION	JOHN EGAN. MOSES F. CORY. BENJAMIN A. VAIL.
WARREN	WILLIAM CARPENTER. ELIAS J. MACKEY.

GENERAL PUBLIC LAWS.

GENERAL PUBLIC ACTS

PASSED BY THE

One Hundredth Legislature.

CHAPTER I.

An Act to prescribe the notice to be given of applications to the legislature for laws, when notice is required by the constitution.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever by the constitution, as now amended, notice of the intention to apply for the passage of any bill is required, such notice shall contain a correct statement of the general object of said bill, and shall be signed by at least one of the parties who intend to apply for the passage of such bill, and shall be published in at least one of the newspapers printed and published in every county wherever said bill is, or is likely to take effect, and if no newspaper be printed and published in said county, then in a newspaper printed and published in some adjoining county.

Notice of intention to contain a statement of the general object and be published.

2. *And be it enacted*, That for the passage of any bill for which application shall be made to the legislature now sitting, such notice shall be published at least ten days before the introduction of such bill.

Time of publishing notice to present legislature.

3. *And be it enacted*, That after the session of the legislature now sitting, the notice required by the first section of this act shall be published at least once in each week for four consecutive weeks next preceding the day prescribed

Notice shall be published four weeks before the meeting of

the legisla- for the first assembling of the legislature in which such
ture. bill shall be introduced.

Proof of 4. *And be it enacted*, That proof of the publication re-
publication quired hereby shall be made by an oath or affirmation in
how made. writing, made by the publisher or authorized agent of such
publisher of every newspaper in which such publication
was made, containing a copy of the notice published which
shall be presented with such bill when introduced, and,
after the final vote upon said bill, shall be filed and de-
posited by the officers of the legislature in whose hands the
same may be, in the office of the secretary of state, there
to remain.

Secretary 5. *And be it enacted*, That, after the adjournment of each
of State re- legislature, the secretary of state shall record, in well bound
quired to books, to be provided by him for that purpose, every proof
record that relates to any such bill as has become a law; and such
proofs, &c. books, or any certified copy of their contents, shall be re-
ceived in evidence in any place and for any purpose for
which the original proof would be received, the same as the
original thereof, and the publication of any law in the
pamphlet laws published by the state shall be prima facie
evidence that the notice required by the constitution has
been duly granted.

Penalty for 6. *And be it enacted*, That if any one shall falsely swear
false or affirm, in the making of the proof aforesaid, he shall be
swearing or deemed guilty of perjury, and on conviction thereof shall
affirming in be liable to all the penalties prescribed by law therefor.
making proof.

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

WILLIAM J. SEWELL,
President of the Senate,
JOHN D. CARSCALLEN,
Speaker of the House of Assembly.

Approved January 26, 1876.

JOSEPH D. BEDLE,
Governor.

CHAPTER II.

An act to provide for the registration of persons entitled to the right of suffrage in cities, in cases of special elections.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where a vacancy or vacancies have occurred, or shall hereafter occur, by reason of death, failure to qualify or other legal disability, in offices which are filled at general state elections and annual municipal elections, and special elections, shall be hereafter held to fill such vacancy or vacancies in incorporated cities containing, according to the census of the year one thousand eight hundred and seventy, more than twenty thousand inhabitants, there shall be a registration of all persons entitled to the right of suffrage therein, respectively, as herein provided.

Registration to be made in cases of special elections.

2. *And be it enacted*, That the judges of election in the several wards or election districts into which said wards are or may be divided, shall constitute a board of registry, and shall, as members thereof, severally take and subscribe an oath or affirmation before an officer authorized to administer oaths and affirmations, faithfully and impartially to discharge all their duties under this act according to the best of their ability, which oath or affirmation shall be entered on the register.

Judges of Election to constitute a board of registry.

3. *And be it enacted*, That at least five days before the day fixed in and by this act for the meeting of said boards of registry to prepare a revised and corrected register as hereinafter recited, the city clerk of every such city as aforesaid shall cause to be published in each of the daily newspapers of such city, and continued therein for at least three days, a public notice of the time and place of revising and correcting such register, and holding such special elections in the several wards or election districts into which said wards shall or may be divided, which place of revising and correcting such register as hereinafter recited, and holding such election, shall be the same.

Notice to be published in daily newspapers of time and place of revising and correcting register.

Duties of
the boards
of registry.
Time of
meeting,
&c.

4. *And be it enacted*, That the boards of registry provided for in this act shall meet in the several wards or election districts, at the place designated in such notices, on Saturday next preceding the time fixed for such special election, at seven o'clock in the morning and shall remain in session until eight o'clock in the evening, (but may take any necessary recess not exceeding one hour during that time) for the purpose of revising and correcting the revised and corrected register prepared for the general election immediately preceding (taking the certified copy thereof filed with the city clerk of every such city as aforesaid), at which said meeting the said boards of registry shall add to said register the names and residences of all persons entitled to the right of suffrage in the election district at such special election and who shall appear in person before them; and they shall erase therefrom the name of any person who shall be shown, after a fair opportunity to be heard, not to be entitled to a vote therein by reason of non-residence or otherwise; and upon the final completion of said register the said boards of registry shall publicly announce and certify on the register the number of names entered thereon, and on the Monday following such meeting shall cause certified copies of the list of names to be posted in a hand-bill form in some conspicuous and accessible portion of the premises where the meeting shall have been held and another certified copy of such names shall be filed with the city clerk and be open for public inspection; and if any person shall wilfully tear down, remove or deface any list of names, posted pursuant to this act he shall be deemed guilty of a misdemeanor and on conviction be punished by a fine not exceeding five hundred dollars.

Penalty for
removing
or defacing
any list of
names posted
pursuant
to act.

List of per-
sons en-
titled to
vote to be
arranged
alphabeti-
cally.

5. *And be it enacted*, That the register shall contain a list of the persons entitled to the right of suffrage in the election district, arranged in the alphabetical order of their surnames in such a manner as to show the names at full length, the residence, by the number (if there be a number), and the name of the street, court or alley, or other location of the dwelling place of each person.

Duties of
clerks of
election.

6. *And be it enacted*, That the clerks of election of the various wards, or election districts into which the wards are or may be divided, shall attend said meeting of the board of registry, and act as clerks of said boards; procure and furnish the register, make the entries therein and prepare the

certified lists for posting and filing, *provided*, that in case Proviso. of the absence of the clerk, from sickness or otherwise, said board may appoint a temporary substitute.

7. *And be it enacted*, That the proceedings of the board of registry shall be open to the public, and all persons entitled to the right of suffrage in the election district shall be entitled to be freely heard in relation to the revision and correction of the registry. Proceedings to be public.

8. *And be it enacted*, That any member of the board of registry may, at said meeting of the board, administer the oaths and affirmations required by law for testing and determining the qualifications of electors and their right to be registered, and that whoever shall swear or affirm falsely in relation thereto, shall be deemed guilty of perjury, and suffer the punishment prescribed therefor. Members of board of register may administer oaths.

9. *And be it enacted*, That any person who shall cause or procure his name to be registered in more than one election district, or shall cause or procure his name to be registered, knowing that he is not entitled to vote in the ward or election district wherein said registry is made, at such special election to be held therein, or who shall falsely personate any registered voter, shall be punished for each and every such offense by a fine not exceeding five hundred dollars, or imprisonment for a term not exceeding two years, or both, in the discretion of the court. Penalty for causing names to be illegally registered or for falsely personating registered voter.

10. *And be it enacted*, That the said register, after being revised and corrected, shall be carefully and safely preserved by the board of registry, for use by the members thereof as judges of election on the day of election, and no person shall be allowed to vote unless his name shall be found on the register; and if any member of the board of registry shall refuse to register any person legally entitled to vote, or shall, at the said meeting of the board of registry, register the name of any person who shall not have appeared before the board to require the registry of his name, or be shown to have been a legal voter in the ward or district at the last preceding general election, or if, when acting as judge of election, on the day of election, shall receive the vote of any person whose name shall not appear on the revised and corrected register, he shall be punished, on conviction, for every such offence, by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding two years, or both, in the discretion of the court. Register to be preserved for use by the judges of election on election day. Penalty for receiving vote of any person whose name shall not appear on the corrected register.

Poll list
how and by
whom kept.

11. *And be it enacted*, That on the day of election the clerk of election shall keep the usual poll list, and one of the judges shall check on the register the name of the person voting, and that after the canvass of the votes, the poll list and the register so kept and checked shall be attached together and shall, within three days thereafter, be filed with the clerk of the county, if such special election be held to fill a vacancy occurring in any office filled at general state elections, and with the city clerk, if such special election be held to fill a vacancy occurring in an office filled at annual municipal elections.

Expenses
how de-
frayed.

12. *And be it enacted*, That the expenses incurred under this act shall be paid by the cities respectively to which it applies; that the clerk of election, and each of the members of the board of registry and each judge of election, shall receive three dollars per day for his services under this act; *provided*, that compensation shall not be paid for more than four days in respect to such election.

Proviso.

Eight hours
to consti-
tute a day's
labor.

13. *And be it enacted*, That eight hours shall constitute a day's labor on any day whereon any general or municipal election shall be held.

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

Approved February 2, 1876.

CHAPTER III.

A supplement to an act entitled "An Act for the punishment of crimes," approved March twenty-seventh, eighteen hundred and seventy-four.

Penalty for
disburse-
ing, order-
ing or vot-
ing for dis-
bursement
of public
moneys in

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any board of chosen freeholders, or any township committee, or any board of aldermen or common councilmen, or any board of education, or any board of commissioners of any county, township, city, town or borough, in this state, or any committee or member of any such

board or commission, shall disburse, order or vote for the disbursement of public moneys, in excess of the appropriation respectively to any such board or committee, or shall incur obligations in excess of the appropriation and limit of expenditure provided by law for the purposes respectively of any such board or committee, the members thereof, and each member thereof, thus disbursing, ordering, or voting for the disbursement and expenditure of public moneys, or thus incurring obligations in excess of the amount appropriated and limit of expenditure as now or hereafter appropriated and limited by law, shall be severally deemed guilty of malfeasance in office, and on being thereof convicted shall be punished by fine not exceeding one thousand dollars or imprisonment at hard labor for any term not exceeding three years or both at the discretion of the court.

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

Approved February 7, 1876.

CHAPTER IV.

Supplement to an act entitled "An Act to authorize the appointment of a centennial board for this state, and to define its duties," approved April eighth, eighteen hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purposes contemplated in the act to which this is a supplement, the further sum of ten thousand dollars is hereby appropriated, to be paid by the treasurer of this state upon the warrant of the comptroller, certified by the president of the said board of commissioners.

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

Approved February 15, 1876.

CHAPTER V.

A supplement to an act entitled "An act to amend the law relating to the property of married women," approved the twenty-seventh day of March, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the supplement to the above-entitled act, which supplement was approved the fifth day of April, eighteen hundred and seventy-five, and which section is as follows, viz :

Section
amended.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any married woman who is living in a state of separation from her husband under and by virtue of the final judgment or decree of any court, when such judgment or decree is founded upon her application for such separation, may, at any time during the continuance of such separation, convey, mortgage and lease or devise any interest, estate or right that she may have in any real property, such as came to her by gift through or from her said husband, in the same manner and with the like effect as if she were sole and unmarried," be amended by the insertion of the word "except" between the words "real property" and the words "such as," so that the said section, as amended shall read as follows, viz :

Amend-
ment.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any married woman who is living in a state of separation from her husband, under and by virtue of the final judgment or decree of any court, when such judgment or decree is founded upon her application for such separation may, at any time during the continuance of such separation, convey, mortgage and lease or devise any interest, estate or right that she may have in any real property, except such as came to her by gift, through or from her said husband, in the same manner and with the like effect as if she were sole and unmarried."

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

Approved February 15, 1876.

CHAPTER VI.

A supplement to the act entitled "An Act amendatory of the act entitled 'An Act relative to sales of land under a public statute, or by virtue of any judicial proceeding,' approved April the ninth, eighteen hundred and seventy-five."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all sales of land made by order of any of the courts of this state, and advertised in full conformity to the law as it existed previous and up to April ninth, eighteen hundred and seventy-five, and sold between the ninth day of April, eighteen hundred and seventy-five, and the first day of December last past, and in other respects, in the opinion of the courts fully conforming to the law, shall be considered valid and effectual. Certain sales of land shall be considered valid and effectual.

2. *And be it enacted*, That all sales of land made between the times referred to in the first section of this act, and confirmed by any of the courts of this state, shall be valid and effectual; anything in the act of April the ninth last to the contrary notwithstanding; and all sales made between the times referred to in the first section of this act, and not yet confirmed by the courts, and which shall have been advertised as aforesaid, and in other respects, in the opinion of the said courts, fully conforming to the law, shall be confirmed by the said courts. Sales of land made between certain times to be confirmed, &c.

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

Approved February 15, 1876.

CHAPTER IX.

A supplement to an act entitled "An act relative to the writ of certiorari."

Proceed-
ings in cer-
tiorari
when reas-
ons for re-
versal are
founded on
omission or
defeat in
returns of
assess-
ment, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases of writs of certiorari brought to remove any tax or assessment or other order or proceeding, touching any local or public improvement, when reasons for reversal are filed, founded on any omission or defect in the return of said assessment or proceeding which, in the opinion of the court out of which said certiorari is issued, may be supplied by a new or supplemental certificate of the commissioners or other person making such return, it shall be lawful for the said court, on the application of either party to said writ of certiorari, or on their own motion at any time before said writ of certiorari shall be finally determined, to grant a rule upon the commissioners or other persons making such assessment, to certify to said court touching such omission or defect, and to stay the final determination of such cause for a reasonable time, until said rule shall be returned to said court; and if it shall appear by the return of said commissioners, or a majority of them to said rule, that their action or determination in respect of which said reason for reversal is filed was really had, made, or taken by said commissioners in making said assessment, and was accidentally or inadvertently omitted from their said return or report of assessment, the return of said commissioners or other persons to said rule shall have the same force and effect as if the facts therein certified had been contained in the said original report or return; and said original report or return shall be considered as amended by said return to said rule.

Action re-
specting
costs of
writ of cer-
tiorari.

2. *And be it enacted*, That in all such cases it shall be lawful for the court to take such action respecting the costs of said writ of certiorari as it shall deem equitable and just, whether the proceeding reviewed by said certiorari shall be affirmed or set aside.

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

Approved February 24, 1876.

CHAPTER X.

An act to authorize persons to change their names.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person, residing in any county of this state, may apply to the circuit court of such county for an order to authorize such applicant to assume another name; if said applicant be a minor, he shall apply by guardian or next friend; such application shall be by petition, which shall set forth the grounds of the application, and shall be verified by the affidavit of the applicant annexed thereto or endorsed thereon. And notice of such application shall be published at least once in each week for four weeks successively next preceding the time of such application, in some newspaper of said county.

2. *And be it enacted*, That if the court to which such application shall be made, shall be satisfied by such petition, so verified, or by affidavits presented, that there is no reasonable objection that such person should assume another name, such court shall make an order authorizing such applicant to assume such other name, from and after some time, not less than thirty days, to be specified in such order.

3. *And be it enacted*, That within ten days after granting such order, such applicant shall cause a copy thereof to be published in a public newspaper printed in the county in which he shall reside at the time of making such application; within twenty days from the granting of such order such applicant shall cause such petition, affidavit or affidavits, order, and an affidavit of the publication of such order to be filed and recorded in the county clerk's office of the county in which such applicant shall reside at the time of making such application, and within the same time such

applicant shall cause a certified copy of such order to be filed with the secretary of state.

When requirements of act are complied with applicant to be authorized to assume name contained in the order. Suit or legal proceedings not to be abated by reason of misnomer.

4. *And be it enacted*, That when the requirements of this act shall be complied with, the applicant shall, from and after the day specified for that purpose in such order, be known by the name which by such order he shall be authorized to assume, and by no other.

5. *And be it enacted*, That if any suit or legal proceeding shall be commenced by his former name, against any person whose name shall have been changed pursuant to this act, such suit or proceeding shall not be abated, nor any relief or recovery sought thereby, be prevented by such misnomer, but the plaintiff or party instituting such suit or proceeding may amend in respect to the name of the person against whom it shall be commenced, at any time and without costs.

Act when to take effect.

6. *And be it enacted*, That this act shall take effect on the first day of April, eighteen hundred and seventy-six.

Approved February 24, 1876.

CHAPTER XI.

An Act to amend "An act to encourage the establishment of mutual loan, homestead and building associations," (revision), approved April ninth, eighteen hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section eight of "An act to encourage the establishment of mutual loan, homestead and building associations," (revision), approved April ninth, eighteen hundred and seventy-five, which reads as follows :

Section to be amended.

"8. Every company formed under this act shall adopt a constitution, which shall be signed by its members and filed as aforesaid, which shall embrace all the provisions of the foregoing sections, and such articles for their government and the management of their business as they shall deem pro-

per ; *provided*, the same shall not be inconsistent with this act, or with the act concerning corporations aforesaid and shall not contravene the laws or constitution of this state or the United States ;" be and the same is hereby amended so as to read as follows :

8. Every company formed under this act shall adopt a constitution which shall embrace all the provisions of the foregoing sections, and such articles for their government and the management of their business as they shall deem proper ; *provided*, the same shall not be inconsistent with this act or with the act concerning corporations aforesaid, and shall not contravene the laws or constitution of this state or the United States, and may alter and amend the same, from time to time, in the manner therein provided ; the investments of every such association shall be made either in loans to, or in redemption of the shares of, or in purchasing lots and erecting dwellings for the members, or in all of said modes, or in such other ways as the constitution of the particular association shall provide ; and no premium given for priority of loan or acquisition of a building, or discount given on the redemption of shares, shall be deemed to be usurious.

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

Approved February 29, 1876.

CHAPTER XII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the support and maintenance of the State Reform School for Boys, and to enable the trustees to erect and furnish a new family house for fifty boys, and also to erect a workshop and supply it with suitable machinery, the sum of fifty-five thousand dollars is hereby appropriated, which the treasurer of the state is hereby

Appropriation for erection of workshops, &c.

directed to pay to the trustees on the warrant of the comptroller.

Expenditures for certain purposes not to exceed twenty thousand dollars.

2. *And be it enacted*, That the trustees in the erection, furnishing and completion of the new family house and workshop, and in purchasing machinery for said shop shall not exceed the sum of twenty thousand dollars, and this amount shall be used for that purpose and no other.

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

Approved February 29, 1876.

CHAPTER XIII.

A supplement to the act entitled "An act to establish a system of public instruction."

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That no new school district shall hereafter be formed which shall contain less than seventy-five children, between five and eighteen years of age, by the county superintendent of any county except the circumstances of the case be in his opinion extremely urgent, in which case he shall certify to the state superintendent of public instruction, the facts of the particular case with his recommendation in the premises, and upon the state superintendent endorsing his approval thereon in writing a new district may be formed, provided, that no such new district shall contain less than twenty-five children between the ages aforesaid.

New School districts shall not be formed with less than seventy-five children, between five and eighteen years, except in certain cases.

Proviso.

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

Approved March 7, 1876.

CHAPTER XIV.

A further supplement to the act entitled "An act respecting coroners," approved March twenty-seventh, one thousand eight hundred and seventy-four (revision).

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the coroners for the several counties of this state shall be elected by the qualified voters of each county at the time of electing members of the general assembly; they shall be elected once in every three years and as often as vacancies occur; and every such vacancy shall be supplied at the general election next succeeding the happening thereof. Election of coroners and vacancies how supplied.

2. *And be it enacted*, That the commission of every coroner elected at any general election shall bear date and take effect on the Wednesday after the first Tuesday succeeding such general election and his term of office shall expire on the first Tuesday after the third succeeding general election. Date of Commission and expiration of term of office.

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

Approved March 7, 1876.

CHAPTER XVI.

A supplement to the act entitled "An act constituting courts for the trial of small causes," approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases of appeal from the judgment of any justice of the peace founded on an affidavit New evidence may be offered in cases of appeal

from justice of the peace, without previous notice.

Proviso.

or affidavits, as provided for in the thirty-seventh, thirty-eighth and thirty-ninth sections of the act to which this is a supplement, it shall not be necessary for either party to such appeal to give notice of the production of new evidence, but on the trial of such appeal before the court of common pleas to which the same shall be taken, it shall be lawful for either party to produce and offer such witnesses and other evidence, as the said party shall desire, without previous notice to the other party; *provided*, the same shall be lawful and competent in other respects.

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

Approved March 7, 1876.

CHAPTER XVII.

An act relative to taxes in the county of Hunterdon.

Preamble.

WHEREAS, in the abstract of ratables returned by the board of assessors of the county of Hunterdon for the year eighteen hundred and seventy-four, to the comptroller of the treasury, there was a clerical mistake, whereby the total of the ratables of said county was reported two millions nine hundred and eighty-seven thousand one hundred and forty-six dollars in excess of what it should have been; and *whereas*, said excessive valuation was made the basis for the apportionment of the state and school tax, of said county for the year eighteen hundred and seventy-five; and *whereas*, the state and school tax, on such excess of valuation, amounted to ten thousand four hundred and fifty-five dollars and one cent; and *whereas*, the collector of the county of Hunterdon has paid into the state treasury the said sum of ten thousand four hundred and fifty-five dollars and one cent, in excess of the amount which should have been apportioned to and paid by the said county as tax for the year eighteen hundred and seventy-five; and it being just and equitable, that the said county

should be repaid the amount of such erroneous payment;
therefore,

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 directed and required to pay to the collector of said county of Hunterdon, upon the warrant of the comptroller, the said sum of ten thousand four hundred and fifty-five dollars and one cent.

State
treasurer
to pay col-
lector on
warrant of
comptroller.

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

Approved March 7, 1876.

CHAPTER XVIII.

An act in relation to mileage.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for serving any writ hereafter to be issued out of any court of law or of the court of chancery, no officer shall be allowed to receive or charge for mileage upon any greater number of miles than shall have been actually and necessarily traveled by him, from and to the court house of his county, in making such service.

Mileage to
be allowed
for serving
writ.

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

Approved March 8, 1876.

CHAPTER XIX.

AN act for the support of the State Industrial School for Girls.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the support of the said school, the instruction and maintenance of its pupils, the sum of five thousand dollars be and the same is hereby appropriated, which sum the treasurer of the state is hereby directed to pay to the trustees of said school upon the warrant of the comptroller.

Treasurer
to pay
amount of
appropriation
on warrant
of
comptroller.

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

Approved March 8, 1876.

CHAPTER XX.

AN act to fix the times and places of holding courts in the respective counties in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the circuit court, the court of oyer and terminer and general jail delivery, the court of common pleas, the court of general quarter sessions of the peace and the orphans' court of the respective counties in this state, shall hold annually stated terms at the times and places following, and not otherwise, that is to say:

Time and
place of
holding
regular
terms of
Court &c.
in the coun-
ties of the
State.

Bergen
County.

Hudson
County.

I. In the county of Bergen, at New Barbadoes, on the first Tuesday of April, September and December, respectively ;

II. In the county of Hudson, at Jersey City, on the first Tuesday of April, September and December, respectively ;

- III. In the county of Essex, at Newark, on the first Tuesday of April, September and December, respectively. Essex County.
- IV. In the county of Monmouth, at Freehold, on the first Tuesday of May and October and the first Tuesday after the first day of January, respectively; Monmouth County.
- V. In the county of Somerset, at Somerville, on the third Tuesday in April, September and December, respectively; Somerset County.
- VI. In the county of Middlesex, at New Brunswick, on the first Tuesday of April, September and December, respectively; Middlesex County.
- VII. In the county of Warren, at Belvidere, on the fourth Tuesday in April, third Tuesday in September, and the first Tuesday after the fourth Tuesday in December, in each and every year; Warren County.
- VIII. In the county of Sussex, at Newton, on the first Tuesday of April, September and December, respectively; Sussex County.
- IX. In the county of Morris, at Morristown, on the first Tuesday of May and October, and the third Tuesday of January, respectively; Morris County.
- X. In the county of Passaic, at Paterson, on the fourth Tuesday of April and September, and the first Tuesday after the first day of January, respectively; Passaic County.
- XI. In the county of Hunterdon, at Flemington, on the second Tuesday in April, and the first Tuesday in September and December, in each and every year; Hunterdon County.
- XII. In the county of Mercer, at Trenton, on the third Tuesday in January, the second Tuesday in May, and the first Tuesday in October, in each and every year; Mercer County.
- XIII. In the county of Burlington, at Mount Holly, on the third Tuesday of April, September and December, respectively; Burlington County.
- XIV. In the county of Camden, at Camden, on the first Tuesday of May, October, and the second Tuesday of January, respectively. Camden County.
- XV. In the county of Cumberland, at Bridgeton, on the first Tuesday in the months of October, January and May, respectively; Cumberland County.
- XVI. In the county of Salem, at Salem, on the third Tuesday in the months of October, January and May, respectively; Salem County.
- XVII. In the county of Gloucester, at Woodbury, on the first Tuesday of April, September and December, respectively; Gloucester County.

Atlantic
County.

XVIII. In the county of Atlantic, at Mays Landing, on the second Tuesday of April, September and December, respectively ;

Cape May
County.

XIX. In the county of Cape May, at Cape May Court House, on the fourth Tuesdays of September and April, and the third Tuesday in December, respectively ;

Ocean
County.

XX. In the county of Ocean, at Toms River, on the second Tuesday of April, the first Tuesdays of September and December, respectively ;

Union
County.

XXI. In the county of Union, at the city of Elizabeth, on the first Tuesday of May, October and January, respectively.

Writs, &c.
returnable.

2. *And be it enacted*, That all writs, process, recognizances and other proceedings of the said several courts, which are now by law required to be returned at a term of such court, shall be made returnable at and in conformity to the terms and times hereby established.

Courts may
be held and
continued
for so long
time as bus-
iness shall
render nec-
essary.

3. *And be it enacted*, That the said several courts may, respectively, be held and continued for so long time, as the business thereof shall render necessary.

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

Approved March 9, 1876.

CHAPTER XXI.

A supplement to an act entitled "An act respecting railroads and canals," (revision), approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any railroad, has a route between termini, extending within, through or beyond this state, which, in so doing, traverses by ferry or steamboat, any river or sound, such company shall have the right, whenever lawfully possessed, by lease or otherwise, of the franchise to carry freight or passengers by land from the place of embarkation upon said river or sound to either of

Any Rail-
road Com-
pany may
abandon
transport-
ation by
water in
certain
cases with-
out forfeit-
ure of its
franchises.

its termini, to make use exclusively of such franchise, and abandon, at its discretion, such transportation by said waters, and such abandonment shall constitute no ground for the forfeiture of its franchises, or for the enforcement of any penalty provided by any law heretofore passed and existing, or for any action at law or in equity against said company; provided, that this act shall not take effect until such provision be made by said railroad company for the transportation of passengers and freight by railroad cars in one continuous route, not exceeding in length the present route by water as will enable them to reach either of its termini within the time heretofore usually occupied by said transportation by water; and provided further, that nothing therein contained shall authorize such company to increase their rates of charges for transportation of passengers or freight between such termini; provided further, that if the connections aforesaid as contemplated in this act are not made on or before July fourth, one thousand eight hundred and seventy-seven, then this act shall be null, and void: provided however, that this act shall not in any way apply to or affect any canal or canals within this state.

Approved March 15, 1876.

CHAPTER XXII.

A supplement to "An act respecting bridges," approved April tenth, eighteen hundred and forty-six.

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 persons to drive any kind of carriage, wagon, cart, sled or sleigh, drawn by one or more horses or mules, or lead or drive any other description of cattle over any of the public road bridges in this state, which may be constructed of wood or iron, or the arches of which may be of wood or iron, at a faster gait than a walk, when the authorities in

Not to drive at a faster gait than a walk when notice has been placed on bridge limiting the pace over it to a walk.

charge of such bridge have placed upon it a notice limiting the pace over it to a walk; and every person or persons wilfully so offending shall, upon conviction thereof, before any justice of the county in which such bridge may be situated, forfeit and pay the sum of ten dollars, with costs of prosecution, for each and every horse, mule, or other cattle so unlawfully led or driven.

Penalty when collected how disposed of. 2. *And be it enacted*, That one-half of said penalty, when collected, shall be paid to the person making the complaint, and the other half shall be paid to the county collector of said county.

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

Approved March 15, 1876.

CHAPTER XXIII.

A supplement to an act entitled "An act to encourage the establishment of mutual loan, homestead and building associations," (revision), approved April ninth, eighteen hundred and seventy-five.

Authorizing Associations heretofore organized under the laws of this State to meet and reorganize on giving notice. 1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That any mutual loan, homestead or building association heretofore organized under the laws of this state shall have power to meet and reorganize and provide for the transaction of their future business under the provisions of the act to which this is a supplement, by giving notice thereof by advertisement for four weeks successively, at least once in each week, in a newspaper published or circulating where such company or association is located, which advertisement shall be signed by the secretary, and state the time, place and purpose for which such meeting is called, and also by sending a written or printed notice to each stockholder, containing the same information; when so assembled they shall have power, by a two-thirds vote of the stock present, to change, alter or repeal their present

constitution and by-laws and to adopt such new constitution and by-laws as they may deem needful for their future government; *provided*, the same do not conflict with the laws Proviso. or constitution of this state or of the United States.

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

Approved March 15, 1876.

CHAPTER XXIV.

An act concerning sheriffs.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person shall be sheriff of any county in this state, unless he shall have been a citizen of this state and an inhabitant of such county for at least three years next preceding his election. Who eligible to the office of Sheriff.

2. *And be it enacted*, That the judges of the courts of common pleas in the several counties of this state, shall meet at the office of the clerk of the said court, in their respective counties, on the first Tuesday after the close of the annual election of members of the general assembly, on the penalty of fifty dollars for each defaulter, to be sued for and recovered by the collector of the said county, and applied to the use of the same; at which time and place the sheriff for the time being or sheriff elect, as the case may be, of the same county is hereby required and enjoined to attend with the certificate of his election and not less than five sufficient sureties, being freeholders and residents in the same county, to be approved of by the judges then met or the major part of them, and then and there, before the said judges, with such approved sureties, shall enter into bond for the faithful execution of his office in the sum of twenty thousand dollars, or in such greater sum not exceeding fifty thousand dollars as the said judges or the major part of them may order, which bond shall be in the form following, to wit: Sheriff to give bond. Judges to attend and approve sureties.

Form of
bond.

"Know all men by these presents, that we, A. B., C. D. E., F., G. H., I. K., and L. M., all of the county of _____, are held and firmly bound to the state of New Jersey in the sum of _____ thousand dollars, to be paid to the said state, for which payment well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents; sealed with our seals; dated this _____ day of _____ in the year of our Lord _____; the condition of the above, obligation is such, that if the above bounden A. B. shall well and truly execute the office of sheriff of the county of _____, and in all things touching his said office shall well and truly, justly and faithfully perform and execute the same as well with respect to all persons concerned as to the state aforesaid, then this obligation to be void, or else to be and remain in full force and virtue; signed, sealed and delivered in the presence of, and approved by us,

A. B.

C. D.

E. F. &c.

} judges of the pleas in and for the county of _____

Bond to be
filed in
Clerk's of-
fice.

to the execution of which bond, the said judges, then present shall be subscribing witnesses; and the said bond so as aforesaid executed by the said sheriff or sheriff elect and his sureties, and approved of in the manner before prescribed shall be filed and securely kept in the office of the clerk of the court of common pleas, in and for the same county.

Sheriff to
subscribe
oath.

3. *And be it enacted*, That every sheriff elect after having entered into bond as aforesaid, shall take and subscribe before the said judges, an oath or affirmation in the words following, to wit: "I do solemnly swear (or affirm), that I will well and truly serve the state of New Jersey in the office of sheriff of the county of _____; that I will in no case knowingly use or exercise the office of sheriff illegally, corruptly or unjustly; that I will neither directly or indirectly by any means or device, or under any color or pretense whatsoever, accept, receive, take, use, or enjoy, or consent to the accepting, receiving, taking, using or enjoying, any fee or reward of or from any person or persons whomsoever, for summoning, empanneling, or returning any inquest, jury or tales, other than such fees or rewards as are or shall be allowed by law; that I will not directly or indirectly exact, demand, or receive any manner of fee or reward from any person or persons, for serving, executing, or returning any

Form of
oath.

writ, precept, process, or execution, or for performing any other service, act, or duty in my said office, other than such fees or reward as are or shall be allowed for the same by law; that I will not neglect, refuse, or delay to serve and return any writ, precept, or execution, to me directed and delivered, and to make sale of property by me levied upon and seized by virtue of any writ or execution, for any gift, promise, reward, or favor; that I will do no wrong to any person, for any gift, reward or promise, nor for favor or hatred; that I will do right to all persons in all things belonging to my office; that I will truly, faithfully and impartially and with all convenient speed, summon, empanel and return, or cause to be summoned, empaneled and returned, good and lawful men for jurors, able and sufficient and not suspected or procured, as is or shall be directed by law; that I will to the utmost of my power duly, faithfully, and with all convenient speed, execute, or cause to be executed all writs, processes, precepts, and executions to me directed, and which shall come to my hands, and will faithfully and truly return the same, according to the best of my skill and understanding; and that I will truly and honestly, without fraud or deceit, do, execute, and perform all services, acts, and duties of my said office, according to the best of my judgment, skill, and power;" and such oath or affirmation in writing, subscribed as aforesaid and attested by the said judges or a major part of them, shall be filed and securely kept in the office of the clerk of the court of common pleas, in and for the same county.

Oath to be
filed by
Clerk.

4. *And be it enacted*, That the said judges, after having taken the bond and administered the oath or affirmation of office as aforesaid, shall deliver to every sheriff elect a certificate thereof, under their hands and seals, directed to the governor of the state in the form following: "This day personally appeared before us the subscribers, judges of the court of common pleas in and for the county of _____, A. B. and executed a bond to the state of New Jersey, with sufficient sureties by us approved, for the faithful execution of the office of sheriff of the said county of _____, and subscribed the oath of office in due form of law; given under our hands and seals, the _____ day of _____, in the year of our Lord _____;" which certificate shall be annexed to the certificate of election aforesaid and by the said judges delivered to the sheriff elect, to be by him trans-

Judges to
make cer-
tificate to
the Gover-
nor.

Form of
certificate.

Compensation of Judges. mitted to the governor, in order to be commissioned; and the said judges then present, shall for their services aforesaid, be severally entitled to the sum of one dollar and fifty cents, which the collector of the county is hereby authorized and required to pay out of any public moneys he may have in his hands.

May execute the office of Sheriff before receiving commission. 5. *And be it enacted*, That every sheriff shall, on receipt of such certificate of his having given bond and taken the oath of office as aforesaid, be and he is hereby authorized to act in and execute his office of sheriff, before receiving his commission, for the space of one month and no longer, as fully to all intents and purposes as he will be after he has received his commission.

Date of commission. 6. *And be it enacted*, That the commission of every sheriff elected at any general election shall bear date and take effect on the Wednesday after the first Tuesday succeeding such general election, and his term of office shall expire on the first Tuesday after the third succeeding general election.

Coroners to act until Sheriff is qualified. 7. *And be it enacted*, That until the sheriff elect shall enter into bond and take the oath of office as aforesaid, the coroner or coroners last elected shall serve and execute all writs and process directed to the said sheriff.

Sheriff shall not execute the office before giving bond and taking oath of office. 8. *And be it enacted*, That if any sheriff elect shall presume to execute the office of sheriff before he shall have given bond and taken the oath of office, agreeably to the directions of this act, then all such his acts and proceedings done under color of office shall be absolutely void, and he shall for such offence be liable to be indicted for a misdemeanor, and on conviction fined in any sum not exceeding two thousand dollars.

Office when to be deemed vacant. 9. *And be it enacted*, That if any person who shall have been elected to the office of sheriff shall neglect, refuse or be unable to give bond with sureties as aforesaid, or shall refuse to take the oath of office, agreeably to the directions of this act, at the times herein limited, then such office shall be deemed and taken to be vacant and such vacancy shall be supplied in the manner hereinafter prescribed.

When sheriff neglects, refuses or is unable to give bond, his office is to be deemed vacant. 10. *And be it enacted*, That if any sheriff for the time being of any county shall neglect, refuse or be unable to give bond with sureties as aforesaid, agreeably to the directions of this act, at the time or times herein limited, the office of such sheriff shall immediately expire and shall be deemed and taken to be vacant; and if such sheriff shall there-

after presume to execute the office of sheriff, then all such his acts and proceedings done under color of office shall be absolutely void, and he shall for such offence be liable to be indicted for a misdemeanor, and on conviction fined in any sum not exceeding two thousand dollars.

11. *And be it enacted*, That it shall and may be lawful for the governor, or person administering the government, upon application made in writing by any person, his legal representative or attorney, who may be aggrieved, or suppose himself to be aggrieved, by the neglect, default, malpractice or misconduct of any sheriff in his office, to order a prosecution to be commenced upon the proper bond given or to be given by such sheriff and his sureties, and to be carried into effect at the costs and charges of the applicant.

Governor
may order
prosecution
of Sheriff's
bond.

12. *And be it enacted*, That all suits upon bonds given by sheriffs and their sureties in manner aforesaid, shall be instituted in the supreme court and not elsewhere; and when judgment shall be obtained upon any such bond the said court shall direct so much money to be levied on such judgment as shall be sufficient to satisfy the party aggrieved for his debt or damages, with costs, to be paid to the said party and upon the satisfaction of such debt, damages and costs such judgment may be satisfied of record; *provided*, there be no application to said court for relief thereon then pending; and if after judgment obtained upon such bond and before the same be actually satisfied of record, any other party aggrieved by the neglect, default, malpractice or misconduct of such sheriff in his office shall apply to the supreme court for relief, the said court shall direct such further sum to be levied thereon as shall be sufficient to satisfy such party for his debt or damages, with costs, and so on as often as application shall be made by parties aggrieved; and such judgment shall not be satisfied or discharged of record so long as any application to said court for relief thereon be pending in said court.

Proceed-
ings in case
of suits up-
on bonds
given by
sheriffs.

Proviso.

13. *And be it enacted*, That neither the obtaining of a judgment, as provided for in the preceding section, or the satisfaction thereof, or any proceedings thereon, shall operate or have the effect to discharge any sheriff or his sureties, or any or either of them, from liability on any bond upon which suit shall be or shall have been brought, but fresh suit may be instituted thereon, in manner aforesaid, as often as circumstances require, the same as if judgment had not

Sheriff or
his sureties
not to be
discharged
from liabil-
ity on any
bond upon
which suit
is brought.

been obtained thereon and the same satisfied of record;
provided, that the sureties in any sheriff's bond shall not be charged by virtue of this act beyond the sum contained in such bond.

14. And be it enacted, That the sheriff of every county of this state shall have the custody, rule, keeping and charge of the jail or jails within such county, and of all prisoners in such jail or jails; and shall be responsible for the conduct of any keeper whom he shall appoint for the same, except where the board of chosen freeholders of any county may have appointed or may hereafter appoint a warden or keeper of such jail or jails.

15. And be it enacted, That it shall be the duty of sheriffs and jailors to receive from constables and other officers all persons who shall be apprehended by such constable or officers for offences against this state; and if any sheriff or jailor refuse to receive any such offenders, he shall be adjudged to be guilty of a misdemeanor, and, on conviction, shall be fined at the discretion of the court.

16. And be it enacted, That every sheriff, undersheriff, coroner, jailor and other officer, shall let out of prison all persons who are or shall be arrested by them or any of them, or be in their or any of their custody, by virtue of any writ, process or warrant, in any personal action or by reason of any indictment for trespass, upon reasonable sureties of competent persons, having sufficient within the counties where such persons shall be so let to bail, to appear at such day and place as the said writ, process or warrant shall require, except such person or persons as are or shall be in custody or prison by condemnation, execution, surety of the peace, or special command of any court of justice; and that no sheriff, nor any of the officers or ministers aforesaid, shall take or make, or cause to be taken or made, any obligation for any cause aforesaid, or by color of his or their office, of any person, or by any person who shall be in his or their custody or prison by course of law, but only to themselves respectively, and by the name of their office, and upon condition written, that the said prisoner shall appear at the day and place mentioned and contained in said writ, process or warrant; and if any sheriff or other officer, or minister aforesaid, return upon any person, that he hath taken the body, or that such person hath surrendered himself or herself, such sheriff or other officer or minister shall

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Sheriffs to have the custody and charge of jails in their respective counties.

Sheriffs to receive from constables and other officers, persons apprehended &c.

Certain persons to be let out of prison upon reasonable sureties of competent persons.

Conditions upon which Sheriff or other officer shall let to bail certain persons.

be chargeable to have the body of such person, at the day of the return of the said writ, process or warrant, in such form as he or they were before the making of this act.

17. *And be it enacted*, That sheriffs and other officers, Sheriffs and other officers to put their own names to return of writ or process. whose duty it is or shall be to make return of any writ or process, shall put their own names to the return of such writ or process, so that the court may know of whom they receive such return; and any sheriff or other officer, who shall not sign such return shall be amerced, and also answer damages to the party.

18. *And be it enacted*, That no sheriff, undersheriff, coroner, or other officer or minister, shall convey or carry or cause to be conveyed or carried any person or persons, by him or them arrested, or being in his or their custody, by virtue or color of any writ, process, or warrant, to any tavern, ale house, or other public victualling or drinking house, without the free and voluntary consent of the person or persons so arrested or in custody; nor charge any such person or persons with any sum of money for wine, brandy, rum, gin, spirits, ale, cider, beer, victuals, or any other liquor or things whatsoever, except what he, she, or they shall call for of his, her, or their own free accord; nor shall cause or procure him, her, or them to call or pay for any such liquor, victuals, or thing except what he, she, or they shall particularly and freely ask for; nor shall demand take, or receive, or cause to be demanded, taken, or received, directly or indirectly, any other or greater sum or sums of money than is or shall be by law allowed to be taken or demanded for such arrest, taking and detaining, or waiting until the person or persons so arrested or in custody, shall have given an appearance or bail, as the case may require or agreed with the person or persons at whose suit or prosecution he, she, or they shall be taken or arrested, or until he, she, or they shall be sent to the proper jail of the county or place where such arrest or taking shall be; nor shall exact or take any reward, gratuity, or money for keeping the person or persons so arrested or in custody out of jail or prison; nor shall take or receive any other or greater sum or sums for one or more nights lodging or day's diet or other expenses, than what is or shall be allowed by law. Sheriff or other officer not to convey persons by him or them arrested to any ale, tavern or drinking house without consent of persons so arrested. No charge to be made for any liquor or things whatsoever, except what he, she or they shall call for of their own free accord. Shall not receive or cause to be demanded any other sum than is allowed by law for such arrest. Shall not take any reward or money for keeping the person or persons so arrested out of jail, or prison &c.

19. *And be it enacted*, That every sheriff, undersheriff, jailor, keeper of any prison or jail, or other person or persons whomsoever, to whose custody or keeping any person or per- Persons in custody of Sheriff or other officer to be

allowed to send for necessary drink or food from what place and whom they please, &c., without requiring them to pay for having or using thereof.

sons so arrested or taken shall be committed by virtue of any writ or process, or on any pretense whatsoever, shall permit and suffer him, her, or them so arrested or taken, at his, her, or their will and pleasure to send for and have any victuals or necessary drink or food from what place and whom they please, and also to have and use such bedding, linen, and other things, as he, she, or they shall think fit, without purloining or detaining the same, or any part thereof or enforcing or requiring him, her, or them to pay for the having or using thereof, or putting any manner of restraint or difficulty upon him, her, or them in using thereof or relating thereto.

Debtors and criminals shall be kept separate and apart from each other.

20. *And be it enacted*, That it shall not be lawful for any sheriff, jailor or keeper of any jail to confine or keep debtors and criminals together in the same room or chamber, but they shall be confined and kept separate and apart from each other in distinct rooms.

Penalty or offending against the preceding section.

21. *And be it enacted*, That if any sheriff, under sheriff, coroner, jailer or other officer, or minister aforesaid, shall offend against the three clauses or sections immediately preceding, or any of them, or any part thereof, every such offender shall, besides being punished on conviction for a misdemeanor forfeit and pay double damages to the party aggrieved, to be recovered, with costs, by action of debt in any court having cognizance thereof.

Penalty for neglect or refusal to execute writ of execution, &c.

22. *And be it enacted*, That if any sheriff or coroner shall neglect or refuse to execute any writ of execution to him directed, and which hath or shall come to his hands, or, where the execution shall be by fieri facias, shall neglect to file a just and true inventory of the goods and chattels, lands and tenements, so taken in execution, unless such sheriff or coroner return that he hath levied to the value of the debt or damages and costs, or shall voluntarily or negligently omit for the space of two months, rendering to the plaintiff or plaintiffs his, her or their representative or attorney, the money which he shall have received from the sale of the estate, real and personal, of the defendant or otherwise, he shall be amerced in the value of the debt or damages and costs, to and for the use of the said plaintiff or plaintiffs; *provided*, that ten days' notice in writing shall be given to such sheriff or coroner by the plaintiff or plaintiffs, his her or their representative or attorney, before any motion shall be made for such amercement; which said amercement, so as

Proviso.

aforesaid ordered by the court, shall have the force and effect of a judgment; whereupon execution, in the name and for the use of such plaintiff or plaintiffs, or his, her or their representatives, may instantly, on motion in open court, and without any further proceedings, be awarded and issued against the goods and chattels, lands and tenements of such sheriff or coroner so amerced as aforesaid; *provided*, that nothing in this act contained shall prevent the party injured from proceeding, at his election, against such sheriff or coroner by attachment according to law.

23. *And be it enacted*, That when an amercement as aforesaid has been obtained against any sheriff or coroner, it shall be lawful for the court, at the request of the plaintiff or plaintiffs, his, her or their attorney or legal representative, to appoint one or more elisors or elisors, to whom the execution upon such amercement shall be directed, and who, on accepting such appointment and receiving such execution, shall have as full power and authority to levy upon, seize and sell the estate, real and personal, of such sheriff or coroner, and make deed or deeds for the same and in all things to execute the said writ of execution, as any sheriff might or could have by law, in cases of execution to him directed, and shall be entitled and liable to the like fees and penalties.

24. *And be it enacted*, That the court of common pleas, and circuit court in and for the respective counties of this state, shall have the like power in cases of contempt and disobedience as aforesaid, to award attachments, and proceed thereupon against the sheriff or coroner of such county where the said court is held, as the supreme court now hath or hereafter shall have.

25. *And be it enacted*, That in case of a sale on execution made by a sheriff, under sheriff, coroner or other officer, he shall, within thirty days thereafter, file in the clerk's office of the court out of which the execution issued, a true statement and calculation, in order of time, of the execution or executions in his hands upon which such sale was made, and the amount due thereon, respectively, at the time of such sale mentioning the time or times of sale, as also the amount of sales, certified under his hand, together with his bill of costs, or execution fees, for which service he shall be entitled to one dollar; *provided*, that such statement, so filed, shall not be conclusive against any person other than such officer;

Proviso. *and provided* that if there be more sales than one, such statement shall be made and filed 'within thirty days after the final sale.

Prisoners committed to any prison shall be actually detained in prison until discharged by due course of law. 26. *And be it enacted,* That all prisoners, either upon contempt or mesne process, or in execution who are or shall be committed to any prison, shall be actually detained within such prison until they shall be from thence discharged by due course of law; and if at any time the keeper of any prison shall permit or suffer any prisoner committed to his custody either upon contempt or mesne process, or in execution, to go or be at large out of prison, except by virtue of some writ of habeas corpus or rule of court, (which rule of court shall be granted only on motion made or petition read in open court) and except, also, when otherwise provided by law, every such going or being out of the said prison shall be adjudged and deemed, and is hereby declared to be an escape.

When going or being out of the prison shall be adjudged and deemed an escape. 27. *And be it enacted,* That every person who, by virtue of any writ of execution against his body, for any debt recovered or acknowledged, or damages assessed, awarded or adjudged in any court of record, hath been or hereafter shall be taken or arrested by any sheriff or other officer, to whom any such writ hath been or shall be directed, and every person who hath been or shall be committed to the custody of any sheriff or other officer, in execution for any such debt or damages, shall be safely kept in prison in close and secure custody, without bail or mainprise, except when otherwise provided by law, until he shall satisfy and pay such debt, or damages; and if any such sheriff or other officer shall permit or suffer any such person so taken, arrested or committed, or hereafter to be taken arrested or committed, to go out of prison or be at large, by bail, mainprise or otherwise, without the assent and agreement of the plaintiff, such sheriff or other officer shall thereby become answerable to the plaintiff for the debt or damages for which such person was or shall be taken, arrested, or committed; and the plaintiff may recover the same, with costs, by action of debt against such sheriff or other officer.

Persons committed to the custody of any sheriff or other officer in execution for debt or damages to be safely kept without bail until he shall pay such debt or damages. 28. *And be it enacted,* That if any person is or shall be in the custody of any sheriff or other officer for not performing any decree of the court of chancery, whereby money is ordered or decreed to be paid, and shall escape from the said sheriff or other officer, then and in every such case, the

Sheriff or other officer permitting such person to go out of prison or be at large on bail shall be answerable for the debt or damages for which such person is committed.

Remedy against Sheriff or other officer in case of escape of any per-

person or persons, his, her or their executors or administrators, to whom the money was to be paid by the said order or decree, shall have the same remedy against the said sheriff or other officer as if such person so escaping had been in custody upon an execution at law, and shall recover the money ordered or decreed to be paid to him, her or them in and by such order or decree against such sheriff or other officer, with costs, in any action of debt or upon the case, to be brought against such sheriff or other officer in any court of record of this state.

son in custody of such Sheriff or other officer for non performance of any decree in chancery whereby money is decreed to be paid.

29. *And be it enacted*, That no retaking on fresh pursuit shall be given in evidence on the trial of any issue in any action of escape against any sheriff or keeper of any prison, unless the same be specially pleaded, nor shall any special plea be taken, received or allowed unless oath or affirmation be first made in writing by such sheriff or keeper of such prison, against whom such action shall be brought, and filed with such plea, that the prisoner, for whose escape such action is brought, did, without his consent, privity or knowledge, make such escape; and if such affidavit shall at any time afterwards appear to be false, such sheriff or keeper of such prison, shall on conviction thereof, be adjudged to be guilty of a misdemeanor, and be punished by fine not exceeding fifteen hundred dollars.

Retaking or fresh pursuit not to be given in evidence on trial of any issue in any action of escape against any Sheriff or Keeper of any prison unless the same be specially pleaded.

30. *And be it enacted*, That when the sheriff, or any of his deputies, find that resistance will be made against any process of execution, the sheriff, laying aside all other business, and taking with him the power of the county, shall forthwith go in his proper person and execute the same; and if he find resistance, he shall certify to the court the names of the persons making such resistance, their aiders, assistants, favorers, and procurers, so that they may be proceeded against according to law.

Proceedings in case of resistance to Sheriff or any of his deputies against any process of execution.

31. *And be it enacted*, That if any person hath been or shall be condemned in any court of record of this state, and hath been or shall be by virtue of such condemnation committed to prison, there to remain until he or she make satisfaction to the party to whom he or she is or shall be condemned, and any writ or writs shall be granted, commanding the sheriff or keeper of the prison where such prisoner is held, to have the body of such prisoner, with the cause of his or her imprisonment, in the court of chancery or supreme court, or before the chancellor or any judge or justice of the supreme

Proceedings when prisoner shall be remanded and remain in prison until satisfaction be made for the sum adjudged.

GENERAL PUBLIC LAWS.

court, and it be returned upon the said writ or writs that the said prisoner is condemned by judgment given against him or her, then, and in every such case, such prisoner shall be immediately remanded, and remain in prison according to law until satisfaction be made for the sum adjudged.

County Collector to pay money due the sheriff when the account has been properly certified.

32. *And be it enacted*, That the sheriff of each county in this state shall keep a true account of all the moneys by him paid out under the directions of the third section of an act entitled "An act concerning juries," (revision,) approved March twenty-seventh, eighteen hundred and seventy-four, and submit the same for examination to the clerk of the court, who is hereby required to examine said account, and certify the same, if found correct; and the said sheriff, upon the production of said account, so certified to the county collector, with an affidavit annexed thereto that the said account is just and true and that the money claimed by him is justly and honestly due to him, shall be paid the amount so due him by said collector, who shall be entitled to an allowance for the same in the settlement of his accounts with the board of chosen freeholders of his county.

Sheriffs and Jailors to receive and keep all prisoners committed by the authority of the United States.

Proviso.

33. *And be it enacted*, That the sheriff and keeper of every jail in any county of this state shall be and he is hereby authorized and commanded to receive all prisoners committed to his custody, by the authority of the United States, and to keep them safely until discharged by the due course of the laws of the same; and if any sheriff or jail keeper shall neglect or refuse to perform the services and duties required of him by this act, or shall offend in the premises, he shall be liable to the like penalties, forfeitures and actions, as if such prisoners had been committed under the authority of this state; *provided always*, that every prisoner who shall be committed for any offence by the authority of the United States shall be supported by the same during his confinement in said jail.

Sheriffs and Jailors shall semi-annually make out the name of all prisoners who shall have been committed to custody by authority of the United States.

34. *And be it enacted*, That the sheriff or keeper of every jail in any county of this state shall, on or before the first days of April and October, semi-annually, make out the name of all prisoners who, since the last settlement, shall have been committed to his custody under the authority of the United States, and the time they shall have been respectively confined, with an account of the amount thereof at fifty cents per month for the use and keeping of such jail for every person so committed, together with an account of

their subsistence at the rate established by law for state prisoners, and transmit the same to the United States marshal for this district for payment.

35. *And be it enacted*, That every sheriff shall, at the expiration of his office, turn over, in writing under his hand and seal, all writs unexecuted to the succeeding sheriff, who shall execute and return the same.

Sheriffs at expiration of term to turn over unexecuted writs to successors.

36. *And be it enacted*, That no person shall exercise any other civil office during the time that he holds and exercises the office of a sheriff; and that by acceptance of the latter office, his commission for any other civil office shall be null and void.

Sheriff not to exercise any other civil office.

37. *And be it enacted*, That whenever the sheriff of any county, before the expiration of his term of office, shall die or remove out of the jurisdiction of the state, or otherwise become disabled by law to execute the office, and as often as the office of sheriff in any county shall become vacant, it shall be the duty of the judges of the court of common pleas of the said county, or any three of them, forthwith, as soon as may be, after information or knowledge of the happening of such death, removal or other disability, or of such vacancy, to direct the clerk of such court to certify such death, removal or other disability, or the fact of such vacancy to the governor; and the clerk of such court shall immediately certify the same under his hand and the seal of such court, to the governor, who shall forthwith, on the receipt of such certificate, fill such vacancy by appointment, and the commission of the person by him so appointed shall expire when a successor is elected and qualified, which successor shall be elected, at the next ensuing general election, for the full term of three years.

Providing for the filling of any vacancy occurring in the office of Sheriff by death removal or otherwise.

38. *And be it enacted*, That every person appointed by the governor, pursuant to the provisions of the foregoing section, to fill a vacancy in the office of sheriff shall, before he proceed to execute such office, give the bond and take and subscribe the oath or affirmation in manner and form as is prescribed by this act, for a sheriff elect; and such person shall, upon receiving information from the governor of his appointment, give notice thereof to the judges of the court of common pleas of his county, assigning a time not less than three days from the giving of such notice when he will be ready to qualify for such office; and the said judges are hereby required to attend at the office of the clerk of said

Person appointed by Governor to fill vacancy shall give bond &c.

court, at the time so assigned, on the penalty for default as is prescribed in the second section of this act; and every person so appointed to fill a vacancy shall, in all respects, comply with the provisions and requirements of this act, and be subject to all regulations and restrictions herein prescribed, and shall be subject to the same penalties, suits and amercements for any violation thereof, or for any neglect of duty, as he would have been subject to in case such person had been elected to the office of sheriff.

Where Coroners shall perform the duties of the office of sheriff.

39. *And be it enacted*, That whenever the sheriff of any county, before the expiration of his term of office shall die or remove out of the jurisdiction of the state, or otherwise become disabled by law to execute the office, and as often as the office of sheriff in any county shall for any reason become vacant the coroners of the county or either of them shall serve and execute all writs and process and shall have full power and authority to execute all the other duties of such office of sheriff, until another sheriff shall be appointed and qualified to act; and the coroner or coroners executing such writs, process and powers shall be answerable for the due execution of the same during such interval in like manner as the sheriff would have been.

Proceedings when writ of execution by fi. fa. has been levied and the party serving the same shall die, remove or become disabled by law, it shall be lawful for the court in which judgment is or shall be had to award a special Scire facias against the party named in such execution.

40. *And be it enacted*, That whenever any sheriff or coroner, or other person to whom any writ of execution by fieri facias hath heretofore been directed, or shall hereafter be directed hath levied or shall levy the same execution on the goods and chattels or on the lands and tenements of the party named therein, and such sheriff, coroner or other person hath died, or shall die, or hath or shall become disabled by law to discharge the duties of their respective office or appointment, or hath removed or shall remove himself or themselves out of the jurisdiction of the state, and continue to reside thereout discharging the duties of their respective office or appointment, by a sale of the property or estate so levied on, then, or in either of the said cases, it shall and may be lawful for the court, in which judgment is or shall be had, to award a special scire facias against the party named in such execution or the lawful representative of such party, according to the circumstances in the case, to show cause why the property or estate so levied on should not be sold, or such part thereof as may be sufficient to satisfy the whole or the residue of the moneys contained in the said execution; and if the said scire facias be returned

served, or if no service thereof can be made, be published as prescribed by law, and the said party should not appear at the time at which such scire facias shall be made returnable, and within ten days after such return day plead or show sufficient matter to the contrary, the said court shall thereupon award a writ, to be directed to the sheriff or coroner, for the time being, of the county where the levy was made, commanding the said sheriff or coroner to sell the property or estate so levied on, or so much thereof as may be sufficient to satisfy the whole or the residue of the moneys due on said execution; which sale the sheriff or coroner is hereby authorized and required to make, in as full and ample manner, to all intents and purposes as if the said execution had been originally directed to such sheriff or coroner, and shall be entitled to the same fees for services done, and liable to all the penalties and consequences of law for neglect of duty, as if the said execution had been originally directed to such sheriff or coroner.

Scire facias to be returned served or if no service can be made, be published as prescribed by law.

Court may award a writ commanding sheriff to sell, &c.

Sheriff to make sale as if said execution had been originally directed to him.

41. *And be it enacted*, That it shall be lawful for any judge or justice of any court out of which any writ or process has been or shall be issued, upon application made upon notice to the other party, where notice can be given, the facts being verified to the satisfaction of said judge or justice, to make order that the sheriff or coroner, for the time being, of the county, proceed to execute any writ or process which shall have been directed to any sheriff, coroner or other persons who hath died or shall die, or hath or shall become disabled by law to discharge the duties of his office or appointment, or hath or shall remove out of the jurisdiction of this state, and continue to reside thereout, without discharging the duties of his office or appointment in relation to the command thereof, and upon such order being made, and upon a memorandum thereof signed by such judge or justice being endorsed upon said writ or process, such sheriff or coroner for the time being shall proceed to execute the same or complete the execution thereof, and to do and complete all other acts in the premises, in as full and ample a manner as the said sheriff or other officer might himself have done had such death, removal or disability not occurred, subject to the same regulations and restrictions, and to the same penalties, suits and amercements, for any neglect of duty thereon.

Judge or justice of any court issuing writ or process may order Sheriff or coroner for the time being, of the County to execute any writ or process, &c.

42. *And be it enacted*, That any sale to be made by such

Sale to be good and

effectual in the law, &c. sheriff or coroner for the time being, in virtue of this act, of any estate, real or personal, and any conveyance to be made by such sheriff or coroner of any real estate so sold, shall be as good and effectual in the law, to all intents and purposes, as if the writ or writs of execution on which such property or estate was levied, had been originally directed to such sheriff or coroner.

Appointment of under Sheriff. 43. *And be it enacted*, That the appointment of any under sheriff hereafter to be made shall be by writing under the hand and seal of the sheriff; *and further*, that every under sheriff, before he intermeddles in such office, shall take and subscribe, before one of the judges of the court of common pleas of the county, an oath or affirmation well and faithfully to execute the office of under-sheriff, according to the best of his skill and judgment; which appointment, with the certificate of the oath or affirmation thereupon endorsed and attested by the said judge, shall be by such under sheriff carefully filed, and securely kept in the office of clerk of the court of common pleas in and for the same county; *provided*, that nothing in this section contained shall be construed to prevent the sheriff from removing his under-sheriff at pleasure.

Certificate and oath to be filed with clerk.

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Acts of persons as under sheriff before filing oath, &c. to be void. 44. *And be it enacted*, That if any person shall proceed to execute the office of under sheriff before he shall have received an appointment as aforesaid, and taken the oath or affirmation of office, and filed the same appointment and certificate of such oath or affirmation in the clerk's office as aforesaid, then all such his acts and proceedings done under color of office shall be absolutely void.

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

Approved March 15, 1876.

CHAPTER XXV.

AN act relative to the state library.

WHEREAS, the extension to the library room, built in eighteen hundred and seventy-one, has never been completed, and books are now crowded upon shelves which have been set up temporarily for their use; *and whereas*, the furniture, carpets and matting are worn out, ragged and unsightly; therefore,

Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a sum not exceeding two thousand five hundred dollars be, and is hereby appropriated, for finishing and re-furnishing the library room.

Appropriation for finishing and re-furnishing.

2. *And be it enacted*, That the secretary of state, treasurer and state librarian shall be and are hereby appointed commissioners, without compensation, who shall superintend and conduct said finishing and furnishing as to them shall seem for the best interests of the state.

Commissioners.

3. *And be it enacted*, That the said commissioners shall cause all their accounts in relation thereto to be accurately kept and stated; they shall deliver a copy thereof, with their vouchers, to the comptroller, to be filed in his office and audited according to law.

Copy of account to be filed with the Comptroller.

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

Approved March 15, 1876.

CHAPTER XXVII.

AN act to secure a representation of the educational interests of New Jersey at the centennial exhibition.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the state board of education to secure a proper exhibit of the educational interests of this state at the centennial exhibition at Philadelphia.

State board of education to secure a proper exhibit, &c.

Expenses how defrayed.

2. *And be it enacted*, That for the purpose of defraying the expenses incurred in securing said exhibit, a sufficient sum not to exceed four thousand dollars is hereby appropriated to be paid by the treasurer of the state on warrant of the comptroller upon being certified by the president and secretary of said board.

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

Approved March 15, 1876.

CHAPTER XXVIII.

An act fixing the compensation of certain public officers of the state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several public officers of this state for the time being, hereinafter named, shall respectively be entitled to receive the compensation and fees hereinafter mentioned, that is to say:

Compensation to certain officers

Governor.

The governor of this state a salary at the rate of five thousand dollars by the year and no fees;

The Comptroller of the state a salary at the rate of four thousand dollars by the year and no fees; Comptroller.

The treasurer of the state a salary at the rate of four thousand dollars by the year and no fees; Treasurer.

The attorney general a salary at the rate of fifteen hundred dollars by the year and the fees he is now entitled by law to receive; Attorney General.

The adjutant general and quartermaster general each a salary at the rate of twelve hundred dollars by the year and no fees; Adjutant and Quartermaster General.

The private secretary of the governor a salary at the rate of two thousand dollars by the year and no fees; Private Secretary of the Governor.

The assistant secretary of state a salary at the rate of two thousand dollars by the year and no fees; Assistant Secretary of State.

The commissioners of the sinking fund each a salary at the rate of one thousand dollars by the year and no fees; Commissioners of sinking fund.

The superintendent of public instruction a salary at the rate of three thousand dollars by the year and no fees; Superintendent of public instruction.

The state librarian a salary at the rate of fifteen hundred dollars by the year and no fees; State Librarian.

All of which salaries shall be paid to the said several officers on the warrant of the comptroller, by the treasurer of the state. Salaries how paid.

2. *And be it enacted*, That the public officers hereinafter mentioned, are hereby authorized, by and with the approval of the governor of this state, to employ assistants as may be necessary in their several departments, *provided*, that the annual cost thereof shall not exceed the amounts hereinafter allotted to the several departments for that purpose, that is to say: Employment of assistants. Proviso.

To the executive department, two thousand dollars;

To the comptroller's department, for the first assistant two thousand five hundred dollars, and for other clerical service three thousand five hundred dollars;

To the treasurer's department, three thousand three hundred dollars;

To the adjutant general's department two thousand five hundred dollars;

To the quartermaster general's department seven thousand seven hundred dollars;

To the commissioners of the sinking fund, one thousand six hundred dollars, and such expenses incurred in foreclosure and other necessary legal proceedings, as the governor shall approve;

To the superintendent of public instruction, five hundred dollars;

To the state librarian, two hundred and fifty dollars;

Bills for service rendered to be approved by Governor.

And the persons employed in the said departments, under the authority of this section, shall make out their several bills, monthly, stating therein the service rendered, and procure the same to be certified by the head of the department, and to be endorsed with the approval of the governor, and present the same to the comptroller, and on his warrant, each bill shall be paid by the treasurer of the state.

Officers who receive no salaries entitled to fees.

3. *And be it enacted*, That the public officers of this state hereinafter mentioned, shall receive no salaries, but shall be entitled to receive the fees following for the services hereinafter specified, and no further or other fees, that is to say:

Secretary of State.

The secretary of state shall be entitled to receive the same fees which he is now entitled by law to receive, as secretary of state, clerk of the court of errors and appeals, clerk of the prerogative court, and register in the prerogative office, clerk of the court of pardons, and commissioner of insurance;

Clerk in Chancery.

The clerk in chancery shall be entitled to receive:

Fees.

For entering an action, fifteen cents;

For filing each pleading or other paper, nine cents;

For copies, and enrolling proceedings, for each folio of one hundred words six cents;

For entering every rule, fifteen cents;

For every commission issued, one dollar;

For setting down a cause for hearing, thirty-eight cents;

For taxing a bill of costs, thirty-eight cents;

For commissions on deposits, if under one hundred dollars, three-fourths of one per cent.; if over one hundred dollars, and under one thousand dollars, three-eighths of one per cent. on such excess; if over one thousand dollars, three-sixteenths of one per cent. on such excess;

For searching the records, for each book, for each name, three cents;

For drawing a certificate and seal, fifteen cents;

Clerk of the Supreme Court.

The clerk of the supreme court shall be entitled to receive:

Fees.

For sealing every writ, ten cents;

For entering an action, eight cents;

For entering an appearance on default, ten cents;

For entering the return of a writ,	ten cents;
For entering every rule,	twelve cents;
For filing every writ, pleading, or other paper,	six cents;
For entering a retraxit, discontinuance or non-suit,	eleven cents;
For entering a postea,	fifteen cents;
For entering a judgment,	nine cents;
For entering satisfaction on record,	fifteen cents;
For copies, and recording judgments, for each folio of one hundred words,	six cents;
For taxing a bill of costs,	thirty-eight cents;
For drawing a certificate and seal,	fifteen cents;
For searching the records, for each book, for each name,	three cents.

4. *And be it enacted*, That this act shall take effect immediately; saving and excepting, that so far as the same increases or reduces the per centage or allowance of any public officer during the term for which such officer was elected or appointed, it shall take effect only upon and immediately after the end of such term.

When act shall take effect.

Approved March 16, 1876.

CHAPTER XXX.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person or persons shall kill or expose for sale, or have unlawfully in his or her possession after the same has been killed, any summer duck, commonly called wood duck, between the first day of January and the first day of September in any year, under a penalty of five dollars for each and every bird so killed or had in his or

Penalty for killing wood or summer duck during a certain time.

her possession, to be recovered in the way and manner prescribed by the act to which this is a supplement.

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

Approved March 16, 1876.

CHAPTER XXXI.

An act against the unlawful taking of certain animals.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person shall within this State unlawfully, willfully and maliciously take any horse, mare, gelding or mule without the consent of the owner thereof, and cause the same, either directly or indirectly, to be removed from the possession or control of such owner, although only temporarily, the person so offending shall be deemed guilty of misdemeanor, and being thereof convicted, shall be punished by a fine not exceeding one hundred dollars, or imprisonment at hard labor for any term not exceeding two years, or both; *provided*, that this act shall not be so construed as to apply to any case where said horse, mare, gelding or mule is taken or removed in consequence of trespass, or damage committed, or being committed; nor interfere with the full force and effect of the laws now in operation in such cases.

Penalty for
unlawfully
taking cer-
tain ani-
mals.

Proviso.

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

Approved March 16, 1876.

CHAPTER XXXII.

A further supplement to "An act in relation to the census or enumeration of the inhabitants of this state," approved March twenty-fourth, eighteen hundred and fifty-five.

WHEREAS, the duties of the assessors of the several town-^{Preamble.}ships and wards of this state, in taking the census of population as required by the act to which this is a supplement, were increased without providing adequate compensation; *and whereas*, the boards of freeholders or supervisors have heretofore allowed additional compensation in most of the counties, *and whereas*, doubts have arisen as to the legality of such allowances; *and whereas*, it is desirable to remove all doubts and equalize the compensation allowed; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assessors of the several town-^{Compensation to assessors.}ships and wards of this state, shall be allowed for taking the decennial state census in the year one thousand eight hundred and seventy-five, and the census of each tenth year hereafter, three cents per name for each inhabitant so enumerated.

2. *And be it enacted*, That the accounts of the assessors^{Accounts how audited and paid.} for the work done under this act, shall be audited and paid as now required by law.

3. *And be it enacted*, That the thirteenth section of the act^{Repealer.} to which this is a further supplement, be and the same is hereby repealed.

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

Approved March 16, 1876.

CHAPTER XXXIV.

A supplement to an act entitled "An act for punishment of crimes," approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person shall make a transfer of any property or goods or chattels liable to taxation by the laws of this state, for the purpose of thereby evading the payment of any taxes that may be afterward assessed thereon, or shall obtain a loan for the purpose of thereby claiming a deduction in any taxes that may be afterward assessed against him or her, with the intention of obtaining a re-transfer of said property, or goods, or chattels, or of taking up said loan when such purpose shall be accomplished, he or she shall be deemed guilty of a misdemeanor, and on being convicted shall be punished by fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or both in the discretion of the court.

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

Approved March 16, 1876.

CHAPTER XXXV.

An act to provide for the further relief of the poor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where the appropriation now made for the aid and relief of the poor, in cities having five

thousand inhabitants and upwards, has been already ex-^{lief of poor}hausted, or is or may be found to be inadequate and insuf-^{authorized.}ficient for the necessary and reasonable relief of the suffering and destitute poor, it shall be lawful for the board of finance, in any such city, or in the absence of such board, then the common council or other authority or board, by whatever name or designation styled, to increase said appropriation at any time during the fiscal year for which the same was made, in such amount as by said board or common council, as the case may be, may be deemed reasonably necessary for the purpose of such aid and relief; *provided*,^{Proviso.} such additional appropriation hereby authorized shall not in any case exceed fifteen thousand dollars; *and provided*^{Proviso.} *further*, that it shall be the duty of such board or common council thus making appropriation, to adopt and enforce such measures and regulations respecting the giving out and disbursing such appropriation or otherwise relieving the poor on account thereof, as in the judgment of such board or council will secure a prudent, wise and economic expenditure of such appropriation, and afford the desired aid and necessary relief of the poor.

2. *And be it enacted*, That said board of finance or com-^{May borrow}mon council is hereby authorized to borrow the amount of^{money for} money which such board or common council may by this^{purpose of} act appropriate, for the purpose of such appropriation, in^{such ap-} anticipation of taxes next thereafter to be levied, and to is-^{propria-}sue proper evidence or evidences of indebtedness therefor,^{tion.} to be signed by the mayor, sealed with the city seal, and attested by the clerk of the city; and the said board or^{Provision} common council, as the case may be, shall provide for the^{for the re-} re-payment of said borrowed money in the tax levy to be^{payment of} made next thereafter, unless the same be previously paid;^{money} and it is hereby made the duty of said mayor to sign, and^{borrowed.} of said city clerk to attest and seal with the corporate seal,^{Evidence of} such evidences of indebtedness, the issue of which may be^{indebted-} ordered under this act as herein provided.^{ness how}^{attested.}

3. *And be it enacted*, That this act shall take effect im-
mediately.

Approved March 16, 1876.

CHAPTER XXXVI.

A Supplement to an act entitled "An act respecting the court of chancery," approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That sections fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, and sixty-two of the act to which this is a supplement, and which now read as follows:

Section to be amended. "57. *And be it enacted*, That neither the filing of a bill in chancery, nor any proceedings had or to be had thereon, before a final decree, shall be deemed or taken to be constructive notice to any bona fide purchaser or mortgagee of any lands or real estate to be affected thereby, until the complainant in such bill, or his solicitor, shall have first filed in the office of the clerk of the court of common pleas of the county in which such lands or real estate lie, a written notice of the pendency of such suit, setting forth the title of the cause and the general object thereof, together with a description of the lands or real estate to be affected thereby; *provided*, that nothing in this section contained shall be so construed or taken to apply to any bill filed or to be filed for the satisfaction or foreclosure of any duly registered mortgage;

Section to be amended. "58. *And be it enacted*, That it shall be the duty of the clerk with whom any such notice shall be filed, forthwith to record the same, together with the time of the filing thereof, in a proper book, to be by him provided and kept in his office for that purpose, which book shall be properly indexed by the said clerk, and be a public record, to which all persons desirous of examining the same shall have access;

Section to be amended. "59. *And be it enacted*, That the following and no other fees shall be allowed for the services required by the two last preceding sections of this act, viz: to the county clerk, for filing and recording each notice, ten cents per folio; to

the clerk of the supreme court, for filing and recording every statement or abstract, twenty-five cents; which fees shall be included with the other costs in the cause, and taxed therewith, by the clerk of the court of chancery;

"60. *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 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 suits be thereafter revived;

Section to
be amend-
ed.

"61. *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;

Section to
be amend-
ed.

"62. *And be it enacted*, That the county clerk shall be entitled to receive the sum of fifty cents for each service required in the two preceding sections," be and the same are hereby amended so that, in any county in which the office of register of deeds and mortgages now exists, or shall hereafter exist, the provisions of said sections relating to the clerk of

Section to
be amend-
ed.

Amend-
ment.

the court of common pleas and county clerk, shall hereafter apply to such register and not to such clerk, and the provisions relating to the office of such clerk shall hereafter apply to the office of such register and not to the office of such clerk.

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

Approved March 16, 1876.

CHAPTER XXXIX.

A further 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, and the supplements thereto.

Appropriation to complete Asylum buildings, &c.

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 and the supplements thereto, to continue the erection, construction, furnishing and completion of said asylum buildings, grounds and appurtenances, and to make the same ready for the reception of patients, and to further discharge the trust committed to them, the sum of two hundred and fifty thousand dollars out of any funds in the treasury not otherwise appropriated at any time during this session, or necessary for the current expenses of the state, and in case of a deficiency in the treasury to meet the whole appropriation, the said appropriation to be qualified accordingly, be and the same is hereby appropriated to be paid by the treasurer of the state on warrant of the comptroller, which shall be drawn on the requisition of the said commissioners.

Appropriation for supplies and incidental expenses.

2. *And be it enacted*, That to provide for the necessary organization, supplies and incidental expenses of the asylum for the reception and support of patients before any income can be collected therefor, the further sum of fifty thousand

dollars be and the same is hereby appropriated to be paid by the treasurer of the state on warrant of comptroller, which shall be drawn on the requisition of the said commissioners.

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

Approved March 22, 1876.

CHAPTER XL.

A supplement to an act entitled "An act to regulate the practice of courts of law."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sheriff of each county in this state shall keep in his office a book, in which he shall cause to be entered the return made by him to each writ of summons, capias ad respondendum, attachment, scire facias, subpoena ad respondendum and ne-exeat that shall come to his hands for service, the day before any such writ shall be returnable; such book shall be at all times available for the inspection of any of the parties to any such writ or their respective attorneys of record, and on the death of said sheriff or expiration of his term of office said book shall be deposited and kept in the custody of the clerk of the court of common pleas of his county, and the record of any such return so made by such sheriff or a transcript thereof certified to be a true transcript by such sheriff or clerk of the court of common pleas as the case may be shall be prima facie evidence in any court of this state of the return made by such sheriff to any such writ.

Sheriff shall keep and cause to be entered in a book the return made by him to each writ of summons, &c.

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

Approved March 22, 1876.

CHAPTER XLI.

A supplement to an act entitled "An act relative to sales of lands under a public statute or by virtue of any judicial proceeding," approved March twenty-seventh, eighteen hundred and seventy-four.

Preamble. WHEREAS, The provisions of the first section of the act recited in the title of this act, and the provisions of the act amendatory thereof, approved April ninth, eighteen hundred and seventy-five, require certain advertisements to be published in two newspapers, which provisions have not been, in all instances, known or complied with, whereby the titles of certain lands have become defective or uncertain; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of lands made by any officer or other person since the approval of the said amendatory act, shall be held to be invalid by reason of any failure to comply with the provisions of said acts relating to the publishing of advertisements in two newspapers; *provided*, that said sale or sales shall have been advertised in the manner directed in the act recited in the title of this act, in one newspaper printed and published at the county seat of the county in which said lands are situate; *and provided*, that all the other provisions of said last mentioned act in relation to the publication of advertisements of sales of land shall have been complied with.

Sale not to be invalid by reason of failure to advertise in two newspapers.

Proviso.

Proviso.

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

Approved March 28, 1876.

CHAPTER XLII.

A Supplement to "An act for the better preservation of the early records of the state of New Jersey," approved April sixth, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners of the state library be, and are hereby authorized to print by contract, to be awarded to the lowest bidder, and distribute to the different state libraries of the United States, and to such other public libraries as they shall name, the minutes of the council of safety of this state, for the years seventeen hundred and seventy-five and seventeen hundred and seventy-six, in one volume, in a uniform style and binding, with the minutes of said council for seventeen hundred and seventy-seven, as printed by the act of which this is a supplement.

The Minutes of the Council of safety to be printed by contract.

2. *And be it enacted*, That the Comptroller is hereby authorized to draw his warrant upon the state treasurer for the necessary sum required for the same, upon the order of the commissioners of the state library.

State treasurer to pay on the order of commissioners of state library.

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

Approved March 30, 1876.

CHAPTER XLIII.

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, eighteen hundred and sixty-nine.

- Rank of aides-de-camp.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the aides-de-camp on the staff of the commander-in-chief, provided for by the fourth section of the act to which this is a supplement, shall have the rank of colonel.
- Additional aides-de-camp may be appointed.

2. *And be it enacted*, That the commander-in-chief may appoint six additional aides-de-camp with the rank of colonel upon his staff, whose term of service shall expire with that of the commander-in-chief appointing them.
- When the governor may place an officer on the retired list and declare a vacancy.

3. *And be it enacted*, That whenever the major-general commanding the division of the national guard shall report in writing to the commander-in-chief that any officer in commission in the said guard is lacking in capacity, attainments, efficiency and general fitness for his position in the service, the commander-in-chief shall have power, and he is hereby authorized to place said officer on the retired list, and declare a vacancy.
- Judge advocate.

4. *And be it enacted*, That in addition to the officers now allowed by law upon the staff of the major-general of division, there shall be one judge advocate with the rank of lieutenant colonel, and upon the staff of the brigadier general of brigade there shall be one judge advocate with the rank of major.
- Re-enlistment.

5. *And be it enacted*, That whenever any enlisted man shall have completed his term of service in the national guard he may re-enlist for a further term of one year.

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 30, 1876.

CHAPTER XLIV.

A Supplement to the act entitled "An act for the punishment of crimes," (revision) approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any married man shall have sexual intercourse with any single female of good repute for chastity, by representation that he is a single man, or under promise of marriage, and she shall thereby become pregnant, he shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by fine not exceeding five thousand dollars, or by imprisonment at hard labor for a period not exceeding five years or both. Penalty if married man shall have sexual intercourse with single female under promise of marriage &c.

2. *And be it enacted*, That if any single man over the age of eighteen years, under promise of marriage, shall have sexual intercourse with any single female of good repute for chastity, under the age of twenty-one years, and she shall thereby become pregnant, any person so offending shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by fine not exceeding five thousand dollars, or by imprisonment at hard labor for a period not exceeding five years, or both; but in such cases (in both of these sections) the evidence of the female must be corroborated to the extent required in case of indictment for perjury; *and provided*, that in case the party offending marry the female at any time before sentence, then sentence shall be suspended and he be discharged from custody, and in case he marry the female after sentence, then he shall be discharged from all further imprisonment. Penalty if single man shall offend against the provisions of this act. Proviso.

Approved March 30, 1876.

CHAPTER XLV.

A supplement to the act entitled "An act to secure mechanics and others payment for labor and materials in erecting any building."

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

Section, to
be amend-
ed.

"9. That any married woman, upon whose lands any building or buildings shall hereafter be erected or repaired, or whereon any fixtures shall be put, shall be taken as consenting to the same, and such building or buildings, and curtilages whereon the same are erected shall be subject to the lien created by this act; *provided, always*, that in case said married woman shall cause to be filed in the clerk's office of the county wherein such building or buildings are located, a notice in writing, describing the property, and that she does not consent to the erection or repairing of such building or buildings on her lands, and that the same is being done against her wishes and consent, then, in such case, the building or buildings, and the curtilages whereon the same are erected, of any married woman, shall be free from the lien given by this act from the time she shall have filed a notice as aforesaid," be and the same is hereby amended by adding thereto the words "*and provided further*, that nothing in this act contained shall be so construed as to make the lands of any person liable for any building or repairs not authorized by the owner, or built or done without the knowledge of the owner."

Amend-
ment.

Approved March 30, 1876.

CHAPTER XLVII.

An act to fix the salaries of the officers of the Senate of the State of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be paid to the officers and pages of the senate a yearly compensation as follows: to the secretary an annual salary of one thousand five hundred dollars; to the assistant secretary an annual salary of one thousand two hundred dollars; to the engrossing clerk an annual salary of one thousand two hundred dollars; to the journal clerk an annual salary of one thousand dollars; to the president's secretary an annual salary of six hundred dollars; to each of the two calendar clerks an annual salary of five hundred dollars; to the clerk to the committee on engrossed bills an annual salary of five hundred dollars; to the sergeant-at-arms an annual salary of six hundred dollars; to the assistant sergeant-at-arms an annual salary of four hundred dollars; to each of the four door-keepers an annual salary of two hundred and fifty dollars; to each of the four pages an annual salary of two hundred dollars, and in no case shall any additional compensation be allowed or paid to any of the said officers or pages. Compensation to officers of the Senate.

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

Approved March 30, 1876.

CHAPTER XLVIII.

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.

Amount of appaopria-
tion for
completing
survey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey* That for the purpose of completing said survey, an annual appropriation of eight thousand dollars be and is hereby made and continued for the period of five years; and that the treasurer of this state, upon the warrant of the comptroller 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.

Repealer.

2. *And be it enacted*, That the supplement to said act, approved March eleventh, eighteen hundred and seventy-three, be, and the same is hereby repealed.

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

Approved March 30, 1876.

CHAPTER LI.

An act explanatory of section thirty-first of "An act respecting railroads and canals," (revised statutes), approved March twenty-seventh, eighteen hundred and seventy-four.

Intent and
meaning
declared.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the true intent and meaning of said section which reads as follows: "the term small packages in the foregoing section, shall not be held to include

bundles and packages where more than five bundles or packages are delivered to one person at one time, and where such bundles and packages so delivered can be, in the aggregate, readily weighed, either as light or bulky goods, or as ordinary freight," is hereby declared to be, and it shall be so construed as to authorize the same amount to be charged for a greater number of packages than five when delivered to one person at one time as is allowed in said section to be charged for five packages when so delivered, and no more; until the lawful charge by weight for such packages so delivered shall exceed the amount authorized by law to be charged for five packages; *provided however*, Proviso. that when bundles and small packages are delivered to one person at one time with other ordinary freight, such bundles, small packages and ordinary freight shall be aggregated, weighed, delivered and charged for as ordinary freight, in all cases when the amount of said charge shall exceed the amount authorized by law to be charged for five packages.

Approved March 30, 1876.

CHAPTER LIV.

A supplement to an act entitled "An act relative to sales of lands under a public statute, or by virtue of any judicial proceeding," (revision,) approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all proceedings for the sale of lands hereafter to be made by executors, administrators, or guardians, or by commissioners on proceedings in partition under the direction of the orphans' court, whenever any person shall be entitled to an estate in dower, or by the curtesy in the whole or any part or share of the premises in question, and such person entitled to such estate, shall, before or at the time of the making of the order by the

Proceedings when estate in dower or by the curtesy is relinquished.

said court for the sale of said lands and real estate, by writing under his or her hand and seal, signifying his or her assent and determination to relinquish his or her estate in the same, so that the same may be sold free of the encumbrance of such estate, it shall be lawful for the court to order and decree such estate to be sold.

When lands may be sold free and discharged of such estate.

2. *And be it enacted*, That whenever any person entitled to an estate in dower or by the curtesy as above mentioned, shall at any time after the making of the order for the sale of such lands by the orphans' court, and before the sale thereof, signify in writing under his or her hand and seal to the executors, administrators, guardians or commissioners making such sale, his or her desire and determination to relinquish his or her estate in the same, so that the same may be sold free of the encumbrance of such estate, such executors, administrators, guardians or commissioners, may sell the said lands including such estate, and the executors, administrators, guardians or commissioners, in their report of such sale to the orphans' court, shall also report that the said lands were sold free and discharged of such estate, and shall file therewith the request of such tenant in dower or by the curtesy, and the court may in their discretion approve or disallow the same, and order the confirmation of such sale accordingly.

Purchaser shall hold estate free and discharged from all claims.

3. *And be it enacted*, That if the sale of the premises including such estate shall be made and approved as above provided, the estate and interest of every such person shall pass thereby, and the purchaser, his heirs and assigns, shall hold such premises free and discharged from all claims by virtue thereof.

Court shall direct payment of proceeds of sale.

4. *And be it enacted*, That upon such sale being made of any such estate in dower or by the curtesy, the said court shall direct the payment of the proceeds of the sale of the premises in the same manner as is already provided where lands are sold free and discharged of any estate in dower or by the curtesy, by the order of said court.

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

Passed April 4, 1876.

CHAPTER LV.

A further supplement to the act entitled "An act respecting conveyances, approved March twenty-seventh, eighteen hundred and seventy-four.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every acknowledgment or proof of any deed or conveyance of lands, tenements or hereditaments, lying and being in this state, heretofore or hereafter made by any grantor or witness thereto, before or by any officer in some other state in the Union or territory thereof, authorized at the time of such proof or acknowledgment, by the laws of the state or territory wherein such proof or acknowledgment shall be or shall have been made or taken, to take the proofs and acknowledgments of deeds or conveyances of lands, tenements or hereditaments lying and being in such state or territory shall be as good, valid and effectual in law, and the record thereof as admissible in evidence, fully and completely, as if such proof or acknowledgment had been made or taken by or before an officer authorized by the laws of this state to take the same; *provided*, that such acknowledgment or proof and the certificate thereof shall in all other respects conform to the laws of this state, and that each certificate thereof shall be accompanied by a certificate under the great seal of the state or territory, or under the seal of some court of record of the county in which it was or shall be made, that the officer before whom such proof or acknowledgment was or shall be made, was, at the time of the taking of such proof or acknowledgment, authorized by the laws of such state or territory to take the acknowledgments and proofs of deeds or conveyances for lands, tenements or hereditaments in such state or territory, which said last-named certificate shall have been or be recorded with such deed or conveyance.

2. *And be it enacted*, That the act entitled "A supplement to the act entitled 'An act respecting conveyances,'" approv-

Where acknowledgment or proof of deeds or conveyance of lands, &c., in this State made before an officer of any other state shall be declared valid and effectual.

Provided.

Repealer. ed March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved March twenty-fourth, eighteen hundred and seventy-five, be and the same is hereby repealed.

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

Approved April 4, 1876.

CHAPTER LVII.

A further supplement to the "Act to fix the salaries of the officers of the Senate and General Assembly of the State of New Jersey," approved February twenty-fifth, eighteen hundred and sixty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be paid to the clerk of the house of assembly an annual salary of fifteen hundred dollars; to the assistant clerk, an annual salary of twelve hundred dollars, *provided*, the said assistant clerk shall perform the duties heretofore imposed upon and performed by the assistant journal clerk; to the journal clerk, an annual salary of seven hundred dollars; to the engrossing clerk, an annual salary of one thousand dollars; to the sergeant-at-arms, an annual salary of seven hundred dollars; to the assistant sergeant-at-arms, an annual salary of five hundred dollars; to the keeper of the ladies' gallery, an annual salary of three hundred dollars; to the keeper of the gentlemens' gallery, an annual salary of three hundred dollars; to the clerk of the speaker, an annual salary of five hundred dollars; to each page of the house of assembly, an annual salary of one hundred and fifty dollars; and that in no case shall any additional compensation be allowed or paid to any of said officers.

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

Approved April 4, 1876.

CHAPTER LVIII.

An act in relation to legal holidays.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first day of January, the twenty-^{Legal holi-} second day of February, thirtieth day of May, fourth day of days. July, thanksgiving day, twenty-fifth day of December, and all days upon which any general election shall be held for members of assembly, in each year, shall be a legal holiday, and no court shall be held upon said days except in the cases where said courts would now sit upon the first day of the week, and no person shall be compelled to labor upon any of said days by any person or corporation.

2. *And be it enacted*, That when the days named in the first section shall happen on Monday, all bills of exchange and promissory notes becoming due and payable on such Monday, shall be due and payable on the Tuesday following; ^{Bills of exchange and promissory notes falling due on legal holidays when to become due and payable.} and if any or either of said days shall happen on Sunday, the Monday following shall be a legal holiday, and all bills of exchange and promissory notes becoming due and payable on said days, shall become due and payable the Tuesday following; and when any of said days above mentioned shall happen on Sunday or Monday, it shall not be necessary to give notice of the dishonor of such bills of exchange or promissory notes until the Wednesday next after such Sunday or Monday, and every such notice so given as aforesaid shall be valid and effectual to all intents and purposes.

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

Approved April 4, 1876.

CHAPTER LIX.

Supplement to an act entitled "An act concerning corporations," approved April seventh, eighteen hundred and seventy-five.

Time for holding annual elections and declaring dividends may be changed by vote of stockholders.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when a company, incorporated under the laws of this state, is limited by its charter to certain fixed times for declaring dividends, or for holding its annual meetings of stockholders for the election of directors, such corporation shall have power at any time to change the time or times for declaring its dividends and holding said annual meetings, upon the vote of two-thirds in interest of its stockholders at any regular meeting of said stockholders.

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

Approved April 5, 1876.

CHAPTER LX.

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

When inventory filed by assignee shall

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any inventory, filed by an assignee before the taking effect of the act to which this is a supplement, verified by oath taken before any commissioner to take

acknowledgments and proofs of deeds for New Jersey, residing in another state, or any other officer qualified by the laws of this state to administer oaths and affirmations, shall be deemed to have been sufficiently proved, although such oath was not taken before the surrogate.

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

Approved April 5, 1876.

CHAPTER LXI.

A further supplement to the act entitled "An act for the relief of creditors against absconding and absent debtors," approved April sixteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wages, salaries, or other compensation, due from an employer resident within this state to a non-resident employee for labor, work or services done or rendered within this state, or elsewhere, shall not be liable to attachment at the suit of a non-resident creditor when the said wages, salaries, or other compensation are exempt from attachment by the law of the state of which the said employee is resident.

When wages or other compensation due from employer to employee shall not be liable to attachment.

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

Repealer.

Approved April 5, 1876.

CHAPTER LXII.

A supplement to the act entitled "An act concerning landlords and tenants," approved March twenty-seventh, anno domini eighteen hundred and seventy-four.

Section to
be amend-
ed. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the eleventh section of the act entitled "An act concerning landlords and tenants," which act was approved March twenty-seventh, anno domini eighteen hundred and seventy four, and which section reads as follows :

"11. Any tenant or lessee, at will or at sufferance, or for part of a year, or for one or more years, of any houses, lands, or tenements, and the assignees, under tenants, or legal representatives of such tenant or lessee, may be removed from such premises by any justice of the peace of the county where such premises are situated, in the manner hereinafter prescribed, in the following cases :

I. Where such person shall hold over and continue in possession of the demised premises, or any part thereof, after the expiration of his or her term, and after demand made, and notice in writing given for delivering the possession thereof by the landlord, or his agent, for that purpose ;

II. Where such person shall hold over after any default in the payment of the rent, pursuant to the agreement under which such premises are held, and satisfaction for such rent cannot be obtained by distress of any goods, and a demand of such rent shall have been made, by three days' notice in writing, requiring the payment of such rent or possession of the premises, shall have been served by the person entitled to such rent upon the person owning the same.

The notices required in this section shall be served either personally on the tenant, by giving him a copy thereof, or by leaving a copy thereof at his usual place of abode, with some member of his family above the age of fourteen," be

and the same is hereby amended so that the same shall read as follows, viz :

11. Any tenant, or lessee at will or at sufferance, or for part of a year, or for one or more years, of any houses, lands or tenements, and the assigns, under tenants or legal representatives of such tenant or lessee, may be removed from such premises by any justice of the peace of the county where such premises are situated, in the manner hereinafter prescribed, in the following cases: *provided*, that this act shall not be construed so as to give justices of the peace, jurisdiction in cities where district courts are now established by law. Amendment.
Proviso.

I. Where such person shall hold over and continued in possession of the demised premises, or any part thereof, after the expiration of his or her term, and after demand made, and notice in writing given for delivering the possession thereof by the landlord, or his agent for that purpose ;

II. Where such person shall hold over after any default in the payment of the rent, pursuant to the agreement under which such premises are held, and satisfaction for such rent cannot be obtained by distress of any goods, and a demand of such rent shall have been made, by three days' notice in writing, requiring the payment of such rent, or the possession of the premises, shall have been served by the person entitled to such rent, or his agent, upon the person owing the same.

The notices required in this section shall be served either personally on the tenant, by giving him a copy thereof, or by leaving a copy thereof at his last usual place of abode, with some member of his family above the age of fourteen years ; or where, from any reason, such service cannot be had, then the same may be served by affixing a copy of such notice to the door of any dwelling, or such demised premises, occupied by such tenant.

2. *And be it enacted*, That the fifteenth section of said act, which section reads as follows, namely : Section to be amended.

"15. The summons shall be served in the manner prescribed in the act constituting courts for the trial of small causes ; the suit may be adjourned, and either party may demand and have a trial by jury of twelve men," be and the same are hereby amended so as to read as follows, namely :

15. The summons shall be served in the manner prescribed Amendment.

by the act constituting courts for the trial of small causes, except in cases where the tenant denies admission to the dwelling occupied by such tenant to the officer attempting to serve such summons, and in such case it shall be a lawful service of such summons if the said officer affix a copy of such summons to the door of said dwelling; and the suit may be adjourned, and either party may demand and have a trial by jury of twelve men, and if such jury fail to agree the justice may discharge them and summon a new jury before whom the matter shall again be tried.

Constable
or marshal
to execute
warrant.

3. *And be it enacted*, That when any warrant shall be issued under the provisions of the sixteenth section of the act to which this is a supplement, to any constable or marshal it shall be the duty of said constable or marshal to obey the command of such warrant and to faithfully execute such warrant, and in such execution of such warrant the said constable or marshal shall have power if necessary to the execution of such warrant, to break in any door of any dwelling or other building so in possession of such tenant, and to use whatever force may be necessary to effect an entrance into such building to execute his said warrant.

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

Approved April 5, 1876.

CHAPTER LXIII.

A supplement to an act for the establishment of a reform farm school for juvenile delinquents, passed April sixth, eighteen hundred and sixty-five.

Certain
powers ex-
tended to
the presi-
dent law
judge of
courts of

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the powers conferred by the act to which this is a supplement, and by the supplements thereto, upon the justices of the supreme court, be and they are hereby extended to the president law judge of the court of

common pleas in all counties which now have or may here-
after have such officer. Common
Pleas.

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

Approved April 5, 1876.

CHAPTER LXIV.

A supplement to the act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary and the orphans' court and surrogates."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the one hundred and sixty-ninth section of the act to which this is a supplement, and which section is in the words following, viz: "In causes respecting the probate of a will, if probate be refused, the court may order the costs and expenses of the litigation to be paid by the person propounding the will or to be paid out of the estate of the deceased; but if probate be granted, the court shall order the parties contesting such will to pay the costs and expenses of the litigation, unless it shall appear to the court that the person contesting such will had reasonable cause for contesting the validity of the same; *provided, however*, that if upon the trial or hearing of such cause the party contesting the validity of such will, does not offer any evidence other than the subscribing witnesses to the will, then he shall not be liable to pay the costs of the successful party," be and the same hereby is so amended as that it shall be, and shall stand enacted, as follows, viz.: In causes respecting the probate of a will, or of a codicil to a will, if probate be refused the court may order the costs and expenses of the litigation to be paid by the person or persons propounding the will or codicil, or to be paid out of the estate of the deceased; but, if probate be granted, the court shall order the party or parties contesting such will or codicil to pay the costs and expenses of the litigation, unless it shall

Section to
be amend-
ed.

Amend-
ment.

appear to the court that the person or persons contesting such will or codicil had reasonable cause for contesting the validity of the same, or shall not have offered on the trial or hearing any evidence other than the subscribing witnesses to the will or codicil; and in case it shall appear to the court that the person or persons contesting such will or codicil had reasonable cause for contesting the validity thereof, the court may order that the cost and expenses of the litigation, as well on the part of such contestant or contestants as on the part of the person or persons propounding such will or codicil for probate be paid out of the estate of the deceased.

Repealer.

2. *And be it enacted*, That so much of the above recited section of said act as is in conflict or inconsistent with the amendment and enactment hereby made, be and the same is hereby repealed.

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

Approved April 5, 1876.

CHAPTER LXV.

An act authorizing the boards of chosen freeholders of the several counties of this state to renew bonds.

When
boards of
Chosen
Freehold-
ers may re-
new loan or
loans by is-
suing bonds
&c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any bonds heretofore issued for any loan made under the authority of law, by the board of chosen freeholders of any county of this state, shall hereafter become due, and no provision shall be made for the payment of the same, such board may renew the said loan or loans, by the issuing of the bonds of such corporation for the said loan, or any part thereof, which bonds shall be made payable at such time or times, not over thirty years from the date of issuing the same, but so issued that at least three and one-third per centum thereof shall become due and payable every year, and shall draw such rate of interest, not exceeding seven per centum per

annum, and shall be issued in such sums as such board shall determine; and said bonds shall be executed by attaching the seal of such corporation, and be signed by the director of the board, and the clerk thereof, and countersigned by the collector of said county, and shall, except as hereinafter provided, have coupons attached for every half year's interest until due, which coupons shall be numbered to correspond with said bond, and signed by said collector; and where the said board judge best, said bonds, or any of them, may be registered, and made payable to the order of the purchaser, and shall thus be registered as provided by said board, and issued without coupons, and be transferable only in person, or by power of attorney, on the books to be provided by said board for that purpose, and all bonds issued under this act shall be numbered, and a register of the number, denomination, date of issuing, and name of person to whom issued, if registered, and time of payment, shall be made by the collector, in a book to be provided by said board for that purpose.

2. *And be it enacted*, That the debt hereby authorized, and the interest thereon, shall be paid by a tax annually levied and collected, in the same manner as the county taxes are now or may hereafter be levied and collected, and the whole of each year's interest shall be so raised, levied and collected and paid within each year, and in addition thereto there shall be also raised, levied and collected in each year, an amount sufficient to pay the bonds falling due in said year.

Debt and
interest to
be paid by
tax.

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

Approved April 5, 1876.

CHAPTER LXVI.

An act to provide a digest of the law and chancery reports
of the state of New Jersey.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the justices of the supreme court

Justices of
Supreme

Court to select person to make digest of law and chancery reports.

Digest how approved.

How construed.

may in their discretion select and designate some suitable and competent person to make a digest of all the cases reported in the law and chancery reports of this state, on a plan to be approved of by said justices, and such digest shall include a complete table of the cases so reported and digested.

2. *And be it enacted*, That the person so selected and designated shall make such digest and shall submit the same for approval to the justices of the supreme court, and when approved shall cause the same to be well printed on good paper, the printing and paper to be also approved of by the said justices of the supreme court, and shall cause five hundred copies well bound in good law sheep to be delivered to the treasurer, who shall pay ten dollars for each copy; which copies shall be distributed in the same manner that the law and chancery reports are now required to be distributed.

3. *And be it enacted*, That this act shall take effect immediately, but that nothing herein contained shall be construed to repeal the act entitled "An act to provide a digest of the laws and chancery reports of the state of New Jersey," approved April ninth, eighteen hundred and sixty-seven, or the supplements thereto.

Passed April 6, 1876.

CHAPTER LXVIII.

An Act relative to the election of constables in incorporated cities and towns.

Election of Constable.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the annual charter elections in each of the incorporated cities and towns of this state, which are or may be divided into wards, the voters of each ward may elect one constable therein; *provided*, that this act shall not apply to any incorporated city or town in which the number of constables in each ward is fixed by the charter thereof.

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

Approved April 6, 1876.

CHAPTER LXIX.

A supplement to the act entitled "An act for the punishment of crimes," approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person or persons who shall burn any pit of charcoal, or set fire to or burn any brush or other material, whereby any property may be endangered, unless he or they shall keep and maintain a careful and competent watchman in charge of said pit, bed, or other material while burning, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding six months, or both.

Penalty for endangering property by burning brush or other material.

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

Approved April 6, 1876.

CHAPTER LXX.

A supplement to the act entitled "An act respecting the court of chancery," (revision), approved March twenty-seventh, eighteen hundred and seventy-four.

Section to
be amend-
ed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the seventieth section of the act to which this act is a supplement, which is in the words following, to wit: "that when any sheriff, or other person, to whom any writ of execution issuing out of the court of chancery, hath heretofore been directed and delivered, or shall hereafter be directed and delivered, hath died or shall die, or hath or shall become disabled by law to discharge the duties of his office or appointment, or hath removed or shall remove out of the state and continue to reside there-out without discharging the duties of his office or appointment in relation to the command of said writ, then, or in either of said cases, it shall and may be lawful for the court, upon presenting a petition setting forth the facts above mentioned, and verified to the satisfaction of the court, and upon due notice being given to the other party, to award and order another execution, to be directed to the sheriff of the proper county, or to one of the masters of said court commanding him to proceed to discharge the exigencies of said writ in the same manner as such officer so dying, becoming disabled, or removing, as aforesaid, was commanded in and by said writ to do, and any proceeding had by such officer to whom such writ shall be directed and delivered, shall be as good, valid, and effectual as if the said execution first issued had been originally directed to him; and such sheriff or master shall be entitled to the same fees for services done, and subject to the same suits, penalties, amercements and proceedings for neglect of duty, as if the said execution had been originally directed and delivered to such sheriff or master," be and the same is hereby amended so that the same shall read, and be in the words following,

Amend-
ment.

to wit: that when any sheriff, or other person, to whom any writ of execution issuing out of the court of chancery hath heretofore been directed and delivered or shall hereafter be directed and delivered, hath died or shall die, or hath or shall become disabled by law to discharge the duties of his office or appointment, or hath removed or shall remove out of the state and continue to reside thereout, without discharging the duties of his office or appointment in relation to the command of said writ, then, or in either of said cases, it shall and may be lawful for the court, upon presenting a petition setting forth the facts above mentioned, and verified to the satisfaction of the court, and upon due notice being given to any party who has entered an appearance in the suit or in whose behalf the decree was made, to award and order another execution, to be directed to the sheriff of the proper county, or to one of the masters of said court, commanding him to proceed to discharge the exigencies of said writ in the same manner as such officer so dying, becoming disabled, or removing, as aforesaid, was commanded in and by said writ to do, and any proceeding had by such officer to whom such writ shall be directed and delivered, shall be as good, valid and effectual as if the said execution first issued had been originally directed to him; and such sheriff or master shall be entitled to the same fees for services done, and subject to the same suits, penalties, amercements and proceedings for neglect of duty as if the said execution had been originally directed and delivered to such sheriff or master.

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

Approved April 6, 1876.

CHAPTER LXXI.

An act authorizing the governor of the state to take charge and oversight of the Soldiers' Children's Home.

Preamble. WHEREAS, the soldiers' children's home, organized by act of the legislature March seventh, eighteen hundred and sixty-six, has been closed by reason of the expiration of the law, and time for which it was opened, and as the question arises as to what officer of the state shall take charge of it; therefore,

Governor authorized to employ watchman. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of the state be hereby authorized to take the charge and oversight of the property lately occupied as the Soldiers' Children's Home, and to employ a suitable person to watch and protect it until other disposition be made by law of said home.

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

Approved April 6, 1876.

CHAPTER LXXII.

A supplement to an act entitled "An act to incorporate benevolent and charitable associations," (revision) approved April ninth, eighteen hundred and seventy-five.

Benevolent associations or corporations entitled to rights and privileges. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That persons or associations whose object is to give and extend benevolent and charitable assistance and relief to persons who are not members or corporations, that have been or shall be incorporated under the

provisions of the act to which this is a supplement shall be deemed and taken to be lawful corporations of this state, and entitled to all the rights and privileges conferred by the said act.

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

Approved April 6, 1876.

CHAPTER LXXIII.

A supplement to an act entitled "An act to provide for the organization of the New Jersey Home for Disabled Soldiers," approved April fourth, eighteen hundred and sixty-six.

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.

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

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

Approved April 6, 1876

CHAPTER LXXIV.

An act in aid of the library at the State Prison.

Appropriation for State library. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of five hundred dollars is hereby appropriated for the purchase of new books for, and the repair of old ones in the library of the state prison, the same to be expended under the direction of the moral instructor, and to be paid out by the treasurer, on the warrant of the comptroller.

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

Approved April 6, 1876.

CHAPTER LXXV.

An act respecting recognizances.

Recognizance to remain in force. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, that every recognizance entered into before any court having criminal jurisdiction in this state, shall remain in full force and effect until the cause in which said recognizance shall be entered into, shall be finally determined, or the same discharged by order of the court.

Names of persons entering into recognizance to be recorded by clerk of Court. 2. *And be it enacted*, That it shall be the duty of the clerk of every court before which any recognizance shall be entered into, to immediately record, in alphabetical order in a book to be provided for that purpose, the names of the persons entering into said recognizance, the amount thereof, and the date of the acknowledgment of the same; which book shall be kept in the clerk's office of the county in

which said court shall be held, and be open for the inspection of all persons at all proper times.

3. *And be it enacted*, That when any recognizance shall be forfeited, it shall be the duty of the clerk of the said court in which the same shall be, to enter in the book provided for in the last preceding section of this act, at the end of the record of such recognizance the word "forfeited," together with the date of such forfeiture; and when any recognizance shall be discharged by order of the court or by reason of the judgment in any cause, to enter the word "discharged," together with the date of such discharge at the end of the record of such recognizance.

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

Approved April 6, 1876.

CHAPTER LXXVII.

An act concerning towns and townships in the state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter, in all incorporated towns of six thousand inhabitants or less, where recorders exercising judicial powers are elected, that the term of said office shall be two years.

2. *And be it enacted*, That in all incorporate towns of six thousand inhabitants or less, where the office of street commissioner has been created as an elective office, that the said office be and is hereby abolished; *provided, however*, that the town council may appoint by an ordinance a suitable person to perform the duties of street commissioner.

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

Approved April 10, 1876.

CHAPTER LXXVIII.

A supplement to an act entitled "An act respecting railroads and canals," (revision), approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That railroad corporations now or hereafter existing by or under the laws of another state, any part of whose route, whether acquired by lease or otherwise, shall lie within this state, or who shall have been, or hereafter shall be authorized to exercise any franchises within this state, shall be deemed corporations of this state, for the purpose of being sued or proceeded against if insolvent, in the same manner and to the same extent as if organized originally therein; and no suit of foreign attachment shall be brought against any such corporation.

Railroad-corporations of other states having part of route in this state to be deemed corporations of this State for the purpose of being sued, &c.

2. *And be it enacted*, That in case suit shall be brought for the foreclosure of any mortgage of the franchises and railroads of any such corporation in the state of its original creation and domicile, and also of the same mortgage in the court of chancery of this state, said suit in said court of chancery shall, so far as consistent with the protection of parties having acquired liens in this state, be regarded and conducted as auxiliary to the said suit brought in said state where such corporation was originally created and domiciled; and, upon decree obtained in said last mentioned suit for the foreclosure of such mortgage, and for the sale of the property and franchises thereby conveyed, including such property and franchises in New Jersey, to pay and satisfy the said mortgage and other liens which may be established by such decree by such officers as shall be designated therefor, the said court of chancery in this state shall be empowered so to frame its decree for foreclosure and sale under said mortgage to satisfy the same and such other liens which by its said decree it shall establish, as that sale may be made thereunder, out of this state, and at the same time and place

Proceedings in case of suit for foreclosure of any mortgage or franchise.

Proceedings upon decree obtained for foreclosure &c.

of the sale under the judgment or decree obtained in said other state, and under such regulations as to advertisement thereof as to the chancellor shall seem fit, anything in the laws of this state regulating the sale of land under executions to the contrary notwithstanding.

3. *And be it enacted*, That at the time and place appointed for such sale, the person to whom the writ of execution issued upon said decree from the court of chancery of this state shall be directed, who shall be one of the masters of said court specially designated, shall not make sale under his said writ until said franchises and railroads of said corporation shall be sold under the judgment and decree obtained in said state of the original creation and domicile of said corporation; and he shall adjourn his said sale from time to time, if sale under said last mentioned judgment or decree shall be adjourned and according thereto; and whenever such sale under said last mentioned judgment or decree shall be made, then said master shall immediately and at the same time and place proceed to expose to public sale and outcry the franchises, railroads and property mentioned in and conveyed by said mortgage, and existing or exercisable within the state of New Jersey, and directed to be sold by said decree; and in such manner as that said sales shall both be made together and for the one price and bid, but it shall be a condition of said sale under said decree of said court of chancery, that the purchaser, in addition to the amount bid by him, shall pay and discharge all such sums of money as shall by its decree aforesaid be established as liens upon said mortgaged property and franchises in this state, or any part thereof, and by said decree ordered to be raised, including the costs taxed and execution fees taxable as in ordinary cases; and in case such condition shall be fulfilled, the said purchaser or purchasers shall be declared and taken to have purchased said franchises, railroads and property in New Jersey; *provided*, that no deed shall be made by said master in chancery under his said sale till after conveyance made to such purchaser by the officers selling under the said judgment in said state of the original creation and organization of such corporation, nor until special order made by the court of chancery confirming said sale, and directing the delivery of said deed; *and provided further*, that the title vested by said sale shall be subject to all lawful mortgages or other liens as directed or specified by said decree.

Proceed-
ing in cas
of sale.

Adjourn-
ment of
sale.

When Mas-
ter shall
proceed to
expose for
public sale.

Condition
of sale.

Proviso.

Proviso

Proceed-
ings for
forming a
new corpo-
ration.

4. *And be it enacted*, That in case such purchase shall be made by, or for, or with the intent to form a new corporation in said state of the creation or domicile of such corporation the mortgage upon whose franchises and railroad was foreclosed, for the purpose of operating the franchises thereof, such new corporation, whenever formed, and possessed by the laws of the state of its creation of such mortgaged property, premises and franchises, shall, immediately upon filing proof of such formation and organization, according to the provisions of the succeeding sections of this act, become vested with all the property, rights legal or equitable, and franchises of such original corporation within the state of New Jersey, as conveyed by said decree and sale, subject only to such liens as were not affected by said proceedings of foreclosure, as fully and effectually as if such original corporation had been duly created or organized under the laws of the state of New Jersey, and such property and franchises had been duly sold under a decree of foreclosure made in said court of chancery, and thereupon a new corporation had been formed for the maintenance and operation of said railroad, and the exercise of the franchises and privileges of such original corporation according to the statutes in such cases made and provided.

New corpo-
ration to
file its pe-
tition in
Court of
Chancery.

5. *And be it enacted*, That it shall be the duty of said new corporation, within sixty days after its formation, to file its petition in the court of chancery of this state, in said suit of foreclosure therein, stating the fact of its formation and incorporation, and appending to said petition a copy of its charter, certificate of organization, or other documentary legal evidence thereof, in which petition prayer shall be made that said court of chancery do declare it, the said corporation, to be legally created, and to have acquired the said property, rights legal and equitable, and franchises of said original corporation as aforesaid; and thereupon said court of chancery, being satisfied of the truth of such allegations, shall so decree, whereupon a copy of such petition, proceedings and decree duly certified under the seal of said court, shall be filed in the office of the secretary of state, there to be forever of record, and said record and a copy thereof, duly certified under the great seal of the state, shall be plenary evidence in all cases of the incorporation and rights within this state of such new corporation.

Certified
copy of pe-
tition &c.,
to be filed
and record-
ed in office
of secretary
of state.

Corpora-
tion to

6. *And be it enacted*, That such corporation, on compliance

with the preceding section of this act, shall have and possess all powers belonging to corporations organized under the laws of this state, and all powers conferred by said laws upon the corporation whose franchises and property were sold and bought as aforesaid; it shall receive, have and hold the railroad property and franchises within this state included within and bound by said mortgage or sold and purchased at said sale, subject only to all liens, however created and to all contracts, limitations, covenants and agreements relative to said mortgaged premises property and franchises prior to the making of said mortgage, and the filing of said copy of said petition, proceedings and decree in the office of the secretary of state shall operate and be construed in all courts to operate as a covenant and agreement on its part to observe and perform all said contracts, limitations, covenants and agreements; *provided*, that in no event shall such new corporation be deemed or construed to have acquired, by virtue of any such sale or purchase, any different rights, franchises or privileges from those possessed by said original corporation, and conveyed or intended to be conveyed by such mortgage as aforesaid.

have and possess all powers belonging to corporations organized under laws of this state.

Proviso.

7. *And be it enacted*, That if a receiver shall have been appointed in this state, by the court of chancery, on the petition of any creditor or stockholder of any such corporation, created or organized by the laws of any other state but having part of its route and exercising franchises within this state, and upon allegations of its insolvency, of the property and franchises thereof, it shall be lawful for the chancellor to order sale of such property, real and personal, rights legal and equitable, and franchises, at the same time and place, whether in or out of this state, of selling the property and franchises of said corporation under any decree of foreclosure as aforesaid, and in such manner as that a purchase thereof may be made on one and the same bid by such persons as shall become purchasers under the said decree; imposing on such purchasers such further conditions of the acquisition of the right, title and interest in such property and franchises, which shall be legally transferable by said receiver as shall be equitable and just; and the chancellor shall order the said corporation to join with said receiver in the conveyance of said property, rights and franchises.

Proceedings if a receiver shall have been appointed in this state by the court of chancery.

8. *And be it enacted*, That if the property and franchises

When the Chancellor

shall make
decree in
suit where-
in receiver
was ap-
pointed.

of said corporation shall have been sold under any such foreclosure as aforesaid, and purchased by, for, or with intent to form a new corporation for the operation of said franchises, it shall be lawful for the chancellor to make decree in said suit wherein such receiver was as aforesaid appointed, upon petition of said corporation, that the said original corporation and its said receiver do make conveyance to said new corporation of all and singular the property and rights, real and personal, legal and equitable, and franchises of said original corporation, upon such terms as to payment of debts, assumption of liability upon former contracts of said original corporation, and in respect to all other matters, or for such consideration whatsoever as to him the said chancellor shall seem equitable and just.

New corpo-
ration to
have and
enjoy prop-
erty, &c.

9. *And be it enacted*, That such new corporation when formed, as in this act described, and having complied with the fifth section thereof shall, in case of the conveyance by said receiver and said original corporation in manner aforesaid, receive, have and enjoy said property, and exert such franchises so conveyed to it within this state (subject, nevertheless, to all prior liens) as fully and effectually as if such purchasing corporation were organized therefor under the laws of this state, upon a purchase under the act to which this is a supplement, or the other acts of this state providing for such organization.

Rules and
regula-
tions.

10. *And be it enacted*, That any railroad corporation organized under the laws of another state, but having a route and exerting franchises within this state, shall be governed by such rules, regulations and arrangements as shall be made and adopted at or under such organization not repugnant to the laws and constitution of this state.

Act to ap-
ply.

11. *And be it enacted*, That this act shall apply to all suits now pending wherein such corporations are parties defendant, whether for foreclosure or on allegation of insolvency and shall be retrospective as well as prospective.

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

Approved April 11, 1876.

CHAPTER LXXX.

A supplement to "An act to regulate the practice of courts of law," (revision) approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That unless otherwise directed by one of the parties in the cause, or the attorney of such party, it shall be the duty of the clerks of the several and respective circuit courts and courts of common pleas in this state, whenever any final judgment shall be entered in either of said courts for the payment of any debt, damages, costs, or other sum of money, to record, in well bound books, to be provided for that purpose, a statement of such judgment, and to make a complete alphabetical index to the same, which statement shall contain:

Statement of judgment to be recorded in book and index to be made.

I. The title of the court, the names at length of all the parties to such judgment, designating particularly against whom it is rendered, and also the title of any corporation, and the corporate name of all firms, if such appear in the pleadings;

What the statement shall contain.

II. The style of action and the amount of debt, damages, or other sums of money recovered with the costs, which shall be entered in figures and words at length;

III. The date of the actual entry and signing of such judgment;

And that in all entries of judgments under this act, where the judgment is not for a specified sum therein named, and in all judgments in cases of ejectment, certiorari, or on discontinuance, the rule entered in the minutes of the court where such judgment was obtained may be transcribed in the book of judgments record herein provided for; and that the entries and record of judgments so made as aforesaid under this act, shall be signed by the presiding judge of the court in which such judgment is entered, and a transcript of such record duly certified by the clerk of said court,

Rule entered in the minutes in certain cases may be transcribed in book of records.

Entries and record of judgment shall be signed by the presiding judge.

shall be evidence in any court of this state as to the fact of the entry of such judgment; that upon payment or satisfaction of any such judgment, the record thereof so made as aforesaid may be canceled in the manner now provided by law for the satisfaction of judgments; and that, unless otherwise directed as above mentioned, or unless by writ of error or other writ or proceeding, the record shall be required to be removed to any other court, no further or other record or enrolment of such judgment shall be made.

2. *And be it enacted*, That whenever any of the parties to a cause in said courts, or their attorneys or attorney shall direct the judgment in such cause to be recorded in full, or whenever any writ of error, or other writ or proceeding shall require the removal of the record of judgment in said cause to any other court, then such clerk shall record the said judgment and the proceedings in said cause as now required by law; and in such case, if the statement and record provided for by the first section of this act has been then made, it shall be the duty of the clerk to enter on the margin of the said statement and record the date and place where the same judgment is recorded in full; and, in case of a satisfaction and cancellation of said judgment on one of said records, the said clerk shall also enter, at the foot of the other of said record, a statement of the fact of the cancellation and satisfaction of the other record, with the date thereof; and the cancellation and satisfaction of said judgment on one of said records shall be a sufficient discharge and satisfaction of the other.

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

Approved April 11, 1876.

When judgment may be canceled.

Judgment and proceedings to be recorded when required to be removed to any other court.

When statement and record has been made, Clerk shall enter in margin when judgment is recorded in full.

Statement of fact of cancellation to be entered.

Discharge.

CHAPTER LXXXI.

An act relative to past due taxes in the cities of this state,
and to the payment thereof.

WHEREAS, in consequence of depression in business, taxes, in Preamble.
many of the cities in this state, have not been paid, and
by reason of such default, large rates of interest and ex-
cessive penalties have been imposed thereon, and thereby
the collection of said taxes in a great degree prevented;
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 Interest on
of aldermen or common council of any incorporated city of unpaid
this state to authorize and direct the collector or receiver taxes.
of taxes, and other proper officer or officers of such city to
receive and collect upon all taxes remaining due and un-
paid, in whole or in part, in such city, on the first day of
May, eighteen hundred and seventy-five, and which shall be
paid on or before the first day of December, eighteen hun-
dred and seventy-six, interest not to exceed the rate of
twelve per centum per annum from the fifteenth day of Oc-
tober, in the year in which such taxes were assessed, and in
such case no other interest or penalties on such taxes paid
within the time aforesaid, shall be collected; but in case of Costs of ad-
sales of land for taxes previously made the costs of advertis- vertising
ing and auctioneers' fees shall be charged and collected on and auc-
property which has been sold for any of such taxes; and tioneers
upon the payment of such taxes and interest and costs as fees to be
aforesaid, at or before the time beforementioned, the proper charged
officers or authorities of said cities shall respectively cancel and collect-
and surrender any certificate of sale of property which may ed.
have been sold for such taxes, and which shall then be held Cancellat-
by any of said cities; the boards of aldermen or common tion and
councils respectively of said cities may determine by a surren-
general order or resolution what rate of interest not less der of certifi-
Rate of in-
terest how
determin-
ed.

than seven nor more than twelve per centum per annum shall be paid on such past due taxes as aforesaid.

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

Approved April 11, 1876.

CHAPTER LXXXIII.

A supplement to an act entitled "An act relative to offices, commissions and resignations," approved April sixteen, eighteen hundred and forty-six, (revision).

<p>Section to be amend- ed.</p>	<p>1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i>, That the first section of the act to which this is a supplement, being in the following words, viz : "Each and every person holding or who shall hereafter hold any office in this state under the authority thereof, shall reside within this state and execute such office ; and also, that every person holding an office, the authority and duties of which relate to a county only, shall reside within such county ; and if any person holding or who shall hereafter hold any office as aforesaid, shall at any time presume to let, farm out or transfer such office, or any part thereof, to any person or persons whatsoever he shall for such offence forfeit the sum of fifteen hundred dollars, to be recovered with full costs of suit, by any person who will sue for the same, one half to the prosecutor, and the other half to the Treasurer, for the use of the state," be amended by adding the following words, to come in after the word "county" where it last occurs in said section, "and also that every person holding an office, the authority and duties of which relate to a city or township, shall reside within such city or township ;" and that said section be further amended by adding the following proviso, to come in at the end of the section : "<i>provided</i>, that it shall not be lawful for any person to be appointed to, or hold any office in this state, or any county, city or township thereof, who has not the requisite</p>
<p>Amend- ment.</p>	
<p>Further amend- ment. Proviso.</p>	

qualifications for personally performing the duties of such office in cases where scientific engineering skill is necessary to the performance of the duties thereof; and any person holding, or attempting to hold any office in violation of this act, shall be considered as illegally holding or attempting to hold the same; and the supreme court of this state may give judgment of ouster against such person, upon information proceeded upon in such manner as is usual in cases of information in nature of a quo warranto, at the relation of any officer of the state, if the offending official be an officer of the state, or any officer of the county, city or township respectively of which the offending official is also an officer; *provided further*, that nothing in this act shall require any Prosecutor of the Pleas to reside within any of the counties wherein non-resident prosecutors are now or may be hereafter appointed by law; and *provided further* that nothing herein contained shall require any town or township attorney or counsel to reside within such town or township.

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

Approved April 12, 1876.

CHAPTER LXXXV.

A supplement to the act entitled "An act for the more easy partition of lands held by coparceners, joint tenants, and tenants in common," approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twelve of said act, which reads as follows, to wit: "That where partition shall be made by commissioners appointed by the orphans' court, it shall be lawful for said court to order a certified copy of the report of such commissioners, with maps annexed, if any there be, to be recorded by the clerk of such county, whereupon

Section to
be amend-
ed.

it shall be the duty of such commissioners to cause the same to be recorded accordingly, at the cost and expense of the parties interested in said lands," be and the same is hereby amended, and that the following shall constitute said section, and read as follows, to wit:

Amend-
ment.

"12. *And be it enacted*, That where partition shall be made by commissioners, to be appointed by the prerogative court, the court of chancery, or the orphans' court of any county, it shall be lawful for the court making such appointment to order a certified copy of the report of such commissioners, with map annexed, if any there be, to be recorded by the clerk or clerks, or when there is or may be a register or registers of deeds provided by law, then with the register or registers of the county or counties in which said land or lands so ordered or directed to be partitioned shall lie, whereupon it shall be the duty of such commissioners to cause the same to be recorded accordingly at the cost and expense of the parties interested in said lands."

Section to
be amend-
ed.

2. *And be it enacted*, That section thirteen of said act, which reads as follows, to wit: "upon filing such copy of the report and maps, if any there be, and of said order, with such clerk, it shall be his duty to record the same in the proper book, as a deed; and that the papers required by the seventh section of this act to be recorded, shall be recorded by such clerk, in the proper book, as a deed, and not elsewhere," is hereby amended, and that the following shall constitute said section, and read as follows, to wit:

Amend-
ment.

"13. *And be it enacted*, That upon filing such copy of the report and maps, if any there be, and of said order, with such clerk or clerks, register or registers, it shall be his or their duty to record the same in the proper book as a deed; and that the papers required by the seventh section, and preceding section of this act to be recorded, shall be recorded by such clerk or clerks in the proper book, as a deed, and not elsewhere."

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

Approved April 12, 1876.

CHAPTER LXXXVII.

A further supplement to the act entitled "An act relative to the compensation and duties of the law and chancery reporters of the state," approved March twenty-eighth, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the law and chancery reporters of this state to cause the reports of the judicial opinions of their respective courts to be printed in numbers, one for each term of their respective courts without waiting until sufficient opinions shall have accumulated to make a volume of six hundred pages; that the chancery reporter shall cause the printer to commence to print each number of his reports not later than during the second week of each regular term of the court of chancery, and shall continue the same with all convenient speed until all opinions delivered up to and including the first week of said term shall be printed, and shall add at the end of such number all opinions on appeals from chancery delivered at the next ensuing term of the court of errors and appeals; and the law reporter shall cause the printer to commence to print each number of his reports not later than during the second week of each regular term of the supreme court, and shall continue to print with all convenient speed until all the opinions of such term are printed, and shall add at the end of such number all opinions on writs of error delivered at the next ensuing term of the court of errors and appeals.

Law and Chancery Reporters to cause the Reports of opinions in chancery and supreme court, &c. to be printed in number one for each term of their respective courts. When chancery reporter shall cause the printer to commence each number of his reports. When the law reporter shall commence.

2. *And be it enacted*, That it shall be the duty of said reporters respectively to cause so many of said numbers when printed, as the chancellor and chief justice shall respectively certify to be sufficient, to be folded and stitched and offered for sale at such reasonable price as shall be fixed by said chancellor and chief justice respectively, and when sufficient matter, not exceeding four numbers, shall be printed to make a volume, to deliver three hundred copies thereof as heretofore to the state treasurer.

Copies to be delivered to State treasurer.

Chancellor
and justices
of the Su-
preme
Court shall
see that act
is enforced.

3. *And be it enacted*, That it shall be the duty of the chancellor and the justices of the supreme court to see to it that this act is enforced in such manner that the people of this state shall have the benefit of a speedy publication of the decisions of the several courts, and to that end the said chancellor and justices are hereby vested with full power, each in their respective courts, to make all needful rules and regulations to carry this act into beneficial effect.

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

Approved April 12, 1876.

CHAPTER LXXXIX.

An act to provide for the disposition of fines, that may be imposed by justices of the peace.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That each justice of the peace in this state shall report monthly, during his term of office, on the first of each month, to the collector of the county within which such justice may reside, the amount of fines imposed and received by such justice during the preceding month, and shall at the same time pay over all fines so by him imposed, the said fines to be received and held by the county collector for the use of the county; *provided*, that this act shall not apply to fines, the disposition of which is now provided for by law, except such as are now declared to be for the use of the county.

Report to
be made to
the County
collector on
the first of
each month
and pay the
amount
of fines im-
posed and
received.

Proviso.

Fines here-
tofore im-
posed to be
paid to
County Col-
lector.

2. *And be it enacted*, That all fines which may have been heretofore imposed by any justice of the peace, and included within the terms of the preceding section shall be paid over as above provided, within thirty days from the time this act shall take effect.

3. *And be it enacted*, That if any justice shall fail to report and make payment as above directed for thirty days after notice in writing from the county collector so to do,

such justice shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or imprisonment not exceeding one year, or both, at the discretion of the court. Penalty for failure to report and make payment.

4. *And be it enacted*, That all fines which may be authorized under any proceedings before any justice of the peace, and which have not been appropriated to any distinct use by existing legislation, shall be and they are hereby appropriated and made payable to the county collector of the county in which the justice may reside, for the use of the county. Fines to be made payable to County Collector.

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

Approved April 12, 1876.

CHAPTER XC.

Supplement to an act entitled "An act concerning corporations," approved April seventh, eighteen hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the tenth section of the act to which this is a supplement, and which reads as follows, to wit: "it shall be lawful for any three or more persons to associate themselves into a company to carry on any kind of manufacturing, mining, chemical, trading or agricultural business, the transportation of goods, merchandise, or passengers, upon land or water, inland navigation, the building of houses, vessels, wharves, or docks, or other mechanical business, the reclamation and improvement of submerged lands, the improvement and sale of lands, the making, purchasing and selling manufactured articles, and also of acquiring and disposing of rights to make and use the same, the renting buildings and steam or other power therewith, the cutting and digging peat, stone, marl, clay, or other like substance, and dealing in the same, manufactured or un- Section to be amended.

Amend-
ment.

Proviso.

Proviso.

manufactured, or any wholesale or retail mercantile business, or any lawful business or purpose whatever, upon making and filing a certificate in writing of their organization, in manner hereinafter mentioned; *provided*, that nothing herein contained shall be construed to authorize the formation of any railroad company, turnpike company, or any other company which shall need to possess the right of taking and condemning lands, nor of any insurance company, banking company, saving bank, or other corporation intended to derive profit from the loan or use of money," be and the same is hereby amended so as to read as follows, to wit: it shall and may be lawful for any three or more persons to associate themselves into a company to carry on any kind of manufacturing, mining, chemical, trading or agricultural business, the transportation of goods, merchandise, or passengers, upon land or water, inland navigation, the building of houses, vessels, wharves, or docks, or other mechanical business, the reclamation and improvement of submerged lands, the improvement and sale of lands, the damming of rivers and streams, including the storage, transportation, and sale of water, and water power and privileges, with the right to take rivulets, race-ways, and lands, and erect and maintain dams, reservoirs, race-ways, mills, manufactories and other erections, and lease, mortgage, sell and convey the same, or any part thereof, the making, purchasing and selling manufactured articles, and also of acquiring and disposing of rights to make and use the same, the renting building and steam or other power therewith; the cutting and digging peat, stone, marl, clay, or other like substance, and dealing in the same, manufactured or unmanufactured, or any wholesale or retail mercantile business, or any lawful business or purpose whatever, upon making and filing a certificate in writing of their organization in manner hereinafter mentioned; *provided*, that nothing herein contained shall be construed to authorize the formation of any insurance company, banking company, saving bank, or other corporation intended to derive profit from the loan and use of money, nor of any railroad company, turnpike company, or any other company which shall need to possess the right of taking and condemning lands, except for the damming of rivers and streams, and for purposes pertaining thereto, as hereinbefore specified; *and further provided*, that this act shall not apply to any river or stream of

a less width and volume of water than the Delaware river, ordinarily, at Phillipsburg, in this state, below its junction with the Lehigh, nor to any river or stream below the head of tide water in the same.

2. *And be it enacted*, That all companies that may be hereafter established by virtue of this act, and of the act to which this is a supplement, for the purpose of damming rivers and streams in this state, or between this and any other state, shall have power to construct, erect and maintain dams on rivers and streams of the width as hereinbefore mentioned, at such points on said rivers and streams, and of such heights as may by them be deemed necessary or advisable, not exceeding ten feet above common low water of such rivers and streams; *provided*, that such dams on all navigable rivers shall each have a good and sufficient schute in connection therewith of not less than one hundred feet in width, to enable rafts and flat boats to pass safely and conveniently down the same; *and also provided*, that said dams shall each be constructed with a fishway for the passage of shad and other fish, which said fishways shall be constructed and maintained under the supervision and approval of the fish commissioners of this state or of a majority of them; *and also provided*, that the plans and construction of such dams shall be approved by at least three engineers and experts to be appointed by the governor of this state, on the application of such companies, to be paid by such companies such compensation for their services as shall be fixed by said governor.

Power to construct and maintain dams on rivers and streams.

Proviso.

Proviso.

Proviso.

3. *And be it enacted*, That such companies shall have power to cut or acquire main canals or race-ways on each side of said rivers or streams, from their said dams to such point or points below as may by them be deemed necessary, and also to cut, construct and erect as many lateral or branch race-ways, locks, weirs, gates and other works, from their said main canals or race-ways to the said rivers or streams, as may by them be deemed expedient for the purposes of creating and using the water or water power of the said rivers and streams, for mills, manufactories, founderies, machine shops and other purposes; *provided*, that the water so diverted from such rivers and streams shall be returned again to them after being used for the purposes aforesaid, and that the water shall not be so completely diverted as to leave the general beds of the rivers and streams below such

May cut or acquire main canals or race-ways on each side of rivers or streams.

Proviso.

Proviso.

dams uncovered or bare; *and further provided*, that such companies shall commence their proposed dams and works within six months from the date of their organization, and complete their said dams and cut or acquire their main canals or race-ways within two years from the date of commencement as aforesaid, and any company failing to comply with the provisions of this section shall thereby forfeit the franchises given it by this act.

May have, hold, purchase, lease and convey lands, lots, sites, water powers and water privileges, rights, goods, chattels, and effects, and construct reservoirs, aqueducts, &c., &c.

4. *And be it enacted*, That such companies shall have power from time to time to purchase, receive and hold, possess and enjoy, demise, grant, lease, alien, sell and convey all such lands, lots, sites, mills, manufactories, erections, hereditaments and waters, water powers and water privileges, rights, goods, chattels and effects, or any part thereof, for such term or terms, and upon such condition or conditions as they shall from time to time deem necessary or expedient for the public purposes of this act, and also to construct, make, erect, form and maintain all such embankments, reservoirs, aqueducts, culverts, locks, weirs, gates, ways, bridges and other works as may by them be deemed convenient and necessary for the uses and purposes aforesaid, and to repair and improve the same for the better carrying on and management thereof; and further, that it shall and may be lawful for such companies, by their directors, officers, agents, engineers, superintendents or contractors, or any other person or persons by them employed, from time to time and at all times hereafter, to enter upon all lands, whether covered with water or not, for the purposes contemplated by this act, doing no unnecessary damage, and when the locations of their said dams, and the routes and locations of their main canals and race-ways, branches and improvements shall be determined by the directors of such companies, or a majority of them, from time to time, and a survey thereof, together with the lands and portions of such rivers or streams necessary for the same, shall, by an engineer or other person employed by such companies, be completed and deposited in the office of the secretary of state, then it shall be lawful for the said companies, their agents, engineers, contractors, superintendents, or other person or persons employed by them, to enter upon, take possession of and use, occupy and possess all and singular, such lands and premises subject to such compensation, and in such manner as provided in the fifth section of this act.

May enter upon lands &c.

5. *And be it enacted*, That where any waters, streams, lands, property, materials or franchises, that may be necessary or useful for the said dams, on rivers and streams of width hereinbefore mentioned, or for the said canals or raceways, shall not be made a free gift by their owner or owners to such companies for the public purposes thereof, then such companies shall pay to the owner or owners of all such lands such compensation as shall be mutually agreed upon between them; and if any such corporation or its agents cannot agree with the owner or owners of any such waters, streams, lands, property, materials or franchises, for the compensation proper for the damage done or likely to be done to or sustained by any such owner or owners of such waters, streams, lands or materials which such corporation may enter upon, use or take away, in pursuance of the authority herein given, or by reason of the absence or legal incapacity of any such owner or owners, no such compensation can be agreed upon, a particular description of the waters, streams, lands, materials, franchises or other property so required for the use of such company incorporated under this act, and the act to which this is a supplement, in the construction of said dams, canals, raceways, and other works, shall be given in writing, under oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause said company to give notice thereof to the persons interested, if known and in this state, or, if unknown, and out of this state, to make publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested impartial and judicious freeholders, residents in the county in which the waters, streams, lands, materials or other property in controversy lie, or the owners reside, commissioners to examine and appraise said waters, land or other property, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be ex-

Proceed-
ings when
company
and owners
cannot
agree as to
compensa-
tion for
damages or
materials.

Commissioners to make report.

Company may enter upon and take possession on payment or tender of payment.

pressed therein, not less than ten days; and it shall be the duty of said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding) to meet at the time and place appointed, and to proceed to view and examine the said waters, streams, lands, materials or other property, and to make a just and equitable estimate or appraisement of the value of the same, and an assessment of damages to be paid by the said company for such waters, streams, lands, materials or other property, and damages aforesaid, which said report shall be made in writing under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the waters, streams, lands, materials or other property, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the said waters, streams, lands, materials, or other property are situate, to remain of record therein; and thereupon and on payment or tender of payment of the amount awarded as hereinafter provided, the said company is hereby empowered to enter upon and take possession of the said waters, streams of the width as hereinbefore mentioned, lands, materials or other property, for the purposes aforesaid; and the said report or a copy thereof certified by the clerk of said county, and proof of payment or tender of the amount awarded shall at all times be considered as plenary evidence of the right of any such company to have, hold, use, occupy, possess and enjoy the said waters, lands, or other property, or 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 said company, if they neglect or refuse to pay for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the said company in the nature of a mortgage; and the said justice of the supreme court shall, upon application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks and other persons performing any of the duties prescribed in this section as he shall think equit-

able and right, which shall be paid by the said company ; *provided always*, that should any such company or the owner ^{Proviso.} or owners of any such waters, streams, lands, materials or other property, feel aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the next circuit court in the county wherein the said waters, streams, lands, materials or other property may be.

6. *And be it enacted*, That every appeal from the decision ^{Proceed-} of the commissioners appointed under the preceding sec- ^{ings in case} tion, shall be made in writing, and in the form of a petition ^{of appeal.} to said court, and filed with the clerk of the said circuit court of the county wherein such waters, streams, lands, materials or other property appraised by the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck and a view of the premises to be had, and the said issue to be tried at the next term of said court to be holden in the said county, upon the like notice, and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said waters, streams, lands, materials or other property, and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against any such company, and execution awarded therefor; but if the said jury shall be ^{Payment of} applied for by the owner or owners, and shall find a less ^{costs.} sum than such company shall have offered or the said commissioners shall have awarded, then said costs shall be paid by said applicant or applicants, and either deducted out of said sum found by said jury or execution awarded therefor, as the said court shall direct; but such application shall not prevent such company from taking the said waters, streams, lands, materials or other property, upon filing the aforesaid report of the said commissioners; *provided*, that ^{Proviso.} in no case whatever shall such company enter upon or take possession of any waters, streams, lands, materials or other property of any person or persons for the purpose of actually constructing said dams, reservoirs, canals, race-ways,

and other works, or of making any erections or improvements whatever, or otherwise appropriating said waters, streams, lands, materials or other property to the use of any such company, until they have paid or tendered to the party or parties entitled to receive the same the amount assessed by the said commissioners as the value of such waters, streams, lands, materials or other property or damages; but in case the party or parties entitled to receive the amount assessed as aforesaid by the said commissioners shall refuse upon tender thereof being made to receive the same, or shall be out of the state or under any legal disability, then the payment of the amount assessed as aforesaid into the circuit court of the county wherein the said waters, streams, lands, materials or other property lie, shall be deemed a valid and legal payment; *and further provided*, that the party or parties entitled to receive the amount assessed by the said commissioners, may, upon tender thereof being made, accept and receive the same, without being barred thereby from his, her or their appeal from the report of the said commissioners; and on such tender or payment of the money into court, in case it be refused as aforesaid, such company shall be empowered to enter upon and take possession of said waters, streams, lands, materials or other property, and proceed with the work of constructing its said dams, canals, raceways and other erections and improvements.

Proviso.

Rights of any corporation, person or persons to an action not impaired.

7. *And be it enacted*, That nothing in this act shall be construed to impair the rights of any corporation, person or persons to an action against such companies, their agents, workmen, servants or contractors, for any damage done to his, her or their lands, hereditaments and premises by the erection or construction of said dams, canals, raceways, reservoirs and improvements, where such corporation, person or persons have not been agreed with by such companies, or his, her or their damages paid and satisfied by such companies, under the provisions of this act.

Companies shall acquire by agreement or appraisal &c.

8. *And be it enacted*, That such companies shall, before the erection and construction of said dams, by agreement or by appraisal as hereinbefore provided, purchase or acquire the dams, works and franchises of any existing company or individuals interfered with and affected by said new dams, and such existing works and franchises may be maintained and used by said existing companies and individuals until said new dams hereby authorized are erected and the works and

franchises of said existing companies and individuals shall be acquired as herein provided, and after such acquisition such existing dams and works may be maintained and used by the companies herein authorized, in addition to their new dams and works hereby authorized if they shall deem it desirable so to do.

9. *And be it enacted*, That the supply of water for water power or other uses or purposes, from the dams hereby authorized to be erected, shall be equally divided between this state and any other state, whenever the rivers or streams upon which the said dams are erected shall flow between or divide this state and such other state; *provided, however*, that this shall not be construed to prohibit the use of any additional quantity of water on either side of said rivers or streams, whenever thereby the water is not reduced below the level required for the due supply of the connecting canals or raceways on the other side of the said rivers or streams; *and further*, that such companies may make and enforce such regulations as shall carry out the provisions of this section.

Supply of water between this and other states shall be equally divided.

Proviso.

Proviso.

10. *And be it enacted*, That every such company may make and issue bonds, with or without coupons attached, bearing interest not exceeding seven per centum per annum, to borrow money or to secure any indebtedness created by them, and sell, exchange or otherwise dispose of the same, upon such terms and conditions as they may deem advisable, and such bonds, and the interest thereon, may be secured by a mortgage or mortgages, given or executed to a trustee or trustees for the use of the bondholders, upon the corporate franchises, real and personal estate, and all other property of such companies, or any part thereof; *provided*, they shall not issue bonds for a greater sum than twice the amount of their capital stock paid in.

May issue and dispose of bonds.

Proviso.

11. *And be it enacted*, That all companies whose dams and works shall be constructed under the provisions of this act, and of the act to which this is a supplement, shall have the right to connect their said dams and works with any dams and works on the same rivers or streams, within this state or between this and any other state, upon such terms as may be agreed upon by those who have the management of such dams and works, and in case of a failure of agreement on the part of those having the management of such dams and works within this state, then, and in that case, either of said

Companies may connect dams and works with any dams and works on the same rivers or streams.

parties may apply to one of the justices of the supreme court of this state, 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, and proceed in all respects the same as when condemning land, as provided in the fifth and sixth sections of this act, including the right of appeal by either party to the next circuit court in the county wherein the said dams and works may be.

May lease
works to
other cor-
porations.

12. *And be it enacted*, That it shall be lawful for any company incorporated under this act, and the act to which this is a supplement, at any time during the continuance of its charter to lease its dams and works, or any part thereof, to any other corporation or corporations, of this or any other state, or to unite and consolidate as well as merge its stock, property, franchises, dams and works with those of any other company or companies, of this or any other state, or to do both; and such other company and companies are hereby authorized to take such lease, or to unite, consolidate as well as merge its stock, property, franchises, dams and works with said company, or to do both, and after such lease or consolidation the company or companies so acquiring said stock, property, franchises, dams and works may use and operate such dams and works and their own dams and works, or all or any of them, according to the provisions and restrictions contained in this act, notwithstanding any special privilege heretofore granted to another corporation.

Franchises,
rights,
works and
structures
of any ca-
nal or rail-
road not
to be inter-
fered with
without
consent.

13. *And be it enacted*, That nothing in this act contained shall be construed to authorize any corporation organized under this act, or the act to which this is a supplement, to take, condemn, obstruct, endanger, or in any wise interfere, directly or indirectly, with the franchises, rights, works and structures of any canal or railroad corporation, without the written consent of such corporation, nor to authorize the leasing, consolidating, or otherwise uniting the dams and works hereby authorized with the works and franchises of any railroad company in this or any other state, and that this act shall take effect immediately.

Approved April 12, 1876.

CHAPTER XCI.

An act relative to public printing.

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 said printing shall be as follows: for printing three thousand copies of the session laws, the sum of thirty 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 twenty-two and one-half dollars per sheet of sixteen pages; for printing one thousand copies of the legislative documents, at the rate of seventy-five cents per thousand ems for composition, and seventy-five cents 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 five dollars and twenty-five cents per sheet of four foolscap pages; and for printing the pamphlets and other papers ordered by the legislature, at the rate of seventy-five cents per thousand ems for composition, and seventy-five cents per token of two hundred and fifty

Printing
how exe-
cuted.

Documents
to be print-
ed.

Senate
Journals
minutes of
assembly.
&c.

Public bills.

Compensa-
tion to be
paid.

Proviso. 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.

Work to be completed.
How done. 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 twenty-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 flatcap 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.

Paper.
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 one in said volume; when any document shall be ordered to be printed more than once, at periods more than four days

Joint committee on printing shall order what documents or reports shall be printed in the volume of documents.

Number of copies to be printed.

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.

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. Officers to furnish copy.

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 said 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. Indices and compensation therefor.

6. *And be it enacted*, That Charles H. Folwell, of Mount Holly, shall be employed to print the reports of the treasurer and comptroller of the state, the report of the state board of education, and the reports relating to the state normal school and the state prison, during the current year. Printer of certain reports.

7. *And be it enacted*, That William S. Sharp, of Trenton, shall be employed to print five thousand copies of the amended constitution of this state, with the index, as lately published under the authority of the department of state. Printer of amended constitution.

8. *And be it enacted*, That John L. Murphy, of Trenton, shall be employed to print the senate and assembly bills, pamphlets, reports of state officers for presentation to the legislature, and such other matter as may be ordered by the senate and house of assembly, and not hereinbefore provided for. Current Printer.

9. *And be it enacted*, That S. W. Miller, junior, of Salem, Minutes of the House

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.

10. *And be it enacted*, That W. V. L. Siegman, of Cape May, 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.

Docu-
ments.

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

Reports in
German.

12. *And be it enacted*, That Benedict Prieth, of Newark, be employed to print such reports as may be ordered in German, during the present term.

Laws.

13. *And be it enacted*, That Chiswell & Wurts, of Paterson, be employed to print three thousand copies of the laws enacted at the present session of the legislature,

When to be
delivered.

which copies shall be delivered to the state treasurer, within two months after the said Chiswell & Wurts shall have received the copy thereof, and on failure thereof, the said Chiswell & Wurts 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.

Penalty.

Secretary
of State to
furnish
copy.

14. *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.

Repealer.

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

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

Approved April 12, 1876.

CHAPTER XCII.

An act to amend an act entitled "An act constituting courts for the trial of small causes," (revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seventy-nine, of the act entitled "An act constituting courts for the trial of small causes," which now reads as follows, to wit: Section to be amended.

"From any judgment which may be obtained before any justice of the peace, except such as shall have been given by confession, either party may appeal to the court of common pleas of the county, to be holden next after the rendering of such judgment; which appeal the said justice is hereby directed to grant on the following, and no other terms, that is to say, the party demanding such appeal shall enter into bond to the other party, with at least one sufficient surety, being a freeholder in the county, and in double the sum for which such judgment was given, conditioned that the appellant shall appear and prosecute the said appeal in the said court of common pleas, shall stand to and abide the judgment of the said court, and pay such further costs as shall be taxed, if the judgment be affirmed; *provided always*, that no appeal shall be granted to remove a judgment rendered upon the verdict of a jury, or on the report of referees, unless the party demanding the appeal shall, at the time of filing the appeal bond with the justice, also file with him an affidavit made by said party, before any justice of the peace, stating that the said appeal is not intended for the purpose of delay, and that he verily believes that he hath a just and legal ground of appeal upon the merits of the case, which said affidavit the said justice shall cause to be sent up to the court to which the appeal is taken, with the other papers in the cause," be and the same is hereby amended so as to read as follows, to wit:

Amend-
ment.

"79. From any judgment which may be obtained before any justice of the peace, except such as shall have been given by confession, either party may appeal to the court of common pleas of the county to be holden next after the rendering of such judgment; which appeal the said justice is hereby directed to grant, on the following and no other terms, that is to say: if the judgment appealed from be one entered against the party demanding the appeal, or if there be in the action an off-set against his demand, then he shall file with the justice a bond to the other party, with at least one sufficient security, being a freeholder in the county, and in double the amount of such judgment or set-off conditioned that the appellant shall appear and prosecute the said appeal in the said court of common pleas, shall stand to and abide the judgment of the said court, and pay such costs as shall be taxed against him if the judgment be affirmed; if the judgment appealed from be in favor of the party demanding the appeal, and there be no off-set in the action against his demand, then no appeal bond shall be required, but the appeal shall be taken by a notice in writing, signed by or in behalf of the appellant, briefly describing the judgment and stating that the party appeals therefrom to the next court of common pleas; *provided always*, that no appeal shall be granted to remove any judgment entered against the party demanding the appeal for any amount beyond the costs of suit where such judgment shall have been rendered on the verdict of a jury, or on the report of referees, unless the party shall at the time of taking the same, file with the justice an affidavit made by the party, or in his absence by his agent, stating that the said appeal is not intended for the purpose of delay, and that the affiant verily believes that the appellant hath a just and legal ground of appeal upon the merits of the case; which affidavit shall be sent up to the court to which the appeal is taken, with the other papers in the cause."

Proviso.

Act to ap-
ply.

2. *And be it enacted*, That this act shall take effect immediately, and shall apply to all actions in which appeals might now be taken according to law.

Approved April 12, 1876.

CHAPTER XCIII.

An act to regulate and license pawnbrokers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the judges of the court of common pleas, or a majority of them, in any county in this state may, upon application being made to said court, grant a license to carry on the business of a pawnbroker, to such person applying for the same in such place in the said county as shall be named in the application and approved by said court; *provided*, the application therefor be accompanied with a bond, to be by such person signed, with two freehold sureties satisfactory to the court, in the sum of one thousand dollars each, conditional for the faithful performance and observance of the requirements of this act and for the indemnification of any person or persons suffering loss through the violation of the provisions of this act; *and provided further*, that no person shall carry on the business of a pawnbroker, within this state, unless licensed according to the provisions of this act, except within municipalities, having charter regulations respecting pawnbrokers, and no person shall carry on the business of pawnbroker within this state unless licensed as provided for in this section.

2. *And be it enacted*, That the license fee shall be fifty dollars, payable to the clerk of the court of common pleas of the county wherein such license is granted, and such license fee to accompany the application; that no person shall be entitled to obtain such license unless such person shall be a resident of the state of New Jersey and within the jurisdiction of the court where application is made for such license for at least the term of six months prior to the date of said application; that the penalty for violating the provisions of this act, or either of them, shall be twenty-five dollars for the first offense, and fifty dollars for the second and each subsequent offence, to be recovered by an action of debt before any court of competent jurisdiction,

such action to be brought by the board of chosen freeholders of the county wherein such pawnbroker was licensed or has carried on the business of a pawnbroker and such penalty, when recovered, to be paid to the collector of said county, for the use of said county.

Pledges to
be kept for
one year
unless
sooner re-
deemed.

3. *And be it enacted*, That all goods pledged or pawned shall be kept for the term of one year by the pawnbroker receiving the same in pledge, unless sooner redeemed, and not more than the rate of twenty-five per cent. per annum interest shall be charged on any sum not exceeding twenty-five dollars loaned upon any pledged or pawned goods and on sums exceeding twenty-five dollars not more than ten per centum interest shall be charged, and such interest at such rate shall be in lieu of all other charges and demands; and every pawnbroker thus licensed shall keep a proper record of the deposit and redemption of all goods and pledges, the amount loaned thereon and the interest charged, and shall give to each pawnor a proper descriptive ticket, and that the said record shall be continually open to police inspection.

Interest.

Record of
deposit and
redemption
to be
kept.

Notice of
sale to be
given.

4. *And be it enacted*, That if goods pledged or pawned to any such pawnbroker shall remain unredeemed, and no interest upon the loan thereon shall have been paid for the space of one year, such goods may then be sold by said pawnbroker, but notice of such sale shall be given by advertisement in at least two newspapers printed and published in said county, for at least two weeks prior to such sale and said sale shall be at public vendue to the highest bidder and in no other manner.

Act to ap-
ply.

5. *And be it enacted*, That this act shall not apply to municipalities having charter regulations respecting pawnbrokers.

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

Approved April 12, 1876.

CHAPTER XCIV.

An act relative to official advertisements.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no advertisement of any sale of lands by any commissioner, coroner, sheriff or master in chancery, or advertisement of any municipal notice, ordinances, order or resolution, which is required by law to be printed and published in any newspaper of this state and which is now in course of publication, shall be deemed or held to be invalid or insufficient because of any change in the name of the newspaper in which such advertisement is printed, but such advertisement shall be in all respects and to the same extent as legal and valid as if no such change as aforesaid had been made.

Change of
name of
newspaper
not to in-
validate
legal adver-
tisements.

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 13, 1876.

CHAPTER XCV.

A supplement to an act entitled "An act relative to sales of lands under a public statute, or by virtue of any judicial proceeding," (revision) approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any master of the court of chancery to whom any execution or order of sale of any lands or real estate is now or hereafter may be

Master may
continue
sale by pub-
lic adjourn-
ment either

in person
or by ap-
pointment
of Master
or Sheriff
to make
such ad-
journment
in his stead.

directed, to continue such sale or sales by public adjournment, subject to such limitations and restrictions as are or may be provided specially therefor, either in person or by authority in writing, under his hand, and commissioning or appointing a master of said court, or sheriff of the county in which such lands are situated, to make such adjournment in the name and stead of the master to whom such writ or order of sale is directed, and such authority for such adjournment shall be returned by said master with the statement made by him of the proceedings under and by virtue of any writ of execution or order of sale as aforesaid.

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

Approved April 13, 1876.

CHAPTER XCVI.

An act concerning associations or incorporations for the establishment of lyceums, libraries and literary and scientific societies.

Capital
stock may
be increas-
ed upon
filing cer-
tificate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the directors or trustees of any lyceum, library, literary or scientific association or incorporation, which may have been heretofore incorporated by any special act of the legislature of New Jersey, shall deem it necessary to increase the capital stock of such association or incorporation, and shall at any regular meeting of such directors or trustees, resolve that such increase is necessary and specify the amount of such increase, the said directors or trustees shall thereupon make a certificate thereof, under the hands of the president and secretary or treasurer of such association or incorporation, with the corporate seal thereof attached thereto, and file the same in the office of the secretary of state, and upon said certificate being so made and filed, the said capital stock of said corpora-

tion or association shall be increased to the amount mentioned in said certificate.

2. *And be it enacted*, That for all capital stock which may be issued under and by virtue of such certificates, the associations or incorporations—the directors or trustees of which shall file such certificates—and the directors or trustees and stock holders thereof, shall be entitled to all the benefits and subject to all the liabilities arising from and contained in the act entitled “An act to incorporate associations for the establishment of lyceums, libraries, and literary and scientific societies,” and also shall be entitled to the same benefits and subject to the same liabilities, to which the original stockholders in such associations or incorporations are entitled or subject under and by virtue of the provisions of the special act under and by which such association or incorporation shall be incorporated.

Restric-
tions and
liabilities.

3. *And be it enacted*, That any such association or incorporation may increase the trustees or directors thereof to any number not exceeding fifteen; *provided*, that notice for two weeks, once a week, of the intention to make such increase, shall be inserted in one or more newspapers published in the township or city where such incorporation or association may be located, or if no newspaper be published in such township or city, then in one or more newspapers published in the county where the said association or incorporation is situated; and after such notice shall have been given, the then board of trustees or directors may elect, by ballot, the trustees or directors proposed to be added; but all elections thereafter shall be had in the manner provided by law.

May in-
crease
number of
Trustees or
directors.
Proviso.

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

Approved April 13, 1876.

CHAPTER XCVII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any action brought or to be brought in the supreme court or any circuit court or court of common pleas in this state, wherein judgment shall have been or may hereafter be recovered against two or more defendants thereto, and the party in whose favor said judgment is rendered shall have received satisfaction thereof from any defendant or defendants less than the whole number of defendants, it shall and may be lawful for the person so receiving satisfaction, either by himself or his attorney, to enter an acknowledgment of satisfaction as to said defendant or defendants from whom satisfaction thereof shall have been received; upon the record of said judgment, or in case the judgment shall not have been made up and recorded, then such satisfaction may be entered in the minutes of the court where such judgment shall have been rendered, and such acknowledgment of satisfaction when so entered shall not operate as a release or discharge of said judgment as to any defendant liable thereon primarily to or equally with the defendant or defendants as to whom such acknowledgment of satisfaction shall have been entered, but may be assigned to such defendant or defendants as have satisfied the same, and he or they shall have full control of said judgment, and may issue execution thereon against such defendant or defendants as to whom there has been no satisfaction entered the same as if there had been no payment whatever, and no satisfaction had been entered; *provided*, that such defendant or defendants shall only recover on such execution the proportional share of said judgment for which the defendants as to whom such satisfaction has not been entered were originally liable; *and pro-*

Proceed-
ings when
judgment
shall have
been or
may be re-
covered
against two
or more de-
fendants
thereto.

Proviso.

vided further, that previous to issuing said execution the Proviso. amount for which it shall issue shall have been fixed by a judge of the court out of which said execution shall be issued upon application of the party desiring to issue the same made upon two days' notice to the person or persons, against whom it is intended said execution shall issue.

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

Approved April 13, 1876.

CHAPTER XCVIII.

An act relating to notices of filing reports of assessments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where, under the provisions of any law of this state, notices of filing reports of assessments for benefits and of hearing objections thereto are required to be given, the said notices shall clearly state the character of the work and improvement for which such assessments have been made, and a description of the streets or avenues or particular sections thereof, which are included in said assessment; but the names of the owners of the lands so assessed and the map and street numbers shall not be required to be published, and two or more assessments may be included in one notice; *provided* however that in cases of non-resident property owners whose property is assessed a copy of said notice shall be mailed to them postage prepaid, at least five days prior to the confirmation of any assessment thereon if such non-resident property owner shall have filed in the office of the city clerk at any time prior to such assessment, his name and post office address. Notices to state the character of the work and improvement for which assessments have been made. Proviso.

2. *And be it enacted*, That all notices of assessment heretofore published in conformity with the provisions of the previous section of this act since the first day of January, eighteen hundred and seventy-six, are hereby declared to be sufficient, and that this act shall take effect immediately. Notices declared sufficient.

Approved April 13, 1876.

CHAPTER XCIX.

A supplement to an act entitled "An act to provide for the compilation and publication of an index of all the public laws of this state," approved April third, eighteen hundred and seventy-three.

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, which reads as follows :

Section to
be amend-
ed.

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," be amended so as to read as follows :

Amend-
ment.

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 the public and private laws of this state, including those passed by the colonial government, so far as the same can be ascertained in the state library and office of the secretary of state, to be arranged and printed in the same manner, as near as may be, to the General Index of the laws of the State of New York, prepared by T. S. Gillett, and published at Albany, in eighteen hundred and fifty-nine, except that the colonial laws may be arranged chronologically, apart from the other laws ; said work to be done under the supervision and subject to the approval of the chief justice of the supreme court, and the state treasurer shall be and is hereby authorized to pay to said John Hood the additional sum of three dollars per copy for the copies to be by him purchased as in said act directed.

Work to be
approved
by chief
Justice.

2. *And be it enacted*, That the act entitled a supplement Repealer. to an act entitled an act to provide for the compilation and publication of an index of all the public laws of this state, approved April third, eighteen hundred and seventy-three, which supplement was approved March ninth, eighteen hundred and seventy-five, be and the same is hereby repealed.

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

Approved April 13, 1876.

CHAPTER C.

An act for the preservation of fish.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall not be lawful for Fishing with nets or other contrivances whatever for taking or catching fish above tide water prohibited. any person or persons, at any time whatever, either by day or night, to put, place or haul any gill, drift, fike or other net or nets, or any eel pot or pots, basket or baskets, or other contrivances whatever, for the taking or catching of fish, in any of the waters of the state, above tide water, or to keep any gill, drift, fike, or other net or nets, or any eel pot or pots, basket or baskets, or other contrivance whatever, for the taking or catching of fish in any of said waters mentioned; and any person or persons who shall take or catch any fish in manner aforesaid, shall, upon conviction thereof, be before any justice of the peace of the county in which said offence is committed, be punished by imprisonment in the common jail of the county for the term of ten days, or by a fine of twenty dollars, for each and every offence, one-half of said fine to be paid into the treasury of the state, and the balance to be paid to the person or persons making complaint, and prosecuting such offender or offenders; and when any fine is imposed by virtue of this act, the offender shall stand committed until fine and costs are paid; *provided*, that said Penalty Proviso. penalty shall not apply to the legitimate taking or catching of fish with hook and line, or with hook, line and rod, nor to the catching of fish with drift or drag nets by any person

	or persons in waters running through, along or being upon his her or their own lands, if none of the fish so caught are sold or exposed for sale; and each and every person selling or exposing for sale fish caught by any contrivance prohibited by this act shall be liable therefor to the penalties above prescribed for illegal fishing; <i>and provided further</i> , that the privileges herein granted shall not be extended to any person or persons other than the owner or owners of the lands through or along which any stream may run where such fishing with nets may or shall be carried on; <i>and provided</i>
Proviso.	<i>further</i> , that this act shall not be held to apply to the Delaware river, and private ponds the property of private owners, which are not runways for migratory fishes, and the owners of such ponds shall not be subject to the penalties herein prescribed for fishing in such ponds with such appliances as they may see fit to use.
Appointment of fish wardens.	2. <i>And be it enacted</i> , That one person shall be appointed in each county in the state, to be fish wardens, the jurisdiction of each of said wardens to extend through all or any of said counties, and it shall be the duty of said wardens, on view or information, to enforce the fishing laws within all or any of said counties, by arresting and prosecuting the offender or offenders; said officers shall be entitled to their pay as witnesses in such cases, although they be complainants, and such officers shall have a right to remove and destroy any fike, net, eel pot, fish basket, or brush net, illegally placed in the aforementioned waters; the said officers may, in the discharge of their duties, call in the aid of any person or persons when necessary, and such person or persons shall not be liable to prosecution for rendering such aid; any person neglecting or refusing to aid when thus called upon, shall forfeit ten dollars, to be recovered by action of debt, before any justice of the peace of the county; the said special officers thus appointed, shall hold office for three years, unless sooner removed, or until their successors are appointed and qualified, and shall be duly sworn before any justice of the peace, or a judge of the common pleas, to the performance of their duties; they shall make an annual report to the commissioners of fisheries, on or before the first day of November in each year, and shall receive three dollars for each day they are occupied in their special duties, and that said per diem compensation shall be paid by the treasurer of the state, upon an authenticated statement of
Powers and duties of the fish wardens.	
May call in aid.	
Penalty for refusing aid.	
Term of office of fish wardens.	
Shall make annual report.	
Compensation.	

the commissioners of fisheries; *provided*, that in no case Proviso. shall any special officer receive more than fifty dollars for his services in any one year.

3. *And be it enacted*, That any warden who shall wilfully Penalty for neglect of duty. neglect the performance of the duties imposed upon him by this act, shall forfeit the sum of fifty dollars, to be recovered by any person who shall sue for the same, in an action of debt, before any justice of the peace of the county in which said warden resides.

4. *And be it enacted*, That the governor shall appoint the Governor to appoint. fish wardens required by this act, and the said fish wardens so appointed shall be subject to the orders, rules and regulations adopted by the fish commissioners of this state.

5. *And be it enacted*, That the act entitled "An act for the Repealer. preservation of fish in certain waters within the State of New Jersey," approved April eighth, eighteen hundred and seventy-five and all acts or parts of acts inconsistent with this act, be and the same are hereby repealed.

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

Approved April 13, 1876.

CHAPTER CI.

An act providing for state taxes on railroads and the more efficient collection thereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all railroad corporations and com- Annual State tax. panies occupying or using railroads in this state, whether as lessees or otherwise, liable to be taxed as such by a general law taxing railroads for state purposes, shall pay an annual state tax upon the true value of said railroads, their equipment and appendages of said road, at and after the rate of one-half of one per centum upon such value, and the same to be paid, notwithstanding any provisions in the charters of said corporations or companies or the laws under which said railroads are respectively occupied and used,

PROVISO. fixing a different basis, mode or rate of taxation; *provided*, that whereas certain railroad companies, required to pay tax annually to the state, under the provisions of the act entitled "An act relative to transit duties," approved March fourth, eighteen hundred and sixty-nine, control certain other railroads within this state commonly called branch roads, by either owning or leasing them, or by owning a majority, in value, of their capital stock, or by owning or leasing other roads which own or lease them, which branch roads will be assessed under the provisions of this act; the tax paid by any such railroad company under the provisions of the said act of eighteen hundred and sixty nine, shall be considered a full payment of all taxes hereafter to be assessed upon such branch roads under this act, so long as the amount paid by such railroad company under the provisions of said act of eighteen hundred and sixty-nine shall exceed the aggregate amount of the taxes upon such branch roads under this act, and of the tax upon such railroad company at the rate of one-half of one per centum upon the costs of their works, including all their property of any description not otherwise taxed, as provided in said act of eighteen hundred and sixty-nine, or so long as this act shall remain in force.

Shall make return to the comptroller annually, the true value of road, equipment and appendages.

Tax when due and payable.

2. *And be it enacted*, That on or before the first day of February, in each year, the president, secretary or treasurer of every railroad corporation or company shall, on oath or affirmation, make return to the comptroller of this state of the true value of said road and of the equipment and appendages of said railroad used by or belonging to said corporations or companies in this state, respectively, specifying the items and locality thereof, and further showing the true value of said property whereon said state tax is laid as aforesaid, specifying its particular items and their cost; the comptroller shall forthwith file said return in his office, and thereupon the state tax to be paid by said railroad corporation or company, under this act, shall be immediately due and payable with interest thereon from the first day of March at and after the rate of ten per centum per annum, and said tax and the interest thereon shall be and remain a lien on the franchises and property real, personal and mixed of said corporation or company, and the lien of the state for said state taxes and interest shall be prior to all other liens of every nature and description on said franchises and property.

3. *And be it enacted*, That the comptroller, treasurer and commissioner of railroad taxation of the state shall constitute a board of railroad commissioners, and when any of the said railroad corporations or companies required by the second section of this act to make a return to the comptroller of the state as therein set forth, shall fail to make such return as therein required or shall make a return that the comptroller shall have reason to believe is untrue or insufficient, the said railroad commissioners shall forthwith proceed to estimate the true value of the railroad of such defaulting corporation or company, and the true value of the equipment and appendages of said railroad used by or belonging to said corporation, in this state, and shall also ascertain and state the amount of state tax due thereon at and after the rate of one-half of one per centum upon such true value; and such estimate of true value and the amount of the state tax thereon shall be certified to by them as follows: "We hereby certify that the above estimate of the true value of the railroad of (here insert the name of the corporation or company) and of its equipment and appendages, and the state tax due thereon for the year (here insert year), is just and true according to the best of our knowledge and belief;" they shall sign said certificate and file said estimate, statement and certificate in the office of the comptroller, and thereupon the state tax to be paid by said railroad corporation or company, under this act, shall be immediately due and payable with interest thereon from the said first day of February, at and after the rate of ten per centum per annum, and said tax and the interest thereon shall be and remain a lien on the franchises and property, real, personal and mixed, of said corporation or company, and the lien of the state for said state taxes and interest shall be prior to all other liens of every nature and description on said franchises and property.

Board of
railroad
commis-
sioners.

Commis-
sioners to
estimate
value, &c.,
when re-
turn is
deemed in-
sufficient.

Certificate
by the com-
missioners.

Certificate
to be filed
with the
comptrol-
ler.

4. *And be it enacted*, That if any railroad corporation or company shall feel aggrieved by the action of said board of railroad commissioners, it shall have the right at any time within ten days after he shall have filed said estimate, statement and certificate in the office of the comptroller, to appeal therefrom, to a justice of the supreme court, whose duty it shall be to summarily hear and decide said appeal, upon depositions, or upon evidence taken by himself, and he may compel the attendance of witnesses before a supreme

Proceer-
ings in case
of appeal
from the
commis-
sioners.

court commissioner or himself, and punish them as for a contempt upon their failure to appear or answer; and he shall control and regulate the proceedings upon said appeal so that he can decide said appeal within thirty days, unless he shall extend the time by certificate under his hand, which certificate he shall file with the clerk of the supreme court and state therein the time of such extension and the reasons therefor; the decision of said justice upon said appeal shall be certified by him under his hand and filed with the comptroller; and if said justice shall reduce the amount of said state tax as certified to by said board, he shall state the amount of said reduction and the reasons therefor, and thereupon the comptroller shall give such railroad corporations or companies credit to the amount of the said reduction, but the amount of tax as fixed after such reduction shall be immediately due and payable and shall bear interest from the said first day of March at and after the rate of ten per centum per annum; and said reduced tax and the interest thereon shall be and remain a lien on the franchises and property, real, personal and mixed of said corporation or company, and the lien of the state for said reduced state taxes and interest shall be prior to all other liens of every nature and description on said franchises and property.

Proceedings in case of reduction of state tax by the Justice.

Tax and interest to be a lien.

Proceedings in case of failure to pay state taxes, &c.

Application for order of execution.

5. *And be it enacted*, That whenever any railroad, corporation or company has failed to pay its state taxes for ten days after the same has become due and payable under this act, it shall be the duty of the attorney general to forthwith apply to a justice of the supreme court for an order that the said state tax, as returned by such railroad, corporation or company, or assessed by the board of railroad commissioners, or as revised by a justice of the supreme court, and the interest due on such tax and a reasonable sum to be certified by said justice to be paid for the expense of said proceedings, and for the services rendered by said board and said attorney general shall be made a record of the supreme court and judgment entered for said tax, interest and reasonable sum, in the name of the state of New Jersey as plaintiff, and against said corporation or company as defendant, which order shall be made forthwith upon a certified copy from the comptroller of the estimate, statement and certificate on file in his office, and the certificate of the treasurer that said tax has not been paid; and also to apply for an order that execution forthwith issue on said

judgment, said execution to be directed to a special master of the court of chancery to be named by said justice in his order; and such an order may be applied for and granted ex-parte, unless said justice order notice of such application to be given, and in all cases the proceedings shall be summary; under said execution the master to whom the same is directed shall sell all the franchises and all the property, real, personal and mixed, of said corporation or company, or so much thereof as may be necessary to make the amount due on said tax judgment and the usual execution fees; such sale shall pass the absolute title to said franchises and property aforesaid sold thereunder, free and clear of all liens and incumbrances of every nature; such notice, advertisement and publication of such sale shall be given as shall be directed in and by the order of said justice, and no other notice, advertisement or publication shall be necessary, and said justice may make such further order or directions as he may deem proper to secure the rights of the state or of any corporation or company interested.

Order may
be granted
ex-parte.

Sale by
Master.

Sale shall
pass abso-
lute title.

Notice of
sale.

6. *And be it enacted*, That in case of any dispute between the state and any railroad corporation or company as to its liability under this act, or as to the extent of such liability, that it shall be lawful for the state treasurer to receive and for said corporation or company to pay into the state treasury, any sum that it may admit to be due for state taxes, and such amount so paid shall be credited on the state tax as it shall be finally determined and fixed under this act; and the said credit shall be made by the comptroller, upon the certificate of the state treasurer, as to said payment, and no interest shall be charged upon the amount thus paid and credited.

In case of
dispute the
state treas-
urer may
receive any
sum that
may be ad-
mitted by
company to
be due for
state taxes.

7. *And be it enacted*, That for greater certainty it is hereby declared that this act shall not apply to or affect any county, municipal or local taxation whatever.

Not to ef-
fect any
county, mu-
nicipal, or
local taxa-
tion.

8. *And be it enacted*, That the comptroller, treasurer and commissioner of railroad taxation shall take and subscribe, and file in the office of the comptroller, the following oath or affirmation; "I do solemnly promise and swear or (affirm) that I will faithfully, impartially and justly perform all the duties imposed on me by this act, to the best of my ability and understanding."

Comptrol-
ler, Treas-
urer, and
Commis-
sioner of
railroad
taxation to
take and
file oath.

9. *And be it enacted*, That the railroad commissioners shall

Railroad
Commis-
sioners em-
powered to
administer
oaths.

have power to administer oaths and affirmations to any person to ascertain any facts proper for them to know in order to enable them to properly perform the duties of their office, and they may reduce their statements to writing, and require them to subscribe and swear thereto, and may ex-parte apply for and obtain from any justice of the supreme court an order to compel any person to submit to such examination in reference to such matters; and such justice may punish any party as for a contempt who shall disobey any order made by said justice in the premises; and any person falsely swearing or affirming in reference to any matters inquired of by said board, or in any evidence given before any justice or supreme court commissioner under this act, shall be deemed guilty of perjury, and on conviction thereof shall be liable to all the penalties prescribed by law therefor.

Penalty for
false
swearing.

Mortgagee
or lienor
may pay the
state treas-
urer state
tax of any
company or
corporation
in default
of such pay-
ment and
have certifi-
cate of such
payment.

10. *And be it enacted*, That if any corporation or company shall be in default under this act, in payment of the state tax aforesaid, any person having a mortgage or other lien on its franchises or property, may pay the state treasurer the amount of such state tax, and the interest due thereon, and receive from said treasurer a certificate of such payment, and such person shall thereupon be entitled to be repaid the amount of said tax, and interest thereon at the rate of ten per centum per annum, out of the first proceeds of any sale of the franchises or property of said corporation or company, and such tax and ten per centum interest thereon shall continue a lien on the franchises and property of the corporation or company for the benefit of such mortgagee or lienor until paid by said corporation or company or from the sale of its franchises or property; if any proceedings have been taken by the attorney general to enforce the payment of said state tax and interest thereon, then such mortgagee or other lienor paying such tax and interest shall pay such additional amount as a justice of the supreme court shall certify to be proper and reasonable to pay for the cost and expense and services on the proceedings as far as they have progressed for the collection of said tax and interest thereon; upon the payment of said tax and the interest thereon and such additional amount, [if any,] all proceedings shall thereupon cease for the collection of said tax.

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

Approved April 13, 1876.

CHAPTER CII.

An act to protect grave yards and burial plats owned by individuals and unincorporated associations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person who shall unlawfully and wilfully destroy, mutilate, deface, injure, or remove any tomb, monument, gravestone, building, or other structure placed in or upon any grave yard or burial plat in this state, or shall unlawfully and wilfully cut, bark, break, injure, remove, or destroy any tree, shrub, or plant therein, or shall wilfully break, injure, deface, remove, or destroy the fence, hedge, or railing inclosing such grave yard or burial plats, shall be deemed guilty of a misdemeanor, and such offender shall also be liable in an action of trespass, to be brought by the owner or owners, to pay all such damages as have been occasioned by his or her said unlawful acts. Penalty for injury to graveyards, &c.

2. *And be it enacted*, That any person who shall bring any dog or dogs, goat or goats within the limits of any grave yard or burying plat in this state, shall for every such offence, upon conviction thereof before a justice of the peace of the county wherein said offence shall be committed, forfeit and pay the sum of two dollars for the use of the poor of the township or ward, and shall also be liable in an action of trespass at the suit of the owner or owners for all damages committed by said dog or dogs, goat or goats. Penalty for bringing dog or goat within limits of any grave-yard or burying plat.

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

Approved April 13, 1876.

CHAPTER CIII.

A supplement to an act entitled "An act to regulate and establish a uniform rate of charges for legal advertising in New Jersey," Approved March twentieth, eighteen hundred and fifty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the editor, proprietor or publisher of every newspaper in this state, shall print upon and publish with every advertisement required by law to be published in one or more newspapers in this state, a statement of the price established by law for such advertisement, which price shall be the legal amount due for such advertisement for the whole length of time that the same is required by law to be published; and it shall not be lawful for the owner, editor, proprietor or publisher of any newspaper to charge or receive the price of such advertisement or any part thereof unless the said statement of the price of such advertisement shall be published as herein directed.

Price for publishing legal advertisement shall be printed with every advertisement required by law to be published. When not lawful to charge or receive price of advertisement.

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

Approved April 13, 1876.

CHAPTER CIV.

An act to authorize the proprietor of any newspaper published in this state, to change the name of such newspaper.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any proprietor of any news-

Application by petition for order

paper published in this state may apply to the circuit court of the county wherein such newspaper shall be published, for an order to authorize such applicant to assume and use another name for such newspaper; such application shall be by petition, which shall set forth the grounds of the application, and shall be verified by the affidavit of the applicant annexed thereto or endorsed thereon, and notice of such application shall be published at least once in each week for two weeks successively next preceding the time of such application in some newspaper of said county.

authorizing
change of
name of
newspaper.

Petition
how veri-
fied.

2. *And be it enacted*, That if the court to which such application shall be made, shall be satisfied by such petition, so verified, or by affidavits presented, that there is no reasonable objection that such proprietor should be permitted to assume and use another name for such newspaper, such court shall make an order authorizing such proprietor to assume and use such other name for such newspaper, from and after some time, not less than five days, to be specified in such order.

Court may
make order
if there is
no reason-
able objec-
tion.

3. *And be it enacted*, That within ten days after granting such order, such proprietor shall cause a copy thereof to be published in a public newspaper printed in the county in which such newspaper shall be published; within twenty days from the granting of such order, such applicant shall cause such petition, affidavit or affidavits, order, and an affidavit of the publication of such order to be filed in the county clerk's office of the county in which such newspaper shall be published, and within the same time such applicant shall cause a certified copy of such order to be filed with the secretary of state.

Copy of or-
der shall be
published.

Petition,
affidavits,
order, &c.,
to be filed
with Coun-
ty Clerk.

4. *And be it enacted*, That when the requirements of this act shall be complied with, such proprietor shall, from and after the day specified for that purpose in such order, assume and use the name which by such order he shall be authorized to assume and use for such newspaper, and such newspaper shall thereafter be known by the new name and by no other.

When
name may
be assum-
ed.

5. *And be it enacted*, That such newspaper under such new name shall have the same rights and privileges as if its name had not been changed, and where such newspaper under its old name had been lawfully designated as an official newspaper of any county, city or other place, it shall continue to be such official newspaper under its new name the

Rights and
privileges
to remain
the same as
if name had
not been
changed.

same as if its name had not been changed, and all legal or other publications made or directed to be made under the order of any court or of the state or any officer or department thereof, or any county, city or other municipality, or any board or officer thereof, and all sheriff's or master's sales and all matters now required by law to be published, may be published or the present publication thereof continued in such newspaper under its new name, with the same force and effect as if such publication had been made in said newspaper published under its old name; and said newspaper under its new name shall be entitled to all official printing under any law of this state, or any resolution of the board of chosen freeholders of any county, or any ordinance or resolution of any city or other municipality, or any department, board or officer thereof, the same as if the name of said newspaper had not been changed.

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

Approved April 13, 1876.

CHAPTER CV.

A further supplement to the act entitled "An act to encourage the improvement of real property in this state," (revision,) approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all land improvement companies of this state now existing under any act of the legislature, or that are now or may hereafter be organized under the act to which this is a supplement, shall have and possess the power, when three-fourths of all the directors of such company shall vote therefor, to temporarily invest the proceeds of the sale of the real and personal property of said company and its accumulated surplus, in any public stock or bonds of the United States, or of any state or municipal cor-

How sur-
plus may be
invested.

poration therein, and in any stock or bonds of any corporation created by or under the laws of the states of New Jersey, New York or Pennsylvania; and said land improvement companies, to enable them to make such investments as aforesaid, may, by a three-fourths vote of their directors, purchase, hold and sell any of said stocks or bonds, public or private, whenever they deem it for the best interests of the corporation so to do. Purchase and sale of stocks, bonds, &c.

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

Approved April 13, 1876.

CHAPTER CVI.

An act appointing commissioners to locate the northern boundary line between the states of New York and New Jersey, and to replace or erect monuments therein.

WHEREAS, the state of New York passed an act May twenty-sixth, eighteen hundred and seventy-five, authorizing the regents of the university of the state of New York, in connection with the authorities of Pennsylvania and New Jersey, respectively, to replace any monuments which have become dilapidated or been removed, on the boundary lines of those states, and it being suggested that there is uncertainty about the true location of the boundary line between the states of New York and New Jersey as defined in the act entitled "An act establishing the boundary or partition line between the colonies of New York and Nova Cæsarea, or New Jersey, and for confirming the titles and possessions," passed the twenty-sixth day of September, seventeen hundred and seventy-two, and confirmed by the king in council the first day of September, seventeen hundred and seventy-three; now therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state be and Governor to appoint commissioners.

he is hereby authorized to appoint three commissioners, with power on the part of this state to meet any authorities of the state of New York who may be duly authorized, and with them to negotiate and agree upon the true location of said boundary line between the states of New York and New Jersey as defined in said act of September twenty-sixth, seventeen hundred and seventy-two, and also to replace any monuments which may have become dilapidated or been removed on said boundary line, or to erect new ones; which agreement shall be in writing, and signed and sealed by the authorities of the state of New York and the commissioners of this state, but shall not take effect unless confirmed by the respective legislatures of the states of New York and New Jersey.

Vacancies
how filled.

2. *And be it enacted*, That the governor is hereby authorized to fill any vacancies in said commission occasioned by death, resignation or otherwise.

Expenses
how paid.

3. *And be it enacted*, That the expenses of said commissioners shall be paid by the treasurer on the warrant of the comptroller, after being first approved by the governor.

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

Approved April 13, 1876.

CHAPTER CVII.

A further supplement to an act entitled "An act respecting the court of chancery," approved March twenty-seventh, eighteen hundred and seventy-four.

Surplus
money arising from
sale of
mortgaged
premises in
cases
where
mortgagee
or person

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the surplus money arising from the sale of mortgaged premises, in cases where the mortgagor, or person owning the mortgaged premises, shall be deceased at the time of sale, may, if in the opinion of the chancellor the same shall be expedient or necessary for the proper administration of the estate, be paid to the administrator

or administrators, executor or executors, of said deceased, owning the premises shall be deceased at the time of sale, may be paid to Executor, &c. to be administered in the same manner as money arising from the sale of real estate made by administrators or executors; *provided*, said administrator or administrators, executor or executors, shall enter into bond as now required by law, upon their application for the sale of real estate. Proviso.

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

Approved April 13, 1876.

CHAPTER CVIII.

An act to authorize cities to issue bonds to pay their floating debts.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for each and every city in this state, whose charter or its supplements limit the amount of the bonded indebtedness of such city When additional bonds may be issued by cities. when it has not already issued bonds in the aggregate amount equal to the indebtedness allowed to be created by its charter and supplements thereto, to issue additional bonds in the aggregate to such an amount as will be equal to the difference between the amount already issued and the amount of indebtedness allowed to be created by its charter and supplements thereto, to be executed in the manner provided by its charter, and dispose of and sell the same, and from the proceeds arising from the sale thereof pay its floating debt as far as the proceeds thereof shall be available.

2. *And be it enacted*, That in construing the meaning of the word debt or indebtedness in the charter of any city in this state, where it has reference to the amount of debt Meaning of the word debt, how construed. which any such city may create, it shall be understood to mean and include the floating as well as the bonded or funded debt of said city already incurred.

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

Approved April 13, 1876.

CHAPTER CIX.

An act in respect to bonds guaranteed by cities.

Form of
certificate
of guaran-
tee.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the works of any gas or water company have been heretofore purchased by any city for the use of said city, and where the said city has been made heretofore liable, by contract or otherwise, for the bonds issued by the company, then it shall be the duty of the mayor and treasurer of said city, upon demand being made, to stamp or write upon the face of such bonds, the following certificate: "The principal and interest of this bond are guaranteed by the city of _____," the blank to be filled with the corporate name of the said city, and the said mayor and treasurer shall sign the same in their official capacity and affix thereto the city seal.

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

Approved April 13, 1876.

CHAPTER CX.

A further supplement to the act entitled "An act to provide additional accommodations for the insane of this state," approved March thirty-first, eighteen hundred and seventy-one.

Board of
managers
empower-
ed to make
and enforce

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of managers of the New Jersey State Lunatic Asylum, and the board of managers of the State Asylum for the insane at Morristown, New

Jersey, be and they are hereby authorized, empowered and directed, by and with the consent of the governor of this state, and in the manner hereinafter provided, to make, adopt and enforce rules and regulations for the apportionment and distribution to and between the said asylums of such insane persons as are now or may hereafter be sent to an asylum of this state by virtue of any law thereof, and for the removal of insane patients from either of the said asylums to the other, and from time to time to alter and repeal such rules and regulations as the public interest may require; and all rules and regulations so made, adopted and altered, and all repealers, as aforesaid, shall have the force and effect of public statutes and shall from time to time be published, as the said governor shall direct.

2. *And be it enacted*, That each rule or regulation, and each alteration or repeal of pre-existing rules or regulations, which shall be proposed to be made and adopted under the first section of this act, shall be submitted in writing to each of the boards of managers aforesaid, and if adopted by a majority of the whole number of each board shall then be submitted in writing to the governor of this state for his approval, and no rule or regulation, nor alteration or repeal of pre-existing rules or regulations, shall take effect without the same is approved in writing by the said governor; in the event of a disagreement between the said boards respecting the adoption of any proposed rule or regulation, alteration or repeal aforesaid, the act proposed shall be submitted in writing to the governor who shall decide in writing the adoption or rejection or modification thereof, and shall communicate his decision to the said boards; all rules, regulations, alterations and repeals aforesaid, approved or decided by the governor as aforesaid shall be deposited in the office of the secretary of state, and certified copies thereof under the seal of said secretary shall be plenary proof thereof in all courts of this state.

3. *And be it enacted*, That each insane patient who shall be removed to the State Asylum for the insane, at Morristown, New Jersey, by virtue of the rules and regulations aforesaid, shall be there continued and treated, and until discharged according to law shall be there supported by the same committee, relative, person, county or other corporation chargeable by law with such support, at the time of such removal, in the same manner and to the same extent

rules and regulations for apportionment and distribution between the asylums of patients, &c.

Rules and regulations and each alteration or repeal to be submitted to each of the boards, and if adopted to be approved by the Governor.

Governor to decide in case of disagreement between the boards as to any rule, &c.

Rules, &c., adopted to be filed with the secretary of state.

Support and treatment of insane patient removed to the asylum at Morristown.

- as if such patient had not been so removed; and the expense of removing any patient to either asylum, shall be paid by the party chargeable by law as aforesaid, with his or her support, upon the order of the steward of the asylum to which such patient shall be removed, countersigned by the superintendent thereof.
- To whom chargeable. 4. *And be it enacted*, That each insane patient admitted under said rules and regulations into the State Asylum for the Insane at Morristown, New Jersey, shall be supported there according to law by the committee, relative, person, county, or other corporation which would have been chargeable with the support of such patient if he or she had not been sent to an asylum, in the same manner and to the same extent as is now provided by law respecting insane patients in the New Jersey State Lunatic Asylum.
- Support of such insane patient admitted, to whom chargeable. 5. *And be it enacted*, That the managers may take and hold in trust for the state any grant or devise of land, or any donation or bequest of money or other personal property to be applied to the maintenance of insane persons or the general use of the said asylum.
- Managers may hold in trust for state any grant, &c. 6. *And be it enacted*, That said managers are hereby authorized to establish such by-laws as they may deem necessary and expedient for regulating the appointment of the officers hereinafter mentioned, and such other officers as they may find necessary, for fixing the conditions of admission, support and discharge of patients, and for conducting in a proper manner, the affairs and business of the institution, and to ordain and enforce a suitable system of rules and regulations for the internal government of said asylum; and they shall fix the compensation of said officers, by and with the consent of the governor, which compensation shall be paid by the state treasurer, on the warrant of the comptroller.
- May make by-laws for regulating the appointment of officers, &c. 7. *And be it enacted*, That the superintendent shall be the chief executive officer of the said asylum; he shall have the general superintendence of the buildings, grounds, and farm, with their furniture, fixtures and stock, and the direction and control of all persons therein, subject to the laws and regulations established by the managers; he shall daily ascertain the condition of the patients, and prescribe their treatment, in the manner prescribed in the by-laws; he shall appoint, with the approval of the managers, so many assistants and attendants as he may think proper and
- Powers and duties of the superintendent.

necessary for the economical and efficient performance of the business of the said asylum, and to prescribe their several duties and places, and to fix, with the managers' approval, their compensation, and to discharge any of them at his sole discretion; but in every case of discharge, he shall forthwith record the same, with the reasons, under an appropriate head, in one of the books of the said asylum; he shall also have power to suspend, until the next monthly meeting of the managers, for good and sufficient cause, a resident officer; but in such case he shall give written notice of the fact, with its causes and circumstances, to one of the managers, whose duty thereupon shall be to call a special meeting of the board, to provide for the exigency; he shall also, from time to time, give such orders and instructions as he may judge best calculated to ensure good conduct, fidelity, and economy in every department of labor and expense; and he is authorized and enjoined to maintain salutary discipline among all who are employed by the institution, and to enforce strict compliance with such instructions, and uniform obedience to all the rules and regulations of the asylum; he shall cause full and fair accounts and records of all his doings, and of the entire business and operations of the institution, to be kept regularly from day to day, in books provided for that purpose, in the manner and to the extent prescribed in the by-laws; and he shall see that all such accounts and records are fully made up to the last day of October in each year, and that the principal facts and results, with his report thereon, be presented to the managers immediately thereafter; the assistant physician shall perform his duties, and be subject to the responsibility of the superintendent, in his sickness or absence.

8. *And be it enacted*, That the resident officers of the said asylum, and all attendants and assistants actually employed therein, during the time of such employment, shall be exempt from serving on juries, and, in time of peace, from all service in the militia; and the certificate of the superintendent shall be evidence of the fact of such employment.

Exemption
from jury
duty and
military
service.

9. *And be it enacted*, That the board of managers shall keep, in a bound book to be provided for that purpose, a fair and full record of all their doings; which shall be open at all times to the inspection of the governor of the state, and all persons whom he or either house of the legislature may appoint to examine the same.

Board of
Managers
to keep a
record of
all their
doings.

Managers
to visit the
asylum and
maintain an
effective
inspection
of the
same.

Result of
inspection
to be insert-
ed in an an-
nual report.

Duty of the
resident of-
ficers.

Powers and
duties of
the treas-
urer.

10. *And be it enacted*, That the managers shall maintain an effective inspection of the said asylum, for which purpose one of them, or more, shall visit it at least once in every week; two or more, at least once in every month; a majority at least once in every three months; and the whole board once a year, at the times and in the manner prescribed in the by-laws; in a book to be kept for that purpose, the visiting manager or managers shall note the date of each visit, the condition of the patients, with remarks of commendation or censure, and all the managers present shall sign the same; the general result of these inspections, with suitable hints, shall be inserted in an annual report, detailing the past year's operations and actual state of the asylum; which the managers shall make to the governor, on or before the fifteenth day of November in each year, to be by him presented to the legislature, accompanied with an annual report of the superintendent and treasurer.

11. *And be it enacted*, That it shall be the duty of the resident officers to admit any of the managers into every part of the said asylum, and to exhibit to him or them, on demand, all books, papers, accounts and writings belonging to the institution or pertaining to its business, management, discipline or government; also, to furnish copies, abstracts, and reports, whenever required by the managers.

12. *And be it enacted*, That the treasurer shall have the custody of all moneys, bonds, notes, mortgages, and other securities and obligations belonging to the said asylum; he shall open an account at one or more banks, to be approved by the managers, in his own name, as treasurer of the asylum, and he shall deposit therein all moneys, immediately on receipt thereof, and shall draw for the same only for the uses of the asylum, and in the manner prescribed in the by-laws, upon the written order of the steward, specifying the object of the payment; he shall keep full and accurate accounts of receipts and payments, in the manner directed in the by laws, and such other accounts as the managers may prescribe; he shall balance all the accounts on his books annually, on the last day of October, and make a statement of the balances thereon, and an abstract of the receipts and payments of the past year; which he shall, within two days thereafter, deliver to the auditing committee of the managers, who shall compare the same with his books and vouchers, and certify the correctness thereof, within the

next three days, to the managers; he shall, further, render a quarterly statement of his receipts and payments, on the first Monday of February, May and August, in each year, to the auditing committee, who shall compare and verify the same as aforesaid, and report the results thereof, duly certified, to the managers, who shall cause the same to be recorded in one of the books of the asylum; he shall, further, render an account of the state of his books, and of the funds and other property in his custody, whenever required so to do by the managers.

13. *And be it enacted*, That the treasurer of the State Asylum for the Insane at Morristown, New Jersey, shall be vested with the same powers, rights and authority which are now given by law to the overseers of the poor in any township or city of the state, so far as may be necessary for the indemnity and benefit of the said asylum, and for the purpose of compelling a relative, or committee, or guardian, to defray the expenses of a lunatic's support in the asylum, and reimburse actual disbursements for his necessary clothing and traveling expenses, according to the by-laws of the institution; also, for the purpose of coercing the payment of similar charges, when due from any county that is liable for the support of any lunatic in said asylum.

14. *And be it enacted*, That said treasurer shall also have authority to recover, for the use of the said asylum, any and all sums which may be due upon any note or bond in his hands belonging to the asylum; also, any and all sums which may be charged and due, according to the by-laws of the asylum, for the support of any patient therein, or who may have been therein, or for actual disbursements made in his behalf for necessary clothing and traveling expenses, in an action to be brought in said treasurer's name, as treasurer of the State Asylum for the Insane, at Morristown, New Jersey, and which shall not abate, by his death or removal, against the individual, or county legally liable for the maintenance of said patient, and having neglected to pay the same, when demanded by the treasurer, in which action the declaration may be in a general indebitatus assumpsit, and judgment shall be rendered for such sum as shall be found due, with interest from the time of the demand made as aforesaid; said treasurer may also, upon the receipt of the money due upon any mortgage in his hands belonging to the asylum, execute a release, and acknowledge full satis-

Quarterly
statement
of receipts
and pay-
ments to be
made.

Powers
given by
law to the
overseers
of the poor
in any
township or
city of this
state to be
vested in
the treas-
urer of the
state asy-
lum at Mor-
ristown.

Further
powers of
the treas-
urer.

faction thereof, so that the same may be discharged of record.

The Steward shall make all purchases, preserve original receipts, &c.

Shall make quarterly abstracts of all his accounts.

Managers shall give notice when the asylum is ready for the admission of patients.

Admission of patients.

15. *And be it enacted*, That the steward shall, under the direction of the superintendent, make all purchases for the said asylum, and preserve the original receipts thereof, and keep full and accurate accounts of the same, and copies of all orders drawn by himself upon the treasurer; he shall also, under like directions, make contracts, in the superintendent's name, with the attendants and assistants, and keep and settle their accounts; he shall also keep the account for the support of patients, and expenses incurred in their behalf, and furnish the treasurer every month with copies of such as fall due; he shall make quarterly abstracts of all his accounts to the last Monday of every January, April, July and October, for the treasurer and managers; he shall also be accountable for the careful keeping and economical use of all furniture, stores and other articles provided for the asylum, and shall, annually, during the third week in October, make out and furnish the managers with a true and perfect inventory, verified by oath, of all the personal property belonging to the asylum, in and about the premises, with an appraisal thereof, made, under oath or affirmation, by himself and two suitable persons, whom the managers shall appoint for that purpose.

16. *And be it enacted*, That as soon as the said asylum shall be ready for the admission of patients the managers shall cause notice thereof to be published and also to be sent to the clerk of every county from which lunatics are entitled to be admitted under said rules and regulations, who shall transmit a copy thereof to the overseer of the poor of each township in their respective county; a circular from the superintendent shall accompany such notice to each county clerk and overseer of the poor, designating different days for the counties, severally, to send to the asylum their respective quotas of patients, and giving all necessary directions respecting admission and support, according to the by-laws.

17. *And be it enacted*, That no person shall be admitted into said asylum, as a patient, except upon an order of some court or judge authorized to send patients, without lodging with the superintendent—first, a request, under the hand of the person by whose direction he is sent, stating his age and place of nativity, if known, his christian name and surname,

place of residence, occupation, and degree of relationship, or other circumstances of connection between him and the person requesting his admission; and second, a certificate dated within one month, under oath, signed by a respectable physician, of the fact of his being insane; each person signing such request or certificate shall annex to his name his profession or occupation, and the township, county and state of his residence, unless these facts appear on the face of the document.

18. *And be it enacted*, That the superintendent shall make, Superintendent to make in a book kept for that purpose, a minute of name, &c., of each insane person and by whom brought, &c. in a book kept for the purpose, at the time of reception, a minute, with date, of the name, residence, office and occupation of the person by whom and by whose authority each insane person is brought to the said asylum, and have all the orders, warrants, requests, certificates, and other papers accompanying him, carefully filed, and forthwith copied into said book.

19. *And be it enacted*, That each county entitled to send lunatics to said asylum, under said rules and regulations, may at all times keep such number of patients, in just proportion with other counties, as the asylum can accommodate, which proportion shall be regulated by the managers; if any one or more of the counties should not send their full proportion, the vacancies may be allotted by the managers to other counties so entitled having patients whom they may desire to send. Provision in relation to each county entitled to send lunatics to the asylum.

20. *And be it enacted*, That whenever any pauper, chargeable in a county entitled to send patients to said asylum under said rules and regulations, may be insane, it shall be the duty of the overseer of the poor in the township wherein he resides, to make application in his behalf to any judge of the court of common pleas of the county; and said judge shall call one respectable physician, and fully investigate the facts of the case, and if satisfied, after such examination, that the disease is of such a nature as may be cured, he shall issue a provisional order to such overseer, which shall be effectual when approved as herein-after provided, requiring him without delay to take such insane pauper to said asylum, where he shall be kept and supported at the expense of the county in which is his residence, until he shall be restored to soundness of mind, if effected in three years; the judge, in such case, shall have power to compel the attendance of witnesses, and shall pre- Proceedings in case any pauper chargeable in a county entitled to send patients to said asylum may be insane.

sent the certificate of the physician, taken under oath, and other papers relating thereto, and a paper of the proceedings and decision, to the chosen freeholder, or freeholders, if there be but one by law or but one acting by reason of the death, sickness or other disability of the other, of the township where such lunatic is found, who shall examine the same, and if satisfied that said lunatic has a legal settlement in their county as defined by the act entitled "An act for the settlement and relief of the poor," approved April tenth, eighteen hundred and forty-six, and is entitled to the relief afforded by this act, shall endorse the word "approved" upon said certificate and proceedings, and shall sign their official names thereto; which said certificate and proceedings shall be filed with the clerk of the county, who shall forward to the superintendent of the asylum where such insane pauper is confined, copies of said proceedings and certificate authenticated by the clerk under seal of the court, and report the facts to the board of chosen freeholders, whose duty it shall be to raise the money requisite to meet the expenses of support, and, as soon thereafter as practicable pay it to the treasurer of the asylum; but if said freeholders shall not be satisfied as aforesaid, they shall endorse on said certificate and proceedings the words "not approved" and shall sign their official names thereto, and the same shall then be filed with the clerk of the board of chosen freeholders, and said lunatic shall not be admitted to the said asylum at the expense of the said county.

Proceed-
ings in case
of person
in indigent
circum-
stances,
not a pau-
per, be-
comes in-
sane.

21. *And be it enacted*, That when a person residing in a county entitled to send lunatics to said asylum under said rules and regulations, and in indigent circumstances, not a pauper, becomes insane, application may be made in his behalf to any judge of the court of common pleas of the county where he resides; and said judge shall call a respectable physician and other credible witnesses, and fully investigate the facts of the case, and, either with or without the verdict of a jury, at their discretion shall decide the case as to his insanity and indigence; and if the said judge make a certificate that satisfactory proof has been adduced, showing him to be insane, and his estate insufficient to support him and his family (or if he has no family, himself,) under the visitation of insanity, on such certificate, authenticated by the county clerk, under the seal of the court, he shall be admitted into said asylum, and

supported there, at the expense of said county, until he shall be restored to soundness of mind, if effected in three years; the said judge in such case shall have requisite power to compel the attendance of witnesses and jurors, and shall file the certificate of the physician, taken under oath, and other papers relating thereto, with a report of his proceedings and decision, with the clerk of the county, and report the fact to the board of chosen freeholders, whose duty it shall be to raise the money requisite to meet the expenses of support, and, as soon thereafter as practicable, pay it to the treasurer of the asylum; *provided however*, that Proviso. if such investigation be made without summoning a jury therein, the said certificate and proceedings shall be presented to the freeholder or freeholders of the township where such lunatic is found, who shall examine and proceed thereon in all respects and with the same force and effect as is provided in that behalf in the last preceding section of this act, and the clerk of said county shall, if said freeholders approve said certificate and proceedings, report the facts to the board of freeholders whose duty it shall then be to provide for the expenses of the support of said lunatic and to pay the amount as soon as practicable to the treasurer of said asylum.

22. *And be it enacted*, That when an insane person residing in a county entitled to send lunatics to said asylum under said rules and regulations, and in indigent circumstances, shall have been sent to said asylum by his friends, who have paid his bills therein for six months, if the superintendent shall certify that he is a fit patient, and likely to be benefitted by remaining in the institution, the chosen freeholders of the county of his residence are authorized and required, upon an application, under oath, in his behalf, to raise a sum of money sufficient to defray the expenses of his remaining there a year, and pay the same to the treasurer of said asylum; and they shall repeat the same for two succeeding years, upon like application, and the production of a new certificate each year, of like import, from the superintendent.

23. *And be it enacted*, That no person shall be admitted into said asylum for a shorter period than six months, except in special cases provided for in the by-laws.

24. *And be it enacted*, That the managers may authorize the superintendent to admit, under special agreements,

Chosen freeholders authorized and required to raise money in behalf of insane person in indigent circumstances who shall have been sent by his friends, &c.

No person to be admitted for a shorter period than six months. Admission under spec-

ial agree-
ments.

whenever there are vacancies in said asylum, such cases as may seek admission.

Patient
sent by
town and
county off-
cers to be
provided
with suit-
able changes
of raiment.

25. *And be it enacted,* That all town and county officers sending a patient to said asylum shall, before sending him, see that he is in a state of perfect bodily cleanliness, and is comfortably clothed, and provided with suitable changes of raiment, as prescribed in the by-laws.

In case of a
person who
shall have
escaped in-
charge upon
trial, on the
ground of in-
sanity, upon
the plea
dictment,
or been ac-
quitted of a
criminal
charge on
the grounds
of insanity,
the county
shall defray
all his ex-
penses.

26. *And be it enacted,* That when a person shall have escaped indictment, or have been acquitted of a criminal charge upon trial, on the ground of insanity, upon the plea pleaded of insanity or otherwise, the court, being certified by the jury or otherwise of the fact, shall carefully inquire and ascertain whether his insanity in any degree continues, and if it does, shall order him in safe custody, and to be sent to the asylum prescribed by the rules and regulations aforesaid; the county from which he is sent shall defray all his expenses while there; and of sending him back, if returned; but the county may recover the amount so paid from his own estate, if he has any, or from any relative or county that would have been bound to provide for and maintain him elsewhere.

Proceed-
ings when
any person
in confine-
ment or un-
der in-
dictment,
&c., shall
appear to
be insane.

27. *And be it enacted,* That if any person in confinement, under indictment or for want of bail for good behavior, or for keeping the peace or appearing as a witness, or in consequence of any summary conviction, or by order of any justice, or under any other than civil process, shall appear to be insane, the judge of the circuit court of the county where he is confined shall institute a careful investigation, call a respectable physician and other credible witnesses, invite the prosecutor of the pleas to aid in the examination, and, if he shall deem it necessary, call a jury, and for that purpose is fully empowered to compel the attendance of witnesses and jurors; and if it be satisfactorily proved that he is insane, said judge may discharge him from imprisonment, and order his safe custody and removal to the asylum, prescribed by the rules and regulations aforesaid, where he shall remain until restored to his right mind; and then, if the said judge shall have so directed, the superintendent shall inform the said judge and the county clerk and prosecutor of the pleas thereof, whereupon he shall be remanded to prison, and criminal proceedings be resumed, or otherwise discharged; the provisions of the last preceding section, requiring the county to defray the expenses of a patient sent

to the asylum, shall be equally applicable to similar expenses arising under this section and the one next following.

28. *And be it enacted*, That persons charged with misdemeanors, and acquitted on the ground of insanity, may be kept in custody and sent to the asylum, prescribed by said rules and regulations, in the same way as persons charged with crimes.

Persons charged with misdemeanors and acquitted on the ground of insanity.

29. *And be it enacted*, That the price to be paid for keeping any person in indigent circumstances in the asylum, exclusive of clothing, shall be annually fixed by the managers, and shall not exceed three dollars and fifty cents per week; but the managers may reduce the price, if they think proper, in behalf of one indigent patient from each county, if admitted within six months of the first attack of the disease, for one year, unless sooner cured.

Price to be paid for keeping any person in indigent circumstances in the asylum.

30. *And be it enacted*, That every insane person supported in said asylum shall be personally liable for his maintenance therein, and all necessary expenses incurred by the institution in his behalf; and the committee, relative, or county that would have been bound by law to provide for and support him, if he had not been sent to the asylum, shall be liable to pay the expenses of his clothing and maintenance in the asylum, and actual necessary expenses to and from the same.

Every insane person supported in said asylum shall be personally liable for his maintenance therein.

31. *And be it enacted*, That the expenses of clothing and maintenance in said asylum, of a patient who has been received upon the order of any court or judge, shall be paid by the county from which he was sent to the asylum; the county collector of said county is authorized and directed to pay to the treasurer of the asylum the bills for such clothing and maintenance, as they shall become due and payable, according to the by-laws of the asylum, upon the order of the steward, countersigned by the superintendent; and the chosen freeholders of the said county shall annually levy and raise the amount of such bills, and such further sum as will probably cover all similar bills for one year in advance; said county, however, shall have the right to require every individual or county that is legally liable for the support of such patient, to reimburse the amount of said bills, with interest, from the day of paying the same.

Expenses of clothing and maintenance of a patient who has been received upon the order of any court or judge.

32. *And be it enacted*, That whenever the managers shall order a patient removed from the said asylum to the county whence he came, the collector of said county shall audit

In case of the removal of a patient by order of the managers.

gers to the county whence he came, the Collector of said county shall pay the expenses of such removal.

and pay the actual and reasonable expenses of such removal, as part of the expenses of said county; but if any person be legally liable for the support of such patient, the amount of such expenses may be recovered, for the use of the county, by said collector; if such collector neglect or refuse to pay such expenses on demand, the treasurer of the asylum may pay the same, and charge the amount to said county, and the county collector shall pay the same with interest; and the chosen freeholders of said county shall levy and raise the amount, as other county charges.

Township or county shall have right to recover amounts paid on account of any lunatics, &c.

33. *And be it enacted*, That every township or county paying for the support of a lunatic in said asylum, or for his expenses in going to or from the same, shall have the like rights and remedies to recover the amounts of such payments, with interest from the time of paying such bill, as if such expense had been incurred for the support of the same, at other places under existing laws.

Chancery powers over property of insane not abridged.

34. *And be it enacted*, That none of the provisions of this act shall restrain or abridge the power and authority of the court of chancery over the persons and property of the insane.

Discharge of patients by managers on certificate of the superintendent.

35. *And be it enacted*, That the said managers, upon the superintendent's certificate of a complete recovery, may discharge any patients, except those under a criminal charge, or liable to be removed to prison; and they may send back to the poorhouse of the county or township whence he came, any person admitted as "dangerous," who has been two years in said asylum, upon the superintendent's certificate that he is harmless, and will probably continue so, and not likely to be improved by further treatment in the said asylum; or when the asylum is full, upon a like certificate that he is manifestly incurable, and can probably be rendered comfortable at the poorhouse, they may also discharge and deliver any patient, except one under criminal charge as aforesaid, to his relatives or friends, who will undertake, with good and approved sureties, for his peaceable behavior, safe custody, and comfortable maintenance, without further public charge.

Patient of the criminal classes how discharged.

36. *And be it enacted*, That a patient of the criminal class may be discharged by order of one of the justices of the supreme court, if, upon due investigation, it shall appear safe, legal and right to make such order.

37. *And be it enacted*, That no patient shall be discharged without suitable clothing, and, if it cannot be otherwise obtained, the steward shall, upon the order of two managers, furnish it; also money, not exceeding ten dollars, to defray his necessary expenses, until he reaches home, No person to be discharged without suitable clothing.

38. *And be it enacted*, That the managers of the State Asylum for the Insane, at Morristown, New Jersey, shall receive no compensation for their services; but they shall receive their actual traveling expenses, to be paid by the state treasurer, on the warrant of the auditor, on the rendering of their accounts; no court, judge, clerk or other officer shall receive any compensation for any services performed under this act. Managers not to receive any compensation for services.

39. *And be it enacted*, That all purchases for the use of said asylum shall be made for cash, and not on credit or time; every voucher shall be taken duly filled up at the time it is taken; accompanying every abstract of vouchers for money paid, there shall be proof, on oath that the voucher was filled up and the money paid therefor, at the time the voucher was taken; and the managers shall make all needful rules to enforce the provisions of this section. All purchases to be for cash.

40. *And be it enacted*, That the terms "lunatic" and "insane," as used in this act, include every species of insanity, and extend to all deranged persons, and to all of unsound minds, other than idiots; the words "asylum" and "institution" mean State Asylum for the Insane, at Morristown, New Jersey; a word denoting the singular number is to include one or many; and every word importing the masculine gender only, may extend to and include females. Terms "lunatic" and "insane," &c. defined.

41. *And be it enacted*, That there shall be paid from the state treasury, in quarterly payments, and upon the warrants of the comptroller, to the treasurer of the said asylum, the sum of one dollar per week toward the maintenance and keep of each indigent patient in said asylum, being the same amount now allowed by law to the State Lunatic Asylum at Trenton, for the same purpose. Payment to be made by the State treasurer.

42. *And be it enacted*, That if the judge to whom application shall be made on behalf of any insane pauper shall be satisfied upon the examination of the case, made in the manner prescribed by the twenty-third section of this act, that such insane pauper cannot be provided for by the overseers of the poor of the township, or at the poor house of the township or county upon which he is chargeable, When judge may order insane pauper to be removed to the asylum.

with comfort and without danger or prejudice to himself or others, the said judge shall order the said pauper to be removed to the said asylum, to be kept and supported in the manner and for the time in the said section mentioned.

Patient
may be con-
tinued in
asylum on
request of
Chosen
Freehold-
ers, &c.

43. *And be it enacted*, That if the board of chosen freeholders of the county upon which any insane patient may be chargeable, shall, at any regular or special meeting, request that such patient be continued at the said asylum for a period of time beyond the three years mentioned in this act, the said patient shall be kept and supported at said asylum for such period of time, at the expense of the said county, to be raised and paid in the manner prescribed by the said act; *provided*, that the said board of chosen freeholders may at any time revoke the said request; *and further*, that such patient may be discharged or sent back to the overseers of the poor, or to the poor house of the township or county whence he came, in the manner and for the reasons mentioned in the thirty-eighth section in this act.

Proviso.

Proviso.

Duty of the
Superin-
tendents in
case of the
removal of
any patient
from one
asylum to
the other.

44. *And be it enacted*, That when any patient shall be removed from one of the said state asylums to the other, under the rules and regulations hereinbefore authorized and directed, it shall be the duty of the superintendent of the asylum from which he is removed, to deliver to the superintendent of the asylum to which he is removed, the official documents and papers under the authority of which the said patient was received and under which he is detained, and the said documents and papers shall be as full and ample authority for detaining such patient in the asylum to which he is removed, as if such patient had not been so removed.

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

Approved April 13, 1876.

CHAPTER CXVI.

Supplement to an act entitled "An act to amend and consolidate the several acts relating to game and game fish."

WHEREAS, The several game societies of this state have expended large sums of money in the purchase of game and game fish for the purpose of propagating the same; and whereas, all efforts on the part of said societies have been greatly frustrated and defeated by the taking and killing of such game and game fish by means of traps, snares, nets and other devices; and whereas, for the purpose of assisting in the protection and propagation of said game and game fish;

Preamble.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That no person shall kill or expose for sale or have unlawfully in his or her possession after the same have been killed, any ruffed grouse, commonly called pheasant, between the first day of January and the first day of November in any year, under a penalty of fifteen dollars for each bird so killed or had in possession.

Killing of ruffed grouse prohibited.

2. And be it enacted, That no person shall at any time or place, either on his own property or on the property of any other, kill or take any doe, buck, fawn or any sort of deer whatsoever, or partridge, quail, pheasant or grouse of any kind whatsoever, snipe, reed bird, rail bird, by means of any blind trap, snare, net, or device whatever, or setting the same for the purpose hereinbefore mentioned, under a penalty of fifteen dollars for each and every animal or bird so trapped, snared or taken, or any trap or snare so set; provided, that nothing in this act shall be so construed as to prevent individuals or associations from gathering alive by nets or traps any of the animals or birds aforesaid for scientific purposes, or for the sole purpose of protecting, propagating or preserving them alive over winter.

Penalty for taking with trap, snare, or net any kind of deer or game birds.

Proviso.

3. And be it enacted, That no person shall kill, shoot, catch or hunt, either on his own property or on the property of

Killing, shooting, catching,

hunting or
fishing pro-
hibited, ex-
cept during
certain
seasons.

another, any doe, buck, fawn or any sort of deer, or part-
ridge, quail, pheasant or grouse of any kind whatsoever, or
snipe commonly called English snipe, rail or reed bird,
speckled brook trout, or speckled river trout or salmon,
black bass, or any fish, except during such seasons and at
such times and under such conditions as are provided for by
the game laws of this state.

Repealer.

4. *And be it enacted*, That the thirtieth section of the act
entitled "An act to amend and consolidate the several acts
relating to game and game fish," approved March twenty-
seventh, eighteen hundred and seventy-four, and all laws
and parts of laws inconsistent with this law, be and the
same are hereby repealed.

5. *And be it enacted*, That this act shall take effect im-
mediately.

Approved April 15, 1876.

CHAPTER CXIX.

A supplement to the act entitled "An act concerning mar-
riages, births and deaths," approved March twenty-sev-
enth, eighteen hundred and seventy-four.

Returns of
births,
deaths, and
marriages
to be made
to boards of
vital statis-
tics when
such boards
exist.

1. *BE IT ENACTED by the Senate and General Assembly of the
State of New Jersey*, That in any county of this state in
which there is now established by law a county board of
health and vital statistics, the returns of births, deaths and
marriages now required to be made by ministers of the gos-
pel, physicians and other persons shall hereafter be made to
said board of health and vital statistics only and in no other
manner whatever; and it shall be the duty of the clerk of
such board to make annual returns of such births, deaths
and marriages to the secretary of state, for which the same
fees shall be allowed and paid to the said clerk as are now
allowed by law.

Repealer.

2. *And be it enacted*, That all acts or parts of acts incon-
sistent with the provisions of this act, be and the same are

hereby repealed, and this act shall take effect immediately.

Approved April 17, 1876.

CHAPTER CXXI.

A supplement to the act entitled "An act concerning mortgages," (revision), approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be lawful for the owners of lands situated in the counties of Hudson, Essex, Union, Bergen and Passaic, and in the cities of Trenton, New Brunswick and Camden, to agree for themselves and their heirs and assigns with the holder of any mortgage now in existence or hereafter to be made, which binds or may bind lands in said counties or cities, not to apply for any deduction, by reason of any mortgage, from the taxable value of such lands embraced in such mortgage. Counties and cities in which owners of lands there-in situated may agree with holder of any mortgage as to deductions on account of tax.

2. *And be it enacted*, That in case any mortgagor or owner of lands, or the heirs or assigns of any mortgagor or owner of land situate in said counties and cities mentioned in section one, who shall have agreed not to claim any deduction from the taxable value of lands described in any mortgage, shall claim a deduction therefrom in violation of such agreement, that then and in that case said mortgage in said agreement described shall become immediately due and payable, and the amount of tax paid by the mortgagee shall be added to the principal of the debt secured thereby and recoverable therewith with interest thereon from the time of payment. When Mortgage shall become due if agreement is violated.

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

Approved April 17, 1876.

CHAPTER CXXII.

A further supplement to the act entitled "An act concerning taxes, (revision), approved April fourteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter no mortgage or debt secured thereby shall be assessed for taxation unless a deduction therefor shall have been claimed by the owner of the land and allowed by the assessor.

Mortgages exempt from assessment unless a deduction is allowed by assessor.

2. *And be it enacted*, That hereafter such mortgages or debts secured thereby as shall be subject to taxation, shall be assessed for taxation by the assessor making the deduction on account thereof, and the tax thereon shall be collected by the collector of taxes in and for the township or city wherein the lands in the mortgage described are situate.

Mortgages subject to taxation how assessed.

3. *And be it enacted*, That in case the taxes upon such mortgages or debts secured thereby, as shall hereafter be assessed, shall remain unpaid for the space of sixty days after the time appointed for the payment of taxes, it shall be the duty of every city or township collector to make out a list of the names of the delinquents, classifying them according to their residences in counties, with the sums due from them respectively for taxes upon mortgages held by them, for which deduction has been allowed, thereto annexed, and shall deliver the same to some justice of the peace of the county wherein the said delinquents reside respectively.

Township collector to make list of delinquents.

4. *And be it enacted*, That such justice of the peace shall, within five days after the receipt of such list as aforesaid, make out and deliver to the constable or constables of his county a warrant or warrants requiring him or them to levy the tax so in arrear, with costs, by distress and sale of the goods and chattels of the delinquents, giving at least four days' notice of the time and place of such sale by advertisement set up in three of the most public places in the place where such delinquent resides; and said warrant shall fur-

Unpaid taxes how collected.

ther direct that if goods and chattels of the delinquent can not be found, or not sufficient to make the money required, the constable shall take his or her body if to be found in the county, and deliver the same to the sheriff of such county or his jailer, to be kept in close and safe custody until payment be made of the said tax with cost.

5. *And be it enacted*, That the justice who shall issue the warrant shall be allowed two cents for each delinquent's name therein contained, and the collector shall be allowed thirty-four cents for each distress; that it shall be the duty of said constables executing any such warrant as aforesaid, to make return thereof to the justice who shall issue the same, within sixty days from time the same shall be delivered to him, with a statement showing what moneys have been collected by him and from whom, and shall return the moneys collected by him to the said justice.

Fees to justice and collector.

Constable executing warrant to make return within sixty days.

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

Approved April 17, 1876.

CHAPTER CXXIII.

AN Act for the incorporation of societies for the prevention of cruelty to children.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any five or more persons of full age, a majority of whom shall be citizens of and residents within this state, who shall desire to associate themselves together for the purpose of preventing cruelty to children, may make, sign and acknowledge before any person authorized to take the acknowledgment of deeds, in this state, and file in the office of the secretary of state, and also in the office of the clerk of the county in which the business of the society is to be conducted, a certificate in writing, in which shall be stated the name or title by which such society shall be known in law, the particular business and objects of such society, the number of trustees, direc-

Societies how formed and incorporated.

tors or managers to manage the same, and the names of the trustees, directors or managers of the society for the first year of its existence ; but such certificate shall not be filed unless the written consent and approbation of one of the justices of the supreme court of the district in which the place of business or principal office of such society shall be located, be indorsed on such certificate.

Corporate powers.

2. *And be it enacted*, That upon filing the certificate as aforesaid, the person who shall have signed and acknowledged such certificate, and their associates and successors shall thereupon, by virtue of this act, be a body politic and corporate, by the name stated in such certificate, and as such shall have power :

Corporate name.

I. To have perpetual succession by its corporate name ;

May sue and be sued.

II. To sue and be sued, complain and defend, in any court of law or equity ;

May make and use seal.

III. To make and use a common seal, which may be affixed by making an impression directly on the paper, and alter the same at pleasure ;

Officers &c.

IV. To appoint such officers, managers and agents as the business of the corporation may require ;

By-laws.

V. To make by-laws not inconsistent with the laws of the state or of the United States, for the management of its property and the regulation of its affairs ;

May make contract.

VI. To contract and be contracted with ;

May have and hold real and personal estate.

VII. To take and hold by gift, purchase, grant, devise or bequest any property, real or personal, and the same to dispose of at pleasure ; but such corporation shall not, in its corporate capacity, hold real estate, the yearly income derived from which shall exceed the sum of twenty-five thousand dollars ;

General powers.

VIII. To exercise any corporate powers necessary to the exercise of the powers above enumerated and given.

Society may make complaint.

3. *And be it enacted*, That any society so incorporated may prefer a complaint, before any court or magistrate having jurisdiction, for the violation of any law relating to or affecting children, and may aid in bringing the facts before such court or magistrate in any proceeding taken.

May have like powers as are given to members &c., of the Society for prevention of cruelty to animals.

4. *And be it enacted*, That all magistrates, constables, sheriffs and officers of police shall, as occasion may require, aid the society so incorporated, its officers, members and agents in the enforcement of all laws which now are or may hereafter be enacted relating to or affecting children, and

that, for the purpose of bringing offenders against such laws to justice, the like powers shall be and are hereby given to the members, officers and agents of any such incorporated society as are given by law to the members, officers and agents of the society for the prevention of cruelty to animals.

5. *And be it enacted*, That the provisions of this act shall not extend or apply to any association or individuals who shall, in the certificate filed as hereinbefore provided, use or specify a name or style the same or substantially the same as that of any previously incorporated society in this state. Provisions of act when not to extend.

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

Approved April 18, 1876.

CHAPTER CXXIV.

An act to regulate elections.

I.—OF ELECTIONS, GENERALLY.

I. OF THE GENERAL ELECTIONS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on the Tuesday next after the first Monday in November, in each year hereafter, an election shall be held in the several Assembly Districts in each county, to elect for such county such a number of persons to be members of the general assembly as such county shall be entitled to elect, which election shall be known as the general election. Time of holding general election.

2. *And be it enacted*, That at every annual meeting in each township, the persons who shall be qualified to vote therein, shall appoint the place within such township at which all such elections shall be held during the year next following such annual meeting; and if they shall omit to appoint a place, then such elections shall be held at the place at which such annual meeting was last held. Appointment of place at which elections shall be held in townships.

Time of opening and closing the polls.

3. *And be it enacted*, That all such elections shall be opened at the hour of seven o'clock in the morning, and close at the hour of seven o'clock in the evening, and shall continue one day only.

Duty of secretary of state as to notice of expirations of term of Senators.

4. *And be it enacted*, That the secretary of state shall, between the first day of August and the first day of September, immediately preceding the expiration of the term of service of any member or members of the senate of this state, direct and cause to be delivered to the clerk of every county, whose senator's term of service will expire with the current legislative year, a notice stating such fact, and that a senator for said county is to be elected at the ensuing annual election; and the clerk of such county shall, within fifteen days after the receipt of the said notice, cause a copy of the same, certified under his hand to be true and correct, to be delivered to the clerk of each township in said county; and the clerk of each township shall, in every year in which the term of service of the senator for said county will expire as aforesaid, include in the advertisement, required to be given by the twenty-fourth section of this act, a notice that a senator for said county is to be chosen at the ensuing election.

Duty of Clerk's of Counties.

Duty of Clerk of township.

Election of Sheriffs and Coroners.

Election of Clerks, Register of Deeds, and Surrogates.

5. *And be it enacted*, That the sheriffs and coroners shall be elected by the people of their respective counties at the time of electing members of the general assembly once in every three years; and the clerks, register of deeds and surrogates of counties shall be elected by the people of their respective counties, at the time of electing members of the general assembly once in every five years, and it shall be the duty of the clerk of every county, between the first day of August and the first day of September, immediately preceding the expiration of the term of office of the clerk, register of deeds or surrogate of such county, to direct and cause to be delivered to the clerk of each township or ward in said county, a notice that a clerk, register of deeds or surrogate of such county, or both, as the case may be, is to be chosen at the ensuing annual election; in every such year in which an election for clerk, register of deeds or surrogate of a county is required to be made, the clerk of each township in said county shall include in the advertisement, required to be given by the ninth section of this act, a notice that a clerk, register of deeds or surrogate

of said county, or both, as the case may be, is to be chosen at the ensuing election. Time and mode of

6. *And be it enacted*, That when a governor is to be elected by the people, such election shall be held at the time when and the places where the people shall respectively vote for members of the general assembly; and each voter shall put the name of the person voted for as governor, designating him as such, on the same ticket with the names of the persons voted for as members of the legislature and county officers. Election of Governor.

7. *And be it enacted*, That the secretary of state shall, between the first day of August and the first day of September, immediately preceding the expiration of the term of office of the governor, direct and cause to be delivered to the clerk of every county a notice stating such fact, and that a governor is to be elected at the ensuing annual election; and the clerk of such county shall, within fifteen days after the receipt of said notice, cause a copy of the same, certified under his hand to be true and correct, to be delivered to the clerk of each township in said county; in every year in which an election for governor is required to be made, the clerk of each township shall include in the advertisement, required to be made by the ninth section of this act, a notice that a governor is to be chosen at the ensuing election. Secretary of State to give notice of election of Governor.

8. *And be it enacted*, That at every such election the person or persons, to the number to be elected therein, who shall by law be qualified for the office or offices to be filled at such election, and for whom the greatest number of votes shall have been given therein for such office or offices, shall be deemed and taken to be elected to such office or offices; and whenever in any such election an equal number of votes shall have been given to two or more persons to fill any office for which they shall by law be qualified, by reason whereof it shall happen that such office shall not be filled, then the same shall be deemed and taken to be vacant. What candidates are elected.

9. *And be it enacted*, That the clerk of each ward and township shall, at least eight days prior to, and within thirty days next preceding the day of election, put up, or cause to be put up, an advertisement in at least five of the most public places within such township, which advertisement shall make known the time, place, and purpose of holding such election, and be signed by such clerk. Clerk of each ward and township to give notice of election.

Military duty not to be performed on election day. 10. *And be it enacted*, That no such election shall be appointed to be held on any day on which the militia of this state shall be required to do military duty, nor shall the militia of this state be required to do military duty on any day on which such election shall be appointed to be held.

2. OF THE QUALIFIED ELECTORS.

Right of voting to be claimed in person. 11. *And be it enacted*, That every person possessing the qualifications required by the constitution, shall be entitled to vote in the township in which he actually resides, and not elsewhere; and every person who shall be so qualified to vote in such election in such township, shall at any time during the same, after proclamation shall have been made of the opening of the same, except during any period for which the board of election shall have adjourned be at liberty to claim his right to vote therein in such township, and such person shall claim such right in person before such board; and on such claim being made, one of such board shall audibly and publicly announce the name of the claimant; and the ballot of such claimant shall remain in his own hand until such board shall have decided to receive the same.

Ballots to be delivered to a member of the board.

Proceedings in case of challenge for conviction of crime, &c. 12. *And be it enacted*, That if a person be challenged, as convicted of any crime which excludes him from the right of suffrage under the provisions of the constitution of this state, he shall not be required to answer any questions in relation to such alleged conviction, nor shall any proof of such conviction be received, other than the duly authenticated record thereof, except such proof as may be necessary to establish his identity with the person named in such record, or may be adduced by him to rebut the evidence of identity produced on behalf of the challenge; but if any person so convicted shall vote at any such election, unless he shall have been pardoned or restored by law to the right of suffrage, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine not exceeding two hundred dollars, or imprisonment at hard labor not exceeding two years, or both.

Exemption from arrest on civil process. 13. *And be it enacted*, That no person who shall have a right to vote at any such election, shall be arrested by virtue of any civil process on the day on which such election shall be held.

3. ELECTION OFFICERS, POWERS AND DUTIES.

14. *And be it enacted*, That the persons qualified to vote in the several wards and townships, shall meet in every year, at the time and place of holding the annual city elections and town meetings, and then and there elect, as hereinafter provided, one judge and two inspectors of elections. Election of officers.

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

16. *And be it enacted*, That the said judge and inspectors so elected shall constitute the election board of each ward and township, and the decision of a majority of such boards, on any question, shall be deemed and taken to be the decision of such board, and final; and if any member of such board shall dissent from any decision of the same, and shall desire to protect himself from the consequences which may result from such decision, it shall be lawful for such member to record his dissent in the poll book of such election, signing his name to such record with his own hand, and unless he shall do so he shall be deemed and taken to have assented to the decision so made. Who shall constitute the election board.

17. *And be it enacted*, That when a township or ward in any city contains more than six hundred voters, said township or ward shall be divided into election districts so as not to contain more than six hundred voters in each district; and the mayor and common council in the several cities and the township committees in the several townships are hereby required to set off said districts on or before the first day of August next, and file a description of the boundaries thereof, one copy in the county clerk's office, and one copy in the city or township clerk's office, as the case may be, and in case it may be necessary hereafter to change the boundaries of such districts, such change shall be effected in the manner above described. Election districts not to contain more than six hundred voters.

18. *And be it enacted*, That where any township or ward has been, or shall be divided into two or more election districts, the qualified voters of each district of said divided township or ward, shall severally elect, in the manner and at the time and place aforesaid, two inspectors for each of Districts by whom divided.

Election of Judge and inspectors in district divided.

Clerk of township or ward to act.
 Appointment of election Board in district set off.
 said several election districts, and shall also elect one person to serve as judge of the elections in each district ; and also one person to serve as clerk of election in each district ; but the clerk of each township or ward shall act as clerk of election in the district in which he resides, the mayor and common council, or board of aldermen of the several cities and boroughs, and the township committees of the several townships in the state, are hereby required whenever such division shall be made, to appoint two inspectors and one judge of elections, and one clerk of elections for each of said districts so set off, who shall be residents of the election districts in which they are appointed, and who shall serve until their successors are elected ; the said inspectors so to be appointed shall not belong to the same political party.

Organization of the board of election.
 19. *And be it enacted*, That the judge and inspectors of election of each township and ward shall meet at the time and place when and where any such election shall be appointed to be held therein, and shall, at the hour of seven o'clock in the morning of the day thereof, organize themselves as a board of election, for the purpose of presiding at and conducting such election ; and the clerk of such township, ward, or district, shall meet with such board, and be the clerk thereof.

Judge, inspector or clerk not to be chosen to offices.
 20. *And be it enacted*, That no such judge, inspector or clerk, shall be elected to any office to be filled at the election in which he shall serve except it be to fill the office of judge, inspector, or clerk ; and if any such judge, inspector, or clerk, shall be voted for in any such election, except as aforesaid, the person or persons, to the number to be elected therein, who shall by law be qualified for the office or offices to be filled at such election, for whom the greatest number of votes shall have been given therein, other than such judge, inspector, or clerk, shall be deemed and taken to be elected, and the votes which shall be given to such judge, inspector, or clerk, shall be deemed and taken to be null and void

Time and mode of supplying vacancies in case of disqualification or refusal to serve.
 21. *And be it enacted*, That if, at the hour of seven o'clock on the morning of the day of any such election, the judge, or one or both of the inspectors of election of any township, ward, or district, shall be absent from the place where such election shall be appointed to be held, or shall be disqualified, or, being present, shall neglect or refuse to serve as

one of the board of election, it shall be lawful for the persons then and there present, who shall be entitled to vote in such election in such township, ward, or district, by a majority of voices, or, on a division, by a majority of polls, forthwith to choose one or more of the persons then and there present, who shall be entitled to vote in such election in such township, ward, or district, to fill the place or places in such board of the person or persons so absent, disqualified, neglecting, or refusing; and every person so chosen shall be deemed and taken to be, in all respects; a judge or inspector of election, as the case may be.

22. *And be it enacted*, That if, at the hour of seven o'clock on the morning of the day of such election, or at any other time during such election, the clerk of such township, ward, or district, shall be absent from the place where such election shall be appointed to be held, or shall be disqualified, or, being present, shall neglect or refuse to serve as clerk of the board of election, it shall be the duty of such board to appoint some other person, qualified to vote in such election in such township, ward, or district, who shall be then and there present, to be such clerk; and the person so appointed shall be deemed and taken to be in all respects, the clerk of such board.

Time and mode of supplying vacancy if clerk refuses to serve is absent, or disqualified.

23. *And be it enacted*, That any person who may be appointed to fill the place of the judge or one of the inspectors of election, in consequence of the absence, disqualification, neglect, or refusal to serve of such judge or inspector, and any person who may, in like manner, be appointed clerk of the board, in place of the clerk of the township, ward, or district, under the twenty-first or twenty-second sections of this act, shall be deemed to be, in all respects, a member or clerk of such board, with respect to all matters appertaining to that election; but his powers under such appointment shall not extend to any subsequent election.

Powers not to extend to any subsequent election.

24. *And be it enacted*, That when such board of election shall have been organized, and before they shall receive any vote, it shall be the duty of the judge and each inspector of election to take an oath or affirmation, to be administered by the clerk of the board, in the following form:

Oath of Judge and Inspectors.

"You do swear, (or affirm, as the case may be,) that you will faithfully and impartially execute the duties required of you by law, as (judge or inspector as the case may be) of this election; that you will not knowingly receive, or as-

sent to receive, the vote of any person who is not in all respects qualified and entitled to vote according to law; and that if any person shall offer his vote, whom you shall suspect or believe not to be qualified or entitled to vote in this election, you will challenge his vote, and will refuse to receive the same, unless you shall be made fully satisfied that he is legally entitled to vote therein."

Oath of Clerk.

25. *And be it enacted*, That when the judge and inspectors of election shall have been sworn or affirmed, as provided in the preceding section of this act, it shall be the duty of the judge of election, in an open and public manner, to administer to the clerk of such board, and of such clerk to take, an oath or affirmation, in the following form:

"You do swear, (or affirm, as the case may be,) that you will faithfully and impartially execute the duties required of you by law, as clerk of this board;" and the like oath or affirmation shall be administered to, and taken by any person who may be appointed clerk of such board at any time during such election.

Penalty for knowingly and wilfully receiving or assenting to receive illegal vote of any person making false return &c.

26. *And be it enacted*, That if any judge or inspector of election shall, at any election held in pursuance of this act, knowingly and wilfully receive, or assent to receive, the vote of any person who is not by law entitled and qualified to vote at such election, or shall wilfully and designedly make or sign any false or untrue statement or certificate of the result of any such election, or suppress, destroy, withhold, mutilate, change, or alter any such statement or certificate, or any copy thereof, made in pursuance of this act, or if any clerk of any such election shall knowingly and wilfully make any false or untrue entry in any poll-book, or sign or attest any false or untrue statement or certificate of the result of any such election, or copy thereof, or shall, in canvassing and estimating the votes received at any such election, wilfully and corruptly write any figure or mark opposite the name of any person voted for at such election or refuse or omit to write any such figure or mark, when he is by this act acquired so to do, or if any judge or inspector of election, who shall be appointed to attend any meeting of the board of county canvassers, shall corruptly and without sufficient excuse refuse or omit to attend such meeting at the time and place appointed therefor, or shall corruptly and without sufficient excuse omit or refuse to produce and lay before the said board, or to deliver or trans-

mit to the clerk of such county, within the time by this act prescribed, the statement of the result of any such election, which shall have been delivered to him to be produced and laid before such board, every person so offending, his aiders, procurers, and abettors, shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or imprisonment at hard labor for any term not exceeding two years, or both.

4. MODE OF CONDUCTING ELECTIONS.

27. *And be it enacted*, That the boards of chosen freeholders of each county, and the common councils or board of aldermen of each city and incorporated town, shall from time to time, as occasion shall require, provide and keep in good repair, ballot boxes for the use of each township, ward or election district, which box shall be made one foot in depth, width, and length, as near as may be, measuring the same on the exterior thereof, and strapped and secured on each corner thereof with iron or brass, so as to prevent it from being easily broken, and shall have a lid thereto, which shall be fastened with brass or iron hinges; and there shall be on the lid thereof three locks of different construction, so that neither of them can be opened with the key belonging to another of them; and there shall be in the lid thereof an aperture, not larger than shall be sufficient to admit a single closed ballot therein at one time; and the interior of the lid thereof shall be so provided with a bar or bolt that the aperture in the same can be covered thereby, in such manner that when the ballot-box shall be locked no ballot or other thing can be inserted in the same. Ballot boxes to be provided, and by whom.

28. *And be it enacted*, That in all such elections, the persons entitled to vote therein shall vote by ballot; and each voter shall give his vote by a single ballot, which shall be a paper ticket, on which shall be written or printed, or partly written and partly printed, the name or names of the person or persons for whom the person voting intends to vote, and shall designate the office to which each person so named is intended by him to be elected; and no ballot shall contain a greater number of names of persons, as designated to any office, than there are persons to be chosen to fill such office. Voting to be by ballot.

29. *And be it enacted*, That such board shall, on each day of election, as soon as they have opened the same, and before Proclamation to be made of

opening
election.

they shall proceed to receive any vote, make public proclamation of the opening of the election, and of their readiness to receive the votes of voters.

Ballot box
to be exhib-
ited.

30. *And be it enacted*, That on the day of such election, after proclamation shall have been made of the opening thereof, and immediately before proceeding to receive the votes, such board shall, in an open and public manner, exhibit the ballot-box, so that the bystanders may see that there is nothing contained therein, and thereupon shut and lock the same, leaving open the aperture in the lid thereof.

Time of
opening
and closing
polls.

31. *And be it enacted*, That when such board shall have become organized, and the members and clerks thereof sworn or affirmed, the election shall be opened, and the same shall be kept open during the whole of the day of election, between the hours of seven o'clock in the morning and seven o'clock in the evening; but said board may adjourn the proceeding in such election from one o'clock until two o'clock in the afternoon, or for any shorter time between those hours, as they shall see fit.

Proceed-
ings in case
of adjourn-
ment of
board dur-
ing elec-
tion.

32. *And be it enacted*, That whenever, before the close of the election on such day, an adjournment shall be ordered by the board of election, they shall state in the poll-book, immediately after the last name therein, in words written at full length, the whole number of the names of the voters in the poll-book, to which the judges and clerk shall sign their names, and shall unlock and open the ballot-box, place and secure the bar or bolt in the lid thereof, in such manner as to prevent the insertion in the ballot-box of any ballot or other thing, place therein the poll-book, and shut and lock the same; and when the period of adjournment shall have expired, such board shall unlock and open the ballot-box, take therefrom the poll-book, remove such bar or bolt, so as to leave open the aperture in the lid thereof, and shut and lock the same; and during every such adjournment the ballot-box shall remain in the possession and under the care of one or more of the board of election, or the clerk of such board, to be appointed by such board for that purpose, who shall keep the same, during such adjournment, in public view.

Judge and
each in-
spector to
keep key of
ballot box.

33. *And be it enacted*, That the judge and each inspector of election shall, at the opening thereof, take one of the keys of the locks of the ballot-box, and shall keep the same until a statement of the result thereof shall be made and cer-

tified, as directed by this act, and shall not, during that time suffer either of the other members of the board, or any other person, on any pretence, to take or have the same; and in all cases in which such board are directed to lock the ballot-box, each of the locks thereof shall be locked by the judge or inspector, who shall have the key belonging thereto, as directed by this act.

34. *And be it enacted*, That the clerk of such board shall provide and have at such election a book, to be denominated a poll-book, in which he shall record the names of the persons whose votes shall be received therein, in the order in which they shall be received, and shall, as he records such names, number the same from one onward, until the election shall be finally closed; and such clerk shall write a heading to the list of names so recorded, in the following, or like form:

"Names of voters at an election held in the township of _____, in the county of _____, on the _____ day of _____, in the year of our Lord one thousand eight hundred and _____, for members of _____," filling up the blanks in the form above given, to conform to the facts of the case.

35. *And be it enacted*, That the clerk of each ward or district, in incorporated cities and towns, in addition to the duties now prescribed by law, shall enter on the poll list the place of residence of each person voting, and every person in said incorporated cities and towns, at the time of offering his vote, shall truly state the street in which he resides, and, if the house, lodging or tenement in which he resides is numbered, the number thereof, and in case of refusal to make the statement aforesaid, the vote of such person shall not be received.

36. *And be it enacted*, That each ballot shall, in an open and public manner, on the day of election, between the hours mentioned in the third section of this act, be delivered in person by the voter to the judge or one of the inspectors of election, and be by him deposited in the ballot-box; and in no case shall the ballot be taken by any such judge or inspector, until the board of election shall have decided to receive the same; nor shall the ballot, in any case, be by any such judge or inspector opened, marked or examined, or permitted to be opened, marked or examined, before the same

Clerk to
keep poll
book.

Form of
the names
of the vot-
ers.

Place of
residence
and num-
ber of street
of each per-
son voting
in cities
and towns
to be enter-
ed on poll
list.

Ballots to
be deliver-
ed to the
judge or
one of the
inspectors.

shall be deposited in the ballot box ; and each ballot received shall be separately deposited in the ballot-box.

Who may
challenge.

37. *And be it enacted*, That any person who shall be qualified to vote in such election, shall be at liberty to challenge the right to vote therein of any person claiming such right.

Judge and
inspectors
shall chal-
lenge in
certain
cases.

38. *And be it enacted*, That the judge and inspectors of election, respectively, shall, at such election, challenge every person who shall claim to have a right to vote therein, whom they shall know, suspect, or believe not to be qualified or entitled to vote therein.

In case of
challenge
as an alien.

39. *And be it enacted*, That if any person shall be challenged, as not qualified or entitled to vote, and the person challenging him shall specify a ground for such challenge to be, that the person so challenged is an alien, the chairman of such board may forthwith tender to him an oath or affirmation, in the following form :

Oath of
persons
challenged
as aliens.

“ You do swear (or affirm, as the case may be), that, to the best of your knowledge, information, and belief, you were born a citizen of the United States, and that you do not owe allegiance to any foreign prince, potentate, state, or sovereignty ;” and if the person so challenged shall refuse to take the oath or affirmation so tendered to him, he shall be deemed and taken to be an alien, unless he shall produce, at the time of claiming his vote, to such board, a lawful certificate, issued out and under seal of some court of record having authority to admit aliens to the rights of a citizen of the United States, showing, in case the person producing the same shall claim to be the person named therein, that he has been admitted to the rights of a citizen of the United States ; or in case the person producing the same shall claim to have derived the rights of such citizen through the naturalization of his parent, then that the person alleged to be such parent has been admitted to the rights of such citizen ; and in the former case, the chairman of such board shall tender to the person so challenged an oath or affirmation in the following form :

“ You do swear (or affirm, as the case may be), that you are the person named in the certificate of naturalization which you have produced to this board ;” and in the latter case, an oath or affirmation, in the following form :

“ You do swear (or affirm, as the case may be), to the best of your knowledge, information, and belief, that the person named in the certificate of naturalization which you have

produced to this board, was your parent, and that you were at the time of the naturalization of your parent under the age of twenty-one years, and resident in the United States ;” and if the person so challenged shall, in either case, refuse to take the oath or affirmation so tendered to him, he shall be deemed and taken to be an alien.

40. *And be it enacted*, That the board of election shall in no case receive the vote of any person, unless they shall be satisfied that such person is in all respects qualified and entitled to vote ; and, for the purpose of satisfying themselves as to the right of any person who shall claim a right to vote, they shall have power to examine such person, and any other person or persons, under oath or affirmation touching such right, except as hereinbefore restricted ; and if any member of such board shall receive, or assent to receive, the vote of any person challenged, without requiring such person to take the oath or affirmation hereinbefore prescribed, and such person shall not be qualified and entitled to vote, such member so receiving, or assenting to receive, such vote shall be deemed and taken to have received the same, knowing it to be illegal.

41. *And be it enacted*, That if any person shall be challenged, as not qualified or entitled to vote, the chairman of such board may forthwith tender to the person so challenged an oath or affirmation, in the following form :

“ You do swear (or affirm, as the case may be), that you are a citizen of the United States ; that you have resided in this state one year, and in this county five months, next before this election, and not elsewhere ; that you are now a resident in this township (or ward, as the case may be) ; that, as far as you know and verily believe, you are twenty-one years of age, and in all respects qualified to vote in this election in this township (or ward, as the case may be), and that you have not voted elsewhere in this election ;” and if the person so challenged shall refuse to take the oath or affirmation so tendered to him, he shall be deemed not to be qualified or entitled to vote.

42. *And be it enacted*, That, before proceeding to the estimate and canvass of the votes which shall have been received, the clerk of such board shall state in the poll-book, immediately after the last name therein, in words written at full length, the whole number of the names of the voters in the poll-book, in the following, or like form : “ the

whole number of the names of the persons whose votes have been received during this election is———;" filling up the blank, in the form above given, to conform to the fact; and the judges of election, together with such clerk, shall sign their names thereto with their own hands.

Votes to be
canvassed.

43. *And be it enacted*, That as soon as the hour of seven o'clock in the evening of the day of election shall arrive, the board shall proceed, in an open and public manner, to estimate and canvass the votes received, and shall complete the same without any unnecessary delay and without adjournment, and on completing the same, shall audibly and publicly announce the result thereof, particularly specifying the whole number of the names of the voters in the poll-book, the name of each person for whom any vote shall have been given for any office to be filled at such election, and the number of votes given for each person for the office designated for him by such votes.

Mode of
canvassing
and esti-
mating the
votes re-
ceived.

44. *And be it enacted*, That such board shall proceed in canvassing and estimating the votes which shall have been received in the following manner: they shall first ascertain the number of the names of the voters in the poll-book, and state the same in writing, for the purpose of a memorandum for their own use, and thereupon unlock and open the ballot-box; the ballots contained therein shall then be taken singly and separately therefrom by one of the board of election, to be appointed by the board for that purpose; and such member shall, while each ballot shall remain in his hands, audibly and publicly read the same, and then, before taking another ballot from the box, shall deliver the same to another of such board, to be appointed by such board for the purpose, to be examined and numbered; and such member shall take and examine the same, and thereupon, if he shall be satisfied that the same has been correctly read, write on the back thereof the number of such ballot, in the order in which the same shall have been taken from the box, and then deliver the same to the other remaining member of such board to be examined and strung; and such member shall take and examine the same, and if he shall be satisfied that the same has been correctly read, shall string the same in the order in which the same shall be taken from the box and numbered, by means of a needle and twine, to be provided for that purpose; and the ballots shall be numbered from one onward; the clerk of such

board, under the inspection and direction of such board, shall make a list of the names of all persons for whom one or more votes shall have been given, designating the office or offices for which such person shall be voted for, and as each ballot shall be read he shall write the figure 1 opposite the name of each person whose name shall be contained therein, as designated for any office; when all the votes which shall have been received shall have been read, examined, numbered, and strung, as above directed, such board shall carefully and truly cast up the votes given for each person for any office to be filled at such election.

45. *And be it enacted*, That if in canvassing and estimating the votes, the number of ballots shall be found to exceed the number of the names of the voters in the poll-book, then the ballots which shall remain in the box, after canvassing and estimating as many ballots as there are of such names, shall be deemed and taken to be null and of no effect; if two or more ballots shall be found rolled or folded together, or any ballot shall be wholly blank, then, and in every such case the ballot shall be deemed and taken to be null and of no effect; and in every case in which a ballot shall be declared null and of no effect, the same shall not, in any respect, be canvassed, estimated, or numbered, but one of the judges shall write thereon the word "rejected," and the same shall then be strung in the same manner in which the other ballots are directed to be strung, but on a different twine.

In what cases ballots not counted.

46. *And be it enacted*, That if, in canvassing and estimating the votes received by the board of election, at any election hereafter to be held in this state, any ballot or ballots shall be found to contain more names for any office than there are persons to be elected to fill such office, or have the name of any person thereon for whom no office is designated, then in every such case the ballot or ballots shall be deemed and taken to be null and of no effect only so far as respects the office for which there are more names than there are persons to be elected to fill such office, or as respects the name of the person thereon for whom no office is designated (as the case may be), and no further.

When ballots are to be deemed and taken to be null and of no effect.

47. *And be it enacted*, That in all elections which shall be held under this act for the choice of a governor, a member of the state senate, members of the general assembly, clerk and register of the county, surrogate, sheriff, and coroners,

Statement of result to be made.

and such other county officers as may be required to be elected at the general election, or any of them, the board of election shall make a statement of the result thereof, and a certificate, in like form with that prescribed in the fifty-first section of this act, and agreeably to the directions therein contained; and whenever an election is held for the choice of a governor, the township board of election shall cause to be made an additional copy of the statement of the result of the election, and of the certificate thereto, which copy they shall certify and subscribe, enclose, seal up, and transmit to the secretary of state, in the time and manner prescribed by the fiftieth section of this act; and the secretary of state, on receiving the same, shall forthwith file it in his office as an official paper.

Statement
as to elec-
tion of Gov-
ernor.

48. *And be it enacted*, That when a governor, a clerk or register of a county, or a surrogate, shall be voted for at any election, the provisions of this act relative to the statement of the result by the board of county canvassers shall apply and be extended to the votes for such officers respectively; and the several provisions relative to the statement of the determination by said board shall apply to said votes for clerk and surrogate.

Statement
as to elec-
tion of Gov-
ernor, clerk,
register or
surrogate.

49. *And be it enacted*, That the board of election shall make or cause to be made, a copy of the statement of the result of such election, and the certificate thereto, which shall be made under the forty-seventh section of this act, and each member of the board shall sign his name thereto with his own hand; and the clerk of such board shall attest the signing of the same by such board by signing his own name thereto with his own hand.

Statement
of result for
Governor,
&c.

50. *And be it enacted*, That whenever an election shall be held for the choice of a member or members of the house of representatives, or electors of president and vice president, such board shall make, or cause to be made, an additional copy of the statement of the result of such election, and of the certificate thereto, which copy they shall certify and subscribe as is hereinbefore directed, and shall enclose, seal up, and transmit, the same by mail to the secretary of state, within five days next after such election, directing the same in the following manner:

Additional
statement
to be made
in Congres-
sional and
electoral
elections.

"To the Secretary of the State of New Jersey,
Trenton, New Jersey."

And the secretary of state, on receiving such copy, shall forthwith file the same in his office as an official paper.

51. *And be it enacted*, That in all elections which shall be held under this act, for state and county officers, the board of election shall make a statement of the result thereof, and a certificate to the same, in the following or like form:

Form of
statement
in case of
election of
county offi-
cers.

"A statement of the result of an election held in the township of _____, in the county of _____, on the _____ day of November, in the year of our Lord one thousand eight hundred and _____, for a member of the senate, members of the general assembly, a sheriff and three coroners, for said county:

The whole number of the names on the poll list is _____ ;

The whole number of ballots rejected is _____ ;

For member of the senate,

received _____ votes ;

received _____ votes ;

For members of the general assembly,

received _____ votes ;

received _____ votes ;

For sheriff,

received _____ votes ;

received _____ votes ;

For coroners,

received _____ votes ;

received _____ votes ;

We do certify that the foregoing is a true, full and correct statement of the result of the election above mentioned, and that the same exhibits the whole number of the names on the poll-book and of the ballots rejected, the name of each person for whom any vote or votes were given for any office designated for him in such vote or votes, and the number of votes given for each person for the office or offices so designated for him.

In witness whereof, we have hereunto set our hands, respectively, this _____ day of November, in the year of our Lord one thousand eight hundred and _____

} Judges
of
Election.

Attest

Clerk."

Making under each head a list of the names of all the persons for whom any vote or votes were given for the office or offices designated therein, and stating opposite to the same,

in words written at full length, as before directed, the number of votes given for each person for such office or offices, and filling up all other blanks in the form above given to conform to the facts of the case; and in every other election which shall be held under this act, the board of election shall make a statement of the result thereof, and a certificate to the same in a form similar to that above given, as far as the nature of such election will admit.

Ballots and
ballot boxes
how kept
after the
election.

52. *And be it enacted*, That as soon as the election shall be finished, all ballots which have been cast, whether the same have been estimated and canvassed, or rejected for any cause, the poll-list, the tally-papers, the oaths or affirmations of the judges and inspectors and clerks, shall all be carefully collected and deposited in the ballot-box, and such ballot-box after being locked, shall be closely bound with tape and sealed by the judge and inspectors of election; and shall, within one day thereafter be delivered by one of the inspectors to the clerk of the county, who shall keep such boxes containing the tickets and other documents, and said clerk shall not take or open, nor permit to be taken or opened, any ballot-box deposited as aforesaid, for the space of six months after the same has been deposited as aforesaid, except when he shall be called upon by some court or other tribunal authorized to try the merits of such election, or take testimony regarding the same; and after such trial or investigation, it shall be the duty of the clerk to have said box or boxes returned and deposited as aforesaid.

5. MEETING AND DUTIES OF BOARD OF COUNTY CANVASSERS.

One of the
board of
election in
each town-
ship ward
or district
to attend
meeting of
the board of
County can-
vassers.

53. *And be it enacted*, That the board of election in each township, ward or district, in any such election, shall appoint one of the said board of election in such township, ward or district to attend the meeting of the board of county canvassers for such election, in the county in which such township, ward or district shall be situated, as a member thereof, and shall deliver to the member, who shall have been so appointed, the original statement of the result of such election in such township, ward or district, which shall have been made, certified, and subscribed, as hereinbefore directed; and it shall be the duty of the members of the several boards of election, who shall have been so appointed, to attend the meeting of the board of county canvassers for such election, in the county in which they shall have been appointed, as members thereof.

54. *And be it enacted*, That the members of the several boards of election, to whom the original statements of the result of such election in the townships to which they respectively belong shall have been delivered, as directed in the preceding section of this act, shall constitute the board of county canvassers for such election, in the county in which such township, ward or district shall be situated; and the clerk of such county shall be the clerk of such board.

Board of
County
Canvassers
how consti-
tuted.

55. *And be it enacted*, That the major part of the members of the several boards of election who shall have been appointed to attend the meeting of such board, as members thereof, shall be sufficient to constitute such board.

Majority of
members of
several
election
boards to
form board.

56. *And be it enacted*, That such board shall meet on the Friday next after such election, at twelve o'clock, noon, of that day, at the court-house of such county, and at that hour, without any delay, the members of such board who shall be then present shall proceed to choose one of their number, who shall be the chairman thereof; and as soon as such chairman shall be appointed, it shall be the duty of such chairman to administer to each of the other members, and of each of the other members to take an oath or affirmation in the following form :

Time and
place of
meeting of
County
Canvass-
ers.

"You do swear, (or affirm, as the case may be,) that you will faithfully and impartially execute the duties of a member of this board of canvassers according to law;" and thereupon one of the members of such board, to be appointed by such board for that purpose, shall administer to such chairman, and such chairman shall take an oath or affirmation in the same form as that taken by the other members of such board.

Oath of
County
Canvass-
ers.

57. *And be it enacted*, That if the clerk of such county shall be absent at such meeting, at the time appointed therefor, the board shall forthwith, after the oaths or affirmations shall have been administered and taken, as directed in the preceding section of this act, proceed to appoint a fit person to be the clerk of such board; and, before proceeding to canvass and estimate the votes in such county, the chairman of the board shall administer to the clerk thereof, and the clerk thereof shall take an oath or affirmation, in the following form :

Oath of
Clerk of
Board of
Canvass-
ers.

"You do swear, (or affirm, as the case may be,) that you will faithfully execute the duties of clerk of this board according to law."

Proceed-
ings and
duties of
the board
of County
Canvass-
ers.

58. *And be it enacted*, That as soon as the clerk of such board shall have been sworn or affirmed, as directed in the preceding section of this act, the members of the several boards of election who shall be present, and constitute such board, shall produce the original statements which shall have been delivered to them, respectively, as hereinbefore directed, and lay the same before such board; and such board shall then forthwith proceed to make two statements of the result of such election in such county, each of which statements shall contain the whole number of the names of the voters in the poll-books of the townships, wards and districts, respectively, and of the ballots rejected, the names of all the persons for whom any vote or votes shall have been given for any office or offices to be filled by such election, and the whole number of votes which shall have been given for each person for any such office or offices, mentioning the office or offices for which each person shall have been designated; and shall particularly contain the name of each township, the number of the names of the voters on the poll-books of the townships, respectively, and of the ballots rejected, the number of votes given in each township for each person for whom any vote or votes shall have been given for any such office, mentioning the office or offices for which each person shall have been designated; and in such statement the name of each person for whom any vote or votes shall have been given, the whole number of votes that shall have been given for each person, and the name of each township, ward and district shall be in words written at full length; and the number of the names on the poll-book of each township, the number of votes which shall have been given for each person in each township, ward and district for each office, and the whole number of votes on the poll-books of the several townships, wards and districts, and of the ballots rejected, may be in figures; and each of such statements shall be certified to be true and correct, by a certificate which shall be appended to the same; and the chairman of such board shall sign his name thereto with his own hand, in the presence of the clerk of such board, and such

clerk shall attest the signing of the same by such chairman, by signing his name thereto with his own hand.

59. *And be it enacted*, That such board shall deliver one of the statements which shall have been made, certified, and subscribed, as directed in the preceding section of this act, to the clerk of the county, who shall forthwith file the same in his office as an official paper; and the chairman of such board shall enclose and seal up the other thereof, and deliver or safely transmit the same, so enclosed and sealed up, to the secretary of this state, so that such secretary shall receive the same at Trenton within seven days next after the meeting of such board; and the secretary of state, on receiving such statement, shall forthwith file the same in his office as an official paper.

Statements
to be sent
to secretary
of State and
county
Clerk.

60. *And be it enacted*, That if any one of the members of any board of election who shall have been appointed to attend the meeting of such board for any county, as a member thereof, shall be unable to attend such meeting, on the day appointed therefor, he shall, at or before the hour of twelve o'clock, noon, of that day, deliver or safely transmit to the clerk of such county the original statement of the result of the election, which shall have been delivered to him as hereinbefore directed.

Member ap-
pointed to
attend
meeting to
send state-
ment if he
cannot at-
tend.

61. *And be it enacted*, That if, on the day appointed for the meeting of such board, a major part of such board shall not attend at the court-house of such county at the hour of twelve o'clock, noon, of that day, or if at that time the statements of the result of such election from every township, ward or district in such county shall not be produced, the canvassers then present shall adjourn to some convenient hour on the next day; and at the hour to which such adjournment shall have been ordered, the canvassers then present, whether or not they shall be a major part of the whole, shall organize themselves as a board, and proceed as hereinbefore directed.

Board may
adjourn.

62. *And be it enacted*, That the clerk of such county shall produce and lay before such board all such statements as shall have been delivered to him at or before the hour of twelve o'clock, noon, of the Friday next after such election, as herein before directed; and if on that day such board

County
Clerk to lay
statements
before the
board.

shall not have been organized because the statements from every township, ward or district have not been produced, then such clerk shall forthwith, by a special messenger or otherwise, at the expense of such county, obtain such statement or statements as shall be deficient, in time to be produced to such board at their next meeting, and for this purpose either the original statement, or the copy thereof, directed to be delivered to the clerk of the township in which such original statements shall have been made, shall be sufficient; and the clerk of such board shall produce and lay before such board at their meeting on the next day, all such statements and certified copies as he shall have obtained as above directed.

Proceed-
ings to be
public.

63. *And be it enacted*, That all the proceedings of such board shall be open and public, and the decision of a major part of the members thereof, who shall be present at the meeting thereof, shall be deemed and taken to be the decision of such board; and if any member of such board shall dissent from a decision of the board, and shall desire to protect himself against any consequences which may result from such decision, he shall state his dissent in writing, and deliver the same to the clerk of such county, who shall file the same in his office.

Statement
to be filed
by County
Clerk.

64. *And be it enacted*, That all the statements and copies of statements which shall be produced and laid before such board shall, by such board, be delivered to the clerk of such county, and shall be by him filed in his office as official papers.

Form of
statement
of result of
election for
senators,
assembly-
men, sheriff
and coron-
ers.

65. *And be it enacted*, That the statement and certificate, which shall be made as is herein before directed, shall, in case of an election for a member of the senate, members of the general assembly, a sheriff and coroners, or any of them, be in the following, or like form:

"A statement of the result of an election held in the county of _____ on the _____ day in November, in the year of our Lord one thousand eight hundred and _____, to elect a member of the senate, members of the general assembly, a sheriff and coroners, of said county, made by the board of county canvassers for said county:

Names of persons voted for, and the offices designated for each.	Names of townships and the number of votes given for each person in each township.	Whole num- ber of votes in the coun- ty.	Whole num- ber of votes received by each person.
For member of Senate,			
For members of Assembly,			
For sheriff,			
For coroners,			
Number of names on poll-book of each township			
Number of bal- lots rejected.			

I do hereby certify, that the foregoing is a true, full and correct statement of the result of the election above mentioned, as the same is exhibited by the statements produced and laid before the board of county canvassers according to law, and that the same exhibits the number of the names of the voters in the poll-books of the townships, wards and districts respectively, and of the ballots rejected, the whole number of the names of the voters in the poll-books of the several townships, wards and districts, the name of each person for whom any vote or votes were given, the number of votes given for each person in each township, ward and district, and the whole number of votes given for each person for each office designated for him, as they appear by the statements so produced and laid before the said board; In witness whereof, I have hereunto set my hand, this day of , in the year of our Lord one thousand eight hundred and ;

Attest. Chairman of the board of canvassers,

Clerk."

New Jersey State Library

And the blanks in the form above given shall be filled up to conform to the facts of the case; and the statement and certificate which shall be made in the case of an election of member or members of the house of representatives of the United States, or of electors of president and vice-president of the United States, shall be in a form similar to that above given, as far as the nature of the election will admit.

Board of
Canvassers
to make a
statement
of their de-
termination.

66. *And be it enacted*, That the board of county canvassers, in case the election shall have been held for a member of the senate and members of the general assembly, a sheriff and coroners, or for any such officer, shall proceed to determine the person or persons who shall, by the greatest number of votes, have been duly elected to the office or offices for which he or they shall have been designated, as is hereinbefore directed; and thereupon such board shall make a statement of their determination, which shall be certified to be true and correct, by a certificate which shall be appended to the same, and signed by the chairman of such board, with his own hand, in the presence of the clerk of such board; and the clerk of such board shall attest the signing of the same by such chairman, by signing his name thereto, with his own hand; and the statement of such determination, and the certificate thereto, so made and subscribed, shall be annexed to the statement which shall have been made, certified, and subscribed, as hereinbefore directed, and shall be delivered therewith to the clerk of the county, and shall by him be filed in his office as an official paper.

Form of
statement
of deter-
mination.

67. *And be it enacted*, That the statement of the determination of such board, in case of a stated election for a member of the senate, members of the general assembly, a sheriff and coroners, shall be in the following, or like form:

"A statement of the determination of the board of county canvassers relative to an election held in the county of _____ on the _____ day of November, in the year of our Lord one thousand eight hundred and _____ for the election of a member of the senate, members of the general assembly of this state, and a sheriff and coroners for said county, for the ensuing year:

The said board do determine that, at the said election, _____ was duly elected a member of the senate of this state; _____ were duly elected members of the general as-

sembly ; was duly elected sheriff, and were duly elected coroners for said county.

I do certify that the foregoing is a true, full, and correct statement of the determination of the board of canvassers therein mentioned.

In witness whereof, I have hereunto set my hand this
day of November, in the year of our Lord one thousand eight hundred and

Chairman of the board of canvassers.

Attest.

Clerk."

And in case of a special election to fill a vacancy or vacancies in the senate or general assembly, or in the office of sheriff, the statement of the determination of such board, and the certificate thereof shall be in a form similar to that above given, as far as the nature of the case will admit.

68. *And be it enacted*, That the board of county canvassers, in the case of an election for a member of the senate, members of the general assembly, a sheriff and coroners, or other county officers, or any of them, for any county, shall make the statement of the result thereof, and their determination as to the person or persons who shall be elected therein ; and in all other cases shall make the statement of the result of the election in such county upon, and only upon the statements which shall be produced and laid before the board, as directed in this act, by the members thereof, respectively, to whom such statements shall have been delivered, and the statements and copies of statements which shall be produced and laid before them by the clerk of such county, as is hereinbefore directed. Grounds on which statements are to be founded.

69. *And be it enacted*, That the clerk of such county shall make as many copies of the statement of the determination of such board, and the certificate appended thereto, in the case of an election for a member of the senate, members of the general assembly, a sheriff and coroners, or any of them, as there shall be persons declared to be elected, and shall certify such copies to be true, full, and correct, by a certificate appended to each of them, and shall sign his name thereto with his own hand, and affix thereto the seal of the county, and shall without delay deliver one of the same to each person who shall be so elected. Certified copies to be delivered to persons elected.

70. *And be it enacted*, That the clerk of such county shall make out a copy of such statement of the determination of Copies to be sent to secretary of State.

such board, and the certificate appended thereto, and certify the same in the manner directed in the preceding section of this act, enclose and seal up the same, and transmit the same, so enclosed and sealed up, to the secretary of this state, at Trenton, within five days next after the meeting of such board; and the said secretary shall file the same in his office as an official paper.

Certificate
of election
of sheriff.

Proviso.

71. *And be it enacted*, That when any person who shall at any such election have been elected to the office of sheriff or coroner, shall produce before the governor such a certified copy as is above mentioned, the governor shall forthwith commission such person as such sheriff or coroner; *provided always*, that nothing in this section contained shall be construed to render unnecessary the certificate of the judges of the court of common pleas, required by "An act concerning sheriffs."

6. DUTIES OF SECRETARY OF STATE.

Duty of the
Secretary
of State in
certain con-
tingencies.

72. *And be it enacted*, That in case of any election for one or more members of the house of representatives, or for members of the house of representatives and electors of president and vice president, or governor, if it shall so happen that the secretary of state shall not, on or before the seventh day after the time appointed for the meeting of the board of canvassers in the several counties, have received the statements of the result of such election in every county, which are hereinbefore directed to be delivered or transmitted to him by the chairman of such board, such secretary shall forthwith, by a special messenger or otherwise, obtain such statement or statements as are deficient, and for this purpose the original statement directed to be filed by the clerk of the county in which such statement shall have been made, shall be sufficient; and whenever and so soon as such secretary shall receive or obtain any statement of the result of such election in any county, in the manner hereinbefore provided for, he shall ascertain whether or not such statement includes the statement of the result of such election in every township, ward and district of such county; and if it shall appear to him that the statement of the result of such election in any such township, ward or district is not exhibited by or included in the statement of the result of such election in such county, he shall forthwith ascertain whether or not a copy of the statement of the re-

sult of such election in such township, ward or district has been received in his office, as provided for by this act; and if it shall appear to him that such copy has not been so received, he shall forthwith, by a special messenger or otherwise, obtain such copy, and for this purpose the original statement directed to be filed by the clerk of such county, or the copy thereof, directed to be filed by the clerk of such township, ward or district, shall be sufficient; and such secretary shall, on the twenty-first day next after the day of such election, produce and lay before the board of state canvassers all such statements and copies as shall relate to such election, which shall have been received or obtained by him as hereinbefore provided for.

7. BOARD OF STATE CANVASSERS.

73. *And be it enacted*, That it shall be the duty of the governor to attend at Trenton on the twenty-first day next after the day of such election, and to summon to attend him, on that day, four or more of the members of the senate, *provided*, said members of the senate shall represent each political party, for the purpose of canvassing and estimating the votes given for each person for whom any vote or votes shall have been given for any office or offices to be filled at such election, and of determining and declaring the person or persons who shall, by the greatest number of votes, have been duly elected to such office or offices; and it shall be the duty of such members of the senate as shall be summoned, to attend at Trenton on that day for that purpose.

Board of
State can-
vassers how
summoned.

74. *And be it enacted*, That for the purpose of canvassing and estimating the votes as above mentioned, and of determining and declaring the person or persons who shall have been elected at such election, the governor and the members of the senate, who shall have been summoned as aforesaid, shall meet in the chamber of the senate, or some other convenient place at Trenton, at the hour of two o'clock in the afternoon of the day appointed for that purpose, and shall constitute a board of state canvassers; and the governor shall be the chairman thereof, and the secretary of the state shall be the clerk thereof.

Time and
place of
meeting.

75. *And be it enacted*, That the chairman of such board, as soon as the same shall have met, shall administer to each

Oath of
State Can-
vassers.

member thereof, and each member thereof shall take an oath or affirmation in the following form :

"You do swear, (or affirm, as the case may be) that you will faithfully and impartially execute the duties of a member of this board according to law ;" and thereupon one of the members of such board, to be appointed by such board for that purpose, shall administer to the chairman thereof, an oath or affirmation in the same form as that which shall have been taken by the other members of such board.

Clerk to be appointed if the secretary of State shall be absent.

76. *And be it enacted*, That if the secretary of state shall be absent at such meeting at the time appointed therefor, such board shall forthwith, after the oaths or affirmations shall have been administered and taken, as directed in the preceding section of this act, proceed to appoint a fit person to be the clerk of such board ; and before proceeding to canvass and estimate the votes, the chairman of such board shall administer to the clerk thereof, and such clerk shall take an oath or affirmation in the following form :

"You do swear, (or affirm, as the case may be) that you will faithfully execute the duties of clerk of this board."

Vacancies how supplied.

77. *And be it enacted*, That such board shall consist of at least five persons, including the chairman thereof ; and if a number of the members of the senate who shall have been summoned as members of such board, sufficient to constitute such board, shall not attend the meeting thereof, it shall be the duty of the governor to summon as members of such board, as many fit persons, who shall possess the qualifications required for members of the senate, as shall be necessary to complete the number required to constitute such board.

Statement of result to be made.

78. *And be it enacted*, That as soon as such board shall have been organized, and the members and clerk thereof sworn or affirmed, the secretary of state shall produce and lay before such board all such statements and copies as relate to such election which he shall have received or obtained ; and such board shall then forthwith proceed to make a statement of the result of such election in the state, which statement shall contain the whole number of the names of the voters in all the poll-books in the state, the names of all the persons for whom any vote or votes shall have been given for any office or offices to be filled at such election, and the whole number of the votes which shall have been given to each person for any such office or offices, mention-

ing the office or offices for which each person shall have been designated, and shall contain the name of each county, the number of names in the poll-books in the counties respectively, the number of votes given for each person in each county for any such office or offices; and in such statement the name of each person for whom any vote or votes shall have been given, the whole number of votes given for each person, and the name of each county, shall be in words written at full length; and the whole number of the names of the voters in all the poll-books in the state, the number of the names in the poll-books in the counties respectively, and the number of votes given for each person in each county, may be in figures, and such statement shall be certified to be true and correct, by a certificate which shall be appended to the same; and the chairman of such board shall sign his name thereto with his own hand, in the presence of the clerk of the board, and such clerk shall attest the signing of the same by such chairman, by signing his name thereto with his own hand; and the statement, and certificate appended thereto, which shall be made as above directed, shall be made in a form similar to that given in the sixty-fifth section of this act, as far as the nature of such election will admit; and when the statement and certificate above mentioned shall have been made and subscribed, such board shall proceed to determine the person or persons who shall, by the greatest number of votes, have been duly elected to the office or offices for which he or they shall have been designated, and thereupon such board shall make a statement of their determination, and such statement shall be certified to be true and correct by a certificate, which shall be appended to the same; and the chairman of such board shall sign his name thereto with his own hand, in the presence of the clerk thereof, and such clerk shall attest the signing of the same by such chairman, by signing his name thereto with his own hand; and the statement of such determination, and the certificate appended thereto, so made and subscribed, shall be made in a form similar to that given in the sixty-seventh section of this act, as far as the nature of such election will admit, and shall be annexed to the statement of the result of such election, and the certificate appended thereto, so made and subscribed as above mentioned; and both of such statements and certificates shall forthwith, after the completion of the same, be delivered to the secretary of

state, who shall, as soon as the same shall be delivered to him, file the same in his office as official papers.

Secretary
of State
may be
summoned
to appear
and pro-
duce papers
withheld.

79. *And be it enacted*, That if the secretary of state shall neglect to produce and lay before such board all such statements and copies as shall have been received or obtained by him, or shall withhold any such statement or copy, the chairman of such board shall forthwith summon such secretary to appear before such board, to produce and lay before the board such statement or copy as he shall have neglected to produce and lay before such board, or shall have withheld, and thereupon such secretary shall forthwith produce and lay the same before such board.

Grounds
upon which
statements
are to be
made.

80. *And be it enacted*, That such board shall make the statement of the result of such election in the state, and their determination as to the person or persons who shall have been elected therein, upon, and only upon, the statements of the result of such election, or the copies of such statements which shall have been made by the board of county canvassers in the several counties, and produced and laid before such board; *provided*, that if it shall appear, by any such statement from any county, that the statement of the result of such election in any township of such county is not exhibited by or included in such statement, such board shall give full force and effect to the statement of the result of such election in such township, or the copy of such statement, which shall be produced and laid before such board by the secretary of state, as is hereinbefore directed.

Proviso.

Proceed-
ings to be
public.

81. *And be it enacted*, That the proceedings of such board shall be open and public, and the decision of a majority of the members thereof shall be deemed and taken to be the decision thereof; and if any member of such board shall dissent from such decision, and shall desire to protect himself against any consequences which may result from such decision, he shall state his dissent in writing, and deliver the same to the secretary of state, who shall file the same in his office.

Statements
&c., to be
filed.

82. *And be it enacted*, That all the statements and copies of statements which shall have been produced and laid before such board, shall be delivered to the secretary of state, and be by him filed in his office as official papers.

Copies of
statements,
&c., to be
given to
persons
elected.

83. *And be it enacted*, That the secretary of state shall make as many copies of the statement of the determination of such board, and the certificate thereto, as there shall be

persons thereby declared to be elected, and shall certify such copies to be true, full, and correct, by a certificate appended to each of them, and shall sign his name thereto with his own hand, and affix thereto the seal of the state, and shall, without delay, deliver one of the same to each of the persons who shall be so elected.

84. *And be it enacted*, That the governor and four or more members of the senate to be summoned by him, shall constitute a board of state canvassers, for the purpose of estimating the votes given for governor; and the provisions of the seventy-second, seventy-third, seventy-fourth, seventy-fifth, seventy-sixth, seventy-seventh, seventy-eighth, seventy-ninth, eightieth, eighty-first, and eighty-second sections of this act shall extend to the canvass of the votes for the office of governor; and the secretary of state shall make out a copy of the statement of the determination of the board, and certify the same, agreeably to the provisions of the eighty-third section of this act, and shall without delay deliver the same to the person thereby declared to be elected.

Board of
State Can-
vassers
how consti-
tuted.

85. *And be it enacted*, That the senate and general assembly shall convene and hold their sessions in the state-house at Trenton; and in the organization of each house, the certified copies of the statements of determination made under the direction of the sixty-ninth section of this act, shall be deemed and taken to be prima facie evidence of the right of the persons therein mentioned to seats in the houses, respectively, to which they shall have been so determined to be elected.

What to be
evidence of
right to
seats in
senate and
assembly.

86. *And be it enacted*, That the clerk or member of the board of election of any township, ward or district, the clerk or the chairman of the board of canvassers of any county, or any other person who shall be in possession of any statement, or copy of any statement, which shall have been made and subscribed under the provisions of this act, shall forthwith, on application by any messenger who shall have been dispatched for the same by the secretary of state, deliver to such messenger such statement or copy; and the clerk or member of the board of election of any township, ward or district, or any other person who shall be in possession of any statement, or copy of any statement, which shall have been made and subscribed under the provisions of this act, shall forthwith, on application by any messenger who shall have been despatched for the same by the clerk

Statements
sent for by
the secre-
of State to
be deliver-
ed to mes-
senger.

of such county, deliver to such messenger such statement or copy; and such messenger, in either case, shall be commissioned as such in writing, under the hand and official seal of the officers by whom he shall have been despatched, and shall exhibit his commission to the person to whom he shall apply for such statement or copy; and when he shall have obtained such statement or copy, shall forthwith deliver the same to the officer who shall have despatched him.

Boards of election and State and county canvassers may commit disorderly persons.

87. *And be it enacted*, That the board of election in each township, ward or district, the board of county canvassers in each county, and the board of state canvassers, shall respectively possess full power and authority to maintain regularity and order, and to enforce obedience to their lawful commands during their sessions, respectively; and if any person shall refuse to obey the lawful command of any such board, or, by disorderly conduct in their hearing or presence, shall interrupt or disturb their proceedings, they may, by an order, in writing, signed by the chairman, and attested by the clerk of such board, commit the person so offending to the common jail of the county in which they shall have met, for a period not exceeding thirty days; and such order shall be executed by any sheriff or constable to whom the same shall be delivered, or, if a sheriff or constable shall not be present, or refuse to act, by any other person who shall be deputed by such board in writing; and the keeper of such jail shall receive the person so committed, and safely keep him for such time as shall be mentioned in the commitment.

8. CONTESTED ELECTIONS FOR GOVERNOR..

Person intending to contest election of governor shall give notice of such intention to opposite party.

88. *And be it enacted*, That any person intending to contest the election of governor, shall, within thirty days next after such election, give notice in writing to the person whose election he intends to contest, stating such intention, and setting forth the facts, charges and specifications, upon which he means to rely; which notice shall be delivered to such person, or be left open at his usual place of residence, with a member of the family over the age of fourteen years.

Contestant to send petition to president of the Senate for a joint committee.

89. *And be it enacted*, That the said contestant shall address and cause to be delivered to the president of the senate, as soon as that body shall be organized by the election of a president, a petition in writing, setting forth that the said petitioner intends to contest the said election of gover-

nor, and the facts, charges and specifications upon which he means to rely, and praying that a joint committee of the two houses of the legislature may be appointed to try the same; which petition shall be accompanied by the affidavit of the petitioner, that the facts, matters and things in said petition contained are true, as he verily believes; and shall be also accompanied by due proof that the notice mentioned in the preceding section has been given as is therein directed.

90. *And be it enacted*, That upon the receipt of such petition, verification and proof, the said president shall immediately give information thereof to both houses of the legislature, who shall, on a day and hour to be agreed upon between them, not exceeding ten days from the delivery of such petition, convene in the senate chamber, and proceed to appoint such committee.

Committee
how ap-
pointed.

91. *And be it enacted*, That the president of the senate shall preside at such meeting; the names of the members of each house shall be called over, and thereupon the names of the members of the senate present shall be written on distinct pieces of paper, as nearly similar as may be, and each rolled up and put into a box by the clerk of the assembly, and after being shaken and intermixed, shall be placed on the president's table, and the secretary of the senate shall then draw from the said box the papers so rolled up, and deliver them singly to the speaker of the house of assembly, who shall open and read them aloud as he receives them, and deliver them singly to the president of the senate, who shall place them open on the table; and the clerk of the house shall take down the names as they are so called, in writing, until the number of ten names be drawn, when the drawing shall cease; the names of all the members of the house of assembly who are present, shall then in like manner be written on similar distinct pieces of paper, and each rolled up and put into a box by the secretary of the senate, and after being shaken and intermixed, shall be placed on the president's table; and the clerk of the house shall then draw from the said box the papers so rolled up, and deliver them singly to the president of the senate, who shall open and read them aloud as he receives them, and deliver them singly to the speaker of the house, who shall place them open on the table, and the secretary of the senate shall take down the names as they are so called, in writing, until the

Proceed-
ings for ap-
pointment
of commit-
tee.

number of twenty-nine names shall be drawn, when the drawing shall cease.

Committee
how con-
stituted.

92. *And be it enacted*, That when the names of ten members of the senate and twenty-nine members of the house of assembly shall have been so drawn, a list of the members so selected shall be given to each of the parties, or their counsel, who shall immediately withdraw to some adjoining room, with a clerk or member appointed by the joint vote of the members present, where they shall proceed alternately to strike off the names upon the said list, the contestant striking first, until the number shall be reduced to four members of the senate and nine members of the house of assembly; and within one hour from the time of so withdrawing, shall deliver to the president of the senate, the names of the said thirteen members remaining on the list, who shall constitute a committee to try the matter in controversy, and shall respectively take an oath or affirmation, to be administered by the president of the senate, to try the matter of the petition, and to give true judgment thereon, according to evidence; and the time and place for the meeting of the select committee so appointed, shall then be directed by the joint vote of the members of both houses, which shall be within twenty-four hours of the appointment.

Proceed-
ings in case
of a mis-
take, &c.,
in the lists.

93. *And be it enacted*, That as soon as the lists shall have been delivered to the parties aforesaid, the clerk of the house of assembly shall proceed to draw out, one by one, the names of the remaining members of the senate and deliver them singly to the speaker of the house, who shall unfold and read them aloud; and then the secretary of the senate shall in like manner draw out the names of the remaining members of the house of assembly, and deliver them singly to the president of the senate, who shall unfold and read them aloud; and if any unfairness or mistake shall be discovered therein, then the whole proceeding shall be set aside, and the business be renewed in manner and form as is hereinbefore directed.

Organiza-
tion of the
committee
and mode
of filling
vacancy.

94. *And be it enacted*, That the committee so chosen, shall, on their first meeting, elect a chairman from among themselves, and some competent person as clerk, and in case of the sickness, death, resignation, or inability to act of either, may choose another in his place; and in case of the refusal or inability of any member of the committee so chosen to

act, the committee shall by a majority of votes, fill such vacancy by choosing a member to supply his place, if he be a senator, from the senate, if a member of the assembly, from the house of assembly; *provided*, that no member who was stricken from the list of names drawn shall be eligible to be chosen; *and provided*, that such vacancy shall be filled before the committee shall have entered upon the hearing of the case. Proviso.

95. *And be it enacted*, That the said committee shall sit from day to day, Sundays excepted, and attend exclusively to the business before them until they shall have finally decided the case. Committee to sit from day to day.

96. *And be it enacted*, That the said committee shall have power to send for persons, papers, and records, to examine all witnesses who may come before them, upon oath or affirmation, to be administered by the chairman; and any person guilty of taking a false oath or affirmation before them, or of procuring another to do so, shall, upon conviction, be liable to the same punishment as persons convicted of perjury are liable to by law. May send for persons and papers.

97. *And be it enacted*, That all determinations of the said committee shall be by a majority of votes; as soon as the said committee shall have determined whether the election or return referred to them is legal and valid, or the contrary, and who, if any one, is duly elected to the said office of governor, the chairman shall make two reports thereof in writing, one of which he shall deliver to the president of the senate, and the other to the speaker of the house of assembly; which reports shall be entered on the journals of the respective houses, and shall be final and conclusive, and the person adjudged to be elected shall be entitled to the office; and if no one shall be adjudged to be elected, then the office shall be declared vacant. Determinations of the Committee shall be by a majority of votes.

98. *And be it enacted*, That the proceedings of the committee shall be conducted publicly; the parties shall be at liberty to appear before them in person, or by their counsel, and examine and cross-examine the witnesses produced, and be heard upon the questions that arise in the case. Proceedings to be public.

99. *And be it enacted*, That witnesses attending by order of the committee, shall have the same fees as are allowed at law; the clerk of the committee shall be allowed compensation at the rate of ten dollars per diem, but no fees; and Compensation to witnesses and clerks.

all expenses incurred shall be taxed by the committee and paid by the treasurer on the certificate of the chairman.

9. CONTESTED ELECTIONS OF COUNTY AND TOWNSHIP OFFICERS.

Circuit courts to hear and determine contested election cases of county, township, or city officers.

Elections may be contested for: Mal-conduct, &c.

When not eligible.

When convicted of crime.

For offering bribe or reward.

Receiving illegal or rejecting legal votes. For error of board of canvassers.

In case another was the person legally elected.

Meaning of term "incumbent."

Election when to be set aside.

Contestant to file petition, &c.

100. *And be it enacted*, That the several circuit courts of the state shall have jurisdiction to hear and determine all cases in which the election of any county, township or city officer, by the inhabitants in the respective counties may be contested, and for that purpose the said courts shall always be open.

101. *And be it enacted*, That the election of any person to a county, township or city office may be contested, for:

I. Mal-conduct, fraud or corruption on the part of the members of any board of election in any township, ward or district, or of any member of the board of county canvassers sufficient to change the result;

II. When the incumbent was not eligible to the office at the time of the election;

III. When the incumbent has been duly convicted before such election of any crime which would render him incompetent to exercise the right of suffrage, and the incumbent has not been pardoned at the time of the election;

IV. When the incumbent has given or offered to any elector or any member of a board of election, clerk or canvasser, any bribe or reward, in money, property or thing of value, for the purpose of procuring his election;

V. When illegal votes have been received, or legal votes rejected at the polls sufficient to change the results;

VI. For any error in any board of canvassers, in counting the votes, or declaring the result of the election, if such error would change the result;

VII. For any other cause which shows that another was the person legally elected.

102. *And be it enacted*, That the term "incumbent," means the person whom the canvassers declare elected.

103. *And be it enacted*, That when the misconduct complained of is on the part of the members of the board of election in any township, ward or district, it shall not be held sufficient to set aside the election, unless the rejection of the vote of such township, ward or district, would change the result as to that office.

104. *And be it enacted*, That the contestant shall file a petition in writing endorsed by at least fifteen qualified elec-

tors of the proper county or township as the case may be, setting forth one or more of the causes specified in section one hundred and one, and the particular circumstances of the case duly verified by the oaths or affirmations of at least two of said petitioners, which shall be filed with the clerk of said court, upon the contestants filing with the county clerk a bond to the incumbent with two or more sureties, to be approved by the justice holding such circuit or the county clerk, in the penal sum of five hundred dollars, conditioned to pay all costs in case the election be confirmed, or the petition be dismissed, or the prosecution fail.

105. *And be it enacted*, That when the reception of illegal, or the rejection of legal votes is alleged as a cause of contest, the names of the persons who so voted, or whose votes were rejected, with the township, ward or district where they voted or offered to vote, shall be set forth in the petition if known; the court shall appoint a suitable time for hearing such complaint, not more than thirty nor less than twenty days thereafter, and the contestant shall cause a notice of such trial, with a copy of the contestant's petition, to be served on the incumbent at least ten days before the day set for trial.

Court shall appoint time for hearing complaint.

106. *And be it enacted*, That the trial shall proceed at the time appointed unless postponed for good cause shown by either party by affidavit, the terms of which postponement shall be in the discretion of the court; *provided*, the court may for its own necessity or convenience adjourn to such time not more than thirty days thereafter, as they may see fit, of which adjournment the parties interested shall take notice.

Postponement to be in the discretion of the court. Proviso.

107. *And be it enacted*, That the proceedings shall be similar to those in an action at law so far as practicable, but shall be under the control and direction of the court, which shall have all the powers necessary to the right hearing and determination of the matter, with power to order any amendments in the petition or proceedings as to form, and to allow adjournments to any time not more than thirty days thereafter for the benefit of either the contestant or incumbent, the grounds for such adjournment being shown by affidavit, on such terms as shall seem reasonable to the court.

Proceedings to be similar to those in an action at law.

108. *And be it enacted*, That the said court shall have authority and power to compel the attendance of any officer

Attendance of any officer of

such election may be compelled.

of such election, and of any other person capable of testifying concerning the same, and also to compel the production of all books, papers, tally lists, ballots and other documents which may be required at such hearing, and the style, form and manner of service of process and papers, and the fees of officers and witnesses, shall be the same as in the circuit court in other cases, as far as the nature of the case admits.

When witness who voted was not a qualified voter, court may compel answer for whom he voted.

109. *And be it enacted*, That the court may require any person called as a witness who voted at such election, to answer touching his qualification as a voter, and if the court, from his examination or otherwise, is satisfied that he was not a qualified voter in the county when he voted, then the court can compel him to answer for whom he voted; and if the witness answer such questions no part of his testimony on that trial shall be used against him in any criminal proceeding.

Who liable for costs of officers and witnesses.

110. *And be it enacted*, That the contestant and incumbent shall be liable to the officers and witnesses for the costs made by them respectively; but if the election be confirmed, or the petition dismissed, or the prosecution fail, judgment shall be rendered against the contestant and petitioner for costs; and if the judgment be against the incumbent, or the election be set aside, then he shall pay the costs at the discretion of the court, and after recording the judgment of the court the costs may be collected by attachment or otherwise.

Person declared elected entitled to certificate on qualification.

111. *And be it enacted*, That the court shall pronounce judgment, whether the incumbent or any contestant was duly elected, and the person so declared elected will be entitled to his certificate on qualification; if the judgment be against the incumbent, and he has already received the certificate of election, the judgment shall annul it; if the court find that no person was duly elected, the judgment shall be that the election be set aside.

When contestant or incumbent is in possession of the office.

112. *And be it enacted*, That when either the contestant or incumbent shall be in possession of the office, by holding over or otherwise, the justice who presides at such trial shall, if the judgment be against the party so in possession of the office, and in favor of his antagonist, issue an order to carry into effect the judgment of the court, which order shall be under the seal of the court, and shall command the sheriff of the county to put the successful party into possession of

the office without delay, and to deliver to him all books, papers and effects belonging to the same.

113. *And be it enacted*, That the party against whom judgment is rendered may appeal for error of law only, within twenty days, to the supreme court, but such appeal shall not supercede the execution of the judgment of the court, unless the party so appealing shall become bound to the other party by recognizance, as provided in the thirteenth section of the act entitled "An act respecting writs of error," approved March twenty-seventh, eighteen hundred and seventy-four; *provided*, the amount of such recognizance shall be fixed by the justice who presided at the trial, and shall be at least double the probable compensation of such officer for six months.

114. *And be it enacted*, That such appeal shall take precedence over all other causes upon the lists of arguments, and shall be set down for hearing, and determined upon the first day of the term, unless otherwise ordered by the court for its convenience; *provided, also*, that the appellant shall give twenty days' notice of argument, unless the judgment of the circuit court shall not have been given in time to notice such appeal for trial on the first day of the term, in which case the same may be noticed for any other day in the term, and shall have the same precedence on such other day.

115. *And be it enacted*, That if, upon appeal, the judgment be affirmed, the justice who presided at the trial, or in his absence or inability to act, any other justice of the supreme court shall order the judgment of said circuit court to be enforced, as provided in section one hundred and twelve, if the party against whom judgment is rendered is in possession of the office, and the proceedings on the recognizance shall be as provided for in other cases in said supreme court.

10. CONTESTED ELECTIONS FOR MEMBERS OF THE LEGISLATURE AND CONGRESS,

116. *And be it enacted*, That if any person shall intend to contest the right of any person who shall have been declared, at any such election, to be duly elected a member of the senate, a member of the general assembly, or a member of the house of representatives of the United States, to a seat in the house of which he shall have been declared to be elected a member, the person so intending shall, within

thirty days next after the day of such election, give notice in writing of such intention to the person whose seat he shall intend to contest; which notice shall be delivered to such person, or shall be left open at his usual place of residence, with one of the family above the age of fourteen years; and such notice shall particularly set forth the ground or grounds on which such seat will be contested.

Subpoenas
in case of
contested
elections,
by whom
issued.

117. *And be it enacted*, That the judges of the court of common pleas, the commissioners to take bail and affidavits in the supreme court, and the masters in chancery, respectively, shall have power, and are hereby required, at any time, on application to them by any person who shall intend to contest the right of any person to a seat as above mentioned, or whose right to a seat shall be contested, to issue a subpoena or subpoenas to any person or persons whose testimony the person so applying shall be desirous to take, and to appoint some time, not less than ten nor more than twenty days after such application shall be made to him, and some place for the examination of such person or persons; *provided*, that no officer shall issue any such subpoena or appoint such time, unless he shall be satisfied that such notice has been given as is directed in the preceding section of this act.

Proviso.

Notice to
be given
of
time and
place of
taking de-
positions.

118. *And be it enacted*, That when such time and place shall have been appointed, the person who shall have made such application shall forthwith give at least eight days' notice of such time and place, and of the name of the officer who is to take the testimony, to the opposite party; which notice shall be in writing, and shall contain the name or names of the witness or witnesses intended to be examined, and shall be given in the same manner as the notice mentioned in the one-hundredth section of this act is directed to be given.

Manner of
taking de-
positions.

119. *And be it enacted*, That, at the time and place which shall have been so appointed, the officer appointing them shall attend and take the deposition or depositions of such person or persons as shall appear before him; which deposition or depositions shall be taken in writing, and shall be in the handwriting of such officer, or of the person or persons, respectively, who shall be examined, and shall be signed by the person or persons, respectively, who shall be examined; *provided*, that such officer shall not proceed to take the testimony of any person, unless he shall be satis-

Proviso.

fied that such notice has been given as is herein before directed, and that he shall take the testimony of no other person than such as shall be mentioned in such notice ; and that no testimony shall be taken which shall not relate to some ground of contest specified in the notice which shall have been given, as is hereinbefore directed.

120. *And be it enacted*, That the officer who shall take any such deposition or depositions, shall certify the same under his hand, and shall enclose, seal up, and transmit or deliver the same, in case the intended contest shall relate to a seat in the senate, to the president of that body ; in case it shall relate to a seat in the general assembly, then to the speaker of that body ; and in case it shall relate to a seat in the house of representatives of the United States, then to the speaker of that body.

To whom
and by
whom de-
positions
are to be
transmit-
ted.

121. *And be it enacted*, That it shall be the duty of every person upon whom a subpoena, issued under and by virtue of this act, shall have been served, and to whom the lawful fees shall have been paid or tendered, to obey the command of such subpoena, under the penalty of fifty dollars, to be sued for and recovered, with costs, in an action of debt, before any court of competent jurisdiction, by the person on whose application such subpoena shall have been issued ; *provided always*, that no person shall, in any case, be required to attend any such examination as a witness out of the county in which he resides ; and if any person duly subpoenaed as aforesaid shall neglect or refuse to obey the command of such subpoena, it shall be lawful for any justice of the supreme court of this state, on due proof by affidavit of the service of a subpoena on such witness, and of the payment of his legal fees and of his refusal or neglect to obey the command of said subpoena as aforesaid, to issue an attachment against such person to bring him before said justice or before the bar of the supreme court as said justice may direct ; and the said justice or court shall have power to proceed against said witness as for a contempt of said court.

Penalty for
non-attend-
ance of
witnesses.

Proviso.

11. FEES.

122. *And be it enacted*, That the officers named in this section shall be entitled to demand and receive, for the services herein mentioned, the fees thereto respectively annexed,

Compensa-
tion to of-
ficers.

and no more, to be paid by the collectors of the counties, respectively, in which such services shall be performed :

The clerk of each township, for advertising each election, one dollar and fifty cents ;

The clerk of election, for each day's service, three dollars ;

Each member of the boards of election, for each day's service, three dollars ;

Each member of any board of county canvassers, for each day's service, three dollars ;

For mileage, in attending any such board, five cents for every mile, out and in, to be computed from the court-house to his residence ;

The clerk of each county, for advertising any special election, two dollars ;

The clerk of any board of county canvassers, for each day's service, one dollar and fifty cents.

Compensation continued.

123. *And be it enacted*, That the officers and persons named in this section shall be entitled to demand and receive, for the services herein mentioned, the fees thereto respectively annexed, and no more, to be paid by the person for whom such services shall be performed :

The judge, commissioner, or master, for issuing each subpoena, twenty cents ;

For administering each oath or affirmation, ten cents ;

For taking depositions, twenty cents for each folio ;

The person who shall serve any subpoena, for each subpoena, twenty-five cents ;

Each witness, for each day's attendance, fifty cents.

Fees to be allowed for notices, &c.

124. *And be it enacted*, That the officers hereinafter named shall, for the services herein mentioned, receive the fees thereto annexed, to wit: the secretary of state, for giving to the clerk of a county such notice of election as is required by the fourth and seventh sections of this act, the sum of fifty cents for each notice, and also all postage incurred by him, if any, in giving such notice, to be paid by the treasurer of the state ; the clerk of a county, for making out and transmitting to the clerk of each township a copy of such notice received from the secretary of state, and also for giving such notice as is required by the fifth section of this act, the sum of fifty cents for each notice or copy of notice, together with all postage, if any, necessarily incurred by him in transmitting the same, to be paid by the collectors of the

counties, respectively, in which such services shall be performed.

12. MISCELLANEOUS PROVISIONS.

125. *And be it enacted*, That no person shall be elected a member of the house of representatives, or an elector of president and vice president, who shall hold any office of trust or profit under the United States; and no person shall be elected to the office of such elector who shall hold the office of senator or member of the house of representatives of the United States. Persons ineligible to office of electors.

126. *And be it enacted*, That no persons shall hold at the same time more than one of the following offices: elector of president and vice president of the United States, member of the house of representatives of the United States, members of the senate or of the general assembly of this state, clerk or surrogate of a county, sheriff, or coroner; and if any person who shall have been elected or appointed to any such office shall, during the term for which he shall have been elected or appointed, be elected or appointed to another of such offices, and shall accept the same, such acceptance shall be deemed to make vacant the office to which he shall have been previously elected or appointed; and if any person shall, at any election, be elected to two or more of such offices, he shall accept but one of the same, and the other or others shall be deemed vacant. Persons incapable of holding more than one of certain offices.

127. *And be it enacted*, That no person shall make, lay or deposit any bet, wager or stake, to be decided by the result of any such election, by the election or defeat of one or more persons at such election, or by any contingency connected with or growing out of any such election; and all contracts for or on account of any money, property or thing in action so bet, wagered or staked, shall be void; and any person who shall pay, deliver or deposit any money, property or thing in action upon the event of any bet, wager or stake prohibited by this section, may sue for and recover the same of the winner or winners, or person or persons, to whom the same, or any part thereof, shall have been paid or delivered, or with whom the same, or any part thereof, shall have been deposited, whether he or they shall have been a stakeholder or stakeholders, or other person or persons, whether or not the same shall have been paid over by such stakeholder, or whether or not such bet, wager or stake shall have been lost. Betting on elections prohibited.

Punish-
ment for
false swear-
ing.

128. *And be it enacted*, That if any person shall be guilty of wilful and corrupt false swearing or affirming, or by any means shall wilfully and corruptly suborn or procure any person to swear or affirm falsely, as aforesaid, in taking any oath, affirmation or deposition prescribed or authorized by this act, he shall be deemed and taken to be guilty of a high misdemeanor, and on conviction thereof, shall be punished by fine or imprisonment at hard labor, or both, at the discretion of the court before which such conviction shall be had, and be deemed and taken to be an incompetent witness thereafter for any purpose within this state, until such time as the judgment of such court, given against him therefor, shall be reversed; *provided*, that in no case shall such fine exceed the sum of eight hundred dollars, or such imprisonment the term of seven years.

Proviso.

Punish-
ment for
robbing
ballot box,
&c.

129. *And be it enacted*, That if any person shall rob or plunder any election box, or unlawfully and by stealth or violence take therefrom any ballot, ticket or other paper, or exchange, alter or destroy any ballot or ticket contained therein, or if any person other than the clerk of any county or the secretary of state, shall wilfully and corruptly suppress, withhold, mutilate, destroy, alter or change any return, statement, or certificate, or any copy thereof, which shall have been made in pursuance of this act, and delivered to him to be filed, or which shall have been intrusted or delivered to him to be delivered or transmitted to any other person or persons in pursuance of this act, every such person, his aiders, procurers and abettors, shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment at hard labor for any term not exceeding two years, or both.

Punish-
ment of
Secretary
of State
and county
clerk for
certain mis-
demeanors
in office.

130. *And be it enacted*, That if the clerk of any county shall wilfully and corruptly suppress, destroy, mutilate, change or alter any statement or certificate of the result of any election, or any copy thereof, made in pursuance of this act, which shall have been delivered to or received by him, or omit or refuse to produce and lay the same before the board of county canvassers, or if the chairman or clerk of any such board shall wilfully and knowingly certify, sign or attest any false or untrue statement of the result of any election, or any false or untrue statement of the determination of any such board, or of the certificate thereto, or shall

wilfully and corruptly refuse or omit to certify sign or attest any such certificate which he is by this act required to certify, sign or attest, or if any secretary of state or clerk of the board of state canvassers shall wilfully and knowingly certify, sign or attest any false or untrue statement of the result of any election, or any false or untrue statement of the determination of any such board or of the certificate thereto, or shall wilfully and corruptly suppress, destroy mutilate, change or alter any statement or certificate of the result of any election, or any copy thereof, made in pursuance of this act, which shall have been delivered to or received by him, or omit or refuse to produce and lay the same before the board of state canvassers, every such person so offending, his aiders, procurers or abettors, shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment at hard labor for any term not exceeding seven years, or both.

131. *And be it enacted*, That, for the purposes of this act, the term "township" shall be construed to include every city, borough, ward, election district, or precinct in which any election held under this act is or shall hereafter be by law directed or authorized to be held. Construction of certain words in this act.

132. *And be it enacted*, That in addition to the penalties provided by the sixty-third section of "An act concerning crimes" for the violation of the provisions of said section, every person so offending, for every offence shall forfeit and pay the sum of one hundred dollars, to be sued for and recovered in an action of debt, in any court having jurisdiction of that amount, by any citizen of this state, resident in the county where such offence shall be committed, one-half of which penalty shall, when collected, be paid to the county collector of said county, where said offence is committed, for the benefit of said county, and the other half to the person who shall prosecute for the same. Additional penalty for violating the provisions of the sixty-third section of "An Act concerning crimes."

133. *And be it enacted*, That it shall be the duty of all sheriffs, under sheriffs, police officers and constables, on any such election day, between sunrise in the morning and sunset in the evening, to arrest without warrant, all persons who shall be found by them in the actual violation of any of the provisions of section sixty-three of "An act concerning crimes," and take such persons when arrested before some justice of the peace of the county in which such ar- Duty of Sheriffs and other officers in regard to arrests.

rest shall be made, to be dealt with by said justice according to law, and it shall be the further duty of such sheriffs, under sheriffs, police officers, and constables, to effectually close up all places where they shall have good reason to believe any spirituous, vinous, malt liquors, ale, beer or cider, are being sold or offered or exposed for sale or given away, and keep the same effectually closed up till after sunset on such election day.

Liquors not to be exposed for sale on election day.

II.—OF PARTICULAR ELECTIONS.

OF PRESIDENTIAL ELECTORS AND MEMBERS OF CONGRESS.

Time of electing electors of president and vice-president.

134. *And be it enacted*, That on the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and seventy-six, and in each fourth year thereafter, an election shall be held in this state, to elect, for this state, such a number of persons to be electors of president and vice president of the United States as this state shall be entitled to elect or appoint, each of whom shall be a male citizen of the United States, of the age of twenty-five years or upwards, and an inhabitant of this state, and have been a citizen of the United States seven years next preceding such election.

Election of members of Congress, &c.

135. *And be it enacted*, That the stated election of members of the house of representatives, and also the election of electors of president and vice president of the United States, in every year in which the same are respectively required to be made, shall be held at the same time with the election of members of the general assembly; and the voters shall put the name of the person voted for as a member of the house of representatives, designating him as such, and also the names of the persons voted for as electors of president and vice president, designating them as such, on the same ticket with the names of the persons voted for as members of the state legislature and county officers.

Secretary of State to prepare a general certificate of election of members of Congress to be signed by the Governor, and sent to clerk of

136. *And be it enacted*, That in case of an election for one or more members of the house of representatives, the secretary of state shall prepare a general certificate of the election of such member or members, and lay the same before the governor, who shall sign his name thereto with his own hand, in the presence of such secretary; and such secretary shall attest the signing of the same by the governor, by signing his name thereto with his own hand, and shall

thereupon affix the seal of the state thereto, and transmit the same forthwith to the clerk of the said house of representatives, if they shall then be in session, and if not in session, then at their first meeting; and in case of an election for electors of president and vice president of the United States, such secretary shall prepare a general certificate of the election of such electors, and lay the same before the governor, who shall sign his name thereto with his own hand, in the presence of such secretary; and such secretary shall attest the signing of the same by the governor, by signing his name thereto with his own hand, and shall thereupon affix the seal of the state thereto, and deliver the same to the president of the college of electors of this state, on the day and at the time and place appointed for the meeting of such college.

House of
Representatives.

137. *And be it enacted*, That the electors of president and vice president shall convene in the state house at Trenton, on the day appointed by congress for that purpose, and constitute an electoral college, at the hour of three o'clock in the afternoon of that day, and, after choosing a president and secretary from their own body, shall proceed to perform the duties required of them by the constitution and laws of the United States.

Place and
time of
meeting of
the electors
of presi-
dent and
vice-presi-
dent.

III.—OF ELECTIONS TO SUPPLY VACANCIES.

138. *And be it enacted*, That whenever any vacancy shall happen in the representation of any county in the senate or general assembly, the house in which such vacancy happens shall direct a writ of election for supplying the same, unless such house shall be of opinion that the services of a person in the office then vacant will not be required during the unexpired period of the legislative year; but if such vacancy happens during the recess of the legislature, or after the annual election, and not less than fifteen days before the commencement of the legislative year, (for a shorter time before such commencement, if the board of chosen freeholders make the requirement hereinafter mentioned,) it shall be the duty of the governor forthwith to issue a writ of election to fill the said vacancy, unless he shall be of opinion that the services of a person in the office then vacant will not be required during the legislative year, or the residue thereof; but the neglect of the governor to is-

Vacancies
in the Sen-
ate or
House of
Assembly,
how sup-
plied.

Proviso. sue a writ for filling such vacancy shall not preclude the house in which such vacancy may have happened from causing the same to be filled, if they judge it advisable; *provided also*, that if the board of chosen freeholders of such county shall signify in writing to the governor, in case such vacancy occurs during the recess of the legislature, or after the annual election, and before the commencement of the legislative year, or to such house, when in session, the desire of such board that the vacancy shall be filled, then such house, or the governor, as the case may be, shall forthwith, after such signification, issue such writ.

Special elections. 139. *And be it enacted*, That every special election shall be held on one day only, which shall be Tuesday.

Seat declared to be vacant in certain cases. 140. *And be it enacted*, That if any person who shall be elected a member of the senate or general assembly of this state shall neglect or refuse, for ten days next after the commencement of the session of such house, to take his seat therein, or to send to such house a satisfactory excuse, or shall, during any session of such house, be absent unremittingly for ten days (unless expressly excused by such house from attendance thereon), or shall remove from and cease to be a resident of this state, or of the county or assembly district for which he may have been elected, his office shall be deemed vacant.

Vacancies in the College of electors how supplied. 141. *And be it enacted*, That when any vacancy shall happen in the college of electors of this state, or when any elector shall fail to attend, by the hour of three o'clock in the afternoon of the day fixed by the congress of the United States for the meeting of the college of electors, at the place of holding such meeting, those of the said electors who shall be assembled at the said hour and place, shall immediately after that hour proceed to fill, by ballot and by a majority of votes, all such vacancies in the electoral college.

Vacancies in representation in Congress how supplied. 142. *And be it enacted*, That whenever any vacancy or vacancies shall happen in the representation of this state in the house of representatives, it shall be the duty of the governor forthwith to issue a writ of election to fill such vacancy or vacancies, unless the term of service for which the person or persons whose office or offices shall have become vacant will expire within two months next after the happening of such vacancy or vacancies.

Vacancies in County offices. 143. *And be it enacted*, That all vacancies happening in the offices of clerks, registers and surrogates of counties shall be

supplied at the general election next succeeding the happening thereof.

144. *And be it enacted*, That every writ of election which shall be issued under the provisions of this act shall be of the nature of a proclamation, and be signed by the governor or by the president of the senate or the speaker of the house of assembly, as the case may be, and shall specify the cause and purpose of such election, the name of the officer in whose office the vacancy has occurred, and the day on which such election shall be held, which shall not be less than fifteen days, nor more than forty days, from the date of such writ.

145. *And be it enacted*, That every such writ shall, by the officer issuing the same, be delivered forthwith after the date thereof to the secretary of state, who shall forthwith, after receiving the same, affix thereto the seal of this state, and file the same in his office, as an official paper; and in case such vacancy or vacancies shall have happened in the representation of any county in the senate or assembly, he shall make or cause to be made, a copy of such writ, certify the same to be true and correct under his hand, and cause such copy thus certified to be delivered to the clerk of such county; and in case such vacancy or vacancies shall have happened in the representation of this state in the house of representatives, he shall cause as many copies of such writ to be made as there shall be counties, certify each of the same to be true and correct under his hand, and cause one of such copies to be delivered to the clerk of each county.

146. *And be it enacted*, That the clerk of each county shall, forthwith after the receipt of any such copy, cause the same to be published, at least once a week, until the time of such election, in each of the newspapers which shall be printed or published in such county, or if no newspaper shall be printed or published in such county, then in at least two newspapers circulating most generally therein, and if such election shall be held to fill a vacancy or vacancies in the representation of such county in the senate or assembly, such publication shall be made at the expense of such county; and if such election shall be held to fill a vacancy or vacancies in the house of representatives, such publication shall be made at the expense of this state.

IV.—OF ELECTIONS BY SOLDIERS AND SAILORS
ABSENT FROM THE STATE IN TIME OF WAR.

Persons in
military
service and
absent from
election
districts in
which they
reside en-
titled to
vote.

147. *And be it enacted*, That whenever in time of war, any of the qualified electors of this state shall be in the actual military service of this state, or of the United States, in the army or navy thereof, by the authority of this state, or under a requisition from the president of the United States and as such shall be absent from the election districts in which they reside, on the days appointed by law for holding any general or special election within this state, or within any congressional district, county, city, borough, town, township or municipality therein, such elector shall be entitled, at such times, to exercise the right of suffrage in their several districts in the manner and form hereinafter prescribed.

Mode of
authorizing
person to
cast for him
his vote or
ballot.

148. *And be it enacted*, That such absent electors shall by an instrument in writing, executed by him not more than sixty days previous to any general or special election to be held in this state, authorize and empower any elector of the election district in which the said absent elector shall reside, on the day of said election, to cast for him his vote or ballot, in the manner prescribed in this act, for all officers for whom he would have a right to vote if he were present at such election; said instrument shall be signed by such absent elector, attested by two subscribing witnesses, and sworn (or affirmed) to before any field officer, captain, adjutant or commander of any regiment company, battalion or detachment or of any vessel or naval station to which the said absent elector may belong or be attached, and such officers are hereby duly authorized to administer oaths and affirmations for the purposes specified in this act, and they shall attach to their signatures their official designations.

Form of af-
fidavit.

149. *And be it enacted*, That the said absent elector shall make and subscribe an affidavit in the form or of the effect following:

"I, A. B., do solemnly swear (or affirm), that I am a citizen of the United States, that I am now of the age of twenty-one years, that I have been (or will have been) a resident of the state of New Jersey for one year, and of the county of for five months, next preceding the election to be held on the day of eighteen hundred and , and that I am now a resident of the ward of the city

(or town) of and that I am (or will be) in all respects qualified to vote in said city (or town) at said election and until said election intend to be a resident thereof; and I do further swear that I am in the actual military service of the state of New Jersey (or of the United States), in the army (or navy) thereof, and that I am a member of company of the regiment, (describing the organization, or vessel, to which he belongs,) now at or near in the state (or territory, or country,) of ; sworn to and subscribed before me this day of anno domini eighteen hundred and .”

150. *And be it enacted*, That the said absent elector in the service as aforesaid, shall prepare and fold the ballot he designs to cast at such election, and enclose the same, together with the instrument described in the one hundred and forty-eighth section of this act, in an envelope, duly sealed, having on the outside thereof, either written or printed, the affidavit prescribed in the last preceding section of this act, sworn to and subscribed as therein required; the said envelope prepared as aforesaid shall be enclosed by him in another envelope, marked “soldier’s (or sailor’s) vote,” sealed and directed to the elector empowered by the instrument described in the one hundred and forty-eighth section of this act to cast the ballot of said absent elector, and the said absent elector may then transmit the same to the person to whom it is directed by mail or otherwise. Ballot how directed and transmitted.

151. *And be it enacted*, That the instrument described in the one hundred and forty-eighth section of this act, shall be in the words or of the effect following, namely: Form of authorization.

“I, A. B., a resident and elector of the (ward of the) city (or township, or as the case may be,) of in the county of in the state of New Jersey, but absent from my election district in the military service of the state of New Jersey, (or of the United States) and now at in the state of in company of the regiment of under the command of , do hereby authorize, empower, and direct C. D. of the election district above mentioned to cast for me the ballot herewith enclosed, at the election to be held in said election district, on the day of anno domini eighteen hundred and , in the manner provided by the laws of the state of New Jersey.

Ballot, how
it shall be
received
and depos-
ited in bal-
lot box.

152. *And be it enacted*, That the elector to whom such letter shall be directed may open the outer envelope thereof, but he shall not open the inner envelope; on the day of such election, and between the opening and the closing of the polls thereof, he shall deliver such inner envelope to the board of election of the proper election district, and at the polls thereof, and if the person whose name shall be signed to the affidavit on the outside of said envelope shall be determined by the said board of election to be a duly qualified voter in such election district, said envelope shall be by the said board publicly opened, and the vote or ballot therein contained shall be duly deposited in the ballot box prepared to receive the ballots of voters, and the name of such absent elector shall be entered upon the poll list, together with the name of the person delivering the ballot at the polls; in any election district where it is required that the names of the persons entitled to vote shall be registered, as hereinafter provided in this act, prior to the day of election, no envelope containing a soldier's or sailor's ballot shall be opened by the board of election unless the name of the person signing the affidavit on the outside of said envelope shall be found upon the registry list of the district where such person claims to reside, or unless an affidavit be made and subscribed by a voter of the district, to the effect that he knows that said person whose vote is so offered is a resident of said district; the ballots contained in any such envelope which shall have been opened or unsealed before the same shall have been delivered to the board of election, shall not be deposited in the ballot box, but shall be rejected.

Affidavits,
&c., to be
kept and
filed.

153. *And be it enacted*, That the affidavits and instruments described in sections one hundred and forty-eight and one hundred and forty-nine of this act and all envelopes marked "soldier's or sailor's" votes, not opened at such elections, shall be kept and filed by the clerk of the election district in the same manner and place as the poll lists of such election are required by law to be filed and kept.

Person re-
ceiving to
receipt
therefor.

154. *And be it enacted*, That any person who shall be entitled to receive any letter or envelope marked as herein provided, before he shall take away the same, shall sign and deliver to the postmaster or his deputy or clerk, a receipt therefor, which receipt shall specify how many such letters or envelopes he has received, and otherwise, as far as may

be, specify the particulars of the description thereof; and any wilful omission to comply with the provisions of this section shall be adjudged a misdemeanor, and any person convicted thereof shall be punished accordingly.

155. *And be it enacted*, That the person to whom any soldier's or sailor's ballot shall be sent as herein provided, shall at the time of delivering the same to the board of election to be deposited in the ballot box, also present his oath or affirmation in writing setting forth that the ballot or ballots therewith presented have been received by him to deliver to said board of election, and that he has not in any manner changed, altered or opened the said ballot or ballots, or the inner envelopes thereof, and that he believes the same have not been changed, altered or opened by any other person.

Oath or affirmation to be presented to election board.

156. *And be it enacted*, That any member of any board of election and any elector to whom said ballot shall be sent, who shall wilfully neglect or refuse to perform any of the duties required of him by this act or in any manner wilfully violate or abuse any trust or duty hereby imposed, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than two hundred and fifty dollars nor more than one thousand dollars, or by imprisonment in the county jail for a period not exceeding six months, or both.

Punishment for neglect or refusal to perform.

157. *And be it enacted*, That every person who shall be guilty of wilful and corrupt false swearing or affirming in taking any oath or affirmation prescribed by this act, shall be deemed guilty of wilful and corrupt perjury, and suffer the penalty prescribed therefor, and every person who shall make or sign a false certificate to any instrument or affidavit authorized by this act, shall be deemed guilty of a misdemeanor.

Punishment for making or signing false certificate.

158. *And be it enacted*, That every person who shall deliver or present to the board of election, under this act, any false, forged, altered or changed ballot, envelope or instrument required or provided for by this act, knowing the same to be so altered, forged or changed, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment at hard labor for any period not exceeding two years, or both.

Punishment for presenting false ballot.

159. *And be it enacted*, That any officer of this state, or of the United States, or any other person, who shall directly

Punishment for attempt to

control any
enlisted
elector by
bribery, &c.

or indirectly control, or attempt to control, any such enlisted elector as aforesaid in the exercise of any of his rights under this act, by menace, bribery, fear of punishment, hope of reward, or any other corrupt or arbitrary measure or resort whatever, or to annoy, injure or otherwise punish any such absent elector for the manner in which he may have exercised any such right, shall be deemed guilty of an offence against the government and dignity of this state, which shall be punished as a misdemeanor, and for which he may be indicted and tried at any future time when he may be found within the limits of this state, and upon conviction he shall be punished by a fine not exceeding one thousand dollars, or by imprisonment at hard labor not exceeding two years, or both, and he shall thenceforth, after conviction thereof, be ineligible to hold any office, or exercise the right of suffrage, in this state.

Secretary
of State to
prepare
necessary
blank
forms and
envelopes.

160. *And be it enacted*, That the secretary of state is hereby authorized and required to prepare and have printed, at the cost of this state, the necessary blank forms and envelopes required to carry out the provisions of this act, and shall cause the affidavits required by the one hundred and forty-ninth section of this act to be printed in blank upon the proper envelopes to contain the instrument required by the one hundred and forty-eighth section of this act, and shall at least two months previous to any general or special election cause such blank forms and envelopes, and copies of those sections of this act relating thereto, to be forwarded to the several regiments from this state, in the service of this state or of the United States, in the field, and to the several hospitals, posts and naval stations, in sufficient quantity to furnish one copy of each blank form, envelope, and of the sections of this act required to be printed as aforesaid, to each person in actual military service of this state, or of the United States, in the army or navy thereof, from this state, and absent therefrom.

V—REGISTRATION OF VOTERS IN CITIES OF OVER TEN THOUSAND INHABITANTS.

Registra-
tion to be
made.

161. *And be it enacted*, That in all incorporated cities containing, according to the census of the year one thousand eight hundred and seventy, or of any subsequent census heretofore taken or hereafter to be taken either by authori-

ty of the laws of the United States or of this state, more than ten thousand inhabitants, there shall be a registration of all persons entitled to the right of suffrage therein, respectively, *provided*, that where any incorporated city containing less than ten thousand inhabitants shall lie adjacent to any other city containing more than ten thousand inhabitants, the provisions of this act in regard to registration shall apply to all elections held in such city containing less than ten thousand inhabitants.

162. *And be it enacted*, That the judge and inspectors of election in the several wards or election districts into which said wards are or may be divided, shall constitute a board of registry, and shall, as members thereof, severally take and subscribe an oath or affirmation before an officer authorized to administer oaths and affirmations, faithfully and impartially to discharge all their duties under this act, according to the best of their ability, which oath or affirmation shall be entered on the register.

163. *And be it enacted*, That at least two weeks before the day fixed in and by this act for the first meeting of the board of registry, the city clerk of every such city as aforesaid, shall cause to be published in each of the daily newspapers of such city, and continued therein for at least three days, or in case there are no daily newspapers published in said city, then in any two weekly newspapers published in the county in which such city is, at least two weeks, a public notice of the time and place of commencing the registration of persons entitled to the right of suffrage in said city, revising the register, and holding the election in the several wards or election districts into which said wards are or may be divided, which place of registration, and of holding the election shall be the same.

164. *And be it enacted*, That the boards of registry shall hold their first meeting for the registration of persons entitled to the right of suffrage, in the several wards, or election districts, at the place designated in such notices, on Tuesday, three weeks next preceding the general state election, at seven o'clock in the morning, and shall remain in session until eight o'clock in the evening, but may take any necessary recess, not exceeding one hour, during that time, and after taking and subscribing upon the register the oath or affirmation aforesaid, shall proceed to register the names and residences of all persons entitled to the right of suffrage at

Proviso. said election, who shall personally appear before them for that purpose, or who shall be shown to have legally voted in the ward or district at the last preceding general election, or shall be shown by the affidavit in writing of some voter in said ward or district to be a legal voter therein; *provided*, that no naturalized citizen shall be registered, if his right be challenged, unless he shall produce a legal certificate of naturalization, under which he claims a right to vote, before the board of registry, either at their first or second meeting, or shall have been duly registered at a previous election, in said ward or district, which certificate shall thereupon be endorsed with the date of exhibition.

Proceed- ings when register is completed. 165. *And be it enacted*, That when the said board of registry shall have completed their register, they shall certify thereon, and announce publicly, the number of names entered thereon; that on the day succeeding such first meeting, a correct list of names of persons entered on said register shall be posted in a hand-bill form in some conspicuous and accessible portion of the premises where the meeting shall have been held, and another correct list of such names shall be filed with the city clerk, and be open for public inspection; both of which lists shall be certified by the board of registry, or a majority thereof, to be correct copies of the original register.

Proceed- ings for re- vising and correcting the origi- nal regis- ter. 166. *And be it enacted*, That the board of registry shall also meet on Thursday next preceding the day of general election, at the same hour and place as of their first meeting, and remain in session until eight o'clock in the evening, for the purpose of revising and correcting the original register, of adding thereto the names of all persons entitled to the right of suffrage in the election district at the next ensuing general election, and who shall appear in person before them, or shall be shown by the affidavit in writing of some voter in said ward or district to be a legal voter therein, and of erasing therefrom the name of any person who, after a fair opportunity to be heard, shall be shown not to be entitled to vote therein by reason of non-residence or otherwise; and upon the final completion of said register, the said board of registry shall publicly announce and certify on the register the number of names entered thereon; and on the next succeeding day shall cause certified copies of the list of names to be posted and filed as required by the one hundred and sixty-fifth section of this act, and if any person

shall wilfully tear down, remove or deface any list of names posted pursuant to this act, he shall be deemed guilty of a misdemeanor, and on conviction be punished by a fine not exceeding five hundred dollars.

167. *And be it enacted*, That the register shall contain a list of the persons entitled to the right of suffrage in the election district, arranged in the alphabetical order of their surnames in such a manner as to show the names at full length, the residence, by the number, (if there be a number), and the name of the street, court or alley, or other location of the dwelling place of each person. List to be arranged in alphabetical order of surnames.

168. *And be it enacted*, That the clerks of election of the various wards, or election districts into which the wards are or may be divided, shall attend at all meetings of the board of registry, and act as clerks of said boards; procure and furnish the register, make the entries therein and prepare the certified lists for posting and filing; *provided*, that in case of the absence of the clerk, from sickness or otherwise, said board may appoint a temporary substitute. Who shall act as clerks of boards of registry. Proviso.

169. *And be it enacted*, That the proceedings of the board of registry shall be open to the public, and all persons entitled to the right of suffrage in the election district shall be entitled to be freely heard in relation to the revision and correction of the registry. Proceedings to be public.

170. *And be it enacted*, That any member of the board of registry, may at any authorized meeting of the board administer the oaths and affirmations required by law for testing and determining the qualifications of electors and their right to be registered; and that whoever shall swear or affirm falsely in relation thereto shall be deemed guilty of perjury, and suffer the punishment prescribed therefor. Oaths may be administered by any member of the board.

171. *And be it enacted*, That any person who shall cause or procure his name to be registered in more than one election district, or shall cause or procure his name or that of any other person to be registered, knowing that he or the person whose name he has proved to be registered is not entitled to vote in the ward or election district wherein said registry is made, at the ensuing election to be held therein, or who shall falsely personate any registered voter, shall be punished for each and every such offence by a fine not exceeding five hundred dollars, or imprisonment for a term not exceeding two years, or both, in the discretion of the court. Punishment for falsely personating registered voter, &c.

Original register after being revised and corrected to be used on day of election.

172. *And be it enacted*, That the original register, after being revised and corrected, shall be carefully and safely preserved by the board of registry, for use by the members thereof as a board of election on the day of election, and no person shall be allowed to vote unless his name shall be found on the register; and if any member of the board of registry, shall refuse to register any person legally entitled to vote, or shall at the first meeting of the board of registry, register the name of any person who shall not have appeared before the board to require the registry of his name, or be shown to have legally voted in the ward or district at the last preceding general election, or to have been registered on affidavit, or shall at the second meeting of said board, register the name of any person who shall not have appeared before them to require it, or be shown by affidavit to be a legal voter therein as provided for in section one hundred and sixty-six, or, if when acting as judge or inspector of election, on the day of election, shall receive the vote of any person whose name shall not appear on the revised and corrected register, he shall be punished, on conviction, for every such offence, by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding two years, or both, in the discretion of the court.

Poll list to be kept by the clerk of election.

173. *And be it enacted*, That on the day of election, the clerk of election shall keep the usual poll list, and one of the board of election shall check on the register the name of the person voting, and that after the canvass of the votes, the poll-list and the register so kept and checked shall be attached together, and shall be filed with the clerk of the county, as herinbefore provided.

How vacancies are to be filled.

174. *And be it enacted*, That whenever there shall occur any vacancy from any cause, in the office of judge or inspector of election in any election district, the common council or board of aldermen of the city shall fill the same; but in all cases they shall provide that no more than two of the members of the board of election shall be chosen from the same political party.

Provisions of act to apply to all elections, &c.

175. *And be it enacted*, That the provisions of this act are hereby made applicable to all annual municipal elections, and to elections to fill vacancies in offices which are filled at general, state and annual municipal elections, in the cities affected by this act, except that the board of registry shall use the revised and corrected register of the gen-

eral election immediately preceding, taking the certified copy thereof filed with the city clerk, which shall be revised and corrected by the board of Registry on Tuesday preceding the charter election or the election to fill a vacancy, as provided in section one hundred and sixty-six of this act.

176. *And be it enacted*, That the expenses of registration incurred under this act, shall be paid by the cities respectively to which it applies; that the clerk of election, and each of the members of the board of registry and of election, shall receive three dollars per day for his services under this act; *provided*, that compensation shall not be paid for more than six days, in respect to the general election, nor more than four days in respect to the municipal election

Expenses
how paid.

Proviso.

177. *And be it enacted*, That eight hours shall constitute a day's labor on any day whereon any general or municipal election shall be held.

Eight hours
to constitute
a day's
labor.

178. *And be it enacted*, That any member of the board of registry may require any oath administered to any person whose right to register shall be challenged to be reduced to writing and subscribed before such member; every oath in writing taken before any board of registry or election, on any day of registry or day of election, shall be preserved and filed with the clerk of the county, as hereinbefore provided in this act, for the poll book and ballots.

May require
oath, in
case of
challenge,
to be reduced
to writing.

179. *And be it enacted*, That for the purposes of this act the term "ward" shall be construed to include every "aldermanic district" and every "election precinct" in any city, the terms "election districts" and "election district" shall be construed to include "election precincts" and "election precinct," in any city, the term "judges" wherever in this act applied to judges of election shall be construed to be the "judge and the inspectors of election," "the term common council" shall be construed to include a council, a board of aldermen and any similar body by whatever name designated.

Construction
of certain
terms.

Approved April 18, 1876.

CHAPTER CXXVI.

An act to define and suppress tramps.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the following described persons are hereby declared to be tramps: All persons who shall come from any place without this state, or from any city, county, township, borough or place in this state, and have no legal settlement in the places in which they may be found, and live idly and without employment, and refuse to work for the usual and common wages given to other persons for like work in the place where they then are, or shall be found going about from door to door, or placing themselves in the streets, highways or roads to beg or gather alms, and can give no reasonable account of themselves or their business in such places.

2. *And be it enacted*, That if any person shall be found offending in any county, city, township, borough or district in this state against this act, it shall and may be lawful for any constable or police officer of such place, and he is hereby enjoined and required, on notice thereof given him by any of the inhabitants thereof, or without such notice, on his own view, to apprehend and convey, or cause to be conveyed, such person to a justice of the peace, or other magistrate, of such place, who shall examine such person, and shall commit him or her, being thereof legally convicted before him on his own view, or by the confession of such offenders, or by the oath or affirmation of one or more credible witnesses, to labor upon any county farm, or upon the streets, roads and highways of any city, township or borough, or in any house of correction, poor house, work house or common jail, for a term not exceeding six months, and shall forthwith commit him or her to the custody of the steward, keeper or superintendent of such county farm, house of correction, poor house, work house or common jail, or to the supervisors or overseers of highways, street commissioners, or any other officer or officers having in charge the repairs of any

street, road or highway, or overseers of the poor of the respective county, city, borough or township wherein such person shall be found, as in their judgment shall be deemed most expedient.

3. *And be it enacted*, That whenever, in the judgment of the custodian or custodians of persons committed under the second section of this act, suitable labor cannot be provided in the place to which such persons are committed, it shall be lawful, upon their written order, briefly expressed, to bind out and keep any such person to labor in the service of any suitable person or persons, or corporation, by them selected, for a term not exceeding his or her original commitment, as a substitute therefor, and may compel the performance of such labor for the term fixed.

When persons committed may be bound out.

4. *And be it enacted*, That if any person not being in the place in which he usually lives, or has his home, shall apply to any director, overseer, guardian or commissioner of the poor of any county, city, borough, township, or district stating that he is desirous to return to his home but is poor and has not the means to do so, the said director, overseer, guardian or commissioner of the poor, may employ or let out such poor person to labor at some suitable place, to be by them selected and at such wages as shall seem to them just; and when in the opinion of said director, overseer, guardian or commissioner of the poor, such poor person shall have earned a sufficient sum, said director, overseer, guardian, or commissioner of the poor shall, with the money so earned, and with such additions thereto from the treasury of the county, city, borough, township or district as they may think reasonable, cause such person to be returned to his home, whether in this state or elsewhere; *provided*, that the expense shall not exceed twenty dollars.

Proceedings in case of application to any director, overseer, guardian or commissioner of the poor.

Proviso.

5. *And be it enacted*, That the custodian or custodians of such persons may at discretion, discharge such persons at any time within the term of commitment upon not less than ten days' good behavior, or upon satisfactory security that they shall not become a charge upon the public within one year from the date of said discharge.

When person may be discharged.

6. *And be it enacted*, That the chosen freeholders of the several counties in this state shall have power, upon the recommendation of the court of common pleas of such several counties, to erect and maintain buildings and enclosures suitable for the detention of persons convicted under this

Buildings for detention may be erected and maintained.

act, and such buildings or enclosures shall be under the charge and superintendence of the sheriff of such county, or of the jail warden in such counties as have such officer.

Fees for arrest or commitment.

7. *And be it enacted*, That for each arrest or commitment made under this act, there shall be paid to the committing magistrate and officer making such arrest or commitment, the same fees as now provided by law, for like services in other cases of arrest and commitment, to be paid out of the county treasury; any willful refusal to make such arrest on the part of any constable or police officer, shall subject him to a penalty of ten dollars, to be collected as penalties are by law collectable, and shall be paid into the poor fund of the district in which the officer resides.

Work-houses.

8. *And be it enacted*, That all poor houses, county farms, houses of correction and other places provided for the keeping of the poor, are hereby declared to be workhouses for the purposes of this act, and it is hereby made the duty of the custodians of such buildings to provide work for such persons and to compel them to work therein when able, not less than six hours per day.

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

Passed April 19, 1876.

CHAPTER CXXVII.

An act in relation to the powers of commissioners appointed to purchase toll-roads in this state.

Preamble.

WHEREAS, in one or more counties of this state commissioners have been heretofore appointed by acts of the legislature to purchase certain turnpike, plank or macadamized roads; *and whereas*, said commissioners allege that they have been seriously embarrassed and delayed by reason of defects in the acts appointing them, in the performance of the duties which they have been sworn to execute, whereby considerable unnecessary expense

has been incurred; *and whereas*, it is desirable that said commissioners should be enabled to discharge their duties with all convenient dispatch; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where commissioners have been heretofore appointed in any county of this state, by acts of the legislature, not heretofore repealed with authority to purchase any turnpike, plank or macadamized road, such commissioners shall constitute a board, and shall have power to fill any vacancy occurring by reason of the death, resignation, disability or refusal to serve of any commissioner. Commissioners to fill any vacancy in the board.

2. *And be it enacted*, That such board of commissioners shall have power, by the votes of a majority of all the commissioners for the time being, to establish rules for its proceedings, to appoint a president from its own members, and to employ and fix the compensation of a secretary, counsel and such other agents as may be necessary to enable it to speedily carry out the purposes for which it was appointed; any notice required to be published or given by such commissioners shall be as valid and effectual in law, when signed by said president and secretary, as if signed by each and all of said commissioners. General powers.

3. *And be it enacted*, That the per diem allowance of said commissioners heretofore fixed by law, and the compensation of their officers and agents, and their other expenses, heretofore or hereafter incurred, shall be paid, from time to time, by the county collector of the county in which such commissioners reside, upon the order of the president and secretary aforesaid. Per diem allowance and expenses how paid.

4. *And be it enacted*, That where said commissioners have been heretofore authorized to buy more than one toll road in the county in which they reside, they shall not be obliged to buy more than one such road; but it shall be lawful for them, by the votes of a majority of all their members, for the time being, to buy any one or more of the toll roads they were authorized to purchase. When lawful to buy one or more toll roads.

5. *And be it enacted*, That in case any toll road or toll roads should be purchased in any county under and by virtue of any acts of the legislature, it shall be lawful for the board of chosen freeholders of such county to pay for the same by a temporary loan, to be paid by direct tax, in the year following such purchase, instead of by the issue of bonds, if such board shall prefer so to do. Purchase to be paid by direct tax.

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

Passed April 19, 1876.

CHAPTER CXXVIII.

An act respecting chosen freeholders.

1. *AND BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That any ruling of the directors at large, of any board of chosen freeholders, may be appealed from at the time of such ruling by any two members of the board over which he is presiding; and upon such appeal being sustained by a two-thirds vote of all the members of said board, the director at large shall be reversed as to such ruling.

2. *And be it enacted*, That in case such director at large shall veto any resolution passed by the board over which he is presiding, or any appointment made by said board, the same may become a law, and valid notwithstanding his veto, by a two-thirds vote of all the members of said board, *provided* action be taken on said veto by said board at the same meeting such veto is received by the board, or at the next regular meeting thereafter.

3. *And be it enacted*, That all 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 19, 1876.

CHAPTER CXXIX.

An act for the relief of school districts having school buildings in course of construction within this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a majority of the board of trustees (one of whom shall be the district clerk) of any school district in this state having in the district a school building in course of erection at the time of the passage of this act, and not having sufficient money to complete the same, shall for that purpose have power and are hereby authorized to issue, in the name of the inhabitants of such district, coupon bonds not exceeding ten thousand dollars in the aggregate, payable at such times as the said trustees may determine, with legal rates of interest, payable semi-annually; *provided*,^{Trustees authorized to issued bonds.} that not more than two thousand dollars of such bonds shall be made payable in any one year, and the final payment of all the bonds shall not exceed twenty years; *provided further*,^{Proviso.} that the said bonds shall not be negotiated, sold or disposed of at less than their par value, and that the said board, or a majority of them, shall give to the inhabitants of said school district a good and sufficient bond for the full and faithful performance of their duty in connection therewith, for twice the amount of said bonds so proposed to be issued, which bond shall be approved by a majority of the town committee of the township in which said school district is situated, or the common council of the city or borough in which said school district is situated, as the case may be, which approval shall be had before said bonds shall be issued.

2. *And be it enacted*, That for the purpose of providing^{Principal and interest of bonds to be raised by tax.} for the payment of the interest and the principal of said bonds as they shall severally become due, the district clerk of any such district shall notify the assessor or assessors having jurisdiction therein, annually before the first day of July in each and every year, of the amount of money that will be required to pay the interest and principal of such

bonds as they shall severally become due, and it shall be the duty of said assessor or assessors to assess the same upon the taxable property in said district in the same manner as all other taxes are assessed, and it shall be the duty of the collector or collectors of such district to collect the said taxes in the same manner as all other taxes are collected, and pay out the same upon the order signed by a majority of the trustees of such district, one of whom shall be the district clerk.

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

Approved April 20, 1876.

CHAPTER CXXX.

A further supplement to the act entitled "An act to regulate fees," approved April fifteenth, eighteen hundred and forty-six.

Fees to be
equally di-
vided
among the
sheriffs in
whose
hands any
execution
in the same
cause may
have been
placed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever more than one execution shall be issued out of the supreme court of this state upon any judgment recovered or docketed therein, each sheriff to whom such execution shall be directed and delivered shall be entitled to collect and receive from the defendant or defendants named in such execution the fees allowed by law for making a levy and return and statement thereon, or for such other services as may be actually performed by him, and the sheriff who shall collect the amount named in said execution or any part thereof, shall be entitled to the legal percentage upon whatever amount may be so collected by him, but in case any such judgment shall be settled between the parties and the amount due thereon shall not be collected by either sheriff, then the percentage on the amount collected which would be due the sheriff thereon in case only one execution had been issued shall be equally di-

vided among the several sheriffs in whose hands any execution in the same cause may have been placed.

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

Approved April 20, 1876.

CHAPTER CXXXI.

A supplement to an act entitled "An act to incorporate benevolent and charitable associations," approved March ninth, one thousand eight hundred and fifty-three.

WHEREAS, In and by an act entitled "An act to incorporate benevolent and charitable associations," approved March ninth, one thousand eight hundred and fifty-three, it was in and by the first section enacted as follows: "1. Every association of persons, not exceeding one thousand in number, associated for benevolent and charitable purposes, be and they are hereby authorized, at any regular meeting of such association, by a majority of votes, to elect by ballot such and so many officers of such association as shall be deemed necessary; which said association and such other persons as may be associated with them, are hereby constituted a body politic and corporate in law, by whatever name they shall assume, and by such name shall have succession and continuance, and be capable in law of suing and being sued, defending and being defended in all courts and places whatever, and may have and use a common seal and alter and renew the same at pleasure, and by their name as aforesaid and under their common seal, may make and enter into, execute and enforce any contracts or agreements relating to, touching or concerning the objects of said corporation; now,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That said section hereinbefore recited be and the same is hereby amended by striking out the words "one thousand," where the same occurs in said section, Amendment of first section.

Section as
amended.

and inserting the words "two thousand" in the place thereof, so that the said section will read, when so amended, as follows: "Every association of persons, not exceed two thousand in number, associated for benevolent and charitable purposes, be and they are hereby authorized, at any regular meeting of such association, by a majority of votes, to elect by ballot such and so many officers of such association as shall be deemed necessary; which said association and such other persons as may be associated with them, are hereby constituted a body politic and corporate in law by whatever name they shall assume, and by such name shall have succession and continuance, and be capable in law of suing and being sued, defending and being defended in all courts and places whatever, and may have and use a common seal and alter and renew the same at pleasure, and by their name as aforesaid, and under their common seal, may make and enter into, execute and enforce any contracts or agreements relating to, touching or concerning the objects of said corporation."

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

Approved April 20, 1876.

CHAPTER CXXXII.

A supplement to an act entitled "An act to amend and consolidate the several acts relating to game and game fish," approved March twentieth, eighteen hundred and seventy-four.

Section re-
pealed.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That section five of the act to which this is a supplement, and which reads as follows: "No person shall expose for sale or have unlawfully in his or her possession, any wilson or gray snipe between the first day of May and the first day of October, in any year under a like penalty," is hereby repealed.

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

Approved April 20, 1876.

CHAPTER CXXXIII.

An act to provide for the payment of interest on township bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several township committees of this state shall have power to order the assessor and collector in their respective townships, annually, to assess and collect at the same time and in the same manner that other township taxes are assessed and collected, such sums as in their judgment may seem necessary for the payment of interest on any township bonds at present issued or which may be hereafter legally issued. Township committees authorized to order assessments for payment of interest, &c.

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

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

Approved April 20, 1876.

CHAPTER CXXXIV.

A supplement to "An act for the punishment of crimes," approved April sixteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any employee or person or persons having the control or management of any institution, the moneys for the support of which are drawn in whole or in part from the treasury of the state, shall be directly or indirectly interested in furnishing any goods, chattels, supplies or property of any kind whatsoever to or for the use of any such institution, which may be in whole or in part supported by appropriations, paid out of the treasury of the state, such person, officer or employee shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding one thousand dollars, or imprisonment at hard labor for any term not exceeding one year, or both, at the discretion of the court.

Punish-
ment if any
employee
or person
having con-
trol of any
institution
supported
by the state
shall be in-
terested in
furnishing
any goods
or supplies
to such in-
stitution.

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

Approved April 20, 1876.

CHAPTER CXXXV.

A supplement to the act entitled "An act to incorporate trustees of religious societies."

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, which reads as follows: "that

Section to
be amend-
ed.

every religious society or congregation of christians, entitled to protection in the free use of their religion by the constitution and laws of this state, are hereby authorized to assemble at their usual place of meeting for public worship, at any time by them to be agreed upon, giving at least ten days' notice of the time and purpose of assembling by an advertisement set up in open view at or near such place of meeting, and when so assembled may, by plurality of voices of such of the said society or congregation as are present, elect any number, not exceeding seven of the said society or congregation, to be trustees of the same; which said trustees and their successors in office are hereby constituted a body politic and corporate in law by whatever name they shall assume, agreeable to the directions of this act," be amended so that the same shall read as follows: that every religious society or congregation of christians, entitled to ^{Amend-} protection in the free use of their religion by the constitution and laws of this state, are hereby authorized to assemble at their usual place of meeting for public worship, at any time by them to be agreed upon, giving at least ten days' notice of the time and purpose of assembling, by an advertisement set up in open view at or near the such place of meeting; when so assembled may by plurality of voices of such of the said society or congregation as are present, elect any number of the said society or congregation to be trustees and their successors in office, which said trustees and their successors in office are hereby constituted a body politic and corporate in law by whatever name they shall assume, agreeable to the directions of this act.

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

Approved April 20, 1876.

CHAPTER CXXXVI.

An act concerning county jails.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall hereafter be lawful for the boards of chosen freeholders in the several counties of this state to fix the price per day for victualing the prisoners confined in the county jails; *provided*, that the price so fixed shall not in any case exceed the amount now fixed by law in any county.

Price for
victualing
prisoners
to be fixed
by board of
Chosen
Freehold-
ers
Proviso.

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

Approved April 20, 1876.

CHAPTER CXXXVII.

A supplement to an act entitled "An act prescribing certain oaths," approved April seventeenth, anno domini eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case of the absence, removal, death, or any other disability of the clerk of the court of common pleas, in and for any county of this state, it shall and may be lawful for any judge of said court to administer the oaths of office and allegiance to commissioners of deeds, notaries public, as well as to any person or persons now, or hereafter to be, required to take the same by any law of this state, before any such clerk of the court of common pleas; and any officials' oaths so administered and taken shall be as effectual in law as if taken in the manner now prescribed by law.

Judges of
Court of
Common
Pleas au-
thorized to
administer
oaths in
case of
absence or
disability
of clerks.

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

Approved April 20, 1876.

CHAPTER CXXXVIII.

An act to provide ways and means to defray the state expenditures.

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 real and personal property in this state, as exhibited by the abstracts of ratables from the several counties made out by the several boards of assessors for the year one thousand and eight hundred and seventy-five, and filed in the office of the comptroller of the treasury, a state tax of one and one-half mills on each dollar of the valuations contained in the said abstracts; and the proceeds of the said tax are 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 and eight hundred and seventy-seven, of a loan authorized by an act entitled "An act authorizing a loan for the purposes of war," etcetera, approved May tenth, one thousand and 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-seven, and on the first day of July, one thousand eight hundred and seventy-seven, as the income of the sinking fund for the then current year shall not suffice to pay, and the residue of the proceeds of said tax shall be paid into the state fund and shall be appropriated for and 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 or

State tax of
one and
half one
mills to be
assessed,
&c.

Proceeds
how appro-
priated.

other public purposes shall be levied, assessed and collected on the persons and property, and in the manner directed by the laws of this state which shall be in force at the time the said taxes shall be assessed.

Comptrol-
ler to trans-
mit to
County Col-
lector a
statement
of amount
of tax ap-
portioned
to County.

2. *And be it enacted*, That it shall be the duty of the comptroller to apportion the said tax, and at the rate aforesaid, among the several counties, in proportion to the amount of real and personal estate taxable 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 the said county collector shall lay said statement before the assessors of the townships and wards within his county, at their next meeting, to apportion the township taxes; and the said assessors shall thereupon proceed to assess said tax according to law.

Comptrol-
ler to fur-
nish print-
ed forms
for returns
of amount
of ratables.

3. *And be it enacted*, That it shall be the duty of the comptroller to furnish to the collectors 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 which the assessors are required by law to take, and no abstract of the amount of ratables shall be deemed to have been made according to law unless said oath shall have been taken 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.

Authorized
to dispose
of or pledge
any secur-
ities now
in State
fund when
necessary.

4. *And be it enacted*, That the governor, comptroller and treasurer of this state be and they are hereby authorized to dispose of or pledge 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 meet the legal demands upon the treasury, and the proceeds of any securities so disposed of or pledged shall be applied to the purpose of paying appropriations made by the legislature, and to defraying the other necessary and lawful state expenditures.

Repealer.

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

Approved April 20, 1876.

CHAPTER CXXXIX.

A supplement to the act entitled "An act relative to the fisheries in the waters of the Hudson river within the limits and jurisdiction of the State of New Jersey," passed March fifth, eighteen hundred and twenty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the pilot commissioners of this state are hereby authorized and directed to establish and prescribe such rules and regulations relative to the fisheries and the placing of fishing poles authorized by the act to which this is a supplement, as will secure to citizens of this state a proper use and enjoyment of their rights under said act, and the agreement between New York and this state, of September sixteenth, eighteen hundred and thirty-three.

Pilot commissioners authorized to make rules, &c. relative to fisheries, &c., in the Hudson river.

2. *And be it enacted*, That inasmuch disputes have frequently arisen between citizens of this state and the authorities of the state of New York relative to the free use and enjoyment of such fisheries by citizens of this state, the said pilot commissioners are hereby empowered to confer with any similar authority or board on the part of the state of New York, and, in connection with said board or authority, to make temporary regulations on the subject of the use of said fisheries, subject to revocation at any time.

Commissioners authorized to confer with like board on the part of the State of New York.

3. *And be it enacted*, That the said the pilot commissioners of the state of New Jersey shall have full power to determine when and to what extent the said fisheries would become an impediment to navigation.

Impediment to navigation how determined.

4. *And be it enacted*, That all necessary expenses of said board in the performance of the duties of this supplement, shall be paid out of the treasury of the state on the warrant of the comptroller and when approved by the governor.

Expenses how paid.

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

Approved April 20, 1876.

CHAPTER CXL.

An act to provide for a commission to prepare a system of laws for the government of cities in this state.

Appoint-
ment of
Commis-
sioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor shall nominate, and by and with the advice and consent of the senate shall appoint three judicious and competent persons, commissioners, to prepare a system of general laws for the government of cities in this state, and to report the same to the legislature at its next annual session.

Commis-
sioners may
employ le-
gal and
clerical as-
sistance.

2. *And be it enacted*, That the said commissioners shall have authority to employ such legal and clerical assistance as they may deem necessary in the prosecution of their work, and on the completion of their labors they shall receive such compensation as the governor, comptroller and treasurer of the state shall deem just and proper, which shall be paid by the treasurer on the warrant of the comptroller, together with such necessary expenses as they may have incurred in carrying out the provisions of this act.

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

Approved April 20, 1876.

CHAPTER CXLI.

An act to authorize the corporations of theological seminaries in this state to increase the number of their trustees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever by the charter of any theological seminary of this state, the number of trustees thereof is limited, it shall be lawful for the said corporation or the trustees thereof, to increase the number of such trustees by appointing at least six additional trustees, dividing them into classes in the same manner as provided in such charter. Number of trustees may be increased when limited by charter.

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

Approved April 20, 1876.

CHAPTER CXLIII.

A further supplement to an act entitled "An act concerning corporations," (revision), approved April seventh, eighteen hundred and seventy-five, authorizing extension of corporate existence.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any corporation heretofore or hereafter created under or by virtue of any law of this state at any time before the expiration of its charter, or of the period named in its certificate of organization, to file in the office of the secretary of state a certificate under its common seal, attested by the signature of its presiding officer, declaring its desire that the period Charter may be extended to a term not exceeding fifty years.

of its existence as such corporation shall be extended for any time therein mentioned, not exceeding fifty years.

Certificate
to be filed
with Secre-
tary of
State.

2. *And be it enacted*, That upon making and filing such certificate, the period of the existence of such corporation shall be extended as declared in such certificate as fully as if the said period had been named in the original charter or certificate of organization of such corporation.

How con-
strued.

3 *And be it enacted*, That nothing herein contained shall be construed to interfere with the right of the state of New Jersey reserved by any law now or hereafter existing to acquire the property and franchises of any such corporation, or at any time to abolish or repeal, alter or amend the charter of the same, nor shall this act be construed to continue any irrevocable or other contract with the state contained in any charter beyond the time originally fixed for its expiration.

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

Approved April 21, 1876.

CHAPTER CXLIV.

A supplement to the act entitled "An act to regulate elections," approved April eighteenth, eighteen hundred and seventy-six.

Appoint-
ment of in-
spectors
and judges
of election
in certain
cases.

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, or board of Aldermen, of the several cities and boroughs, and the township committees of the several townships, of this state, where no election shall have been held prior to the first day of November eighteen hundred and seventy-six, for members of election boards as provided for in the act to which this is a supplement, severally to appoint two inspectors and one judge of election for each of the townships, wards, election districts or precincts where such election shall not have been held as aforesaid, who shall be residents of the townships, wards or election dis-

tricts or precincts in which they are appointed, and who shall serve until their successors are elected or appointed under the act to which this is a supplement. The said inspectors shall not belong to the same political party.

Approved April 21, 1876.

CHAPTER CXLV.

A supplement to an act entitled "An act concerning corporations," (revision), approved April seventh, eighteen hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be necessary hereafter for more than a majority of the directors of any plank road company heretofore or hereafter organized under the act to which this is a supplement, or under any other act, or in pursuance of any special charter, to be residents of this state. Not more than a majority of directors required to be residents of this State.

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

Approved April 21, 1876.

CHAPTER CXLVI.

An act for the protection of black bass in the rivers of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the better protection of black bass in the rivers of the state of New Jersey during their spawning season, that it shall not be lawful for any person or persons to catch or take from said rivers by net or fishing prohibited during April, May, and June.

seine, or have in possession, or expose for sale any black bass during the months of April, May or June of each year, under a penalty of five dollars for each and every black bass so taken or exposed for sale.

Shad fishermen not liable.

2. *And be it enacted*, That any fishermen who, in fishing for shad during the months of April, May and June in any of the rivers of the state, may inadvertently catch any black bass by net or seine, shall not be subject to the penalties prescribed by this act; *provided*, they turn into the rivers again any black bass so taken and caught by net or seine.

Proviso.

Duty of fish Wardens.

3. *And be it enacted*, That it shall be the duty of the fish wardens of the several counties of this state to enforce the provisions of this act.

Repealer.

4. *And be it enacted*, That all acts or parts of acts 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 21, 1876.

CHAPTER CXLVII.

An act to enable Granges of the order of Patrons of Husbandry to incorporate.

Mode of election of trustees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any grange in this state, whether state, pomona, county, district or subordinate, of the order of patrons of husbandry, which is or hereafter may or shall be duly instituted and chartered according to the constitution of the national grange of the order of patrons of husbandry, and shall be desirous of having the benefit of this act, it shall and may be lawful for the members of such grange, at any regular meeting thereof, held in accordance with the constitution of the national grange aforesaid, and in conformity to its own constitution and by-laws, and in pursuance of notice given and entered on the minutes of such grange of such intended action, at a previous regu-

lar meeting, to elect three trustees; a certificate of which election shall be made and subscribed by the master, overseer and secretary of such grange, under their hands and seals, stating therein the time and place of such election, the regularity thereof, the names of the trustees, and the name and number of said grange, which certificate shall be acknowledged or proved and recorded, as other certificates of incorporation are by law required to be recorded, in the office of the clerk of the county wherein such meeting shall have been held, and after being so recorded shall be filed in the office of the secretary of state; *provided always*, that the certificate issuing from the state grange of New Jersey, shall be recorded in the office of the clerk of Mercer county; the said certificate or a copy thereof, duly certified by said clerk or secretary, shall be evidence in all courts and places for and against any such grange.

Certificates
of election
to be re-
corded and
filed.

Proviso.

2. *And be it enacted*, That said trustees and their associates and successors in office, shall be constituted and declared a body corporate and politic, in fact and in law, and shall be known by their name and number of said grange, with power to have a common seal, and to use and change the same at pleasure, and with full power and authority to sue and be sued, to purchase, accept and receive by gift, grant, bequest, devise or otherwise, and to hold such real and personal estate as shall be deemed necessary, and to improve, change and alter the same for the purposes of said corporation, and the same or any part thereof; to sell and convey by deed or mortgage, lease or otherwise dispose of it, or any part thereof, under the direction of such grange.

General
powers.

3. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of twenty-five thousand dollars, in the case of the state grange, nor the sum of twenty thousand dollars, in the case of a pomona, county, district or subordinate grange, which said capital stock, or any part thereof, may be divided into shares of such amounts, and transferable in such manner, and upon such conditions, as such corporation by its by-laws shall prescribe.

Capital
stock.

4. *And be it enacted*, That said corporation shall have power to make and adopt by-laws and regulations for the election of officers, and to prescribe their duties, and for the general management of its affairs, and from time to time may alter and repeal the same.

May make
by-laws,
&c.

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

Approved April 21, 1876.

CHAPTER CXLVIII.

An act to establish the method of assessing and rating farm lands within the limits of incorporated cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all farms and tracts of farm lands containing five acres or more in one enclosure within the limits of the incorporated cities of this state, that have since the incorporation of said cities, respectively, been and still are used for farming or market gardening purposes and not otherwise, and that have not been laid out in city lots by the owner or owners thereof, and on which the owner or owners have not laid out or graded streets, shall for the purposes of taxation be rated and assessed at their true value by the acre, and not otherwise; *provided*, that this act shall not apply to any incorporated city containing between ten thousand and thirty thousand inhabitants, nor to any city containing over fifty thousand inhabitants according to the last state census.
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 April 21, 1876.

Lands to be
rated and
assessed by
the acre.

Proviso.

Repealer.

CHAPTER CXLIX.

An act for the better preservation of the peace upon the premises of camp meeting associations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the governor, on the application in writing of the board of trustees of any camp meeting association duly incorporated under the laws of this state, or of any other incorporated association for the maintenance of public worship, in the open air, to commission one or more persons whom such trustees shall designate and request, not exceeding six in number, as peace officers, for the purpose of keeping order on the camp grounds and premises of such incorporated association aforesaid, which officers shall have, when on duty, the same power, authority and immunities which constables and other peace officers under the laws of this state possess and enjoy, and shall hold their said offices from year to year; they shall also have power to enforce obedience on said grounds and premises, to any rule or regulation of said trustees for the preservation of quiet and good order, and also to enforce all the provisions of "An act for suppressing vice and immorality," and to arrest for the commission of any crime in all respects.

Governor
empower-
ed to ap-
point peace
officers for
keeping or-
der on
Camp
grounds,
&c.

2. *And be it enacted*, That one of the said officers so designated, shall be specially commissioned as aforesaid for each or any one of said associations, so as to possess within the limits of its property aforesaid, all the powers and jurisdiction in criminal cases which police justices now are or hereafter may be authorized to exercise within any town or city in this state, or for the enforcement of the act in the preceding section mentioned, or of any other act tending to the preservation of order.

Special
commission
to issue to
one of said
officers.

3. *And be it enacted*, That such peace officers shall be entitled to have, for their services, such fees as constables and police justices are entitled to receive for like services by them performed.

Compensa-
tion.

Powers of
peace offi-
cers spec-
ially com-
missioned.

4. *And be it enacted*, That such peace officers specially commissioned as aforesaid to exercise the jurisdiction of police justices as aforesaid, shall have the right to take recognizances from all persons brought before them, both to keep the peace, and also to appear before the court of general quarter sessions of the peace of the county wherein such premises lie, to answer to any criminal charge against them, and such recognizances shall be forthwith sent to the court aforesaid of the county wherein such premises shall lie, and all proceedings before such officers shall be duly by them recorded, kept and disposed of as required of justices of the peace.

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

Approved April 21, 1876.

CHAPTER CL.

A further supplement to an act entitled "An act relative to sales of land under a public statute, or by virtue of any judicial proceeding," approved March twenty-seventh, eighteen hundred and seventy-four.

Preamble. WHEREAS, the provisions of the first section of the act recited in the title of this act, and the provisions of the act amendatory thereof, approved April ninth, eighteen hundred and seventy-five require advertisements to be published in the county in which the lands are situate, at least four weeks successively, once a week next preceding the time appointed for selling the same, of which one shall be a newspaper printed and published at the county seat of the county in which the land advertised to be sold is situated, which provisions have not in all cases been known and complied with, whereby titles of certain lands may be deemed defective, therefore,

Sales not to
be invalid

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of lands made by any of.

ficer or other person since the approval of the said amendatory act, shall be held to be invalid by reason of failure to comply with the provisions of said acts relating to the publishing of advertisements in newspapers; *provided*, that said sale or sales shall have been advertised four times successively, in at least one newspaper printed and published in the county where the land is situated, whether such newspaper be published at the county seat or not; *and provided* further, that all the other provisions of said last mentioned act in relation to the publication of advertisements of sales of lands, shall have been complied with; *and provided* further, that this act shall not be construed to extend to any sales of land to be made after this act goes into effect.

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

Approved April 21, 1876.

CHAPTER CLI.

Supplement to an act entitled "An act to encourage the establishment of mutual loan, homestead and building associations," approved April ninth, eighteen hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That nothing in the act to which this is a supplement shall be construed to prevent any association, formed under the provisions of said act, from taking a premium for priority of loan or acquisition of real estate, or discount on the redemption of shares; and that no premium or discount so taken for such purposes shall be deemed to be usurious.

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

Approved April 21, 1876.

CHAPTER CLII.

An act to prevent the willful pollution of the waters of any of the creeks, ponds or brooks of this state.

Punish-
ment for
polluting
waters.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person or persons shall throw, cause or permit to be thrown into the waters of any creek, pond, or brook, of this state, the waters of which are used to supply any aqueduct or reservoir for distribution for public use, any carcass of any dead animal, or any offal or offensive matter whatsoever, calculated to render said waters impure, or to create noxious or offensive smells, or shall connect any water closet with any sewer, or other means whereby the contents thereof may be conveyed to and into any such creek, pond, or brook, such person or persons shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, or both.

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

Approved April 21, 1876.

CHAPTER CLIII.

An act relative to the appropriation of money devoted to the sinking fund of certain cities in this state.

Preamble. : WHEREAS, there exist in certain cities in this state, by virtue of various legislative acts thereof, commissioners of sinking funds of said cities to whom are pledged and appro-

priated by said acts certain moneys for the payment of the principal and interest of the bonds authorized to be issued from time to time by the legislature of this state; *and whereas*, it may happen that the commissioners of any one of the sinking funds established as aforesaid have now, or may have hereafter funds in their possession sufficient to meet the said bonds payable, out of said money appropriated as aforesaid, together with interest thereon, before the maturity of the same, and upon payment thereof no means are now provided by law for the use and application of the said money so devoted as aforesaid to the commissioners of said sinking fund; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where the said commissioners of any sinking fund of any city in this state, have now or shall have hereafter funds in their possession sufficient to pay, before maturity, the bonds issued by authority of law, and payable out of said money pledged to said commissioners for the payment thereof, it shall be the duty of the said commissioners to cancel all bonds now in their possession, or which they may be able to procure, by purchase or exchange, of any one of the issues heretofore authorized by law, and not heretofore cancelled, and any surplus remaining in their hands after the bonds issued as aforesaid, with interest thereon, shall have been paid and cancelled, shall be devoted to such sinking fund of said city as the mayor and common council, or other governing body of said city, or any board of finance of any city where such a board exists, shall direct.

Commis-
sioners to
cancel
bonds, &c.

2. *And be it enacted*, That after the accumulation of funds sufficient to pay all the said bonds authorized to be issued as aforesaid, by the said commissioners to whom the said moneys have been appropriated as aforesaid, it shall be lawful for the mayor and common council, or other governing body of said city, or any board of finance of any city where such board exists, by ordinance to appropriate any surplus remaining after providing for the payment of said bonds and the revenues before appropriated to the sinking fund thus discharged, to any other sinking fund of said city pledged for the payment of its obligations, and after the passage of such ordinance the revenues so appropriated shall not be diverted to any other use or purpose until there shall have accumulated sufficient moneys to pay the obligations to which such sinking fund was pledged, when the same shall be ap-

May by or-
dinance ap-
propriate
surplus
revenues,
&c.

propriated by ordinance as aforesaid to some other sinking fund of said city, so long as said city has any outstanding bonds for the payment of which a sinking fund exists.

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

Approved April 21, 1876

CHAPTER CLV.

An act for the government and regulation of the state prison.

<p>Appoint- ment of supervisor.</p>	<p>1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i>, That the governor, chancellor, chief justice, and attorney-general of the state, within one month after the passage of this act, and as often thereafter as the office hereby created shall become vacant, shall, at a meeting called by the governor, choose and appoint, by concurrence of a majority of them, a competent and suitable person to be supervisor of the state prison, who shall be commissioned as such by the governor, and shall hold his office for three years, and until his successor is appointed as aforesaid, and qualified; such supervisor shall receive a salary of</p>
<p>Compensa- tion.</p>	<p>three thousand dollars per annum, payable by the treasurer in the same manner as the salaries of state officers are paid;</p>
<p>Supervisor to give bond.</p>	<p>and, before entering upon the duties of his office, shall give bond to the state, with two sufficient sureties, to be approved by the governor, in the sum of twenty five thousand dollars, with condition that he will well and faithfully discharge all the duties imposed upon him by law, and will well and faithfully use, account for, and pay over according to law, all the moneys of the state at any time received by him; such bond to be acknowledged, recorded and filed in the same manner, and to have the same effect, according to the terms thereof, as is herein provided in respect to the bond of the keeper of the state prison.</p>

2. *And be it enacted*, That for the supervision and control of the state prison, as hereinafter provided, there shall be a board of five inspectors, composed of the treasurer and comptroller of the state, for the time being, and of three suitable persons, who shall be chosen by the legislature in joint meeting, and shall hold their office for three years, and until others are chosen and legally qualified to act in their stead; and if any vacancy shall happen by the death, removal, resignation or refusal to act, or other disability of any of said inspectors chosen in joint meeting; the governor shall appoint a person or persons to fill the vacancy, but any such appointment to fill a vacancy shall not extend beyond the next succeeding session of the legislature; each of the said inspectors shall receive an annual salary of five hundred dollars for their services under this act, to be paid to them by the treasurer of this state by warrant of the comptroller; the first inspectors to be chosen under this act may be chosen at any joint meeting of the legislature during the present session thereof.

Appoint-
ment of In-
spectors.

Vacancies.

How filled.

Compensa-
tion.

3. *And be it enacted*, That the principal keeper of said prison shall reside at said prison during the term of his office, and shall receive a salary of three thousand five hundred dollars per annum, and at that rate for a shorter period, to be paid monthly by the treasurer of this state, upon the warrant of the comptroller, and upon orders drawn on him by any two of the inspectors, together with his necessary fuel and light; and said keeper shall have power to appoint, with the advice and consent of the board of inspectors, such assistants and deputies as may be necessary and proper to enable him to execute the duties of his office; which said deputies and assistants shall have such compensation and allowances as the said board of inspectors shall deem just and proper; which shall be paid by the treasurer monthly, by warrant of the comptroller, and upon orders drawn by any two of said inspectors; and the said keeper shall dismiss all or any of his said deputies and assistants whenever he shall think proper, or shall be required so to do by the unanimous action of the board of inspectors; and before said keeper shall exercise any part of his office, he shall give bond to this state, with two sufficient sureties, to be approved by the treasurer of the state, in the sum of five thousand dollars, with condition that he and his deputies and assistants shall well and faithfully perform the duties,

Where the
principal
keeper shall
reside.

His com-
pensation,
and how
paid.

Appoint-
ment of as-
sistants
and depu-
ties.

Their com-
pensation.

How dis-
missed.

Keeper to
give bond.

Bond to be
acknowledged and
filed.

Exemplified copies
to be legal
evidence.

Rules, &c.

imposed on them by law ; and said keeper, with his sureties, shall acknowledge the execution of said bond, or cause the same to be proved before the governor, or one of the justices of the supreme court of this state, and shall then deliver the same to the secretary of this state, who shall cause the same to be recorded and filed in his office ; and copies of said record legally exemplified by said secretary, shall be legal evidence in all courts of this state, in any suit against said keeper, and his sureties, or any of them.

4. *And be it enacted*, That the following rules and regulations for the better ordering of the state prison shall be in force until altered by the legislature, or in the manner hereinafter directed :

ARTICLE I.

OF THE INSPECTORS AND THEIR DUTIES.

Inspectors
shall hold
stated
meetings.

Proviso.

Election of
physician.

Compensation.
How paid.

Shall keep
minutes.

Make rules,
&c., for the
government of the
prison.

Copies of
rules to be
furnished
supervisor,
keeper, &c.

The said inspectors shall hold stated meetings once a month at the said prison, and special meetings whenever they deem necessary ; they shall, at their first meeting, elect out of their number a president and secretary, and two acting inspectors, who shall continue such for so long a term as a majority of said inspectors shall direct ; *provided*, that neither the comptroller nor treasurer shall be elected acting inspectors ; and at said meeting they shall also elect a suitable person to be the physician of said prison, who shall hold his office for three years and until another is chosen, subject to removal by the unanimous action of the board of inspectors upon good cause shown, and he shall receive such compensation as the board of inspectors or a majority of them shall deem just, to be paid to him quarterly by the treasurer of the state, upon warrant of the comptroller, and upon orders drawn by said inspectors, or any two of them ; they shall keep full and regular minutes of their proceedings ; they shall have power to make such rules and regulations for the general government and regulation of the state prison and matters relating thereto, as they may deem necessary and proper, consistent with the principles of separate confinement, the laws of this state and the independent powers specially given to their officers ; and they shall cause the same to be written or printed, and copies thereof to be furnished to the supervisor, the keeper, and his deputies and assistants, the moral instructor, physician, and clerk of

the prison; and all officers and persons connected with the prison shall conform to and obey the same; they shall, from time to time, as often as they think proper, carefully inspect the accounts of the supervisor and examine into his dealings, contracts and transactions in relation to the prison and the business thereof; they shall have power to make general regulations to govern the supervisor in the purchase of materials and supplies, and articles necessary for the prison, the employment and hiring out of the labor of the prisoners, and the sale of articles manufactured or prepared therein; and they may, if they think proper, at any time and by special resolution, require that all or any of such purchases, hirings, or sales shall be made by contract, awarded after advertisement, to the best bidders, as herein-after provided; they shall have power to cause such repairs to be made in said prison as may, from time to time, be necessary and proper for the carrying on the business thereof, and the bills thereof shall be audited by the supervisor, and approved by the said inspectors, and shall be then presented to and audited by the comptroller, and paid by the treasurer of the state, upon the warrant of the comptroller; they shall have power, with the consent of the supervisor, to close up as they think proper all contracts in relation to the labor of the prisoners, which have now expired by their own limitation or by the conduct of the parties thereto, and which still remain unsettled, and to settle and determine the same and all work thereunder; they shall have general charge of the government, and police of the prison, and shall cause such repairs to be made in the said prison and the walls and grounds thereof, as may be, from time to time, necessary and proper, and the expenses of such repairs shall be audited by the comptroller, and on his warrant, paid by the treasurer of the state; they shall cause the keeper, from time to time, to lay before them his accounts and other books of the prison, and shall carefully inspect and examine the same; they shall have power to examine, under oath or affirmation, any person or persons relative to any abuse or breach of duty in any of the officers of said prison; they shall see that the duties of the supervisor, keeper, and the several officers and attendants of the prison are duly performed, and shall prevent all mismanagement, oppression or other abuse; they shall, on the thirty-first day of October in each year, make a

Inspection
of ac-
counts.

May make
regulations
to govern
the super-
visor in
purchase of
supplies,
&c.

May re-
quire con-
tracts to be
made.
Repairs to
prison.

Power to
close con-
tracts for
labor.

Shall have
general
charge of
the govern-
ment and
police of
the prison.

Inspection
of accounts
&c.

Power to
examine
persons un-
der oath.
Shall see
that duties
are per-
formed.

Annual re-
port shall
be made to

the Governor.

Inspectors to be furnished with a list of all the prisoners.

Report to be made to the governor in case of neglect or mismanagement on the part of the keeper.

report of the state of the prison to the governor, to be by him submitted to the legislature, which report shall contain the number of prisoners in confinement, their age, sex, place of nativity, term of commitment and term of imprisonment, noticing those who have escaped or died, the diseases which have prevailed and proved mortal, and the names of those who have been pardoned or discharged, designating also the offence for which each has been committed, and whether for the first or repeated offence, and by what court or by whose order; they shall have power to remit the costs of prosecution of any prisoner, and any debt due from him to the state for his support in said prison, upon a recommendation from the keeper certifying that such prisoner is, in his opinion, unable to earn more than is sufficient for his clothing and maintenance, or that said prisoner has conducted himself in an orderly and proper manner; a majority of the inspectors shall constitute a quorum for the transaction of business; the acting inspectors shall, at least once a week, visit the cells or place of confinement of each prisoner, out of the presence and hearing of the keeper and all other persons employed in the prison; they shall examine into the truth of all complaints of oppression or ill treatment of the prisoners; on such visits said inspectors shall be furnished by the keepers with a list of all the prisoners, and shall ascertain by actual inspection, whether all prisoners named in the list are in the situation therein stated; and they shall make a report of the result of such visits, and examinations, and of all such matters and things connected with said prison as they may deem necessary to the meetings of the inspectors, and oftner if required by them, which report shall be entered in the minutes of said inspectors; if it shall appear by the report of the acting inspectors, or otherwise, to the satisfaction of the board of inspectors, that the keeper of the prison does not strictly perform his duties, or does in any way mismanage the affairs of the prison, then it shall be the duty of the board forthwith, in writing, to notify the keeper of their disapproval of such neglect or failure, particularly specifying the conduct, neglect or failure complained of and disapproved; and if said keeper shall continue such conduct, neglect or failure, the board shall report the same forthwith to the governor, and it shall be the duty of the governor thereupon to institute in a summary

way, such inquiry into the truth of the facts charged as he may think fit.

ARTICLE II.

OF THE SUPERVISOR.

The supervisor, subject to the power, restriction and regulation above given to the board of inspectors, shall have the sole power, except as herein otherwise provided, to regulate and prescribe the work and employment of the prisoners confined in said prison (except in regard to such work as may be necessary, lawful and proper for any of them to be employed in for the general sanitary and household affairs of said prison, which shall be regulated by the keeper); and he shall have power, with consent of the board of inspectors, to hire out and contract with any person or persons for the labor of the prisoners, or any part of them, for any period not exceeding four years; *provided*, that if any contract shall be for a period extending beyond the term of office of the supervisor making the contract, the said contract shall require to render it valid, the approval of the governor, or person administering the government of the state for the time being; he may with the consent of the board of inspectors, permit any contractor to name and employ an instructor or instructors, to direct the work of the prisoners whose labor is contracted for; but such instructor shall be subject to the laws, rules and regulations of the prison, and shall, before they enter upon their duties, enter into a bond to the supervisor, with such penalty and security as he shall deem reasonable for the observance thereof; and if any such shall break any of the said laws, rules and regulations, the keeper or the acting inspectors may report the same to the supervisor, who, if satisfied of the truth of the charge, shall forthwith discharge the person offending; or, if he fails to discharge him, the board of inspectors may, upon the application of the keeper, do so if they think it proper under the circumstances; he shall have the sole power, subject to the power of restriction and regulation above given to the board of inspectors, to contract for and purchase all clothing, provisions, supplies and other articles required under the laws of the state for the proper support, comfort and maintenance of the prisoners, and the materials and implements for any

General powers of the supervisor.

Proviso.

Powers of the supervisor continued.

May contract for and purchase supplies &c.

kind of labor in which they may be employed, and the bills for such purchases shall be approved by the board of inspectors, audited by the comptroller, and upon his warrant, paid by the treasurer of the state; and he shall sell and dispose of all articles manufactured or prepared by the prisoners whose labor is not hired out, and shall receive all moneys for the articles sold and work done, and all moneys on the contracts for the labor of the prisoners, as the same shall come due, and shall make monthly statements thereof to the comptroller and the board of inspectors, and shall pay over the same, monthly, to the treasurer of the state, except that he may make petty disbursements thereout for current expenses of the prison, where necessity requires, not exceeding one hundred dollars per month, nor fifty dollars in any single disbursement, and he shall present the vouchers therefor to the comptroller with his monthly statement; which voucher must be approved by the board of inspectors; he may appoint, with the consent of the inspectors, one or more agents at any place he may think proper, for the sale of articles manufactured in the prison, and allow them reasonable commissions; and he may, subject as aforesaid, if he thinks proper, advertise for proposals or bids for contracts for the labor of the prisoners, or any part of them, or the purchase of any articles manufactured or prepared in the prison, or for the furnishing of any clothing, provisions, materials, or other articles of any kind required for the use of the prison, or the maintenance, support or employment of the prisoners; and such advertisement shall be made for at least thirty days, in at least three newspapers published in this state, and the contracts made thereon shall be with the best bidders, subject to approval as hereinbefore required; he shall cause full and regular accounts of the stock, materials, tools and implements, provisions, clothing, supplies and other articles by him purchased and supplied to the prison, and of all the articles manufactured or prepared therein, and sold or disposed of, and the sums for which they were sold, and to whom, to be entered and kept by the clerk of the prison, under his supervision, in books provided for the purpose; and he shall close his accounts for each year on the thirty-first day of October in each year, and shall have them ready for examination and settlement on the second Tuesday of November following, and shall lay the same before the board of in-

May sell
and dispose
of manu-
factured
articles.

May ap-
point
agents, &c.

May adver-
tise for pro-
posals for
contracts.

Shall keep
regular
books of
accounts.

Time when
accounts
shall be
ready for
examina-
tion and
settlement.

spectors, the committee appointed by the legislature to settle the accounts of the state prison, and the legislature itself, at such times as it shall direct; if, in the opinion of the board of inspectors, the supervisor shall be at any time wilfully or repeatedly guilty of misconduct in his office, or of gross or continued neglect and failure properly to discharge the duties thereof, they may immediately petition the governor to institute proceedings for his removal from office; and it shall be the duty of the governor upon such petition being presented to him, to call a meeting of the officers by whom it is provided that the supervisor shall be appointed, and they shall institute in a summary way, such inquiry into the truth of the facts charged as they shall think fit; and if upon hearing the allegations of the board, and the defence, if any, of the supervisor, they shall be of opinion that the said supervisor should be removed from his office, they shall thereupon remove him, and his appointment, commission and office shall thereupon be vacated, and all his authority and power as supervisor or by virtue of his office, shall immediately cease, and his successor shall be appointed according to law.

Proceed-
ings in case
of petition
for removal
of the su-
pervisor.

ARTICLE III.

OF THE PRINCIPAL KEEPER AND HIS DUTIES.

The keeper of said prison shall receive from the hands of the sheriff or other proper officer, every person convicted under the laws of this state, and sentenced to imprisonment and hard labor for any term not less than six months, and safely keep him in his said prison according to the laws of this state and the rules and regulations of the prison, until he is discharged according to law; he shall receive and safely keep in said prison, at the expense of the United States, all persons committed under the authority of the United States, until they shall be discharged in the due course of the laws thereof; he shall visit every cell and apartment in the prison at least twice a week, and shall at least once in each week make a close and critical examination of each cell, to ascertain whether any prisoner is attempting to escape; he shall keep a journal, in which shall be regularly entered the reception, discharge, death, pardon, or escape of every prisoner, and also the complaints that are made and the punishments that are inflicted for

General
powers and
duties of
the keeper.

United
States pris-
oners.

Journal to
be kept, &c

Further duties of the keeper in regard to prisoners.

the breach of prison discipline as they occur, the visits of the inspectors and physicians, and such other occurrences of importance as concern the state of the prison ; he shall not absent himself from the prison, except on business of the prison, without permission in writing from two of the inspectors, but the board of inspectors may, by rule, make such modification or alteration in this item as they may find necessary from time to time ; he shall, at the expense of the state, furnish each prisoner with a copy of the bible, and such other books as he, with the approbation of the acting inspectors, may deem useful in producing the moral reformation of the convicts ; he shall suffer no letter or communication in writing to be conveyed or delivered to or for any prisoner, or from him, without first inspecting and approving it ; if any prisoner shall escape, the keeper shall, with the consent of the governor, advertise a reasonable reward for his or her apprehension, and take all proper measures to effect his arrest ; of all which he shall make a written report to the board of inspectors at their next meeting, which reward shall be paid by the treasurer of this state, upon warrant of the comptroller, upon an order drawn by the acting inspectors ; he shall on Sunday, at all proper hours, admit to the hall of the prison a sufficient number of pious, intelligent persons, competent to give instruction to the prisoners in the doctrines of the Christian religion, and desiring to be admitted for that purpose, and shall, with his deputies, give such persons every attention and aid to enable them to perform that office in a suitable manner ; he shall assign to each deputy keeper a certain number of prisoners, to be under the particular care of such deputy for such length of time as he shall direct ; he shall obey the instructions of the physician with regard to the treatment and disposition of the sick prisoners, unless inconsistent with their safe keeping ; it shall not be lawful for the keeper of the state prison, or for any other officer thereof, to furnish any entertainment of food, liquors, or refreshments, to any officer, inspector or inspectors, or to any visitor or visitors, official or otherwise, of the said prison, at the expense of the state ; to enable the keeper to pay to the convicts such sums as they are by law to receive on their discharge, the sum of two thousand dollars shall be paid to him each year by the treasurer, on the warrant of the comptroller ; and if said sum shall be exhausted at

any time during the year, the treasurer may, on the warrant of the comptroller, make an additional payment of such sum as the keeper may think requisite for such purposes; and any portion of this deposit not expended shall be paid over to the treasurer by the keeper, each year, on or before the thirty-first day of October, at which time the keeper shall furnish to the comptroller a detailed statement of the moneys expended for this purpose during the fiscal year.

ARTICLE IV.

OF THE DUTY OF THE DEPUTY KEEPERS.

It shall be the duty of each deputy keeper to inspect the condition of each prisoner under his care at least three times a day, to see that the meals are regularly furnished according to the prison allowance, and to superintend the work of the prisoners, and at least once a day make a close and critical examination of each cell, to ascertain whether any prisoner is attempting to escape; the deputy keepers on guard at night shall, at least once between midnight and five o'clock in the morning, inspect the exterior walls of the ranges of cells and the main building; whenever any prisoner shall complain of sickness to any deputy keeper, he shall give immediate notice to the principal keeper; each deputy shall give full and particular care and attention to the prisoners assigned to his charge by the principal keeper, and shall make a daily report to the keeper of their health and conduct, and a like report to the inspectors when required; the deputy keepers shall punctually and promptly obey all legal orders given by or through the principal keeper, and all rules established for the government and regulation of the prison; the deputy keepers shall not absent themselves from the prison without the permission of the principal keeper; all orders to the deputy keepers must be given by or through the principal keeper; they shall not converse with the prisoners further than may be absolutely necessary for the performance of their duties, and shall, in no case, give information to any prisoner of anything that occurs out of his cell; they shall not furnish any prisoner, nor permit a prisoner to have in his cell any other article than such as is allowed by the rules of the prison; they shall not deliver to or receive from any prisoner any letter, communication in writing, or message, but to or from

General duties of the deputy keepers.

the principal keeper; the principal keeper shall designate one of the deputy keepers to act in his stead, in case of his absence from the prison, and all the duties and powers of the principal keeper, so far as the same relate to the safe keeping of the prisoners and the discipline of the prison, shall devolve upon and be executed by the deputy keeper so designated until the principal keeper returns to the prison.

ARTICLE V.

OF THE DUTIES OF THE PHYSICIAN.

Physician
to make re-
port each
month to
the inspec-
tors.

The physician shall visit each prisoner once in each week, and as much oftener as the state of the health of any prisoner may, in his opinion require it, and shall report once in each month to the board of inspectors; he shall attend immediately, on being notified that any prisoner is sick; he shall give such directions for the sanitary condition of the prison, for the health and cleanliness of the prisoners, and, when necessary, for such alteration in their diet, as he shall deem proper, all of which the principal keeper shall observe and cause to be obeyed, unless the same shall be contrary to law or inconsistent with the safe custody of the prisoners.

ARTICLE VI.

OF THE CLERK.

Appoint-
ment of
clerk.

The clerk of the prison shall be appointed by the inspectors and shall hold his office for three years and until another be chosen, subject to removal by their action; he shall keep the books and accounts of the prison, and of each prisoner, and perform the necessary and proper writing of the establishment under the direction of the supervisor, inspectors and keeper; he shall receive such compensation as the inspectors shall deem just, to be paid to him upon orders drawn by the inspectors and the warrant of the comptroller, by the treasurer of the state.

Compensation how
paid.

ARTICLE VII.

OF THE RECEPTION AND TREATMENT OF PRISONERS.

Examina-
tion of con-
victs, by
whom and
how made.

Each convict upon being received at the prison, shall be examined by the principal keeper, clerk and as many of the deputy keepers as can conveniently attend, in order to their

becoming acquainted with the person and countenance of such convict, his or her name, height, apparent and alleged age, place of nativity, trade, complexion, color of hair and eyes, and length of feet, together with such natural and other marks, and such peculiarity of features or appearance as may serve to identify such convict; all which shall be entered in a book provided for that purpose; and if the convict can write, he or she shall sign his or her name, under such description of his or her person; and in such description shall be stated the clothes and other articles brought to the prison by such convict; all of which shall be taken from him, and carefully preserved, to be restored to him at the time of his discharge, unless they shall be otherwise disposed of by order of the inspectors; every convict shall be confined in one of the cells of the prison, separate and alone, except in such cases of sickness as are by this act provided for, and shall be comfortably clothed in habits of coarse materials, uniform in color and make; the males shall have their hair cut short at least once a month, and their beards close shaven at least once in every week; each convict shall be sustained upon plain food, at the discretion of the keeper, with the approbation of the inspectors, and shall every day, except Sundays, be kept, as far as may be consistent with their sex, age, health and ability, strictly at hard labor of some sort in which the work is least liable to be spoiled by ignorance, neglect or obstinacy, and in which the materials cannot be easily embezzled or destroyed; if the work to be done requires previous instruction or constant oversight of the convict, the keeper shall, with the approbation of the board of inspectors, employ suitable persons for the purpose, and a just compensation, fixed by said board, shall be paid them by the treasurer, upon orders drawn by the keeper and certified by the comptroller; in order to encourage industrious and proper habits, a separate account shall be opened and kept in books provided for that purpose for each convict, in which he shall be credited with the amount of labor performed by him, and above what, in the opinion of the keeper and acting inspectors, he ought to perform, due regard being had to his ability for labor; which sums so credited shall, at the discharge of such convict, be paid to him or laid out in decent raiment for him, or otherwise applied to his use, as the acting inspectors shall direct; but no credit shall be given for overwork to any con-

Description &c. to be entered in a book.

Confinement of convicts.

Convicts to be kept at hard labor.

May employ instructor.

Convict to be credited with amount of labor performed.

Credits for overwork.

<p>Convicts not to be employed in certain offices.</p> <p>Food and clothing how supplied to each convict.</p> <p>Physician to report in case of need of nurse to any prisoner.</p> <p>Punishment of prisoner in case of violation of rules.</p> <p>Proviso.</p> <p>Prisoner not to be discharged in case of sickness.</p>	<p>vict whose whole weekly earnings do not exceed the whole weekly expense of his maintenance in the prison; no convict shall be employed to act as under-keeper; nor shall any convict act as clerk, cook or servant in the said prison, except in such manner as is consistent with the principals of separate confinement; no convict shall receive or have any other clothing or food than is prescribed by law and the rules of the prison; the convicts shall be supplied, as far as practicable and consistent with the interests of the state, with articles manufactured by the prisoners; no person shall take anything into or out of the prison for any prisoner without the consent of the keeper; if the physician shall report to the keeper that any prisoner is in such a situation as to need the care of a nurse, the keeper may, with the approbation of the acting inspectors, employ one of the prisoners as nurse so long as the physician shall deem necessary; and whenever, in the opinion of the physician, the enlargement of any prisoner confined in the cells of said prison shall be absolutely necessary to the preservation of life, the keeper shall from time to time, and for such length of time as the physician shall direct, cause said prisoner to be removed from his or her cell; but the prisoner shall in every such case be kept from the society of the other prisoners, except such as may attend as nurses, and shall in no case be permitted to go beyond the walls of the prison; if any deputy keeper shall report that any prisoner has violated any of the rules and regulations for the government of the prison, the keeper shall have before him said prisoner and deputy keeper who charges him with such offence, and shall inquire into such charges, adjudge the case, and award such measure of punishment as he may deem proper, not exceeding close confinement in a dark cell, on bread and water, with chain on the leg or handcuffs, or both, for six days; and if, in his opinion, the convict should receive further punishment, he shall refer the case to the acting inspectors, who shall order such further punishment as they shall think proper; <i>provided</i>, that corporeal punishment shall in no case be inflicted; if a prisoner entitled to his discharge by expiration of his term of confinement, or by pardon, shall be labouring under an acute or dangerous disease so as to render him, in the opinion of the physician, unable to take care of himself, or unfit to be set at large, he shall not be discharged</p>
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except at his own request, until the physician shall deem that it may be done with safety to the prisoner and others; upon the discharge of each prisoner who has not money to the amount of five dollars, the keeper shall pay him any sum not exceeding that amount, out of the moneys of the state, to the end that all temptation to commit offences against society before employment or the means of living can be procured may be removed; each prisoner, upon his discharge, shall take off the prison dress, and have restored to him the clothes and all other articles which he brought to the prison, and which were then taken from him, unless the same have been sold or disposed of by the keeper, under the direction of the inspectors; and then such prisoner shall have the value thereof paid to him by the keeper.

Payment
allowed to
prisoner on
discharge.

Clothing
&c. to be
restored.

ARTICLE VIII.

OF VISITORS.

The official visitors of the state prison shall be the governor, the members of the legislature, the secretary of state, the chancellor, the six judges of the court of errors and appeals, the justices of the supreme court, and the attorney general; the official visitors may at any time visit the said prison, and examine the same and the cells thereof, and the keeper shall give them every facility for so doing; the board of inspectors shall make such rules and regulations, and give the keeper such authority respecting the admission of other visitors than the official visitors as they shall deem proper.

Official
visitors.

Other vis-
itors.

MISCELLANEOUS PROVISIONS.

5. *And be it enacted*, That each deputy keeper and assistant shall hereafter give a bond to the principal keeper, in such sum as he shall require, not exceeding two thousand dollars, and with such sureties as he shall approve, and the clerk of said prison shall give bond to the supervisor and keeper, with two sufficient sureties, to be approved by them, in any sum required by them, not exceeding the amount before mentioned, which bond shall be conditioned for the faithful performance of the duties of said officers respectively.

Deputy
Keepers
and assist-
ants to give
bond.

6. *And be it enacted*, That the said supervisor, inspectors, keeper, deputy keeper, and assistants, and the clerk of said

Form of
oath of su-
pervisor,

inspectors,
&c.

prison, shall not be authorized to enter upon the duties of their respective offices, until they shall have taken and subscribed, before a justice of the peace, and delivered to the secretary of state to be filed in his office, the following oath or affirmation, viz.: "I, _____, do solemnly swear (or affirm, as the case may be), that I will well and faithfully serve the state of New Jersey, in the office of _____, and will faithfully and diligently execute all the duties required of me as said officer, and carry into execution all the laws and regulations of the state prison of New Jersey, so far as they pertain to my said office, according to the best of my ability, so help me God."

Employ-
ment of
moral in-
structor
and com-
pensation.

7. *And be it enacted.* That the governor of this state shall be authorized to employ a suitable person as a teacher and moral instructor to the convicts in said prison, who shall devote his whole time to the duties of his office, at a salary not exceeding one thousand dollars per annum, to be paid by the treasurer of this state on the warrant or warrants of the comptroller.

Proceed-
ings in case
any per-
son confined in
prison shall
appear to
be insane.

8. *And be it enacted,* That if any person confined in said prison under sentence of imprisonment shall appear to be insane, the judge of the circuit court of the county in which the prison is situated, shall, upon information of the fact from the physician of the prison, institute a careful investigation, call two respectable physicians and other creditable witnesses if necessary, invite the attorney general to aid in the examination, and, if he shall think it necessary, call a jury, and for that purpose he is hereby fully empowered to compel the attendance of witnesses and jurymen; and if it be satisfactorily proved that said prisoner is insane, said judge may order his safe custody and removal to the state lunatic asylum, where he shall remain at the expense of the state, until restored to his right mind; and then if his term of imprisonment shall not have expired, the superintendent of the asylum shall inform the said judge and the attorney general of the fact of his recovery; whereupon he shall be remanded to the prison to serve out the unexpired portion of his term of imprisonment; and the said judge shall receive the sum of thirty dollars for the performance in any case of the duties imposed by this section, and the attorney general shall receive a compensation in each case to be fixed by the said judge, and paid

upon his certificate by the treasurer, upon warrant of the comptroller.

9. *And be it enacted*, That it shall be the duty of the keeper of the state prison to assign to the clerk, or some other officers thereof, the keeping of a correct, impartial daily record of the conduct of each prisoner and of his labor, whether satisfactory or otherwise; and it shall be the duty of the keeper to see that the said record is regularly made and preserved under his care, and to lay the same before the inspectors as often as they may require.

Daily record of conduct of each prisoner shall be kept.

10. *And be it enacted*, That when the inspectors shall be satisfied that the said record is properly kept, they shall direct the keeper, for every month of faithful performance of assigned labor by any convict in the state prison, to remit to him two days of the term for which he was sentenced; for every month of continuous orderly deportment two days, and for every month of manifest effort at intellectual improvement and self-control, to be certified by the moral instructor, one day; *provided, nevertheless*, that in any month in which a convict shall have merited and received punishment, no such remission of sentence shall be made; and in case of any flagrant misconduct by any prisoner, it shall be lawful for the inspectors to declare a forfeiture of the time previously remitted to him, either in whole or in part, as to them shall seem just.

Remittance of sentence for orderly conduct &c.

Proviso.

11. *And be it enacted*, That on the recommendation of the keeper and moral instructor, it shall be lawful for the inspectors to remit an additional day per month to every convict who for twelve months preceding shall have merited the same by his continuous good conduct in the particulars above mentioned, and for each succeeding year of uninterrupted good conduct, progressively to increase the remission one day per month for that year.

Remittance of sentence on recommendation of keeper and moral instructor.

12. *And be it enacted*, That if any person who has partaken of the clemency of this act shall be again convicted and sentenced to the state prison, he shall, in addition to his said sentence, be required to serve out the number of days remitted to him or her on the previous term.

Additional service shall be required in case of prisoner again convicted and sentenced.

13. *And be it enacted*, That all sentences of imprisonment in the state prison made by any court of this state for a term of months or years, shall be construed and understood to be made under and subject to the provisions of this act.

Sentences of imprisonment how construed.

No enter-
tainment
of food &c.,
to be fur-
nished vis-
itors at ex-
pense of
State.

14. *And be it enacted*, That from and after the passage of this act, it shall not be lawful for the keeper of the state prison, or for any other officer thereof, to furnish any entertainment of food, liquors, or refreshments to any inspector or inspectors, or to any visitor or visitors, official or otherwise, of the said prison at the expense of the state.

Salaries to
be paid
monthly.

15. *And be it enacted*, That the salaries of the supervisor, keeper, deputy keepers, and assistants, physician and clerk of the state prison shall be paid monthly in the manner prescribed by law.

Repealer.

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

Passed April 21, 1876.

CHAPTER CLVI.

A supplement to the act entitled "An act to incorporate Associations for the establishment of Lyceums, Libraries and Literary and Scientific Societies," (revision), approved April ninth, eighteen hundred and seventy-five.

Lyceum
may con-
nect there-
with a cir-
culating li-
brary.

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 lyceum in this state to connect therewith a circulating library, under such regulations as to the said lyceum may seem proper.

May accept
real and
personal
property,
by gift, &c.

2. *And be it enacted*, That for the establishment, maintenance and increase of such library, the said lyceum shall have power to accept and receive gifts, grants, bequests and devises of real and personal property by deed, will or otherwise.

Election of
trustees.

3. *And be it enacted*, That at each annual election for officers of said lyceum, there shall be elected a board of trustees for said library, consisting of seven members of said lyceum, whose duties shall be such as may be assigned by the by-laws of said society; and that until the next annual

election in the month of December, in the year of our Lord one thousand eight hundred and seventy-six, the president of said lyceum shall appoint said board of trustees.

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

Approved April 21, 1876.

CHAPTER CLVII.

Supplement to the act respecting railroads and canals, approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any turnpike road or steamboat company in this state shall have been sold, or may hereafter be sold or conveyed, under or by virtue of any decree or execution of any circuit court of this state, to satisfy any mortgage thereon, or the bond named therein or secured thereby, such sale and conveyance shall have the same force and effect, and the purchaser or purchasers thereof, and their associates, shall thereupon become a body politic, and be entitled to all the corporate rights, liberties, privileges and franchises of the said corporation so sold and conveyed, and be subject to all the conditions, limitations, restrictions and penalties of and concerning the said corporation, the same as if said sale and conveyance had been made under or by virtue of a decree of the court of chancery of this state; *provided* such purchasers shall organize within three months after the passage of this act or within one year after any sale hereafter made by the name of said corporation, and by the election of a president and such other officers as said corporation was required to have by law and shall within one month after such organization file a certificate thereof under its common seal attested by its president,

Sale or conveyance under decree or execution of any circuit Court shall entitle purchaser or purchasers to corporate powers &c., of corporation so sold and conveyed.

Proviso.

Proviso. specifying the date of the organization and the names of its president and directors, in the office of the secretary of state ; *and provided further*, that such sale and conveyance and organization shall in no wise affect the rights of any person or corporation not a party to the suit or action in which such decree or execution was made or issued.

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

Approved April 21, 1876.

CHAPTER CLVIII.

An act to defray the incidental expenses of the New Jersey Legislature for the session of one thousand eight hundred and seventy-six.

State
Treasurer
to pay cer-
tain
amounts.

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

Item No. 1. To A. H. Rickey, for parchment rolls and preparing oaths of members and officers of senate and general assembly, fifty dollars. \$50 00

Item No. 2. To David M. Campbell, for services in attending the electrical gas machine in the senate and general assembly chambers, one hundred dollars. \$100 00

Item No. 3. To William J. Bruce, for services as clerk to sub-committee on taxation, of joint committee, thirty-five dollars. \$35 00

Item No. 4. To Walter Walen, for washing spittoons for senate chamber and house of assembly, one hundred dollars. \$100 00

Item No. 5. To Mrs. Walter Walen, for washing towels for senate chamber and house of assembly, fifty dollars.	\$50 00
Item No. 6. To Ellen Meley, for cleaning senate chamber and house of assembly and committee rooms, two hundred dollars.	\$200 00
Item No. 7. To E. C. Osborn, for copying done for sub-committee on counties, of joint committee, approved by joint committee, fifteen dollars.	\$15 00
Item No. 8. To Phil. B. Pierson, for services as copyist of sub-committee on roads, of joint committee, approved by chairman of joint committee, twelve dollars.	\$12 00
Item No. 9. To Thomas B. Starr, for services rendered the committee on engrossed bills as approved by said committee, four hundred dollars.	\$400 00
Item No. 10. To John L. Murphy, for stationery furnished sergeant-at-arms of house of assembly, two hundred and nineteen dollars and twelve cents.	\$219 12
Item No. 11. To John L. Murphy, for stationery furnished engrossing clerk of house of assembly, one hundred and seventy-five dollars and thirty cents.	\$175 30
Item No. 12. To John L. Murphy for stationery furnished the clerk of the house of assembly, two hundred and twenty-two dollars and eight cents.	\$222 08
Item No. 13. To Michael O'Neal, for furnishing ice for senate chamber, ten dollars.	\$10 00
Item No. 14. To Ivins & Lalor, for carriages for state prison committee, by order of chairman, twenty-five dollars.	\$25 00
Item No. 15. To Ivins & Lalor, for carriages for committee on soldiers' children's home, by order of chairman, fifty-five dollars.	\$55 00
Item No. 16. To William G. Allen, for carriages for committee on soldiers' children's home, by order of chairman, fifty dollars.	\$50 00
Item No. 17. To Ivins & Lalor, for carriages for committee on industrial school for girls, by order of chairman, fifteen dollars.	\$15 00

Item No. 18. To Ivins & Lalor, for carriages for committee on lunatic asylum, by order of chairman, thirty dollars.	\$30 00
Item No. 19. To J. W. Ellison, for services rendered sub committee on elections of joint committee, approved by chairman of sub-committee, twenty-five dollars.	\$25 00
Item No. 20. To Brearley & Stoll, for stationery furnished for committee rooms of legislature and for bill files furnished on order of stationery committee, three hundred and ninety-nine dollars and eight cents.	\$399 08
Item No. 21. To John L. Murphy, for stationery furnished secretary of senate, three hundred and thirty-one dollars and eighteen cents.	\$331 18
Item No. 22. To John L. Murphy, for stationery furnished engrossing clerk of senate, and clerk of committee on engrossed bills, two hundred and seventy-seven dollars and fifty cents.	\$277 50
Item No. 23. To Naar, Day & Naar, for stationery furnished Austin H. Patterson, late clerk of house of assembly, for use of house of assembly for session of one thousand eight hundred and seventy-six, ninety-five dollars and forty-two cents.	\$95 42
Item No. 24. To John B. Fell, sergeant-at-arms of house of assembly for towels, tumblers, brushes, matches and other incidentals for house of assembly, one hundred and seventy-two dollars and fifteen cents.	\$172 15
Item No. 25. To Arthur H. Noll, for copying for sub-committee on sheriffs, of joint committee, approved by chairman of sub-committee, fifteen dollars.	\$15 00
Item No. 26. To Adam Carr, for expenses incurred in contested election case, Carr v. Hopper, fourteen hundred and eight dollars and ninety-four cents.	\$1,408 94
Item No. 27. To John Hopper, for expenses incurred in contested election case, Carr v. Hopper, eighteen hundred dollars.	\$1,800 00
Item No. 28. 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-six.

Item No. 29. To Austin H. Patterson, Joseph B. Cramer, J. J. Garrabrant, Samuel W. Bell, Charles I. Parker, Albert E. Vanderbilt, and Charles Jay, Charles Harris, Alfred Voollman and Benjamin Taylor, each ten dollars, for services as officers of the assembly of eighteen hundred and seventy-five, for services in house of assembly at beginning of session of eighteen hundred and seventy-six, sixty dollars. \$100 00

Item No. 30. To six pages of house of assembly for extra services, fifty dollars each, three hundred dollars. \$300 00

Item No. 31. To William J. Bruce, for services to joint committee of Senate and house approved by chairman of said committee, thirty-five dollars. \$35 00

Item No. 32. To D. Lodor, for chandelier for assembly chamber, ordered by the house of assembly, two hundred and forty-five dollars. \$245 00

Item No. No. 33. To S. T. Champion, sergeant-at-arms of senate, for incidentals furnished for use of senate, one hundred and eighty-eight dollars and eighty cents. \$188 80

Item No. 34. To Alpaugh & Thompson, for copy of Nixon's Digest furnished by order of senate, twelve dollars. \$12 00

Item No. 35. To Brearley & Stoll for paste furnished sergeant-at-arms of house of assembly, fifteen dollars. \$15 00

Item No. 36. To Joseph Wolohon, services to committees, fifty dollars. \$50 00

Item No. 37. To Edmund B. Smith, services to committees, fifty dollars. \$50 00

Item No. 38. To Ellis W. Ridgway, for services as copyist of sub-committee on public instruction of joint committee approved by chairman of joint committee, twenty dollars. \$20 00

Item No. 39. To Joseph P. Adams, for extra services, fifty dollars. \$50 00

Item No. 40. To John L. Murphy, for stationery furnished secretary of senate, fifteen dollars. \$15 00

Item No. 41. To John L. Murphy, for stationery furnished John B. Fell, sergeant-at-arms of the house of assembly, thirty-one dollars and twenty cents. \$31 20

Item No. 42. To John L. Murphy, for stationery furnished F. F. Patterson engrossing clerk of the senate, forty dollars and fifty cents. \$40 50

Item No. 43. To Richard Sutphin, for carriages for committee on Soldiers' Childrens' Home approved by the chairman of committee, forty dollars. \$40 00

Item No. 44. To George R. Brown, for services to joint committee of senate and house, ninety-two dollars and twenty-five cents. \$92 25

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

Approved April 21, 1876.

CHAPTER CLIX.

An act respecting appeals from justices' courts.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all appeals from justices' courts to the court of common pleas of any county in this state, shall be put on the list for trial at the first term to which the same shall be appealed, unless the appeal shall have been taken within five days prior to the beginning of such term, and then at the next term thereafter.

When appeals shall be put on the list for trial.

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

Approved April 21, 1876.

CHAPTER CLX.

An act to provide for stocking the lakes, ponds and streams of this state with food fishes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of twenty-five hundred dollars be and the same is hereby appropriated, to be used in stocking the lakes, ponds and streams of this state with food fishes; said sum to be expended under the directions, and drawn upon the requisition of the commissioners of fisheries of this state. Amount of appropriation.

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

Approved April 21, 1876.

CHAPTER CLXI.

An act to incorporate boat clubs and other associations, for the promotion of athletic exercises.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every association of persons, not exceeding five hundred in number, associated for the encouragement and practice of boating, yachting, ball playing, or other moral and healthful physical exercise, be and they hereby are authorized, at any regular meeting of such association, by a majority of votes to elect by ballot, or otherwise, according to the constitution or by-laws of such association, to appoint not less than three nor more than nine trustees, and one or as many officers of such association as shall be deemed necessary; which said association and such Election of trustees.

other persons as may be associated with them are hereby constituted a body politic and corporate in law, by whatever name they shall assume, and by such name shall have succession and continuance, and be capable in law of suing and being sued, defending and being defended, in all courts and places whatever, and may have and use a common seal, and alter and renew the same at pleasure, and by their name as aforesaid, and under their common seal, may make and enter into, execute and enforce any contracts or agreements relating to, touching or concerning the objects of said corporation.

Certificate of corporate name to be filed. 2. *And be it enacted*, That said trustees of such association, elected or appointed as aforesaid, shall immediately certify such corporate name, under their hands, and file such certificate in the office of the clerk of the court of common pleas of the county in which such association shall have holden the said meeting, whose duty it shall be to record the same, and for which he shall be entitled to receive twenty-five cents.

Estate and property vested in trustees as a corporation. 3. *And be it enacted*, That the estate and property, of what kind soever the same may be, of such association, shall be vested in the trustees thereof as a corporation, and by their corporate name the trustees of such association shall be able to purchase, receive, take, hold and convey, for the use and benefit of such corporation, and for the purpose of effecting the objects of its incorporation, any lands, tenements and hereditaments, and any sum or sums of money, rights, securities, goods and chattels, by gift, alienation, devise, bequest, or otherwise, of any person or persons, bodies politic and corporate; *provided*, that no such incorporation shall at any time hold real property the net income of which shall exceed five thousand dollars a year.

May make by-laws, &c. 4. *And be it enacted*, That incorporations under this act shall be authorized to make, adopt and use, and from time to time to alter, amend or change such general form of a constitution, and such by-laws for their government as to them shall seem right and proper; *provided*, that nothing in said constitution or by-laws be repugnant to the constitution or laws of the United States or of this state.

Mode of appointing officers, &c. 5. *And be it enacted*, That the trustees and officers of any such incorporation shall be elected or appointed in such manner, at such times, and in such places as the said corporation shall by their constitution or by-laws provide; the

trustees shall appoint a treasurer, who shall have the custody of the funds of the said corporation, and shall give bonds for the faithful discharge of the duties of his office, in such sum and with such sureties as the trustees may determine.

6. *And be it enacted*, That the sole and exclusive object of incorporations under this act shall the mental and physical improvement of their members by the maintenance of boat houses, club, gymnasium, boats and yachts, and by such other means as may be appropriate to the objects for which they are respectively organized; *provided*, that gambling, betting and the sale or use of intoxicating liquors at, in or about any such boat house, club room, gymnasium or other place of resort established or maintained by any such association, are hereby absolutely prohibited and forbidden, and that any violation of this provision by any such association, or any permission or allowance of such violation to any of its members, shall be taken and deemed to work a forfeiture of the charter and privileges of incorporation of the association so violating, or permitting, or allowing the violation of this provision; *and provided further*, that any member or members of any such association who shall be regularly expelled therefrom, on account of his or their violation of the foregoing provision, shall be held to have forfeited all right, title and interest in and to the privileges, property and franchises of such association, but shall still be held liable for the payment of all arrearages of any dues, fees, assessments or charges which shall have been previously laid or held against him, or them, in accordance with the constitution or by-laws of such association.

7. *And be it enacted*, That incorporations under this act may establish and regulate admission fees, annual dues, assessments and other charges against members, and the same shall be collectable by the trustees of such incorporations, in the same manner as other debts.

8. *And be it enacted*, That any association of persons heretofore incorporated under any special act of the legislature are hereby authorized to organize under this act in the manner provided in the first section; and upon filing a certificate of the corporate name of such association, as required by the second section; all the right, title and interest of any association heretofore incorporated, in any estate, real or personal, shall be vested in the said body corporate and pol-

itic so created, and the original incorporation of such association shall be null and void.

Associations deemed to be incorporated under this act.

9. *And be it enacted*, That any association of persons heretofore organized, but not incorporated, for the general purposes and the general manner prescribed by this act, shall be deemed and held to be incorporated under this act, to all intents and purposes, in law and in fact, upon the trustees filing a certificate of the corporate name of such association, as required by the second section; and all the right, title and interest of any such association in any property, privileges or franchises, shall be vested in the said body corporate and politic so created; and the trustees, or other officers heretofore elected or appointed, shall hold their offices for the terms for which they were elected, respectively, and until others are elected in their place.

Legislature may modify or repeal.

10. *And be it enacted*, That the legislature may at any time alter, modify or repeal this act, and may also annul or repeal the charter of any association incorporated under and by virtue of the provisions of this act; and the same shall take effect immediately.

Approved April 21, 1876.

CHAPTER CLXII.

An act to enable certain corporations to qualify as trustees, executors, administrators or guardians.

President, Cashier, or Treasurer to subscribe oaths, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where any corporation in this state authorized by its charter to act as trustees, executors, administrators or guardian, shall be appointed executor, administrator or trustee of any estate or guardian of any infant, it shall and may be lawful for the president, cashier or treasurer of such corporation to take and subscribe for such corporation any and all oaths or affirmations required to be taken or subscribed by such executor, administrator, trustee or guardian.

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

Approved April 21, 1876.

CHAPTER CLXV.

An act respecting certain indebtedness in cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any municipal board in any city containing a board of finance and taxation or a Board of Aldermen has incurred indebtedness during the fiscal year of such city ending in eighteen hundred and seventy-five, in excess of the appropriation made to such board for that fiscal year, and such indebtedness remains unpaid, it shall be lawful for the board of finance and taxation in such city, or where there is no such board, then for the board of aldermen to examine into such indebtedness and to allow and order paid so much thereof as in the judgment of the members of such board making the examination ought in justice to be paid; and said latter board is hereby authorized to borrow, in anticipation of taxes next thereafter to be levied in such city, sufficient money to pay and satisfy so much of said indebtedness as it may audit as just and order paid, and the amount thus borrowed shall be put in the tax levy next thereafter.

Payment of
unpaid un-
paid debt
edness in
excess of
appropria-
tions how
provided
for.

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

Approved April 21, 1876.

CHAPTER CLXVI.

An act to authorize the issue of bonds for completing and extending water works in cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city in said state which by any last census made in this state under State or United States authority has or may have a population exceeding one hundred thousand, and in which there is or may be a board of water commissioners, it shall be lawful for the purpose of completing and extending works now in progress for supplying any such city with water, for said board to issue bonds in the name and under the seal of the mayor and common council of such city, to be denominated on their face "water bonds," in addition to any heretofore authorized by law, to an amount not exceeding two hundred and fifty thousand dollars; such bonds may be registered or coupon bonds, and shall bear a rate of interest not exceeding seven per centum, and shall be redeemable at any time not exceeding fifty years from their date, in the discretion of said board, which bonds may be sold at public or private sale, for the best price they can obtain for the same; all bonds issued as aforesaid shall be signed by the members of the said board or a majority of them, and countersigned by the mayor of such city; and all the real estate within such city shall be liable for the payment of the principal and interest that may become due on the bonds to be issued by virtue of this act.

Commis-
sioners au-
thorized to
issue
bonds.

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

Approved April 21, 1876.

CHAPTER CLXVII.

An act concerning cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be lawful for any city within this state, by and through its board of finance or finance department, from time to time to borrow money for the use of said city, in such sums as they may think best, in anticipation of the collection of taxes in arrears in such city, not to exceed, at any time, the amount thereof then in arrear, either by temporary loans or by the issue of bonds not to exceed ten years to run, and to issue proper evidences of indebtedness or bonds therefor, to be signed by the mayor, sealed with the city seal and attested by the city clerk, and the said evidences of indebtedness and the said bonds shall be in such form as said board of finance or finance department shall fix and determine, and the bonds may be either registered or coupon bonds or both, as may be determined by such board or department, such bonds to bear interest at not exceeding seven per centum per annum, payable as such board or department may direct; *provided nevertheless*, that said bonds shall not be sold for less than ninety-five per centum of their par value.

May bor-
row money
and issue
bonds.

2. *And be it enacted*, That all moneys received as principal and interest on account of said taxes in arrears, for the arrearage of which, bonds shall be issued by virtue of the provision of this act, are hereby pledged and appropriated to the commissioners of the sinking fund of said cities where such commissioners exist, for the payment of the principal and interest of the bonds hereby authorized to be issued.

Payment of
principal
and inter-
est how
paid.

3. *And be it enacted*, That it shall be the duty of the said commissioners of the sinking fund, or such board or department of any such city, to pay the interest on the above mentioned bonds, as the same may fall due, and all surplus money that may come into their hands above the amount needed to pay the interest as aforesaid, shall be safely in-

Surplus
how invest-
ed.

vested by them, and applied to the payment of the said bonds as they shall fall due.

Not to apply in certain cases.

4. *And be it enacted*, That this act shall not apply to any city which has a limitation in its charter or supplements of the total amount of aggregate bonded indebtedness of such city so as to permit an increase of such aggregate bonded indebtedness of such city.

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

Approved April 21, 1876.

CHAPTER CLXVIII.

An act authorizing the issue of tax arrearage bonds in cities.

Preamble. WHEREAS, a considerable proportion of the taxes levied annually upon the real estate in the several cities of this state remains unpaid at the close of each year; *and whereas*, it is the practice of the governing bodies of said cities, under the provisions of the several charters thereof, to cause to be sold annually at public auction the various lots or parcels of real estate on which the taxes remain unpaid as aforesaid; *and whereas*, the said municipalities in the absence of purchasers are compelled to buy in annually the greater portion of the lots or parcels of real estate sold by the comptroller or other officer of said cities as aforesaid, in order to secure the payment of the taxes so remaining unpaid; *and whereas*, it is found by experience that a period of several years elapses before the said taxes are finally paid by the owners in the redemption of the property so sold; *and whereas*, up to the present time no provisions of law have been made for the means to carry or float the amount of the said unpaid taxes until they are ultimately refunded to the said cities by the owners of the property so sold annually as aforesaid, except by the issue of temporary loan bonds; therefore,

May issue bonds for

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

ment of finance under the control and with the consent of the governing body of any city in this state, or if there is no such department of finance, then the board of aldermen or board of councilmen, to issue bonds of the said city under the signature of the mayor and city clerk, with the corporate seal affixed, and countersigned by the comptroller or other financial officer for an amount not exceeding the amount of tax liens heretofore purchased by said municipalities, or which may hereafter be purchased by them at the sale of unpaid taxes, in such sums as they may deem best, payable at such time or times as they may designate, not longer than ten years, bearing interest at seven per centum per annum, payable semi-annually.

2. *And be it enacted*, That all moneys received as principal and interest on account of the redemption of real estate sold for taxes of one thousand eight hundred and seventy-five, and for each and every other year for the arrearage of which bonds shall be issued by virtue of the provision of this act are hereby pledged and appropriated for the payment of the principal and interest of the bonds hereby authorized to be issued; in cities where there are commissioners of the sinking fund, then they shall be pledged and appropriated to said commissioners for said purpose.

3. *And be it enacted*, That it shall be the duty of the said commissioners of the sinking fund of any such city, or other board performing their duties to pay the interest on the above mentioned bonds, as the same may fall due, and all surplus money that may come into their hands above the amount needed to pay the interest as aforesaid, shall be safely invested by them, and applied to the payment of the said bonds as they shall fall due; the board of aldermen or board of councilmen of any city where no commissioners of the sinking fund are in existence, may perform the duties of such commissioners, or designate by ordinance a board to perform such duties, and may appoint by resolution the members of such board.

4. *And be it enacted*, That the provisions of this act shall not extend to cities that already under their charters or the supplements thereto have power to issue bonds for the purposes mentioned in this act, and for the length of time herein provided, nor to any city by whose charter or the supplements thereto, there is a limit to the amount for which bonds may be issued.

amount not exceeding tax liens purchased by municipalities, &c.

Principal and interest of arrearage bonds how provided for.

Surplus how invested.

How duties may be performed in cities where no commissioners of sinking fund are in existence.

Provisions of act not to extend to cities in certain cases.

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

Approved April 21, 1876.

CHAPTER CLXIX.

An act relating to arrears of taxes and assessments in cities, towns and townships.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen or common council or board of finance of any incorporated city of this state, or the town council or township committee to authorize and direct the collector or receiver of taxes and other proper officer or officers of such city, town or township to receive and collect upon all taxes and assessments remaining due and unpaid in whole or in part in such city, town or township, on the date of the passage of this act, and which shall be paid on or before the first day of June, eighteen hundred and seventy-seven, interest not to exceed the rate of twelve per centum per annum from the fifteenth day of October in the year in which such taxes were assessed, or from the date of the confirmation of such assessment, and in such case no other interest or penalties on such taxes or assessments paid within the time aforesaid shall be collected; but in case of sales of land for taxes or assessments previously made, the costs of advertising and auctioneer's fees shall be charged and collected on property which has been sold for any of such taxes and assessments and upon the payment of such taxes or assessments and interest and costs as aforesaid at or before the time before mentioned, the proper officers or authorities of said cities, towns or townships shall respectively cancel and surrender any certificate of sale of property which may have been sold for such taxes or assessments and which shall then be held by any of said cities, towns or townships; the boards of aldermen or common councils re-

Rate of interest which may be charged and collected on unpaid taxes and assessments and which shall be paid within a certain time.

In case of sale of land for taxes, costs of advertising and auctioneer's fees to be added, &c.

spectively of said cities or said town council or township committee may determine by a general order or resolution what rate of interest not less than seven nor more than twelve per centum per annum shall be paid on such past due taxes or assessments as aforesaid; *provided, however*, that this act shall not apply to any of the cases provided for by an act entitled "An act relative to past due taxes in the cities of this state and to the payment thereof" passed at the present session of this legislature; and *provided further*, that nothing in this act contained shall authorize the receipt under the provisions of this act of any such taxes or assessments in cases where land or real estate has been sold for such taxes or assessments and bought by any other person than said city, town or township or some officer thereof for the use of such city, town or township, nor shall any lien upon real estate for taxes or assessments be released or affected, nor shall any sale of any real estate for taxes or assessments, or the delivery of any certificate or declaration of sale or deed therefor be stayed or delayed by any thing in this act contained.

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

Approved April 21, 1876.

CHAPTER CLXX.

An act respecting bonds of cities, towns, townships and other incorporated places.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where any commissioners of assessments, board of assessors, or other persons, having the power and authority by any act or acts of the legislature of this state, to assess the costs, damages and expenses of any improvement, upon the lands or upon the owner or ownersthere of benefited by such improvement, shall assess or have assessed upon the same, an amount

Corporate
authorities
of any city,
town, town-
ship or in-
corporated
place may
issue obli-
gations for
payment of
costs of im-
provements

not assessed upon lands or owners of lands benefitted by said improvement. less than the total costs of any improvement now made it shall be lawful for the city council, board of aldermen, township committee, or other corporate authority of any city, town, township or incorporated place in this state wherein such assessment was or shall be made to issue the corporate obligations of such city, town, township or incorporated place for the payment of the amount of the total costs of any such improvements, not assessed upon the lands or upon the owner or owners of lands benefitted by said improvement, and to sell and dispose of such obligations at their market rates, but not at a discount greater than five per centum; such obligations to be made payable in not less than ten or more than forty years from the dates thereof respectively, and shall bear interest from the dates thereof at the rate of not over seven per centum per annum, payable semi-annually; and it shall be the duty of all such corporate authorities, and they are hereby required, to raise by special tax the amount of interest accruing and to accrue in each year upon said obligations, together with at least one per centum of the principal of said obligations, the amount raised in each year on account of the principal of said obligations to be deposited and held, by the sinking fund commissioners or other similar body, if any, and if none, then by the legislative body of such corporation, as a sinking fund for the payment of the principal of said obligations, and to be used for no other purpose whatever.

Principal and interest to be provided for by special tax.

Obligations may be issued for amount expended in excess of appropriations, &c.

Mode of payment.

Proviso.

2. *And be it enacted*, That in cases where any city council, board of aldermen, township committee or other corporate authority of any city, town, township or other incorporated place in this state have heretofore expended moneys for purposes authorized by their respective acts of incorporation, in excess of the moneys appropriated for such purposes, it shall be lawful for such corporate authorities, or any of them, to issue the corporate obligations of such city, town, township or incorporated place for the amount so expended in excess of the appropriations, which obligations may be issued, sold and disposed of, and the principal and interest shall be made payable, and raised by tax, collected, deposited, held and paid in the manner required for the obligations mentioned in the first section of this act; *provided*, that nothing contained in this act shall authorize any common council in this state to fund their floating debt in excess of any restrictions as to the amount of debt they may

create, contained in their charters or any supplements thereto.

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

Approved April 21, 1876.

CHAPTER CLXXI.

A supplement to "An act relating to justices of the peace," 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 hereafter at the election for justices of the peace in the several townships and wards in this state which vote by ballot at their town meetings, the polls shall be opened at the same time and place, and the election conducted in the same manner and be subject to the same rules as are provided by law for the election of the several township officers in said townships or wards. Time of opening the polls and manner of conducting the election.

2. *And be it enacted*, That no election of justices of the peace heretofore held in this state shall be set aside, nor shall the official acts of such justice be deemed illegal, by reason of the polls not having been kept open during the hours required by law, in case it shall appear that such irregularity occurred through a misunderstanding of the law on the part of the judges of election. Elections not to be set aside.

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

Approved April 21, 1876.

CHAPTER CLXXII.

An act to revive acts relating to Turner Vereinen (Turner Societies) which have become inoperative by reason of the non-payment of assessment required by law.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wherever any Turner Vereinen (Turn Society) has been heretofore incorporated by the legislature of this state, and has organized under the act creating it, and has purchased and acquired real estate in this state for the purposes mentioned in said act, and said act has become inoperative and void, because the parties interested therein failed to pay the assessment required by law, that in every such case all the rights, powers and franchises hereinafter conferred upon said corporation shall be continued and declared to be vested in and exercised by said corporation as fully to all intents and purposes as if said state assessment had been paid within the time limited by law, and all acts done under said act which become inoperative and void for the reason aforesaid, shall be as valid to all intents and purposes as if said assessment had been paid when due.

Societies incorporated by special act of legislature, which have organized and acquired real estate under said acts, and which incorporations have been proclaimed in operative and void to be valid and operative.

2. *And be it enacted*, That the parties interested therein shall pay or cause to be paid, on or before the first day of June, eighteen hundred and seventy-six, all assessments due on said act so invalidated, and also thirty dollars additional assessment.

Payment of assessments to be made.

3. *And be it enacted*, That every such Turn Verein shall be a body politic and corporate by the name mentioned in the act creating it; that the objects of the society shall be the improvement of mental, physical and corporal education; that the said corporation shall have power to prescribe admission and expulsion of its members, and for the election, time of service and duties of its officers; that the officers of said corporation shall consist of a president, vice president, one corresponding, one recording, one financial secre-

General corporate powers.

tary, treasurer, first and second turn master, librarian, quarter-master, drum major, and the chairman of the mental turn school, said officers to be elected annually and at such time and place as the by-laws of the said corporation may prescribe; that the said corporation may purchase and hold real and personal estate for their use and benefit, and continue to hold any heretofore purchased by them, the value of which shall not at any one time exceed the sum of fifty thousand dollars.

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

Approved April 21, 1876.

CHAPTER CLXXIII.

An act to provide for the printing and publishing of the list of causes noticed for trial in the circuit courts and courts of common pleas of the several counties of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all the counties of this state, whenever the judge holding the circuit court therein shall deem it proper and necessary that the list of causes noticed for trial at any of the regular terms of the said circuit courts and courts of common pleas shall be printed and published for the use of the said courts, he may order and direct the same to be done by the clerk of the said courts and prescribe the form in which the same shall be printed and direct the said clerk to advertise for one week in two newspapers of different political parties in the county for bids for said work for one year and give said printing to the lowest bidder and the expenses of the printing and publishing thereof shall be paid by the board of chosen freeholders of the county, upon the certificate of the said circuit judge that such printing has been done,

Advertisement shall be made for proposals for printing list of causes and work to be given to lowest bidder, &c.

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

Approved April 21, 1876.

CHAPTER CLXXIV.

A supplement to the act entitled "An act relative to the supreme and circuit courts," approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at least ten days before the commencement of each regular term of the circuit court to be holden in any county of the state, the sheriff of said county shall make out a list of constables not exceeding ten in number, who shall attend as constables at the said next term of court in said county, and after making out said list the said sheriff shall thereupon notify, by mail, each of said constables so selected, that he has been so selected to attend at said term; and if upon the first day of said term, or any day thereafter, any of said constables so selected shall for any reason fail to attend at said term, the judges, before the court of common pleas or a major part of them shall, if the necessities of the business of the court require it, or the justice of the supreme court holding the circuit shall so request, direct, by writing under their hand, and filed with said clerk, that other constables of said county duly elected and qualified to act as such, of a number designated by said judges or a major part of them in said writing, shall serve at said term instead of the constables originally selected and absent; and no constable of said county, except those thus selected and summoned, or selected to fill such vacancies shall receive any compensation whatever for his attendance as a constable upon said court or at said term; *provided*, that in counties containing a population of at least one hundred and fifty thousand persons, it may be lawful to thus select and summon not exceeding fifteen constables, and in

Sheriff shall make out list of constables to attend court and give notice to those selected.

Proviso.

counties of a greater population one additional constable for each twenty thousand population may be summoned ; *and provided further*, that if at any time the said judges or ^{Proviso.} a major part of them shall deem the attendance of an additional number of constables desirable, or necessary for the proper transaction of the public business, they may by writing authorize the said sheriff to summon such additional constables.

2. *And be it enacted*, That if at any time during said term ^{May dis-} it shall appear to said judges or a major part of them, that ^{charge} the attendance of any of said constables so attending at ^{from fur-} said term, may be dispensed with, without detriment to the ^{ther attend-} public business of said term, it shall be the duty of the said ^{ance when} judges, or a major part of them, to forthwith discharge from ^{expedient.} further attendance such and so many of said constables so attending, as shall be deemed proper and expedient ; *pro-* ^{Proviso.} *vided*, that such discharge shall not be made, if the justice of the supreme court holding the circuit shall refuse to concur therein.

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

Approved April 21, 1876.

CHAPTER CLXXV.

A supplement to an act entitled "An act for the relief of soldiers and sailors of this state in the war of eighteen hundred and twelve," approved March twelfth, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act ^{Section to} to which this is a supplement, which section ^{be amend-} reads as fol- ^{ed.} lows :

"That the sum of one hundred dollars per annum be paid all soldiers and sailors of this state who served in the war of one thousand eight hundred and twelve, and the widows

of any such soldiers and sailors, in equal semi-annual payments during their life time," be and the same is hereby amended so as to read as follows :

Amend-
ment.

Proviso.

That the sum of one hundred dollars per annum be paid all soldiers and sailors of this state who served in the war of eighteen hundred and twelve, and the widows of any such soldiers and sailors, in equal semi-annual payments during their life-time ; *provided*, that no such pensions shall hereafter be paid to such widows of deceased soldiers and sailors as shall have again married.

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

Approved April 21, 1876.

CHAPTER CLXXVI.

An act for the incorporation of fire companies.

Mode of in-
corporation.

Certificate
of incorpo-
ration set-
ting forth
object, &c.,
to be filed
with clerk
of county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any number of persons, not less than ten in number, to associate themselves together for the purposes of protecting life and property from fire, and any number of such persons, not less than ten in number, may become incorporated by such name as they shall assume and choose at a meeting to be called for that purpose, by publishing a notice to that effect once a week for two weeks prior to the assuming and choosing of such name, in one or more newspaper or newspapers circulating in the neighborhood where such association is about to be formed, which notice shall state the object of such meeting, and request the members to be present thereat; and the name which shall at such meeting be assumed and chosen shall be the name of said association, and such persons, not less than ten in number, shall file a certificate in the county clerk's office of the county where such association exists, which certificate of incorporation shall set forth the object of said association, and the period for which such association is to continue, not exceeding fifty years, and such

certificate shall be executed under their hands and seals, and acknowledged before some officer authorized to take the proof and acknowledgment of deeds in the state of New Jersey, and which certificate shall be by said clerk recorded in his office the same as other certificates of incorporation are, for recording which said certificate the said clerk shall be entitled to receive and collect the usual fees allowed by law; and upon the filing and recording of such certificate as aforesaid, the persons signing and acknowledging the same as aforesaid, shall become and be incorporated by the name assumed and chosen by them as aforesaid, as a body corporate and politic in law, and they and their successors, and all who shall associate themselves together with them shall, as such corporation, be entitled to all the rights, powers and privileges, benefits, advantages and immunities now conferred upon corporations under the laws of this state, as contained and set forth in the act in relation to corporations entitled

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

Approved April 21, 1876.

CHAPTER CLXXVII.

An act relative to the appointment of collectors of taxes in incorporated cities and towns.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council in each of the incorporated cities and towns of this state, containing, according to the United States census of eighteen hundred and seventy, not more than six thousand population, which are or may be divided into wards, may appoint one collector of taxes for each ward; *provided*, that this act shall not apply to any incorporated city or town in which the collectors are elected by the voters thereof.

Common
Council
may ap-
point Col-
lector of
taxes in
each ward.
Proviso.

Repealer.

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

Approved April 21, 1876.

CHAPTER CLXXVIII.

An act relative to the printing of legal notices in the German language.

When legal notice, &c., shall be printed in the German language.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any legal advertisement or other legal notice, from any sheriff, surrogate, county clerk, or other officer of this state, shall be directed by such sheriff, surrogate, county clerk, or other officer of this state, to be printed and published in any newspaper printed and published in the German language, it may be lawful for such notice to be printed and published in the German language; *provided*, that every such notice shall be published in at least one newspaper in the English language.

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

Approved April 21, 1876.

CHAPTER CLXXIX.

An act concerning clerks of counties 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 each of the clerks of the different counties of this state to appoint under his hand and seal an assistant in his office, to be known and denominated as his "deputy clerk," who shall hold office during the pleasure of the clerk, but no longer than the term for which said clerk shall be elected; such deputy clerk, before he enters upon the duties of such office, shall take and subscribe, before one of the judges of the court of common pleas, an oath of like form and character as that required to be taken by the said clerks; which appointment, with the certificate of the oath or affirmation endorsed thereupon, and attested by the said judge, shall be filed and always thereafter kept in the office of said clerk so making the appointment; and the "deputy clerk," as aforesaid, shall, during the absence or inability of the clerk, have the same powers and perform all the duties which are now or shall be imposed or conferred by law upon the different clerks of the counties respectively; *provided*, that no additional compensation shall be paid such deputy by the county.

County clerk empowered to appoint a deputy clerk.

Deputy clerk to take and subscribe oath.

Proviso.

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

Approved April 21, 1876.

CHAPTER CLXXX.

An act concerning cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wherever the mayor and council of any city in this state has been authorized by an act of the legislature to issue registered or coupon bonds, the net proceeds, or any portion of which, are to be applied to the payment of the cost of the erection and furnishing of a school house in any particular part of said city, such mayor and council are hereby authorized to use such net proceeds of said bonds for the payment of the cost of purchasing land and the erecting of a school house thereon and the furnishing of the same in a locality different from that now authorized by law in such cases, and the council or board of aldermen of any such city may pass an ordinance fixing such new locality and directing the purchase of the land and the erecting of a school house thereon and the furnishing of the same, and may in such ordinance provide for the issue of additional registered or coupon bonds to an amount equal to the value of any land purchased for such purpose, and may by ordinance provide by taxation for the payment of any such bonds and the interest thereon.
2. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1876.

CHAPTER CLXXXI.

An act to authorize the apportionment of taxes, assessments and water rents.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon application in writing by any person interested to apportion any taxes, assessments or water rents, which have been or shall be laid upon any plot or parcel of land in any city, town or township, amongst any subdivisions of such plot or parcel, accompanied by a map showing the subdivisions desired, the officer or body to which such application shall be made as herein provided, shall have power to make a just apportionment of such taxes, assessments and water rents upon and among such subdivisions or such other subdivisions as it may deem just and proper, and also to apportion, in manner aforesaid, any taxes, assessments and water rents for non-payment of which any plot or parcel of land has been or shall be sold under the laws relating to such sale, with expenses of sale, in cases where such land has been or shall be bought by the treasurer or other officers of such city, town or township, for the use and benefit thereof, or by such city, town or township.

2. *And be it enacted*, That upon the approval of such apportionment by the mayor or passage over his veto, if application was made to the body hereinafter mentioned, where such lands lie in a city, the city clerk shall file the map and report of the officer, board or council showing such apportionment, and upon the adoption of such apportionment by the council or other governing municipal authority of any town, or by the township committee of any township, the clerk of such town or township shall file the map and report showing such apportionment, and upon such filing the said taxes, assessments or water rents as so apportioned, shall be and remain a lien upon such subdivisions in the same manner as if such taxes, assessments or water rents had been originally laid or assessed upon such subdivisions in

Proceedings for the apportionment of assessments and water rents upon application in writing by any person interested.

Map and report to be filed.

the separate amounts so apportioned, and upon payment to the proper officer of the amount so apportioned to any subdivision, with interest and penalties added at the same rates as were chargeable on the original taxes, assessments or water rents respectively, and in case of sale with the proportion of expenses of sale added, such subdivision shall be discharged from all lien or liability under such taxes, assessments and water rents and from the effect of such sale therefor.

Powers to
apportion
&c., in
whom ves-
ted.

Proviso.

Proviso.

Proceer-
ings when
owners of
lands to be
affected, do
not join in
applica-
tion.

3. *And be it enacted*, That such powers to apportion shall be vested in and such application made to the mayor and common council, or board of aldermen or other chief municipal authority of the several cities and towns, and the township committees of the several townships; *provided however*, that whenever there is or shall be in any city or town a board of finance and taxation, or any body possessing the general powers now exercised by such boards, the power of apportionment as aforesaid shall be vested in, and such application made to that board; *and provided further*, that wherever there is or shall be in any city an officer called a comptroller, the power of apportionment as aforesaid shall be vested in, and such application made to that officer.

4. *And be it enacted*, That when any of the owners of the lands to be affected by such apportionment shall not join in such application, then such comptroller, board, council or township committee shall direct notice to be given to such owner, if resident in such city, town or township, either personally or by leaving the same at his place of abode, and if not resident in such city, town or township, by advertisement for ten days in a newspaper published and circulating in such city, town or township, and if none is so published, then in the nearest newspaper published in the county, of the time and place where and when a hearing will be had upon such application before such comptroller, board, council or township committee, or a committee thereof, which notice, upon proof of service or publication thereof, shall be deemed sufficient, and said comptroller, board, council or township committee may thereupon make such apportionment.

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

Approved April 21, 1876.

CHAPTER CLXXXII.

An act relating to giving bonds for assessments in cities, and providing a mode of carrying the indebtedness thereby continued.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any assessment for benefits resulting from any improvement heretofore made or work heretofore done by order of the corporate authorities of any city in this state or any board or department thereof shall have been heretofore or shall be hereafter ratified and confirmed, and such proceedings taken in relation to the collection thereof as are now imposed by law, it shall be lawful for the board of finance in each city, or in the absence of such board then the board of aldermen, council, common council or other legislative body of any such city, by an ordinance prescribing a general and uniform rule in that respect, which ordinance shall be approved by the mayor or other chief executive officer of such city, or if such mayor or other chief executive officer shall neglect or refuse to approve such ordinance within ten days after the same shall have been presented to him shall be passed by two-thirds of all the members of such board, council or other legislative body of such city, with the approval of the board of finance in any city where such board exist, to authorize the comptroller or other financial officer of said city to take from any of the owners of the land and real estate so assessed as aforesaid, a bond to the said city in double the amount of the said assessment conditioned for the payment of such assessment in such times and manner as prescribed in said ordinance with interest from the date of said bond, upon the amount of said assessment at any time remaining unpaid, at the rate of seven per centum per annum, payable semi-annually, and after the adoption of such ordinance in manner aforesaid, upon said owner paying the cost and expenses of any sale for said assessments and interest on said assess-

May prescribe by ordinance to take from owners &c., assessed, bond in double the amount of assessment &c.

ments from the date of the ratification thereof to the date of entering into said bonds, at the rate now fixed by the charter of any such city, and giving to said city the bond prescribed by this act and such ordinance, it shall not be lawful for the said city to sell the land and real estate of the said owner entering into such bond for the payment of such assessment, unless failure be made in the payment of such assessment or any installment thereof or interest on said assessment remaining at any time unpaid according to the condition of said bond; and in case failure be made to pay said assessment or any installment thereof, interest thereon for thirty days after the same shall become due the whole amount of the assessment and interest then remaining unpaid, may, at the option of said city, at the expiration of said thirty days, become and be due and payable and the said city upon failure in payment as aforesaid, may thereupon either sue said bond or sell said land and real estate for the amount of the assessment so remaining unpaid, the same as though said bond had not been given, and the amount realized by said suit or sale shall be placed to the credit of the commissioners of the sinking fund of said city, if any such exist, and if none then to the credit of said city to the proper account, or paid over to the holder or assignee of said bond, or to the legal representative of the said holder or assignee, if such bond has been assigned: *provided*, that the receiving said bond shall in no way affect or impair the lien of said city upon the land and real estate assessed during the time said obligation shall continue in force and unpaid, and during the said time sale may be made upon default as herein provided; *and provided further*, that any owner of property which has been heretofore assessed for benefits for any improvement shall enter into said bond within six months from the time such city shall determine to accept said bonds in settlement of said assessment in the manner herein prescribed, and that any owner of property whose land shall be hereafter assessed as aforesaid for work heretofore done, shall enter into said bond within sixty days from the first publication of the notice of said assessment now required by law to be published; *and provided further*, that no bond shall be taken by the comptroller, or other financial officer, in cases where a sale of the property heretofore assessed shall have taken place, and any person other than the said city by its corporate name or otherwise, or some officer

Proviso.

Proviso.

Proviso.

thereof for the use of said city, has become the purchaser thereof; *and provided, further* that no bonds shall be taken Proviso. under the provisions of this act for a longer time than ten years, nor for the payment of less than one-tenth of the principal of such bond in each year said bond shall run; *and provided further*, that the ordinance in this section mentioned Proviso. may contain a provision that the whole or any part of the interest which shall have accrued on said assessments may be included in the principal of said bonds and in that case the owner may upon payment of the costs and expenses of any sale for said assessments, and of so much of said interest as is not so ordered to be included in said bond and giving bond as so prescribed, have the relief permitted by this act if otherwise within the provisions of this section, being liable however to sale in case of default in any payment as herein provided.

2. *And be it enacted*, That where any assessment has been made or shall be hereafter made in connection with any improvement heretofore made against any such owner, to whom, in the prosecution of such improvement, an award of damages has been or shall be made, and which said award has not been paid by the said city, the bond provided for in the foregoing section of this act shall be given for the difference only between such award of damages and assessment for benefits, if said assessment exceed said award of damages, in which case the said owner shall give to the said city a proper receipt and acquittance for the amount of said award of damages. When bond shall be given for difference of award of damages and assessment for benefits.

3. *And be it enacted*, That in order to meet the costs and expenses of said improvements for which persons assessed may, at the option of the governing power of any such city, give bonds as aforesaid, any such city may by resolution of the board or other body in such city now authorized to direct the issue of city bonds issue its bonds under the signature of its mayor, with its corporate seal affixed, and countersigned by its comptroller or other financial officer, for such an amount as its said city shall have taken bonds for under the provisions of this act which bonds of said city shall be payable at such time or times as they shall designate, not longer than ten years, bearing interest at seven per centum per annum, payable semi-annually, and that all moneys received in payment of the said assessments, for which the bonds of persons assessed shall be received as May issue bonds to meet costs and expenses.

aforesaid, under the provisions of this act, are hereby pledged and appropriated to the commissioners of the sinking fund of said cities where such commissioners exist, or where no such commissioners exist, then the same are hereby pledged and appropriated as the board of finance or if no such board as the board of aldermen, council or other legislative body of said city may direct or determine for the payment of the principal and interest of said bonds hereby authorized, *provided further*, that the provisions of this section shall not apply to or affect any city which by its charter or the supplements thereto now has power to issue its bonds to provide for the costs and expenses of such improvements.

Proviso.

Laws heretofore passed not to be impaired.

4. *And be it enacted*, That nothing in this act shall in any way affect or impair any law heretofore passed relating to the giving of bonds for assessments as herein provided to any municipal corporation in this state, and that this act shall take effect immediately.

Approved April 21, 1876.

CHAPTER CLXXXIII.

An act respecting assessments in cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in assessing the costs and expenses of street and sewer improvements in any city of this state, the commissioners of assessment in every city, or such city surveyor, person or other persons, as are or may be authorized by law in any city to make an assessment for such improvements, shall in the respective cities for which such commissioners of assessment, city surveyor, person or other persons are or may be lawfully appointed to make assessments, assess the cost and expense of all street and sewer improvements upon the land and real estate benefited by such improvements, and in proportion to the benefits thereby received, in making which said assessment hereby author-

Costs and expenses of street and sewer improvements to be assessed upon lots, &c., in proportion to benefit received.

ized for street or sewer improvements in any city of this state the same shall be made and assessed upon the several lots or parcels of land benefited by such improvement in proportion to the benefit received by each one of said lots or parcels of land, and no lot or parcel shall be assessed more than it is benefited; *provided*, that if the total cost and expense of an improvement exceed the aggregate amount of assessable benefits then only so much of said cost and expense as equals the aggregate amount of such benefits shall be so assessed and the remainder of such cost and expense shall be borne by the city at large and paid in the manner provided by law. Proviso.

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

Approved April 21, 1876.

CHAPTER CLXXXIV.

An act concerning townships and township officers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after the first day of January, eighteen hundred and seventy-seven, all town meetings in the several towns and townships of this state for the election of town and township officers, shall be held on the second Tuesday of March in each and every year, and that at such elections the vote shall be by ballot, and the same shall be held and conducted in the same manner that the general elections are held and conducted. Time of holding elections in townships.

2. *And be it enacted*, That at all such town meetings held after said first day of January, eighteen hundred and seventy-seven, the several town and township committees to be voted for and elected in the said towns and townships shall consist of five persons; and the said committees, when duly elected, appointed and qualified, shall have power and authority to appoint one of their number to be the chairman of said committee, and one to be treasurer thereof; the chairman of the said committee shall preside Election of township committees
Chairman and treasurer.

Clerk to
keep a rec-
ord of the
proceed-
ings.
Duty of the
treasurer.

at all the meetings thereof, and the clerk of the township shall act as clerk of said committee and keep a record of the proceedings, and shall record the same in the town book ; the treasurer of the said committee shall be the custodian of the moneys of such town or township, and all moneys which the said committee are by law authorized to receive and disburse, shall be paid to him, and shall be held by him subject to the order of said committee and paid out by him on their order ; and he shall when required, and at the end of his term of office, account to the said committee for the moneys received by him as such treasurer, and pay over the balance in his hands unexpended, to such person as may be appointed to succeed him, on demand ; and such treasurer shall give bond to the inhabitants of such town or township in such sum and with such sureties as the said committee shall approve, conditioned for the faithful discharge of all the duties of his office, and for the payment by him on demand, to his successor in office, or to such person as the said committee shall designate and appoint, of all moneys remaining in his hands not paid out on the order of said committee, and upon the further condition that such treasurer render at all times when called upon by the said committee, and at the end of his term of office, a just and true account of all moneys received and paid out by him as aforesaid, which bond shall be filed in the office of the clerk of the county in which such town or township is, the same having been first approved by the said town committee and such approval endorsed on said bond, *providing however*, that the provisions of this bill shall not apply to townships of six thousand inhabitants or over.

Proviso.

Appoint-
ment of
chairman
and treas-
urer.

3. *And be it enacted*, That all the towns and township committees now acting or to be hereafter elected or appointed prior to the said first day of January, eighteen hundred and seventy-seven, shall have the power and authority to appoint a chairman and treasurer as in the preceding section mentioned, and the duties and responsibilities of such chairman and treasurer shall be the same as therein set forth.

Money rais-
ed by taxa-
tion and
held in
trust for
town or
township
shall be
paid to
treasurer

4. *And be it enacted*, That in all cases where money raised by taxation remains in the hands of any person or persons unexpended, and the same cannot for any reason be used for the purpose for which it was raised, and in all cases in which the money so raised is held in trust for the town or township, and is not needed or cannot be used for the pur-

pose for which it was raised, every person or persons holding such moneys shall on demand pay the same to the treasurer of the town or township committee, who in case of refusal is hereby authorized to sue for and collect the same, in any court having jurisdiction thereof, in his own name as such treasurer, to and for the use of the said town or township; and the said treasurer shall hold the said moneys subject to the order of the said committee, and the committee may appropriate and use the same for the benefit of said town or township as they may deem best.

of the town
or township
committee.

Treasurer
to hold
moneys
subject to
order of
committee.

5. *And be it enacted*, That whenever it is deemed expedient to issue town or township bonds for any lawful purpose, such bonds shall be issued by such committee, and shall be signed by the chairman thereof and countersigned by the treasurer, and numbered and registered by him in a book to be kept for that purpose; *provided, however*, that before any such bonds shall be made or issued, the following conditions shall have been complied with and observed: a petition requesting the said committee to issue such bonds, specifying the amount to be issued and the purpose for which they are to be used, shall be presented to the said committee, signed by taxpayers of the said town or township (not including such persons as pay a poll tax only), representing a majority in number and amount of the taxpayers, as aforesaid, and taxable property of said town or township, which petition shall be verified by the oath of the assessor of the said town or township, that it is so signed; and before the issuing of the bonds as hereinafter provided, said petition and affidavits shall be recorded by the town clerk and filed in the office of the county clerk, and such petition and affidavits or a certified copy thereof shall be competent evidence of the facts therein set forth, in any court of this state; the said committee shall, on receiving such petition, cause a resolution to issue such bonds to be submitted to the legal voters of such town or township, by causing such resolution to be written or printed on ballots, underneath which shall be written or printed the words "for the above resolution" or "against the above resolution," which vote may be taken either at the annual town meeting or at a special town meeting to be called by the said committee for that purpose.

Bonds, how
issued and
signed.

Proviso.

Conditions.

Resolution
shall be
submitted
to vote.

6. *And be it enacted*, That in case such vote is taken at the regular annual town meeting, the said resolution may be

Mode of
submitting
resolution.

printed or written, or partly printed or partly written, on the ballots used at such town meeting; and in case a special town meeting is called for that purpose, the ballots to be used shall contain only the said resolution, and the words thereunder, as mentioned in the preceding section; and the said committee shall give at least ten days' notice of such special town meeting, specifying the time and place where such town meeting shall be held, and the purpose and object thereof, by notices printed or written, posted in five or more of the most public places in said town or township; and the result of the said town meeting, as to the said resolution, shall in either case be certified to the said committee by the judge of election presiding at such town meeting, and the town clerk, under their respective hands; and in case a majority of the legal voters, as shall appear by such certificate shall have voted for such resolution, then such committee shall proceed to issue such bonds forthwith, and use the same for the purposes expressed in said resolution; and all proceedings in relation to said petition, said resolution, and the vote thereon, and the issue of said bonds, shall be recorded at length in the town books by the town clerk, and such bonds shall not be sold for less than ninety-five per cent. of their par value.

Notice to
be given of
special
town meet-
ing.

7. *And be it enacted*, That in case a special town meeting be held for the purpose mentioned in this act, the same shall be held and conducted in the same manner in which the annual town meeting is held and conducted, and that the expense thereof shall be paid in the same way.

Manner of
holding and
conducting
special
town meet-
ing.

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

Approved April 21, 1876.

CHAPTER CLXXXV.

A supplement to an act entitled "An act to provide for the incorporation and regulation of insurance companies," approved April ninth, eighteen hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it shall appear by examination as now authorized by law, that any insurance company organized under the laws of this state, holds as collateral security for the payment of any loan, any stock, bond or security, of whatever description, which has not a cash market value, of at least twenty-five per cent. more than the amount of such loan, the secretary of state shall have authority to require the reduction of such loan or an increase of collateral security, so that the security shall be at least twenty-five per centum in excess of the amount loaned as aforesaid.

Collateral security must be 25 per cent. in excess of the amount loaned.

2. *And be it enacted*, That if any insurance company shall not comply with the requirements of the foregoing section within ten days after receiving notice in writing from the secretary of state, it shall be his duty to disallow any loan the security wherefor is less than twenty-five per centum in excess of the amount loaned and deduct the amount thereof from the assets of the company holding the same.

Secretary of State may notify to make good deficiency, and disallow amount if not done.

3. *And be it enacted*, That if it shall appear upon examination as aforesaid that any such insurance company holds any bond which is secured by mortgage upon real estate which is not a first lien, or that the value of such real estate is less than fifty per centum in excess of the amount of the bond which it is mortgaged to secure, the secretary of state shall have authority to disallow any such bond and deduct the amount thereof from the assets of any company holding the same, after having given the company at least twenty days' notice in writing to change or conform any such loan to the requirements of this act.

Mortgage must be first lien and 50 per cent. in excess of amount of bond.

Secretary of State may disallow after notice.

Filing
Charter.

Fee for \$20.
Agents cer-
tificates \$2
each.
Proviso.
No License
fee.
Reciprocal
features
unchanged.

No policy
in un-
author-
ized com-
pany to be
delivered
nor pre-
mium col-
lected.

Penalty.

Repealer.

4. *And be it enacted*, That, every insurance company of another state or nation, shall upon application for authority to transact business in this state file a duly authenticated copy of its charter or certificate of organization, and that the charge therefor shall be twenty dollars, and for certificates of authority to agents of any such company two dollars each; *provided*, that there shall be no charge for annual license to such company, and that nothing herein contained shall alter or repeal the reciprocal provisions of sections ten, eleven and twelve of the act to which this is a supplement, and there shall be paid by every insurance company authorized to transact business in this state, for filing the annual statement, as now required by law, twenty dollars.

5. *And be it enacted*, That it shall not be lawful for any person within this state to negotiate any insurance, or deliver any policy or certificate of renewal thereof, or receive any premium thereon, on any property or thing, or on the life of any person in this state, in any company that has not complied with the requirements of this act and the act to which this is a supplement, under a penalty of five hundred dollars for each offence, to be sued for and collected on complaint, in the name of the state, by the prosecutor of the pleas for the county where the offence shall have been committed; and the person or persons against whom a judgment shall be obtained shall be committed to the county jail until such fine and costs are paid or otherwise discharged; and one-half of said penalty, when recovered, shall be paid to the charitable fund of any fire department in said county, and the other half to the complainant.

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

Approved April 21, 1876.

CHAPTER CLXXXVI.

An act to authorize the inhabitants of any borough in this state who have at any election decided to raise money by taxation for a centennial celebration.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of any borough in this state who have at any election decided to raise money by taxation for a centennial celebration are hereby authorized to raise by taxation in the same manner and at the same time as the other taxes of the said borough are raised, as provided in the charter of the said borough, a sum of money not exceeding fifteen hundred dollars for a centennial celebration, which shall be expended under the direction of the said common council. Money to be expended under the direction of common council.

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

Approved April 21, 1876.

CHAPTER CLXXXVII.

An act to regulate the sale and keeping of inflammable and explosive fluids.

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 to keep or offer for sale or use in any place or building within this state, petroleum oil, or any product thereof, or to knowingly keep or offer for sale any mixture of naphtha or inflammable fluids for illuminating purposes, for use in lamps or other portable receptacles that will flash at a less Restrictions in regard to sale of inflammable fluids.

temperature or fire test than one hundred, or inflame at a less temperature or fire test than one hundred and ten degrees Fahrenheit.

Penalty.

2. *And be it enacted*, That any person who shall violate any of the provisions of the foregoing section, shall be deemed guilty of a misdemeanor, and upon conviction shall pay a fine of not less than fifty nor more than two hundred dollars, or shall be imprisoned for a term not to exceed six months, or both, in the discretion of the court before whom such conviction is had.

Approved April 21, 1876.

CHAPTER CLXXXVIII.

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, eighteen hundred and sixty-nine.

Section to
be amend-
ed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the thirty-sixth section of the act to which this is a supplement, which reads as follows:

"That every uniformed corps, before being furnished with arms and equipments, shall provide themselves with a suitable armory, or place of deposit, within the bounds of the corps, wherein the arms and equipments furnished by the state shall be carefully kept for the use of such corps, for military purposes only, and shall not be loaned or hired out, nor used for any other purposes whatsoever; the commander in-chief may, on application of the principal of any military academy or school in this state, for that purpose furnish such academy or school with any arms and equipments, the property of this state, when in his opinion they can be spared without manifest injury to the service of this state, or of the United States, the said principal giving bond with sufficient security for the keeping of the same in good order and re-

pair, and returning the same when required, or an equivalent," be amended so that the same shall read as follows:

That every uniformed corps, before being furnished with arms and equipments, shall provide themselves with a suitable armory, or place of deposit, within the bounds of the corps, wherein the arms and equipments furnished by the state shall be carefully kept for the use of such corps, for military purposes only, and shall not be loaned or hired out, nor used for any other purpose whatsoever; the commander-in-chief may, on application of the principal of any military academy or school, or public high school, in this state, for that purpose furnish such academy or school, or public high school, with any arms and equipments, the property of this state, when in his opinion they can be spared without manifest injury to the service of this state, or of the United States, the said principal giving bond with sufficient security for the keeping of the same in good order and repair, and returning the same when required, or an equivalent.

2. *And be it enacted*, That the quarter-master General from time to time, as may be necessary, may cause an examination to be made by himself, or by an officer designated for that purpose, to examine the armory or place of deposit of the arms and equipments issued by the state to any company, school or academy, to inspect them, and report to him the condition of said armory or place of deposit, and of the said arms or equipments, and if upon such report, or upon a personal examination and inspection by the quarter-master general, it shall appear that such armory is insecure or unsuitable, or that said arms and equipments are not in good condition, he may require them to be returned to the state arsenal.

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

Approved April 21, 1876.

CHAPTER CLXXXIX.

Supplement to an act entitled "An act to limit the hours of labor, and to prevent the employment of children, in factories, under ten years of age," approved March eighteenth, eighteen hundred and fifty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no owner of or employer in any factory shall be adjudged or liable to pay any penalty under the act to which this is a supplement, for employing any minor over the age of sixteen, for the work done or to be done in said factory, and allowing such minor to work under such employment exceeding the time mentioned in the act to which this is a supplement; but in no case shall any minor be employed at an age less than that prescribed by said act; *and provided*, that no such employment shall be compulsory, and the minor or the parent or guardian of such minor may at any time, by giving the customary notice prescribed in such factory, end such employment or any contract in relation thereto different from that permitted by the act to which this is a supplement.

Owner or
employer
not to be
held liable
for employ-
ing minor
over the
age of six-
teen years.

Proviso.

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

Approved April 21, 1876.

CHAPTER CXc.

A further supplement to the act entitled "An act respecting railroads and canals."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the stockholders of any existing corporation, or of any new corporation organized under the act respecting railroads and canals, upon the sale and purchase of any railroad, canal, turnpike or plank road, and of the corporate rights, liberties, privileges and franchises of the corporation owning the same, as provided for by the said act, to agree in writing that the holders of any bonds by such corporation thereafter issued and secured by mortgage of the property and franchises thereof, shall have and exercise the right of voting at all meetings of stockholders of said corporation, either for election or other purposes, in the same manner as if such persons holding such bonds were stockholders in such corporation; such voting to be either in person or by proxy, and such persons to cast as many votes in right of their said bonds as they would be entitled to cast if holders of stock of par value equal to the amount thereof, and the production of their bonds shall be evidence of their right, *provided however*, that every bond holder availing himself of the agreement provided for in this section, and voting upon his bonds shall be subject to the same liabilities as a stockholder of such corporation to the amount of his bonds. Stockholders may agree in writing that holders of bonds of the corporation may vote at all meetings of stockholders of such corporation.
2. *And be it enacted*, That such agreement contemplated in the preceding section shall be stated and expressed in the certificate of organization filed by such corporation, or in a supplementary certificate to be by the stockholders thereof at any time made and filed in like manner, as required by said act, as to the original certificate of organization; *provided*, that every certificate containing the statement of any such agreement shall be signed by all the stockholders for the time being of such corporation. Voting may be by proxy. Proviso. Agreement to be expressed in the certificate of organization. Proviso.

Agreement to be valid, &c.

3. *And be it enacted*, That any such agreement heretofore made and actually carried out in the organization of any such corporation according to the terms of the certificate of organization thereof, filed in pursuance of said act, shall be as valid and effectual as if hereafter made in the manner by this act provided, and notwithstanding that the same shall not have been formally signed as aforesaid.

Mortgage not required to be filed of record in county clerk's office.

4. *And be it enacted*, That nothing in any of the laws of this state shall be held to require the filing of record in the clerk's office of any county of any mortgage given by any such corporation conveying the franchises thereof, and whereby, also, any chattels then or thereafter to be possessed and acquired by such corporation shall purport to be mortgaged; *provided*, that such mortgage shall be duly lodged for registry according to the laws regulating the conveyance of real estate.

Proviso.

Awards of commissioners to be recorded in counties where lands lie.

5. *And be it enacted*, That the awards of commissioners for the taking and condemnation of any lands for the use of any such corporation, or for any public use whatever, hereafter filed in pursuance of the laws of this state, shall be duly recorded by the clerks of the counties wherein such lands lie, in books to be provided for that purpose, at the expense of parties filing the same, and upon payment of like fees as for the registry of deeds; and such awards heretofore filed may, at the instance of such parties, be also so recorded, and a convenient index to such books, and the records therein made, shall be made and kept in order to the better use thereof.

President of corporation to be a director and entitled to vote.

6. *And be it enacted*, That the president of every such corporation organized under the act to which this is a supplement, or under the act entitled "An act concerning the sale of railroads, canals, turnpikes, bridges and plank roads," approved March twenty-fifth, eighteen hundred and seventy-five, or under the act entitled "An act respecting railroads sold under mortgage," approved April ninth, eighteen hundred and seventy-five, shall be a director of such corporation, and entitled to vote as such; and the board of directors of such corporation shall consist of as many persons as shall have constituted such board according to the charter of the corporation originally existing and by virtue of such acts or either of them newly organized, anything in any act to the contrary notwithstanding.

Board of directors how constituted.

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

Approved April 21, 1876.

CHAPTER CXCI.

An act to authorize the formation of gas light corporations and regulate the same.

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 constructing, maintaining and operating gas works, 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 village, town, or city, in which it is proposed to supply and distribute illuminating gas, construct, maintain, and operate the works, the amount of the capital stock of the company, and the number of shares of which said capital stock shall consist, and the names and places of residence of thirteen directors of the company, all of whom shall be residents of this state, and two-thirds, at least, of whom shall be residents in the particular place where the works are to be erected, 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 shall be filed in the office of the secretary of state, who shall endorse thereon the day they are filed, and record the same in a book 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

Mode of incorporation of association.

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

be a corporation by the name specified in such articles of association.

Articles of association not to be filed until affidavit is made of compliance.

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 one-half the amount of the entire capital stock is subscribed thereto, and twenty-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 seven of the directors named in said articles, that the amount of stock required by this section has been in good faith subscribed, and twenty per centum paid in cash thereon as aforesaid, and that it is intended in good faith to erect gas works and manufacture and sell gas to the city, village or town as specified in the articles of association, which affidavit shall be recorded with the articles of association as aforesaid.

Certified copy to be received in evidence.

3. *And be it enacted*, That a copy of any article 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 to capital stock.

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 such 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; the capital stock of any corporation organized under this act shall not be less than five thousand dollars for every one thousand of the population of the village, town or city in which it is proposed to erect the works or to lay pipes in order to supply said village, town or city with illuminating gas, the number of the population to be taken from the latest census of the population, whether the same was made by the general or state government; at the time of subscribing every subscriber shall pay to the directors twenty per centum on the amount subscribed by him, in money, and no subscriptions shall be received or taken without such payment.

Amount of capital stock.

Board of directors to be elected

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 annual- annually.
 ly 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 Who may
 the election of directors, each stockholder shall be entitled vote.
 to one vote for each share of stock held by him; vacancies Vacancies
 in the board of directors shall be filled in such manner as how filled.
 shall be prescribed by the by-laws of the corporation; the Inspectors
 inspectors of the first election of directors shall be appoint- of first
 ed by the board of directors named in the articles of associa- election.
 tion; no person shall be a director unless he shall be a Director
 stockholder, owning stock absolutely in his own right, and must be a
 qualified to vote for directors at the election at which he stockhold-
 shall be chosen; at every election of directors, the books er.
 and papers of such company shall be exhibited to the meet- Books to be
 ing; *provided*, a majority of the stockholders present shall exhibited.
 require it. Proviso.

6. *And be it enacted*, That the directors shall appoint one Appoint-
 of their number president; they may also appoint a treas- ment of of-
 urer and secretary, and such other officers and agents as ficers, &c.
 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.

7. *And be it enacted*, That the directors may require the Payment of
 subscribers to the capital stock of the company to pay the install-
 amount by them respectively subscribed, in such manner ments.
 and in such installments as they may deem proper; if any Stock for-
 stockholder shall neglect to pay any installment as required felted for
 by a resolution of the board of directors, the said board shall non-pay-
 be authorized to declare his stock, and all previous pay- ment.
 ments thereon, forfeited for the use of the company; but Notice to
 they shall not declare it so forfeited until they shall have be given.
 caused a notice in writing to be served on him personally,
 or by depositing the same in the post office, properly direct-
 ed to him at the post office nearest his usual place of resi-
 dence, 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 pre-
 vious to the day on which such payment is required to be
 made; *provided*, that if said company shall not declare such Proviso.

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.

Stock may
be transfer-
red.

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 increas-
ed.

9. *And be it enacted*, That in case the capital stock of any company formed under this act is found to be insufficient, in the erection of the works and the operating of the same, 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 gas works; 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, 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.

Proceed-
ings for
increasing
capital
stock.

Corporate
name to be
that named
in the arti-
cles of as-
sociation.

10. *And be it enacted*, That any company organized under this act shall be a body politic and corporate, in fact and in name, by the name stated in the articles of association, and by that name have succession, and shall be capable of suing and being sued in any court of law or equity in this state; and they and their successors may have a common seal, and may make and alter the same at pleasure, and they shall by their corporate name, be capable in law of purchasing, holding and conveying any real and personal estate whatever, which may be necessary to enable the said company to

carry on the operations named in said articles of association, but shall not mortgage the same or give any lien thereon.

11. *And be it enacted*, That all the stockholders incorporated under this act shall be severally, individually liable to the creditors of the company in which they are stockholders to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by such company, until the whole amount of capital stock fixed and limited by such company shall have been paid in, and a certificate thereof shall have been made and recorded as prescribed in the following section, and the capital stock so fixed and limited shall all be paid in, one-half thereof in one year and the other half within eighteen months from the incorporation of said company, or such corporation shall be dissolved.

Liability of
stock-
holders.

12. *And be it enacted*, That the president and a majority of the directors, within thirty days after the payment of the last installment of the capital stock so fixed and limited by the company, shall make a certificate stating the amount of the capital so fixed and paid in, which certificate shall be signed and sworn to by the president and a majority of the directors, and they shall, within the said thirty days, file the same in the office of the county clerk of the county wherein the business of the said company is carried on.

Certificate
of amount
of capital
fixed and
paid in to
be filed in
office of
county
clerk.

13. *And be it enacted*, That every such company shall make a report annually, within twenty days from the first day of January, which shall be published in some newspaper published in the city, village or town where the business of said company is carried on, of the amount of capital and of the proportion actually paid in, and the amount of its existing debt, which report shall be signed by the president and a majority of the directors, verified by the oath of the president and secretary of the company; and if any company organized under this act shall fail so to do, all the directors of the company failing so to do shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be contracted before such report shall be made.

Annual re-
port shall
be made.

14. *And be it enacted*, That if the directors of any such company shall declare and pay any dividend when the company is insolvent, or any dividend, the payment of which would render it insolvent, or which would reduce the amount

Dividend.

of their capital, they shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be thereafter contracted so long as they shall respectively continue in office; *provided*, that if any of the directors shall at any time before the time fixed for the payment of such dividend object thereto, and shall, within thirty days thereafter file a certificate of their objection in writing with the clerk of the company and with the clerk of the county, they shall be exempt from such liability.

Proviso. 15. *And be it enacted*, That if any certificate report made or public notice given by the officers of any such company, in pursuance of the provisions of this act, shall be false in any material representation, all the officers who shall have signed the same knowing it to be false, shall be jointly and severally liable for all the debts of the said company, contracted while they are stockholders or officers thereof.

When officers shall be liable for debts, &c. 16. *And be it enacted*, That the stockholders of any company organized under the provisions of this act, shall be jointly and severally individually liable for debts that may be due and owing to all their laborers, servants and apprentices for services performed for such corporation.

Stockholders individually liable for debt due laborers, &c. 17. *And be it enacted*. That any corporation formed under this act shall have full power to manufacture and sell and to furnish such quantities of illuminating gas as may be required in the city, town or village where the same shall be located for lighting the streets and public and private buildings, and such corporation shall have power to lay conductors for conducting gas through the streets, lanes, alleys and squares in such city, village or town, having first obtained the written consent of the municipal authorities of said city, village or town and under such regulations as they may prescribe.

Empowered to manufacture and sell gas, lay conductors, &c. 18. *And be it enacted*, That the quality of gas supplied by any company organized under this act, shall be, with respect to its illuminating power, such as to produce from an English parliamentary standard Argand burner, known as the London burner for sixteen candle gas, consuming five cubic feet of gas an hour, a light equal in intensity to the light produced by not less than fourteen sperm candles of six to the pound, each burning one hundred and twenty grains an hour; and such gas shall, with respect to its purity, be so far free from sulphuretted hydrogen that it shall not discolour paper imbued with acetate of lead, when these tests are

Quality of gas prescribed.

exposed to a current of gas, issuing for thirty seconds, under a pressure of five-tenths of water.

19. *And be it enacted*, That the meters used by any company, organized under this act, shall register accurately the quantity of gas passing through them, and shall register the quantity of gas passing through them in cubic feet, so that the number of cubic feet of gas consumed can be easily ascertained by the consumer of such gas; and no meter shall be used that may confuse, or deceive the consumer as to the number of cubic feet of gas he has consumed, or as to the price he pays for the same, per thousand cubic feet; and it shall not be lawful for any company organized under this act to charge rent on its meters.

Meters to
be used.

20. *And be it enacted*, That whenever any corporation formed under this act, or their servants, agents or workmen, shall dig or sink any trench for laying any new mains or pipes for the conveyance of gas, or other apparatus, near to which any pipe belonging to any water or gas company, owned either by the public or private individuals, for conveying water or gas, or any branch or service pipe for the supply of water or gas to any dwelling house or buildings, shall be laid, such gas company, their servants, agents or workmen, shall give twenty-four hours previous notice thereof, in writing, to the president or chief clerk or secretary, or engineer of such water or gas company owned either by the public or private individuals, such notice to be delivered to the principal office of the company, between the hours of ten in the morning, and four in the afternoon, and shall, under the inspection of the president or chief clerk, secretary or engineer, or such agent as may be appointed for the time being, of such water or gas company, protect and secure every such water or gas pipe from any injury, and shall also repair any damage that shall be done to such pipe, and in default of repairing such damage, the gas company shall, for each such default, forfeit and pay to the secretary for the time being, of such water or gas company, for the use of said water or gas company, any sum not exceeding twenty-five dollars, and also the costs and expenses which shall have been incurred by the said water or gas company in protecting or securing any such water or gas pipe, or in repairing or making good any injury that may have been done thereto by the means aforesaid, such costs and expenses to be ascertained by any

Notice to
be given
where new
mains or
pipes, &c.
are to be
laid.

justice, and to be recovered in the same manner as any expenses or penalty under this act may be recovered.

Pipes to be laid so that they will not interfere with present or future supply pipes of any water or gas company.

21. *And be it enacted*, That all pipes that may be laid by any corporation formed under this act, for the conveyance of gas, shall be laid at the greatest practicable distance from the nearest part of any pipe there laid down by or by order of any water or gas company, owned by the public or private individuals, for the conveyance of water or gas, and shall be laid at a horizontal distance of four feet at least from the nearest part of any such water or gas pipe, unless in cases where it shall be unavoidably necessary to lay the gas pipe across or nearer to any water or gas pipe, in which case the said gas pipe shall be laid under the said water or gas pipe, at the greatest practicable distance therefrom, this distance in no case to be less than twelve inches, and shall form therewith a right angle, or as near thereto as the situation will admit, and in no case shall any pipe be laid, or apparatus used that will interfere in any way either with the present or future supply pipes of any water or gas company, or that may interfere with or increase the expense of replacing, removing or repairing the supply pipes or apparatus of any water or gas company; *provided*, that all gas light companies now in operation shall have the same rights and privileges of laying their mains and pipes, and making and supplying gas, that their present charters and contracts now give them.

Proviso.

Time within which the company shall lay their main pipe.

22. *And be it enacted*, That any company organized under this act, that is to supply any city, town or village that is already supplied with gas, shall, within one year after their articles of association have been endorsed by the secretary of state, as provided for in the first section of this act, lay not less than five miles of main pipe, and furnish, upon application, to those residing on the streets, lanes or alleys in which the said main pipes may be laid, a full supply of gas, and after the expiration of said year, said company shall, within one hundred and twenty days after a written application has been received from any person or persons residing on any of the streets, lanes or alleys of the city, town or village to be supplied by said company, extend their main pipes so as to reach and supply said person or persons with gas, and the said company shall supply such person or persons with gas, in order that all may enjoy the benefits of competition; *provided*, that no company organized under this act shall be compelled to lay more than three hundred

Proviso.

lineal feet of pipe for each and every person making a written application for gas.

23. *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 fine, when recovered, shall be paid to the informer, and the other half into the county treasury, where the action shall be tried and conviction had. Penalty for non compliance or violation of certain provisions of this act.

24. *And be it enacted*, That the act entitled "An act to authorize the establishment and to prescribe the duties of corporations for manufacturing and selling gas in any of the cities and towns of this state," approved March twenty-seventh, eighteen hundred and seventy-four, be and the same is hereby repealed. Repealer.

25. *And be it enacted*, That no exclusive privilege heretofore granted in the charter of any company to construct and operate a gas works, 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; all corporations organized under this act shall be subject to all general laws now or hereafter to be passed, regulating gas companies and their operations. Corporations under this act to be subject to general laws, &c.

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

Approved April 21, 1876.

CHAPTER CXCIIL.

An act for the construction, maintenance and operation of water works for the purpose of supplying cities, towns and villages of this state with water.

A majority of persons forming a company shall reside in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any number of persons not less than seven, a majority of whom shall reside in this state, may form a company for the purpose of constructing, maintaining and operating water works, in any city, town or village in this state having a population of not more than fifteen thousand, and not less than two thousand inhabitants, and for the purpose of supplying such city, town or village, and the inhabitants thereof, with water.

Certificate setting forth the name adopted by the company, and amount of capital stock to be filed with the secretary of State.

2. *And be it enacted*, That such persons desirous of forming a company for such purpose, shall make, sign and acknowledge before some officer authorized to take such acknowledgment of deeds, a certificate in writing, which shall state the corporate name adopted by the company, the amount of the capital stock, the term of its existence, the number of directors, the names of those who shall manage the affairs of the company for the first year, or until their successors are elected and qualified, and the name of the city, town or village in or for which such works are to be constructed and the business of the company carried on, such certificate shall be filed in the office of the secretary of state, together with the consent in writing of the corporate authorities, if any, of the town or city proposed to be supplied with water.

When certificate and consent are filed, persons who have signed and acknowledged the same, shall be a body politic and corporate.

3. *And be it enacted*, That when such certificate and consent shall have been filed as aforesaid, the persons who shall have signed and acknowledged the same and their successors shall be a body politic and corporate, and shall have power as such to take and divert any and all such springs and streams of water, and build, erect, alter, repair, enlarge, and maintain all such reservoirs and works, and lay down all such pipes and conduits for water, at such times and in

such places as shall be necessary and proper to enable said corporation to carry into effect the purposes of its incorporation.

4. *And be it enacted*, That it shall be lawful for such corporation to enter upon any and all lands in the neighborhood of the village, town or city which it is intended to supply with water and to make all such preliminary examinations, explorations, measurements and levellings as may be necessary and proper for its corporate purposes, doing thereby as little damage as possible to the owner or owners.

May enter upon lands &c.

5. *And be it enacted*, That in case said corporation cannot agree with the owner or owners, or other persons interested in any lands which said corporation may desire to take, use and occupy, or from which they may desire to take or divert, either in whole or in part, any spring or springs, stream or streams of water, for the purposes of its corporation, as to the amount of compensation to be paid to such owner or owners for such taking, use, occupation or diversion, it shall be lawful for any justice of the supreme court of this state, upon application by said corporation; and upon two weeks previous notice, served in person, or by leaving at the dwelling house, or usual place of abode of such owner or owners, or, in case of absence from the state, or legal disability, published in a newspaper published nearest to the lands in question, to appoint three disinterested commissioners, resident of the county in which said lands are situated, to assess and ascertain the value of the lands so proposed to be taken, used and occupied; and the damages to be done to any lands by the laying down of such pipes, and erection and maintenance of such works, and by the diversion, total or partial, as the case may be, of said springs and streams of water; which commissioners shall appoint a time and place at which they shall meet to execute the duties of their appointment, and shall cause two weeks notices thereof to be given to the parties interested therein, either by personal service, or by publication in a newspaper published in the county where such lands may lie; at which time and place the said commissioners shall meet and view the premises, and hear the parties interested, and take evidence, if any be offered, and for that purpose shall have power to administer oaths or affirmations, and to adjourn from day to day, and in case of the refusal or failure of either or any of said commissioners to attend and perform their said duties the said judge

Proceedings if company and owners cannot agree as to amount of compensation to be paid, &c.

Court to appoint commissioners to ascertain value of lands, &c.

Commissioners shall assess damages, &c.

shall have power to appoint another or other disinterested person or persons as commissioners to act in the place of such absent commissioner or commissioners; and the said corporation shall make and exhibit to the said commissioners at their meeting aforesaid for the use of the parties interested, a statement and description in writing, or by drawings or maps, or both, of the lands and streams by them sought to be taken or diverted as aforesaid, and of the use, occupation of, and excavations upon any lands by them sought to be made; and the said commissioners shall thereupon ascertain and assess the value and damages aforesaid, and shall execute under their hands and seals, or the hands and seals of a majority of them, an award to said corporation of the lands, rights and privileges by them sought in the statements and description aforesaid, stating therein the amount of damages and compensation therefor by them assessed in favor of such owner or owners, which award shall be by them acknowledged and filed in the county clerk's office, and by him recorded in the registry of deeds; *provided always*, that if any real estate, the owner or owners of which shall not have given his, her or their consent in writing to the diversion or diminution of said springs or streams, or to the damages to which by reason of the diversion or diminution of said springs or streams, shall not have been ascertained and paid pursuant to the directions of this act, shall be injured or damaged by the diversion or diminution of any said springs that the owner or owners thereof may have and maintain his, her or their action to recover damages for such injury which he, she or they may sustain by reason of anything done under this act as if this act had not been passed.

Proviso.

Amount of
damages
awarded to
be paid be-
fore taking
possession,
&c.

6. *And be it enacted*, That before taking possession of any such lands, or entering thereon for the purpose of making any excavation or occupation thereof, or by diverting any spring or stream of water, the said corporation shall pay or tender to such owner or owners, or in case of absence from the state, or legal disability, shall deposit with the clerk of the circuit court of said county the amount of damages so awarded; and the award of said commissioners, and the payment or tender or deposit as aforesaid, of such damages shall vest in said corporation, the lands, rights and privileges by them sought, described and set forth in said statement and description, in all respects the same as if the same had

been conveyed to said corporation by said owner or owners under their hands and seals.

7. *And be it enacted*, That if either party feel aggrieved by said assessment and award, such party may appeal to the next or second term of the circuit court of said county, by petition and notice thereof served upon the opposite party two weeks prior to such term, or published a like space in a newspaper published nearest the lands in question, which petition and notice, so served or published, shall vest in said court full power to hear and determine said appeal, and if required they shall award a venire for a jury to come before them, who shall hear and finally determine the issue under the direction of the court, as in other trials by jury, and it shall be the duty of the said jury to assess the damages to the said lands as above mentioned, and the value of such as shall be absolutely taken; and said court shall have power to order a struck jury, or a jury of view, or both, to try any such appeal; and also to order any jury which may be empaneled and sworn to try any such appeal to view the premises in question during said trial, and the right of said corporation to appeal from and dispute the correctness of any award shall not be waived or taken away by the paying or tendering the amount of the award, and taking possession of the land or exercising the rights covered by such award; and the right of any owner of any such lands or rights in like manner to appeal, shall not be waived or lost by the acceptance of the amount so awarded, when tendered, and upon the final determination of any such appeal the said court shall render such judgment in favor of the one party and against the other, as the right and justice of the case shall require, and shall award to the party substantially succeeding and prevailing in said appeal, his, her or their costs of said appeal against the opposite party, and shall have power to enforce the judgment so rendered by execution, as other judgments are enforced, and also by summary proceedings and attachments for non-payment thereof.

Proceed-
ings in case
of appeal.

8. *And be it enacted*, That the business of said company shall be managed by a board of directors of not less than five who shall be stockholders therein and a majority of whom shall be residents of this state, and a majority of directors chosen shall be a quorum, and there shall be an election of directors within one year from the filing of the

Directors to
be stock-
holders.

articles of association and annually thereafter at such time as shall be fixed by the laws of such company, three weeks notice thereof shall be given by publication in a newspaper in general circulation in such city, town or village, the stockholders shall be entitled to vote either in person or by proxy.

Election of officers.

9. *And be it enacted*, That the officers of such company shall be a president who shall be one of the directors, a secretary and treasurer and such other officers, agents and servants as the board of directors shall deem necessary, such officers shall be elected annually by the directors and shall be required to give bond with penalty and surety to the approval of by said board of directors, conditioned for the faithful discharge of their respective duties.

Capital stock may be increased.

10. *And be it enacted*, That the amount of the capital stock shall be fixed by the company, but may be increased by a vote of the stockholders at any annual meeting, and such capital stock be divided into shares of not more than one hundred dollars each.

Penalty for injury done to works.

11. *And be it enacted*, That if any person or persons shall wilfully do or cause to be done, and act or acts whatever, thereby to injure any reservoir, conduit pipe, cock, machine, or structure whatsoever, or anything appertaining to the works of said corporation whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding three hundred dollars, or imprisonment at hard labor not exceeding two years, or both; *provided*, such criminal prosecution shall not in anywise impair the rights of action for damages by a civil suit, hereby authorized to be brought for any such injury as aforesaid, by and in the name of said corporation in any court of this state having cognizance of the same.

Proviso.

May lay pipes beneath public roads, streets, &c., free from charge.

12. *And be it enacted*, That such company be and they are hereby fully authorized and empowered to lay their pipes beneath such public roads, streets, avenues and alleys, as they may deem necessary for the purposes aforesaid, free from all charge to be made by any person or persons, or body politic whatsoever, for said privilege, and also such hydrants at the crossings or intersections of said streets and alleys; *provided*, that the said pipes shall be laid at least three feet below the surface of the same, and shall not in

Proviso.

anywise unnecessarily obstruct or interfere with the public travel or damage public or private property; *and provided*, Proviso. that the consent shall be obtained of the corporate authorities, if any there be, of any town through which the same may be laid.

13. *And be it enacted*, That said company may sell and dispose of the water issuing from their reservoirs, aqueducts or pipes for such price or prices or quarterly or annual rents, and such restrictions as they may think proper. May sell and dispose of the water.

14. *And be it enacted*, That such company shall commence the construction of the proposed water works within six months from the date of their organization, and shall complete the same within two years from the date of commencement. Time for commencing and completion of works after organization.

15. *And be it enacted*, That any aqueduct company now in existence under any special charter in this state shall have the right from time to time to add to and extend their works to such extent as may be necessary to carry out the purposes of its corporation, and for that purpose to take all such lands and divert all such streams of water, in the manner hereinbefore provided, as shall be necessary for that purpose. Any aqueduct company now in existence may extend works, &c.

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

Approved April 21, 1876.

CHAPTER CXCV.

An act to amend the act entitled "An act to incorporate trustees of religious societies," approved April ninth, anno domini eighteen hundred and seventy-five.

WHEREAS, The act entitled "A further supplement to the act Preamble. entitled 'An act to incorporate trustees of religious societies,' approved April fourth, anno domini eighteen hundred and seventy-four, providing a method for the incorporation of Baptist churches in this state, was afterward

incorporated into, and made sections forty-eight to fifty-seven, inclusive, of the act in the revision of the laws, known as "An act to incorporate trustees of religious societies," approved April ninth, anno domini eighteen hundred and seventy-five, and the aforesaid supplement was thereafter repealed; *and whereas*, in such incorporation some errors arose from the changed numbering of the sections of said supplement, and from other causes; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to incorporate trustees of religious societies," approved April ninth, anno domini eighteen hundred and seventy-five, and which act reads as follows, to wit:

Recital of
act propos-
posed to be
amended.

"An act to incorporate trustees of religious societies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every religious society or congregation of christians, entitled to protection in the free use of their religion by the constitution and laws of this state, are hereby authorized to assemble at their usual place of meeting for public worship, at any time by them to be agreed upon, giving at least ten days' notice of the time and purpose of assembling, by an advertisement set up in open view at or near such place of meeting; and when so assembled may by a plurality of voices of such of the said society or congregation as are present, elect any number not exceeding seven, of the said society or congregation to be trustees of the same; which said trustees and their successors in office, are hereby constituted a body politic and corporate in law, by whatever name they shall assume, agreeably to the directions of this act.

2. The said trustees, when they take upon themselves a name, shall certify such name under their hands and seals, and transmit such certificate to the clerk of the court of common pleas of the county, whose duty it shall be instantly to record the same, for which he shall be entitled to receive one dollar; and thereupon the said trustees shall be known and distinguished in law by the name of incorporation so taken, certified and recorded.

3. The said trustees and their successors shall, by such name of incorporation, be able and capable to acquire, pur-

chase, receive, have and hold any lands, tenements, hereditaments, legacies, donations, moneys, goods and chattels in trust for the use of said society or congregation, to an amount in value not exceeding two thousand dollars a year, and the same or any part thereof to sell, grant, assign, demise, alien and dispose of; to sue or be sued, implead or be impleaded, in any court of law or equity; to make and use a common seal, and the same to alter and renew at their pleasure.

4. For perpetuating a line of succession in the trustees of every religious society or congregation, it shall and may be lawful for the members of the said society or congregation to assemble at any time they may think proper, giving notice thereof as hereinbefore is directed for the election of the first trustees, or 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 the said trustees; *provided*, such removal shall not be in less than one year after his or their election into office; and also to fill up the vacancy which may be occasioned by the death or resignation of any trustee, or his moving out of the limits of the said society or congregation.

5. Such corporation may elect, annually, or oftener if necessary or expedient, one of their number to be their president, who is hereby empowered to convene the said corporation as occasion may require; and preside at the meetings thereof, and execute all contracts, and in case of his absence, sickness, death, resignation, refusal to act, or moving out of the limits of the said religious society or congregation, then the said office of president shall devolve on the senior trustee, for the time being, who shall occupy the same until the return or recovery of the president, or the election of another.

6. Such corporations may elect annually, or oftener if necessary or expedient, one of their own members to be secretary, who shall keep the minutes and enter the orders, acts and proceedings in a book, to be kept for that purpose, and who shall have the custody of the common seal, and the papers, deeds, writings, documents and books of or relating to the said corporation; and upon application to the secretary, any member of the said religious society or congregation shall have free access to all the papers, deeds, writings, minutes, documents and books of or belonging to the said corporation, and upon the death, resignation, re-

moval, or expiration of the office of secretary, or election of a new one, the common seal and all minutes, papers, deeds, writings, documents and books of or belonging to such corporation, shall be delivered to his successor in office, on the oath of the preceding secretary, or in case of his death, on the oath of his executors or administrators, under such pecuniary penalty as said corporation shall have previously fixed, to be recovered with costs by action of debt, in the name and for the use of the corporation.

7. At the said annual or other election it shall and may be lawful for such corporation to elect one of their own members to be treasurer, who shall have charge of the moneys of the said corporation, and keep a correct account of the receipts and disbursements of the same, and at each annual election for officers of said corporation, render to said religious society a true statement in writing of the receipts and disbursements of the said corporation for the preceding year, and upon the death, resignation, removal or expiration of the office of treasurer, or election of a new one, all the books, accounts, vouchers and documents in the hands of such treasurer, belonging to such corporation shall be delivered to his successor in office.

8. It shall be lawful for any religious society in this state, however incorporated, to purchase and hold and also to convey and dispose of any real estate, which they may deem necessary and expedient; *provided*, that the same shall not be used by the religious corporation acquiring the same for any other purpose than the rendering and maintaining in any building now or hereafter erected upon such real estate, the worship of Almighty God, and the furtherance of religion according to the tenets and forms of worship of the religious denomination to which such religious society belongs, or for education, or the administration of charity to the bodies or souls of men; any conveyance or agreement by and between any religious corporations, intended for the purposes aforesaid by or under the authority of such corporations, now made or hereafter to be made, is hereby declared to be valid and effectual in law; the proceedings, orders and acts of a majority of all the members of the said corporation, but not of a less number, shall be valid and effectual in law.

JEWS.

9. The foregoing sections of this act shall be construed to apply to any religious society or congregation of Israelites, otherwise called Hebrews or Jews, within this state, anything therein to the contrary notwithstanding.

10. Nothing hereinbefore contained except the eighth section shall be construed to extend to or affect the Reformed Dutch churches of this state.

11. The provisions of this act, with all the penalties, privileges and advantages thereof, shall be and hereby are extended to and for the benefit of all associations, corporations and classes, which now are or hereafter may be organized in this state, the object of which is or shall be the mutual improvement of their members in the science of vocal music.

12. *Whereas*, some religious societies have held property under charters of incorporation granted by the government of Great Britain, previous to the Revolution, and doubts may arise whether such estate, so held, will descend and vest in the corporation created under the laws of this state —*therefore be it enacted*, that all the estate, real and personal, held in fee or otherwise, in consequence of any charter granted as aforesaid, shall be vested in and held by the corporation that may have been created in the place thereof, in consequence of the act passed the sixth day of March, in the year of our Lord seventeen hundred and eighty-six, or the supplement thereto, passed the twenty-fifth day of November, in the year seventeen hundred and eighty-nine, although no transfer of such property shall have been made by the trustees incorporated by such charter, to the trustees of the corporation created under the said laws, anything in such charter or in any law to the contrary notwithstanding.

REFORMED DUTCH.

13. *Whereas*, it is represented, that, according to the constitution, usages and customs of the Reformed Dutch churches, the ministers, elders and deacons thereof, for the time being, have the management of the temporalities of the said churches; that several charters have been heretofore granted to incorporate such ministers, elders and deacons for the purposes aforesaid; that some of the said churches have been incorporated together by charter, holding lands and tenements in common, which have since sep-

arated and divided by common consent and now desire to hold each its share or part in severality; and that the said churches cannot avail themselves of the preceding sections of this act, because they prescribe a mode of electing trustees, repugnant to the constitution, usages and customs of the said churches; *and whereas*, the legislature is willing to grant relief in the premises, and to communicate equal privileges to every denomination of christians; *be it therefore enacted*, that the minister or ministers, elders and deacons, for the time being, or if there be no minister or ministers, the elders and deacons, for the time being, of every Reformed Dutch congregation, shall be trustees of the same, and a body politic and corporate in law, by such name as the said trustees shall assume, in manner hereinafter directed.

14. The said trustees, when they take upon themselves a name, shall certify such name under their hands and seals, and transmit such certificate to the clerk of the court of common pleas of the county, whose duty it shall be instantly to record the same, for which he shall be entitled to receive one dollar; and thereupon the said trustees shall be known and distinguished in law by the name of incorporation so taken, certified and recorded.

15. The said trustees of such Reformed Dutch congregation shall by such name, be able and capable to acquire, purchase, receive, have and hold any lands, tenements, hereditaments, legacies, donations, moneys, goods and chattels, in trust for the use of the said congregation, to any amount in value not exceeding two thousand dollars a year, and the same or any part thereof to sell, grant, assign, demise, alien, or dispose of; to sue or be sued, implead or be impleaded, in any court of law or equity; to make and use a common seal, and the same to alter and renew at their pleasure; but no deed or instrument of conveyance for any lands, tenements, hereditaments or real estate, shall be good and effectual in law, unless it be sealed with the common seal and signed by a majority of the members of the said corporation.

16. *And whereas*, some of the said Reformed Dutch congregations which have heretofore been incorporated by charter or otherwise, may see cause to renounce or forego such instrument or act of incorporation, and avail themselves of this law, *be it therefore enacted*, that it shall be lawful for the trustees of any Reformed Dutch congregation, by whatever name incorporated, to renounce or forego such

charter or act of incorporation and name, by writing under their hands and seals, and recorded as aforesaid, upon condition that the minister, elders and deacons, or elders and deacons, as the case may require, of such congregation, shall incorporate themselves pursuant to the directions of this act; and that upon such incorporation and recording of the said writing, their former incorporation and body politic shall cease and be dissolved, and all the estate, real and personal, held by virtue of the same, shall pass to and be vested in the body politic and corporate formed agreeably to this act, who shall be deemed to be the legal successors in office to the former body politic and corporate, and liable to their debts.

17. Where two or more of the said Reformed Dutch congregations, which have been united in one body politic, shall be disunited by renouncing or foregoing their former incorporation, and shall, each or any of them, become incorporated under this act, then such lands, tenements, hereditaments, moneys, goods and chattels as of right belong to each of the said congregations, separately considered, shall be and remain in the peaceable and quiet possession of the body politic and corporate of that particular church to which such real and personal estate doth of right belong; and all real and personal property acquired by such congregations, during their union as a body politic, shall be divided between such congregations in such manner as shall be agreed upon by the trustees of the said corporation.

18. If the trustees of any two or more of the said Reformed Dutch congregations, by whatever name known and distinguished in their respective charters or acts of incorporation, shall see cause to renounce or forego their separate corporations, and be formed into one joint corporation and body politic, it shall and may be lawful for such trustees, by mutual consent, to renounce or forego their separate charters or acts of incorporation by writing, under their hands and seals, which shall signify also their intention to become one joint corporation and body politic, and shall be recorded as aforesaid, upon condition that the said trustees shall form themselves into one corporation, agreeably to the directions of this act; and that upon recording the said writing, and after such joint incorporation under this act, their former separate corporations and bodies politic shall cease and be dissolved, and all the estate, real and personal, held by them

separately, shall pass to and be vested in the trustees of such joint corporation and body politic, who shall be deemed to be the legal successors in office of the former separate bodies politic, and liable to their debts.

19. For perpetuating a line of succession in the trustees of every Reformed Dutch congregation, such minister or ministers, elders and deacons of such congregation, as shall take and record a name as aforesaid, shall be the first trustees of the same, and shall continue in office until others shall be duly elected, appointed or called, according to the manner, usages and customs of the Reformed Dutch church; and every minister, elder or deacon, so constituted a trustee, shall continue in office until another person shall, in like manner, be elected, appointed or called in his stead, and so on as often as occasion may require; and if any dispute shall arise respecting the validity of the election, appointment, or call of the said trustees, the same shall be referred, for final decision, to the superior church judicature to which such congregation is subordinate, according to the customs and constitution of the said Reformed Dutch church.

20. The person who is, according to the usage and custom of the Reformed Dutch church, ordinarily to preside at the meeting of the minister, elders and deacons of the said congregation, shall be president of the said corporation, who is hereby empowered to convene the said corporation as occasion may require, and at the request of any two or more of the members, it is hereby made his duty to convene the same, in such manner, and under such regulations as the said corporation shall from time to time direct.

21. The said corporation may, from time to time, appoint some fit person belonging to the said congregation, who shall have the custody of the common seal and the papers, deed, writings, documents and books of or relating to the said corporation, who shall keep the minutes, and enter the orders, acts and proceedings of the corporation, in a book to be kept for that purpose, and who shall deliver the said seal, minutes, papers, deeds, writings, documents and books, when demanded, to the said corporation, under such pecuniary penalty as they shall have previously fixed and ordained.

22. Every person of the said congregation who regularly contributes to the support of the gospel in the said congre-

gation, shall have free access to all the papers, deeds, writings, minutes, documents and books, of or belonging to the said corporation.

23. The proceedings, orders and acts of a majority of all the members of the said corporation, but not of a less number, shall be valid and effectual in law

24. No member of the said corporation shall be allowed to vote in any matter or thing which immediately affects himself, his private interest or emolument.

GERMAN REFORMED.

25. *And whereas*, it is represented, that according to the constitution, usages and customs of the German Reformed churches, the minister, elders and deacons thereof, for the time being, have the management of the temporalities of the said churches, in like manner as the minister, elders and deacons of the Reformed Dutch churches within this state; *now therefore, be it enacted*, that all the provisions of this act, relating as well to the incorporation as to the rights, privileges, and duties of the said Reformed Dutch churches, shall be and they are hereby extended to all such German Reformed churches as may now or shall hereafter be constituted within this state.

EVANGELICAL LUTHERAN.

26. The provisions hereof relating as well to the incorporation, as to the rights, privileges and duties of the Reformed Dutch church, and also of the German Reform churches, shall be and are hereby extended to all the Evangelical Lutheran churches as may now or shall hereafter be constituted within this state.

27. The wardens and vestrymen, for the time being, of every Protestant Episcopal church, not especially incorporated, shall be trustees of the same, and a body corporate and politic in law, by such name as the trustees shall assume, in manner mentioned in the second section of this act.

PROTESTANT EPISCOPAL.

28. It may and shall be lawful for the said Protestant churches not incorporated under this act, or any of them, to avail themselves of the provisions of the next preceding section of this act, on the certifying their intention so to do, to

the clerk of the court of common pleas of the county in which said church or churches may be situate; and it shall be the duty of said clerk instantly to record the same.

29. When any congregation of the Protestant Episcopal church in this state, duly organized according to the constitution and usages of said church, desire to form themselves into a body corporate, notice shall be given of such intention ten days previously, by an advertisement set up in open view, at or near the place where such congregation usually assemble for divine service, designating the day when and the place where they design to meet for that purpose.

30. The congregation having met at the time and place appointed, the rector or minister, or if there be no rector or minister, or if he be necessarily absent, one of the church wardens or vestrymen shall preside at the meeting, and the secretary of the vestry shall record the proceedings of the meeting; the congregation shall then proceed, by a vote of the majority of those present, to designate the corporate name or title by which the church shall be known, which shall be in the manner and form as follows: "the rector, wardens and vestrymen of ——— church in ———;" the congregation shall then choose two wardens, and not more than ten nor less than five vestrymen; and also fix and determine the day, annually, on which new elections of officers shall take place; a certificate of these proceedings, under the hands and seals of the president and secretary of the meeting, shall be transmitted to the clerk of the court of common pleas of the county, whose duty it shall be to record the same, for which he shall be entitled to receive the usual compensation for similar service.

31. The rector, wardens and vestrymen, appointed as aforesaid, shall be a body corporate and politic, in law and in fact, to have continuance forever under the same restrictions, and with the same rights, powers and privileges as are granted to and imposed on trustees in and by the first eight sections and the twelfth section of this act; *provided, nevertheless*, if at any time the church be without a minister or rector, the same rights and privileges shall be vested in the wardens and vestrymen.

32. The rector, wardens and vestrymen, and their successors, or a majority of them, may make such rules, by-laws and ordinances and do everything needful and requisite for the good government and support of the church; all of

which shall be entered in a book to be provided and kept for that purpose; *provided*, that the said rules, by-laws and ordinances shall not be repugnant to the constitution and laws of this state or of the United States.

33. The qualification of voters at the annual elections shall be conformable to the constitution and principles of the Protestant Episcopal church in New Jersey.

34. The rector, wardens and vestrymen shall choose a treasurer, who, when called upon for that purpose, shall render a true and just account to the corporation of all moneys by him received and expended, and pay over the balance which may remain in his hands at the time of settlement to his successor in office.

35. When a vacancy shall occur in the office of minister or rector, by death, removal or otherwise, the said wardens and vestrymen (two-thirds of them concurring in the choice), may choose some fit person duly qualified to act as minister or rector of said church, agreeably to the constitution of the Protestant Episcopal church of the United States of America; and the minister or rector so chosen shall preside at all meetings of the wardens and vestrymen, and have a casting vote, except the business or question to be decided has relation to the personal interest of said minister or rector; *provided*, in the absence of the president the wardens and vestrymen may choose a president pro tempore.

36. It shall and may be lawful for any Protestant Episcopal church in this state heretofore incorporated to embrace the privileges of this act by compliance with and adopting its provisions.

37. *Whereas*, the legislature of New Jersey, by an act passed on the seventeenth of February, anno domini eighteen hundred and twenty-nine, granted to Episcopal congregations the privilege of becoming incorporated according to the 'constitution, usages and customs of the Protestant Episcopal church,' in this state, and did not require any oath to be taken or subscribed by the wardens and vestrymen of such churches; *and whereas*, under the present revised statutes, doubts have arisen whether the wardens and vestrymen of Episcopal churches are not required to take and subscribe the oaths specified in the act to incorporate religious societies, which provision would occasion great inconvenience, and be entirely 'inconsistent with the constitution, usages and customs of the Protestant Episcopal

church in this state;' therefore the wardens and vestrymen of the Protestant Episcopal churches now incorporated, or hereafter to be incorporated in this state, shall not be required to take or subscribe the oaths specified in the thirty-fourth section of the act entitled 'An act to incorporate trustees of religious societies,' approved April seventeenth, eighteen hundred and forty-six; and that the acts and proceedings of the wardens and vestrymen of such Episcopal churches as have omitted to take and subscribe such oaths shall be, and are hereby declared to be as valid and effectual in law as if such oaths had been previously taken and subscribed.

38. It shall be lawful for every religious corporation which has been created by act of the legislature, or by letters patent, to acquire, purchase, receive, have and hold any lands, tenements, hereditaments, legacies, donations, moneys, goods and chattels, of the yearly value of two thousand dollars, although such act or letters patent contain a restrictive clause, limiting the annual revenue and income of the said corporation to a less sum.

ROMAN CATHOLIC.

39. It shall be lawful for any Roman Catholic church or congregation now existing or which may hereafter exist in this state, to be incorporated under and by virtue of the provisions herein stated: the Roman Catholic bishop of the diocese in which such church or congregation may be, the vicar-general of such diocese, or, during a vacancy in such offices, the administrator of the diocese for the time being, and the pastor of such church or congregation for the time being, or a majority of them may elect two lay members of such church or congregation, and may with said laymen, sign a certificate, setting forth the name by which they and their successors shall be known and distinguished as a body corporate, and transmit the said certificate to the clerk of the court of common pleas of the county in which such church or congregation may be located, whose duty it shall be forthwith to file and record the same, for which he shall be entitled to receive one dollar, and thereupon such church or congregation shall be a body corporate, by the name or title so taken, certified and recorded.

40. The persons so signing said certificate shall be the trustees of such corporation, and they and their successors

shall, by such name of incorporation, be able and capable to acquire, purchase, receive, have and hold any lands, tenements, hereditaments, legacies, donations, moneys, goods and chattels in trust for the use of such church or congregation, to an amount not exceeding three thousand dollars a year, exclusive of the church edifices, school houses and parsonages, and the lands whereon the same are or may be erected, and burying places, and the same or any part thereof, to sell, grant, assign, demise, alien and dispose of; to sue and be sued, plead and be impleaded, in any court of law or equity; to make and use a common seal, and the same to alter and renew at their pleasure.

41. In order to perpetuate a line of succession in the trustees of every such church or congregation, the successor in office for the time being of such bishop, vicar-general and pastor respectively shall, by virtue of his office, be the trustee of such church or congregation, in place of his predecessor; and such lay members shall hold their office for one year, and the office of any such layman shall become vacant by his removal out of the limits of such church or congregation; and whenever the office of any such layman shall become vacant by death, removal, resignation or otherwise, his successor shall be appointed in the manner herein provided for the selection of the original lay members of such board of trustees.

42. Such corporation may elect annually, or oftener, if necessary or expedient, one of their own members to be president, who shall keep the minutes and enter the orders, acts and proceedings of the corporation in a book to be kept for that purpose; shall have the custody of the common seal and the papers, documents, deeds, writings and books of, or relating to such corporation, and who is hereby authorized and empowered to convene such corporation as occasion may require.

43. The proceedings, orders and acts of a majority of all the members of such corporation, but not of a less number, shall be valid and effectual in law; *provided*, that the same receive the sanction of the bishop, or, in the absence of the bishop, of the vicar-general, or in case of a vacancy in that office, of the administrator of the diocese for the time being.

44. If any corporation, created under or by virtue of the provisions of this act, shall be dissolved by failure to con-

tinue the succession of the trustees thereof, it may be revived, and the church or congregation reincorporated under this act, in the mode herein prescribed, at any time within six years from the date of such dissolution; and thereupon all the property, real and personal, belonging to such dissolved corporation at the time of its dissolution, shall vest in such new corporation.

45. Any religious association incorporated under or by virtue of any law of this state shall be, and they are hereby authorized to organize under the provisions last aforesaid, relating to the incorporation of Roman Catholic churches or congregations; and upon the filing of a certificate according to the same, together with a certificate signed by the trustees of such association, consenting to such organization, all the right, title and interest of such association, in any estate, real or personal, shall, with all its franchises and chartered rights, be vested in said body corporate and politic so created, subject to all legal liabilities of said association, and the original incorporation of such association shall be null and void.

YOUNG MEN'S CHRISTIAN ASSOCIATIONS.

46. The provisions of this act, with all the penalties, privileges and advantages thereof, shall be and hereafter are extended to and for the benefit of associations known as Young Men's Christian Associations in the state of New Jersey.

47. The Young Men's Christian Associations of this state are hereby authorized by a majority of the votes cast at a meeting of the association, held in their regular place of meeting, called by them, by ten days' notice in writing, set up at such place, in plain view, to adopt a name, constitution and by-laws, and be a board of directors, not to exceed fifteen, and declare themselves incorporated by such name; a copy of such resolution, with the names of said directors, together with a copy of the official seal of the said association, certified to be correct, under oath, by the officers of the meeting or meetings when said resolution was adopted, directors elected and seal adopted, shall be filed in the office of the clerk of the county in which said association is located and resided, and such association shall thereupon be incorporate, with all the powers authorized by this act.

BAPTIST.

48. *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 foregoing provisions of this act are not in accordance with the usages and customs of the said churches; therefore, 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.

49. 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.

50. 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 therefor.

51. The 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.

52. 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.

53. For perpetuating a line of 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 fill any vacancy occasioned by the death or resignation of any trustee, or by his removing 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.

54. If any Baptist church, the trustees of which are now incorporated 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.

55. 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.

56. 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.

57. That any other provisions of this act shall be applicable and so continue, so far as possible, to such Baptist churches as do not avail themselves of the special provisions for such churches hereinbefore contained.

SUNDAY SCHOOLS.

58. The provisions of this act, with all the rights, privileges and advantages thereof, are hereby extended to and for the benefit of all associations which now are, or hereafter may be, organized in this state, the object of which is or shall be to establish and maintain what are commonly known as Mission Sunday Schools."

Shall be and the same is hereby amended as follows, to wit: the forty-ninth section thereof is hereby amended so as to read as follows, to wit:

Amendment.

49. 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 corporation shall have the powers and be subject to all the liabilities of the corporations named in the first eight sections of this act, 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.

And the fifty-fourth section thereof is hereby amended so as to read as follows :

54. If any Baptist church, the trustees of which are now incorporated under the provisions of the first eight sections of this act, shall desire to become incorporated under the provisions of this act, and shall comply with the requirements of the forty-eighth and forty-ninth sections of this act, the said church, upon taking the proceedings prescribed in section forty-eight of this act, and filing the certificate thereof as provided in section forty-nine 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 the forty-eighth, forty-ninth, fiftieth, fifty-first, fifty-second, fifty-third, fifty-fourth, fifty-fifth and fifty-sixth sections of 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.

And the fifty-seventh section thereof is hereby amended so as to read as follows :

57. That the provisions of the first eight sections of this act shall be applicable and so continue to apply to such Baptist churches as do not avail themselves of the special provisions contained in this act from the forty-eighth to the fifty-seventh sections thereof inclusive.

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

Approved April 21, 1876.

CHAPTER CXCV.

An act concerning savings banks.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all savings banks or institutions for savings hereafter to be organized under and by virtue of this act, are hereby declared to be corporations, possessed

General
corporate
powers.

of the powers and functions of corporations generally ; and that, as such, each of them shall have power :

- I. To have perpetual succession by its corporate name ;
- II. To sue and be sued, complain and defend, in any court of law or equity ;
- III. To make and use a common seal, which may be affixed by making an impression directly on the paper, and to alter the same at pleasure ;
- IV. To appoint such officers, managers and agents as the business of the corporation may require ;
- V. To make by-laws not inconsistent with the laws of this state or of the United States, for the management of its property and the regulation of its affairs ;
- VI. To contract and be contracted with ;
- VII. To receive money on deposit, to invest the same, and further transact the business of a savings bank, as hereinafter provided ;
- VIII. To exercise any corporate powers necessary to the exercise of the powers above enumerated and given.

Number of
persons re-
quired to
form or-
ganization.

2. *And be it enacted*, That any number of persons, not less than thirteen, may associate themselves together, for the purpose of organizing a savings bank, in accordance with the provisions of this act ; but at least three-fourths of such number of persons shall reside in the county where the proposed bank shall be located, and shall be freeholders in this state.

Certificate
of organi-
zation.

3. *And be it enacted*, That such persons, under their hands and seals, shall execute a certificate, in which shall be set forth :

- I. The name assumed to distinguish such association, and to be used in its dealings, which shall be, in no material respect, similar to the name of any other savings banks, organized and doing business in this state ;
- II. The place where its business is to be transacted, designating the particular city, town or village ;
- III. The name, residence, (if in any city, the street and number), occupation and post office address of each member of such association ;
- IV. A declaration that each member of such association will accept the responsibilities, and faithfully discharge the duties of a trustee in such institution, when authorized according to the provisions of this act.

4. *And be it enacted*, That such certificate shall be executed in duplicate, and be duly acknowledged before any officer of this state authorized to take the acknowledgment and proof of deeds in this state, and shall, within sixty days after such acknowledgement, be filed, one copy in the office of the county clerk of the county wherein such savings bank is proposed to be located, and one copy in the office of the secretary of state of this state. Duplicate certificates to be filed.

5. *And be it enacted*, That a notice of intention to organize such savings bank shall be published, at least once a week, for four weeks previous to filing the certificate of association, as provided in the last preceding section, in at least one newspaper published and circulating in the city, town or village where such savings bank is proposed to be located; or if there be no newspaper published and circulating in such city, town or village, then in some newspaper published and circulating in said county; if none in said county, then in an adjoining county; which notice shall specify the names of the proposed corporators, the name of the proposed savings bank, and the location of the same, as set forth in the certificate of association, and if there is any savings bank or banks organized and doing business in said county, a copy of such notice shall also be sent to each of such savings banks, so organized and doing business, at least fifteen days before the filing of such certificate of association, as provided for in the last preceding section. Notice of intention to organize required to be published.

6. *And be it enacted*, That upon the receipt of any such certificate of association at the office of the secretary of state, if the same is in due form and duly executed and acknowledged, according to the provisions of sections three and four of this act, and is accompanied by evidence satisfactory to the said secretary of the proper publication and service, in good faith, of the notice required in the last preceding section, he shall forthwith endorse the same, over his official signature, "filed for examination," with the date of such endorsement. Secretary of State to endorse and file certificate.

7. *And be it enacted*, That if such certificate shall not be in form and substance as required by sections two and three of this act, or shall not be duly and properly acknowledged, as required by section four of this act, or shall not be accompanied by evidence, satisfactory to the said secretary, of the publication and service in good faith, according to the intent and purpose of this act, of the notice required by Certificate not to be filed until made in conformity with provisions of this act.

section five of this act, the said secretary shall refuse to file such certificate, until the same shall be amended in conformity to the provisions of this act.

State board
how consti-
tuted.

8. *And be it enacted*, That there shall be a state board, consisting of the governor, secretary of state and comptroller, and it shall be the duty of said state board, and that they shall have power, in regard to any certificate of association, so filed by said secretary of state, as hereinbefore provided, to ascertain from the best sources of information at their command :

Duties of
the board.

I. Whether greater convenience of access to a savings bank will be afforded to any considerable number of depositors by opening a savings bank at the place designated in such certificate ;

II. Whether the density of the population in the neighborhood designated for such savings bank, and in the surrounding country, affords a reasonable promise of adequate support to the enterprise ;

III. Whether the responsibility, character and general fitness for the discharge of the duties appertaining to such a trust of the persons named in such certificate are such as to command the confidence of the community in which such savings bank is proposed to be located.

State, board
may issue
certificate
of authori-
zation, &c.

9. *And be it enacted*, That if the said state board shall be satisfied from their knowledge, or from information gained, concerning the several points named in the last preceding section, that the organization of a savings bank, as proposed in such certificate, will be a public benefit, they shall, within sixty days after the same has been filed by said secretary of state for examination, issue, under their hand, a certificate of authorization to the persons named in such certificate, or to them or to a portion of them, together with such other persons duly qualified by section two of this act, as a majority of those named in such certificate of association shall in writing approve ; which certificate so issued by them shall authorize the persons named therein to open an office for the deposit of savings as designated in the certificate of association, subject to the provisions of this act ; *provided, however*, that no person shall be named in such certificate of authorization who shall not have duly made and acknowledged the declaration prescribed in sub-division four of section three of this act.

Proviso.

10. *And be it enacted*, That the secretary of state shall transmit such certificate of authorization to the county clerk of the county in which the savings bank so authorized is to be located, who shall file the same, and attach it to the certificate of association previously filed by him, relating to the organization of such savings bank; and the said secretary shall also file a duplicate copy of such certificate in his own office.

Certificate of authorization to be transmitted by the secretary of State.

11. *And be it enacted*, That if the said state board shall not be satisfied that the establishment of a savings bank, as proposed in any certificate of association filed by said secretary of state, is expedient and desirable, they shall, within sixty days after the filing of such certificate, give notice to the county clerk of the county in which such savings bank is proposed to be located, that the said state board refuses to issue a certificate of authorization for such savings bank; which notice shall forthwith be filed by the said county clerk, with the certificate of association of such savings bank.

State board may refuse to issue certificate.

12. *And be it enacted*, That upon the filing of any certificate of authorization of a savings bank, as hereinbefore provided, the persons named therein, and their successors shall thereupon and thereby, be duly and lawfully considered and constituted a body corporate and politic, and shall be vested with all the powers, and charged with all the liabilities conferred and imposed by this act.

Upon filing certificate of authorization the persons named therein are constituted a body corporate.

13. *And be it enacted*, That before any savings bank, so incorporated, shall be authorized to receive deposits, such corporation shall transmit to the secretary of state the name, residence and post office address of each of the officers of such savings bank, and the place where its business is to be carried on, designating the same by street and number, when practicable.

When to receive deposits.

14. *And be it enacted*, That any savings bank so incorporated, shall notify the secretary of state of the fact of organization, and the date of commencement of business, and that any savings bank so incorporated, that shall not organize and commence business and give such notice within one year after the certificate of authorization of the same has been filed, as hereinbefore provided, shall forfeit its rights and privileges as a corporation under this act; but the said state board may, for satisfactory cause to them shown, extend the term within which such organization may be effec-

Notice to be given of the fact of organization and date of commencement of business to be made within one year. State board may extend time for giving notice, &c.

ted and such business commenced, but not for a longer period than one year; and the order so extending such term shall be under their hands, and shall be transmitted to the county clerk of the county in which such savings bank is to be located, who shall file the same, together with the certificate of association and the certificate of authorization of such savings bank.

First managers.

15. *And be it enacted*, That the persons named in the certificate of authorization, issued pursuant to the provisions of this act, shall be the first managers of such corporation, and shall have the entire management and control of all the affairs of the corporation, subject to the provisions of this act.

Board of managers to elect officers.

16. *And be it enacted*, That the business of every such corporation shall be managed and directed by a board of managers of not less than nine, who shall elect from their number a president and a vice president, and shall elect or appoint from their own number, or otherwise, such other officers as they may see fit; and all vacancies in such board, by death, resignation or otherwise, shall be filled by the board of managers, on approval by the state board, with persons duly qualified by section two of this act, as soon as practicable, at a regular meeting after such vacancies shall occur.

Vacancies how filled.

May make by-laws, &c.

17. *And be it enacted*, That the board of managers of any such corporation shall have power, from time to time, to make such by-laws, rules and regulations, as they may think proper, for the election of officers, for prescribing their respective powers and duties, and the manner of discharging the same; for the appointment and duties of committees, and, generally, for transacting, managing and directing the affairs of the corporation; *provided*, such by laws, rules and regulations are not repugnant to nor inconsistent with the provisions of this act, the constitution and laws of this state, or of the United States; and a copy of the same shall be transmitted to the secretary of state, who shall also be notified of any amendment or change therein, and who shall file the same in his office.

Proviso.

Business meetings of managers. Quorum.

18. *And be it enacted*, That regular business meetings of the board of managers shall be held as often as once in three months, for the transaction of business; and that a quorum, at any regular, special or adjourned meeting, shall consist of not less than two-thirds of the board of managers, of whom the president shall be one, except where he is prevented

from attending any meeting by illness, or other unavoidable detention, when he may be represented, in forming a quorum, by the vice president, who, in case of his absence for like cause, may be represented by a president *pro tempore*; but that less than a quorum shall have power to adjourn from time to time, or until the next regular meeting.

19. *And be it enacted*, That whenever a manager of any savings bank shall hereafter become an officer, clerk or employee in any other savings bank, or upon his borrowing, directly or indirectly, any of the funds of the savings bank, of which he is a manager, or becoming a surety or guarantor for any money borrowed of or loan made by such savings bank, or upon his failure to attend the regular meetings of the board, or to perform any of the duties devolved upon him as such manager, for six successive months, without having been previously excused by the board for such failure, the office of such manager shall thereupon immediately become vacant; but the manager vacating his office by failure to attend meetings, or to discharge his duties may in the discretion of the board, be eligible to a re-election.

When the office of a manager shall become vacant.

Manager vacating his office may be re-elected.

20. *And be it enacted*, That the managers of any such corporation shall have the power to require from the officers, clerks and agents of the corporation such security for their fidelity and the faithful performance of their duties as they shall deem necessary, and to fix the salaries of such officers and agents, subject to the provisions of this act.

May require security from officers, &c.

21. *And be it enacted*, That no manager of any such corporation shall have any interest whatever, direct or indirect, in the gains or profits thereof, except as a depositor, nor directly or indirectly, receive any pay or emolument for his services, except as hereinafter provided; and that no manager or officer of any such corporation shall, directly or indirectly, for himself or as the agent, trustee, or partner of others borrow any of its funds or deposits, or in any manner use the same, except to make such current and necessary payments as are authorized by the board of managers; and that no manager or officer of such corporation shall become an endorser, surety or obligor, in any manner whatsoever, for any moneys loaned by or borrowed from such corporation.

Manager not to have any interest in gains or profits except as a depositor.

Manager not to become endorser or surety for moneys loaned.

22. *And be it enacted*, That it shall be lawful for any savings bank to receive on deposit any sum or sums of money that may be offered for that purpose by any person or per-

Deposits.

sons, or by any corporations or societies, or by direction of any court of record in this state, and to invest the same, and to declare, credit and pay dividends thereon, as hereinafter authorized and provided and not otherwise.

Repayment
of money to
depositors.

23. *And be it enacted*, That the sums so deposited, together with any dividends or interest credited thereto, shall be repaid to such depositors, respectively, or to their legal representatives, after demand, in such manner, and at such times, and after such previous notice, and under such regulations as the board of managers shall prescribe, which regulations shall be put up and posted in some conspicuous place in the principal room where the business of such corporation shall be transacted, and shall be printed in the pass books or other evidence of deposit furnished by the corporation, and shall be evidence between the corporation and the depositors holding the same, of the terms upon which the deposits therein acknowledged are made; *provided*, that every such corporation shall have the right to limit the aggregate amount which any one person or society may deposit to such sum as they may deem it expedient to receive; and may, in their discretion, refuse to receive a deposit, and may also, at any time, return all or any part of any deposit; nor shall the aggregate amount of such deposits to the credit of any one individual or corporation at any time exceed five thousand dollars, exclusive of accrued interest, unless such deposit was made prior to the passage of this act, or pursuant to the order of a court of record or of a surrogate; *and provided also*, that no such corporation shall be required to receive on deposit a less sum than one dollar, nor to allow interest on the fractional part of one dollar, nor for the fractional part of a month; whenever any person indebted to any such corporation shall deposit moneys therein, for the purpose of raising a fund for the payment of such indebtedness, the managers shall have the power, in their discretion, to allow interest on such deposits, from the time the same are made.

Proviso.

Aggregate
amount of
deposit not
to exceed
\$5000.

Proviso.

Minors may
give acquit-
tance for
deposits.

24. *And be it enacted*, That whenever any deposit shall be made by or in the name of any person being a minor, or a female being or thereafter becoming a married woman, the same shall be held for the exclusive right and benefit of such depositor, and free from the control or lien of all persons whatsoever, except creditors, and shall be paid, together with the dividends or interest thereon, to the person in

whose name the deposit shall have been made, and the receipt or acquittance of such minor or female shall be a valid and sufficient release and discharge for such deposit, or any part thereof, to the corporation; whenever any deposit shall be made by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing to the bank, in the event of the death of the trustee, the same or any part thereof, together with the dividends or interest thereon, may be paid to the person for whom the said deposit was made, or to his or her legal representatives; *provided*, that no minor shall withdraw any deposit in his or her name, actually made by any person other than such minor, without the consent in writing of the person actually making such deposit, or his or her legal representative. Proviso.

25. *And be it enacted*, That in all actions in any court in this state against any savings bank by a husband to recover for moneys deposited by his wife, in her own name, or as her own money, the wife may be examined and testify as a witness in like manner as if she were an unmarried woman. When wife may testify as a witness.

26. *And be it enacted*, That it shall be lawful for the managers of any savings bank to invest the moneys deposited therein only as follows, to wit:

I. In the stocks or bonds or interest bearing notes or obligations of the United States, or those for which the faith of the United States is distinctly pledged to provide for the payment of the principal and interest thereof; Investment of deposits.

II. In the interest bearing bonds of this state;

III. In the bonds of any state in the Union that has not within ten years previous to making such investment by such corporation, defaulted in the payment of any part of either principal or interest of any debt authorized by any legislature of such state to be contracted;

IV. In the stocks or bonds of any city, county, town or village of this state, issued pursuant to the authority of any law of this state, or in any interest bearing obligations issued by the city in which such bank shall be situated;

V. In bonds secured by mortgages which shall be a first lien on real estate situate in this state and worth at least twice the amount loaned thereon; but not to exceed seventy per centum of the whole amount of deposits shall be so loaned or invested; but, in case the loan is on unimproved or unproductive real estate, the amount loaned thereon shall

not be more than thirty per centum of its actual value ; and no investment in any bond and mortgage shall be made by any savings bank, except upon the report of a committee, to consist of at least three managers, charged with the duty of investigating the same, and a majority of which committee shall certify to the value of the premises mortgaged or to be mortgaged, according to their best judgment ; and such report shall be filed and preserved among the records of the institution ;

Investment
of deposits
in real es-
tate.

VI. In real estate, strictly in accordance with the following provisions :

(a). A plot whereon is erected, or may be erected, a building or buildings requisite for the convenient transaction of its business, and from portions of which not required for its own use a revenue may be derived ; the cost of such building or buildings and lot shall in no case exceed fifty per centum of the net surplus of such corporation, except by written permission of the said state board ;

(b). Such as shall have been purchased by it at sales upon the foreclosure of mortgages, owned by such corporation, or upon judgments or decrees obtained or rendered for debts due to it, or in settlements effected to secure such debts ; and all such real estate mentioned in the last preceding clause in this sub-division shall be sold by such corporation within five years after the same shall have been so purchased, unless upon application by the board of managers the state board shall extend the time within which such sale shall be made ; and it shall be lawful for any such corporation, with the approval in writing of the said state board, to change its location within the limits of any city or town wherein it may be established, and in effecting such change of location such corporation owning a banking house or lot may purchase such additional plot, under the provisions of sub-division (a) of this section, as the corporation may require ; and such banking house and lot previously owned and occupied shall be sold as provided in sub-division (b) of this section concerning real estate acquired in satisfaction of debts.

Moneys to
be invested
as soon as
practicable.

27. *And be it enacted*, That it shall be the duty of the managers of any such corporation, as soon as practicable, to invest the moneys deposited with them in the securities named in the twenty-sixth section of this act, except that, for the purpose of meeting current payments and expenses,

in excess of the receipts, there may be kept an available fund of not exceeding ten per centum of the whole amount of deposits with such corporation; and the same may be kept on hand, or on deposit, in any bank or banking association in this state, organized under any law or laws of this state or of the United States; or such available fund, or any part thereof, may be loaned upon pledge of the securities, or any of them, named in subdivisions one, two, three and four of section twenty-six of this act; but not in excess of seventy-five per centum of the cash market value of such securities so pledged, nor in excess of the par value thereof; and should any of the securities, so held in pledge, depreciate in value, after making any loan thereon, it shall be the duty of the managers to require the immediate payment of such loan, or of a part thereof, or additional security therefor, so that the amount loaned shall at no time exceed seventy-five per centum of the market value of the securities pledged for the same.

Disposition
of the avail-
able fund.

28. *And be it enacted*, That it shall further be lawful for any such corporation to deposit temporarily in banks, as provided in the last preceding section of this act, the excess of current daily receipts over the payments, until such time as the same can be judiciously invested in the securities named in section twenty-six of this act; and whenever it shall appear to the state board that the managers of any such corporation are violating the spirit and intent of the provision of this and the preceding section, by keeping permanently uninvested all, or an undue proportion, of the moneys received by them, it shall be their duty to report the facts to the attorney-general, who shall proceed against such corporation, under the provisions of section forty-four of this act.

May make
deposits
temporarily
in banks.

29. *And be it enacted*, That it shall not be lawful for the managers of any savings bank to loan the moneys deposited with them, or any part thereof, upon notes, bills of exchange, drafts, or any other personal securities whatever; and, in all cases of loans upon real estate, a sufficient bond, secured by a mortgage on said real estate, shall be required of the borrower; and all the expenses of searches, examinations and certificates of title or appraisals of value, and of drawing, perfecting and recording papers, shall be paid by such borrower.

Deposits
not to be
loaned on
notes, bills
of ex-
change, &c

Policies of insurance to be assigned.

30. *And be it enacted*, That whenever any building or buildings are included in the valuation of any real estate, upon which a loan shall be made by any such corporation, the same shall be insured by the mortgagor in such company or companies as the managers shall approve, and the policy or policies of insurance shall be duly assigned, or the loss made payable, as interest may appear, to such corporation; and it shall be lawful for such corporation to renew such policy or policies of insurance in the same, or in any other company or companies, as it may elect, from year to year, or for a longer or shorter term, in case the mortgagor shall neglect to do so, and may charge the amount paid to the mortgagor; and all necessary charges and expenses paid by such corporation for such renewal or renewals, shall be paid by such mortgagor to such corporation, and shall be a lien upon the property so mortgaged, recoverable with interest from the time of payment, as part of the moneys secured to be paid by such mortgage.

Dealings or trading prohibited except as provided for in act.

31. *And be it enacted*, That it shall be unlawful for any savings bank, directly or indirectly, to deal or trade in real estate, in any other case or for any other purpose than as authorized in section twenty-six of this act, or to deal or trade in any goods, wares, merchandise or commodities whatever, except as authorized by the terms of this act, and except such personal property as may be necessary in the transaction of its business; and it shall be unlawful for any savings bank, or for any officer, in his regular attendance upon the business of such bank, in any manner, directly or indirectly, to engage in the business, in such bank, of buying or selling exchange, gold or silver, or in the business of buying or selling or collecting promissory notes or time-bills of exchange; but this section shall not be taken to apply to the managers of any savings bank, acting in their private capacity.

Rate of interest or dividends to depositors.

32. *And be it enacted*, That it shall be the duty of the managers of every such corporation, to regulate the rate of interest or dividends, not to exceed six per centum per annum, upon the deposits therewith, in such manner that depositors shall receive, as nearly as may be, all the profits of such corporation, after deducting necessary expenses and reserving such amount as the managers may deem expedient, as a surplus fund for the security of depositors, which, to the amount of fifteen per centum of their de-

posits, the managers of any such corporation are hereby authorized gradually to accumulate and to hold, to meet any contingency or loss in its business, from the depreciation of its securities or otherwise; *provided, however, that* Proviso. the managers of any such corporation may classify their depositors according to the character, amount and duration of their dealings with the corporation, and regulate the interest or dividends allowed, in such manner that each depositor shall receive the same ratable proportion of interest or dividends as all others of his class; it shall be unlawful for the managers of any savings bank to declare or allow interest on any deposits for a longer period than the same has been deposited, except that deposits, made not later than the third day of the month commencing any interest period, may have interest declared upon them for the whole of the period or month when so deposited; no dividends or interest shall be declared, credited or paid, except by the authority of a vote of the board of managers, duly entered upon their minutes; it shall be the duty of the managers of any such corporation, whose surplus amounts to fifteen per centum of its deposits, at least once in three years, to divide equitably the accumulation beyond such authorized surplus, as an extra dividend to depositors, in excess of the regular dividends hereinbefore authorized.

33. *And be it enacted,* That in determining the per centum Per centum of surplus how determined. of surplus held by any savings bank, its interest paying bonds shall be estimated at their market value; *provided,* Proviso. such value shall not be greater than the face value thereof; its bonds and mortgages, on which there are no arrears of interest for a longer period than one year, shall be estimated at their face value; and its real estate at not above cost; concerning such stocks or bonds and mortgages as are in arrears of interest for one year or more, and concerning all other investments not herein enumerated, the state board shall determine the valuation of the same, from the best information they can obtain, and they may change the valuation thereof, from time to time, according as they may obtain other and further information.

34. *And be it enacted,* That it shall be lawful for managers Compensation to managers acting as officers. of such corporation, acting as officers of the same, whose duties require and receive their regular and faithful attendance at the institution, to receive such compensation as in the opinion of a majority of the board of managers shall be

Proviso. just and reasonable; *provided*, that the said state board provided for in section eight may reduce the amount of such compensation if in their judgment the same is fixed at an excessive amount, but no manager shall receive a larger compensation than the sum of three dollars for each occasion of his attendance at meetings of the board of managers or of committees thereof.

Managers to examine books and vouchers. 35. *And be it enacted*, That it shall be the duty of the managers of every savings bank, by a committee of not less than three of such managers, on or about the first day of January in each year, to thoroughly examine the books, vouchers and assets of such savings bank and its affairs generally, and the statement or schedule of assets reported to the secretary of state for the first day of January in each year shall be based upon such examination, and shall be verified by the oath or affirmation of a majority of the managers making such examination; but nothing herein contained shall be so construed as to prohibit the managers of any savings bank from requiring such examination at such other times as they may prescribe.

Annual report to be made to the secretary of State. 36. *And be it enacted*, That every such corporation shall, on or before the first day of February in each year, make a report in writing to the secretary of state, and in such form as the state board shall prescribe, of its condition on the first day of the month preceding such report.

Amount loaned upon bonds and mortgages, &c., to be stated in the reports. 37. *And be it enacted*, That such reports shall state the amount loaned upon bond and mortgage, together with a list of all bonds and mortgages upon which the interest has been in arrear for six months; the cost, par value and estimated market value of all investments, designating each particular kind of security; the amount loaned upon the pledge of securities, with a statement of the securities held as collateral for such loans; the amount invested in real estate, giving the cost of the same; the amount of cash on hand and on deposit in banks, with the names of such banks and the amount deposited in each, and such other reasonable information as the state board may require.

Report shall state all liabilities, &c. 38. *And be it enacted*, That such report shall also state all the liabilities of such savings corporation on the morning of the said first day of January, the amount due to depositors, which shall include any dividend to be credited to them for any interest period ending on the day preceding that day; and any other debts or claims against such corporation which

are or may be a charge upon its assets, excepting claims for current expenses not to exceed the sum of three hundred dollars; such report shall also state the amount deposited during the twelve months previous, and the amount withdrawn during the same period; the whole amount of interest or profits received or earned, and the amount of dividends credited to depositors; the number of accounts opened or re-opened, the number closed during that period, and the number of open accounts at the end of that period, and such other reasonable information as may be required by the said state board.

39. *And be it enacted*, That such report shall be verified by the oath or affirmation of the two principal officers of the institution, and the statement of assets shall be verified by the oath or affirmation of a majority of the committee of managers who examined the same, pursuant to the requirements of section thirty-five of this act; and any willful false swearing in regard to such reports, or in regard to any reports made to the secretary of state, pursuant to the provisions of this act, shall be deemed perjury, and shall be subject to the prosecutions and punishments prescribed by law for that offence.

Report to
be verified
by oath.

40. *And be it enacted*, That if any savings bank shall fail to furnish to the secretary of state any report or statement required by this act, at the time so required, the managers of such bank shall personally forfeit the sum of one hundred dollars per day for every day such report or statement shall be so delayed or withheld; and the said secretary of state may maintain an action against such managers jointly in his name to recover such penalty, and when collected, the same shall be paid into the treasury of the state; but the said state board may, for sufficient cause shown, extend the time for making such report not exceeding thirty days.

Penalty for
failure to
furnish re-
port.

41. *And be it enacted*, That no such corporation shall hereafter be required to make any annual or other report to the legislature nor to the mayor or commonality of any city, nor to the board of freeholders of any county, nor to any other officer or authority whatsoever, except as in this act provided and required; nor be subject to the inspection or supervision of any local officer or board, nor to any interference from any such local officer or board in any matters pertaining to the business or dealings of such corporation.

Annual re-
port to leg-
islature, &c.
not re-
quired.

Secretary of State to make a statement of the condition of corporations from which reports have been received.

42. *And be it enacted*, That it shall be the duty of the secretary of state, on or before the fifteenth day of February in each year, to communicate to the legislature a statement of the condition of every such corporation, from which a report has been received for the preceding year; and also the name and location of savings corporations, authorized by the state board, during the previous year, with the date of their incorporation, and particularly describing those incorporated at any time, which have commenced business during the previous year.

Secretary of State to visit and examine savings corporations.

43. *And be it enacted*, That it shall be the duty of the secretary of state, to visit and examine every savings corporation in this state at least once in two years, or whenever, in the judgment of the state board, its condition or management is such as to render an examination of its affairs necessary or expedient; the said secretary shall have power to administer an oath or affirmation to any person, whose testimony may be required on any such examination, and to compel the appearance and attendance of any such person for the purpose of such examination, by summons, subpoena or attachment, in the manner now authorized in respect to the attendance of persons as witnesses in the courts of record of this state; and all books and papers which it may be deemed necessary to examine by the said secretary, shall be produced, and their production may be compelled in like manner; whenever such special examination shall be made by the said secretary in person, no charge shall be made, except for necessary traveling and other actual expenses; the result of any such examination shall be certified by the secretary of state, upon the records of the corporation examined; and the results of all the regular examinations, during the previous year, shall be embodied in the annual report of the secretary of state, required by this act to be submitted to the legislature.

Proceedings in case of violation of charter, &c.

44. *And be it enacted*, That whenever it shall appear to the state board from any examination made under this act, or from the report made by any such corporation, pursuant to the requirements of sections thirty-six, thirty-seven, thirty-eight and thirty-nine of this act, that any such corporation has committed any violation of its charter or of law, or is conducting its business and affairs in an unsafe or unauthorized manner, the said state board shall, by an order, under their hands, direct the discontinuance of such illegal

and unsafe or unauthorized practices, and shall insist upon a strict conformity with the requirements of the law, and with the safety and security of its transactions ; and whenever any such corporation shall refuse or neglect to make any such report, as is hereinbefore required, or to comply with any such order, as aforesaid, or whenever it shall appear to the said state board, that it is unsafe or inexpedient for any such corporation to continue to transact business, they shall communicate the facts to the attorney general, who shall thereupon institute such proceedings as the nature of the case may require ; the proceedings instituted by the attorney general may be for the removal of one or more of the managers, or for such other or further relief or correction as the particular facts communicated to him shall seem to require ; the court, before which such proceedings shall be instituted, shall have power to grant such orders, and, in its discretion, from time to time, to modify or revoke the same, as the evidence in the case, and the situation of the parties, and the interests involved shall seem to require.

In case of refusal or neglect to make report. &c.

45. *And be it enacted*, That for the purpose of defraying the expenses incurred in the performance by the secretary of state of the general duties, including the regular examinations, imposed upon him by this act, each savings corporation shall pay five dollars annually, and the residue of such expenses, the amount whereof shall be approved by the state board, shall be paid by savings corporations, whose deposits exceed one hundred thousand dollars, in proportion to the amount of assets severally held and reported by them, and the sums so contributed shall be paid into the treasury of the state subject to the order of the state board ; if any such savings corporation shall, after due notice, refuse or neglect for thirty days to pay its allotted share of such charges, the said secretary may maintain an action in his name of office against such corporation, for the recovery of such charges.

Mode of defraying expenses incurred by the secretary of State in performance of duties required by this act.

46. *And be it enacted*, That it shall not be lawful for any bank, banking association, firm, stock company, corporation or individual banker, to advertise or put forth a sign as a savings bank, either directly or indirectly, or in any way to solicit or receive deposits as a savings bank, except in the case of banks or deposit companies now authorized by law to receive deposits on interest, or banks incorporated under this act ; and

Penalty for soliciting or receiving deposits as a savings bank by any incorporation not now authorized by law to receive

ceive deposits on interest or incorporated under this act.

any bank, banking association or individual banker, that shall offend against these provisions, shall forfeit and pay for every such offence the sum of one hundred dollars for every day such offence shall be continued, to be sued for and recovered in the name of the people of this state, by the prosecutors of the pleas of the several counties, in any court having cognizance and jurisdiction thereof, for the use of the poor, chargeable to said county in which such offence shall be committed.

Penalty for embezzlement.

47. *And be it enacted*, That if any officer or employee of any savings bank shall embezzle any of the money, property, securities or choses in action belonging to such savings bank, or to its depositors, with intent to defraud such savings bank, or its depositors, or shall in any way fraudulently dispose of any such money, property, securities or choses in action, he shall be deemed guilty of a high misdemeanor, and upon conviction thereof, shall be liable to a fine not exceeding five thousand dollars, or imprisonment at hard labor not exceeding five years, or both.

Proceedings for changing name of corporation.

48. *And be it enacted*, That whenever three-fourths of all the managers of any such corporation shall, by a resolution to be entered upon their minutes, express a desire and purpose to change the name of such corporation, the same may be effected in the manner following, to wit: notice of intention to apply to the state board for leave to change the name of such corporation, specifying the name thereof and the name to which it is proposed to change the same, shall be published as required in section five of this act; after such publication application may be made to the said state board to change the name of such corporation to such name as has been agreed upon in such resolution and published in such notice, evidence of which resolution and publication must be made satisfactory to said state board together with such application; if it shall appear to the said secretary that it is expedient and proper that such change of name be made, they shall, by an order under their hands, direct and authorize such change of corporate name to be made, and designate some day in the future, not to exceed thirty days from the date of such order, when the said change shall take effect; such order shall be executed in triplicate, one copy shall be transmitted to and filed in the office of the county clerk of the county in which such corporation is located, one copy shall be transmitted to the corporation affected thereby, and one copy shall be filed in the office of the sec-

retary of state; thereupon from the date designated in such order for such change of name to take effect, such corporation shall be known and described by the name designated in such order, and by such name shall have all rights and powers to which it would be entitled if such change had not been made; but no such change shall in any manner lessen or impair any liability of such corporation incurred or existing at the time such change of name shall be made.

49. *And be it enacted*, That this act shall not apply to any stock company or savings bank or savings institution already organized under special charters of this state before the thirty-first day of December, one thousand eight hundred and seventy-seven. Act not to apply.

50. *And be it enacted*, That all certificates or other evidences of deposit, made in pursuance of the regulations and usages of any such corporation, shall be as binding upon such corporation, as though made under its common seal. Certificates of deposit.

51. *And be it enacted*, That the misnomer of any such corporation in any deed, grant, contract, conveyance, or other instrument, shall not vitiate or impair the same, if the corporation be sufficiently described therein, to ascertain the intention of the parties. Misnomer not to vitiate.

52. *And be it enacted*, That any savings bank or savings institution now existing under any law of this state may come under and be subject to the provisions of this act in the same manner as if formed under the same, if such bank or institution make a certificate under the hands of the managers or directors, or a majority of them, of such bank or institution, that said bank or institution desires to come under the provisions and liabilities of this act, which shall be filed with the secretary of state, and shall procure the certificate of authorization from the state board in the manner and as required by this act, and such bank or institution, upon procuring such authorization, shall be free from the liabilities and provisions of the act under which such bank was formed; *provided*, that nothing shall be held thereby to affect any transactions, liabilities and debts of any such bank or institution theretofore done, accrued or contracted. Savings banks or savings institutions now existing under any law of this state may come under and be subject to provisions of this act.

53. *And be it enacted*, That any savings bank which has heretofore organized in this state under special act of incorporation by the legislature, which act has become inoperative and void by reason of failure to pay the assessment thereon as required by law, may take advantage of, receive Special acts incorporating savings banks which have become inoperative and void, may be in-

incorporated
under this
act.
Proviso.

the benefit of, and be incorporated under the provisions of this act; *provided*, the said assessment be paid within three months after the passage hereof; *and provided further*, that the said savings bank shall first execute and file a certificate according to the provisions of the second and third sections of this act, and thereupon the said savings bank shall be and is hereby authorized and empowered upon assuming all liabilities of said savings bank, to receive, hold, sue for and collect all the assets, rights of action, moneys, and effects of said savings bank, and further to continue the business of said savings bank, the same as if incorporated under this act.

Repealer.

54. *And be it enacted*, That all acts, or parts of acts, or supplements thereto, inconsistent and conflicting with this act, are hereby repealed.

Act to be
favorably
construed.

55. *And be it enacted*, That this act is hereby declared to be a public act, and shall be construed favorably for every beneficial purpose therein contained, and shall take effect immediately.

Approved April 21, 1876.

CHAPTER CXCVI.

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

Section to
be amend-
ed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fifth section of the act to which this is a supplement, which is in the following words, viz :

Recital.

"5. *And be it enacted*, That no sheriff, coroner or other officer, or any deputy of such sheriff, coroner or other officer, shall directly or indirectly take, accept or receive any money or other reward or thing, to excuse any person from serving or being summoned or returned, on any jury or inquest, or under that color or pretence, on pain of forfeiting one hun-

dred and fifty dollars for every such offence, the one moiety to the state, and the other moiety to any person who shall prosecute for the same, to be recovered with costs, by action of debt, in any court of record having cognizance of that sum," be and the same is hereby amended so as to read as follows :

5. *And be it enacted*, That no sheriff, coroner or other officer, or any deputy of any sheriff, coroner or other officer, shall, directly or indirectly, take, accept or receive any money or other reward or thing to summon or return, or to excuse any person from being summoned or returned, or from serving on any jury or inquest; and no sheriff, coroner or other officer shall summon or return any person who may have applied to him to be summoned or returned as a juror, on pain of forfeiting one hundred and fifty dollars for every such offence, the one moiety to go to the state, and the other moiety to any person who shall prosecute for the same, to be recovered with costs, by action of debt in any court of record having cognizance of that sum.

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

"6. *And be it enacted*, That every person summoned as a grand juror in any court of this state, and every petit juror returned for the trial of any action or suit of a civil or criminal nature, shall be a citizen of this state and resident within the county from which he shall be taken, and above the age of twenty-one and under the age of sixty-five years; and if any person, who is not so qualified, shall be summoned as a grand juror or as a juror on the trial of any such action in any of the courts of this state, it shall be good cause of challenge to such juror, who shall be discharged upon such challenge being verified according to law, or on his own oath or affirmation in support thereof; *provided*, that no exception to any such juror on account of his citizenship, or age, or any other legal disability, shall be allowed after he is sworn or affirmed," be and the same is hereby amended so as to read as follows: Recital.

6. *And be it enacted*, That every person summoned as a grand juror in any court of this state, and every petit juror returned for the trial of any action or suit of a civil or criminal nature, shall be a citizen of this state and resident within the county from which he shall be taken, and above the age of twenty-one and under the age of sixty-five years; Amendment.

Qualifica- tion of jurors.	and if any person, who is not so qualified, shall be summoned as a grand juror or as a juror on the trial of any such action in any of the courts of this state, or if any person shall be summoned as a petit juror at any stated term of any court of this state, who has served as such at any of the three stated terms, next preceding that to which he may be summoned, it shall be good cause of challenge to any such juror, who shall be discharged upon such challenge being verified according to law, or on his own oath or affirmation in support thereof; <i>provided</i> , that no exception to any such juror on account of his citizenship, or age, or any other legal disability, shall be allowed after he has been sworn or affirmed.
Proviso.	
Section to be amend- ed.	3. <i>And be it enacted</i> , That the seventh section of the act to which this is a supplement, which is in the following words, viz :
Recital.	"7. <i>And be it enacted</i> , That it shall be the duty of the respective sheriffs of the several counties in this state, at their own expense, to procure every year a list of the names of the persons who, in their respective counties, are qualified to serve as jurors;" be and the same is hereby amended so as to read as follows :
Amend- ment.	7. <i>And be it enacted</i> , That it shall be the duty of the respective sheriffs of the several counties of this state, (at their own expense), to procure every year a list of the names of the persons who, in their respective counties, are qualified to serve as jurors, with their places of abode by designating their respective townships and wards; said list to be made out and completed by the first day of January in each year, and kept in the respective offices of said sheriffs, open to the inspection of all persons who may wish to examine the same, without charge; and any sheriff who shall neglect or refuse to comply with any or all of the provisions of this section, shall forfeit the sum of five hundred dollars for every such offence, the one-half to be paid to the state, and the other half to any person who shall prosecute for the same, to be recovered with costs, by action of debt, in any court of record having cognizance of that sum.
Section to be amend- ed.	4. <i>And be it enacted</i> , That the eighth section of the act to which this is a supplement, which is in the following words, namely :
Recital.	"8. <i>And be it enacted</i> , That the summons of every grand or petit juror shall be made by the sheriff or his deputy, or

by one of the coroners, when the venire shall be awarded to the coroners, either personally to, or in writing, under his hand, left at the dwelling house of such juror, six days at least before the day on which such juror is required to appear," be and the same is hereby amended so as to read as follows :

8. *And be it enacted*, That every grand or petit juror shall be summoned by the sheriff or his deputy, or by one of the coroners or elisors, when the venire shall be awarded to the coroners or elisors, by notice in writing, under his or their hands, and served either personally, or left at the dwelling house of such juror, six days at least before the day on which such juror is required to appear. ^{Amendment.}

5 *And be it enacted*, That the thirteenth section of the act to which this is a supplement, which is in the following words, namely : ^{Section to be amended.}

"13. *And be it enacted*, That it shall be the duty of every sheriff in this state, or in case of his death or disability, of the coroners of the respective counties, at least twenty days before the commencement of every circuit court, court of oyer and terminer and general jail delivery, common pleas and quarter sessions of the peace, to be holden in such county, at the office of the clerk of the said county, and in the presence of the said clerk, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, to select from among the residents of the county qualified to serve as jurors, the names of at least twice as many persons as he or the said coroners shall deem necessary to be summoned as jurors at the then next ensuing term of any of the aforesaid courts ; and the names so selected shall be written on separate pieces of paper ; which pieces of paper shall then be separately rolled up, concealing the name of each juror, and put into a box, and which, when so rolled up, shall be of the same size, color and shape, as nearly as may be ; after which the said box shall be closed up and shaken in such a manner as to intermingle the pieces of paper, so as aforesaid rolled up and put therein ; the box shall then be opened, and the said sheriff, coroners or clerk, or some person appointed by them for that purpose shall, in an open and public manner, in the presence of said officers, and of such other persons as may choose to be present on the occasion, between the hours aforesaid, draw out of the said box as many pieces of paper as the number of jurors the ^{Recital.}

said sheriff or coroners shall deem necessary to summon as aforesaid; and the several persons whose names shall be found written on the papers so drawn out, shall constitute the general panel of jurors, to be summoned and returned by the said sheriff or coroners to the next ensuing term of the said court; and the said sheriff, coroners or clerk shall make or cause to be made, two complete lists of the names so drawn, and certify the same under their hands, to be the panel of jurors selected to serve at such ensuing court or courts, one whereof shall be filed by the said clerk, and the other shall be delivered to the said sheriff or coroners," be and the same is hereby amended so as to read as follows:

Amend-
ment.

13. *And be it enacted*, That it shall be the duty of each sheriff in this state, or in case of his death or disability, of the coroners of the respective counties, or elisors appointed by the court on the fourth Tuesday before the commencement of the regular term of any circuit court, court of oyer and terminer, and general jail delivery, common pleas and quarter sessions of the peace to be holden in each county, at the court house in each county, in the presence of the county clerk, and before the court of common pleas, which shall meet at the hour of ten o'clock in the forenoon of said day in open court, to select from among the residents of the county, qualified to serve as jurors, the names of at least twice as many persons as the said court shall deem necessary to be summoned as jurors at the next ensuing term of the aforesaid courts; and the names so selected shall be written on separate pieces of paper, which pieces of paper shall be separately folded so as to conceal the name of each juror, and put into a box; and which when so folded shall be of the same size, color and shape as nearly as may be, after which the said box shall be closed and shaken in such a manner as to intermingle the pieces of paper so folded, as aforesaid, and put therein, and the said sheriff, coroner, or elisors, or some person appointed by the court for that purpose, shall in an open and public manner, in the presence of the said clerk and court, and of such other persons as may choose to be present on the occasion, draw out of said box separately, as many of said papers as the number of jurors the said court shall deem necessary to summon as aforesaid; which names shall be publicly announced as drawn and transcribed by said clerk, as they are read by the person drawing them from the box; and the several persons whose

names shall be so found written on the papers so drawn out, shall constitute the general panel of jurors to be summoned by the said sheriff, coroners or elisors at the next ensuing term of the said courts; and the sheriff, coroners, elisors or person appointed by the court as aforesaid, shall make or cause to be made, two complete lists of the names so drawn, and certify the same under his or their hands, to be the panel of jurors selected to serve at such ensuing court or courts, and the judges of the said court of common pleas, or a majority of those present, shall also certify under their hands that the jurors named in the said lists were selected in all respects according to the provisions of this act, which said certificates shall be annexed to each of the said lists of jurors, one whereof shall then be filed by the said clerk in his office, and the other shall be delivered to the sheriff, coroners, or elisors; and if the judges of said court of common pleas, or a majority of those present at the time, shall not certify as required by this section, it shall be good ground for a challenge to the array of jurors.

6. *And be it enacted*, That the fourteenth section of this act shall read as follows, namely: Section to be amended.

"14. *And be it enacted*, That in case of the death, disability, or absence of the clerk, any judge of the court of common pleas of such county may perform the duties directed to be performed by the clerk in the last preceding section; and one copy of the list of jurors drawn and certified by such judge and sheriff or coroners, shall be filed in the clerk's office of the county," be, and the same is hereby amended so as to read as follows: Recital.

14. *And be it enacted*, That in case of the death, disability or absence of the clerk, any judge of the court of common pleas of such county may perform the duties directed to be performed by the clerk in the last preceding section; and one copy of the list of jurors drawn and certified as directed in said section, shall be filed in the clerk's office of the county. Amendment.

7. *And be it enacted*, That the act entitled "A supplement to an act entitled 'An act relative to jurors and verdicts,'" approved April seventeenth, one thousand eight hundred and forty-six; which said supplement was approved April fourth, eighteen hundred and seventy-three, and all other acts or parts of acts inconsistent with this act be and the same are hereby repealed. Repealer.

Approved April 21, 1876.

CHAPTER CXCVII.

An act to enable cities to supply the inhabitants thereof with pure and wholesome water.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That any city within this state be, and it is hereby authorized, in the manner hereinafter provided, to take and convey from such source or sources as may be practicable, into and through said city, such quantity of pure and wholesome water as may be required for domestic and other purposes by the inhabitants residing within the corporate limits of said city; and to this end, the said city is hereby authorized and empowered, in the corporate name of said city, to purchase of any water company owning water works within said city, which said company is hereby authorized to sell and convey, all the real estate, personal property and works, and all the corporate rights, powers, franchises and privileges of said company, for such sum as may be mutually agreed upon by and between the said city and the said water company; and upon the due execution of the conveyance therefor, the said real estate, personal property and works, and corporate rights, powers, franchises and privileges shall pass to and vest in the said city in as full and ample manner as the same now are or heretofore have been held and enjoyed by the said water company; and that the said city may, in the name and in behalf of said city, purchase, take, hold and enjoy, and convey and dispose of all and such other real and personal estate as may be necessary for the purposes of this act, and may construct and maintain canals, aqueducts, reservoirs, basins, stand pipes, buildings, machinery, and appurtenances of every kind that may be necessary and useful for such purposes, with full power and authority to lay and relay water pipes under any avenue, road, railroad, highway, street, lane or alley within the said city.

2. *And be it enacted*, That in case of any disagreement between the said city and the said water company, or the

Authority
and power
to purchase
and own
water
works, &c.,
for the pur-
pose of sup-
plying wa-
ter, &c.

Proceed-
ings in case
of any dis-

owner of any other land or water rights which may be required for the said purposes, or affected by any operation connected therewith, as to the amount of compensation to be paid to the said water company, or to such other owner; or in case any such owner shall be an infant, or a married woman, or non compos mentis, or absent from this state, the circuit court in and for the county wherein said city is situated, shall on application of either party, nominate and appoint three disinterested and competent persons, as commissioners to examine the real estate and personal property of the said water company, or any other land or water rights, and estimate the value thereof, or damages sustained thereby, and who shall, after reasonable notice to the parties of the time and place when and where they will be heard in relation to the matter, and after hearing and examining the parties, and their respective witnesses, under oath or affirmation, and viewing the property, thereupon proceed without delay to make their report thereon, and deliver the same to the said court at the next term thereof which may be held in the said county.

3. *And be it enacted*, That whenever such report shall be confirmed by said court, the said city shall, within two months thereafter, in case of no appeal therefrom, or from the determination of said appeal, pay or cause to be paid to the said water company, or to such other owner (as the case may be), or to such person or persons as the said court may direct, the sum mentioned in said report as the value or damages therefor, in full compensation for the real and personal estate of water company aforesaid, or for any other property so required, or for the damages so sustained, as the case may be; and thereupon the said city shall become seized absolutely and in fee of said real and personal estate of the said water company, or of such other property so required, and shall be thence discharged from all further claims by reason of such damage; but no claim shall be made or allowed after the expiration of three years from the time the land is taken or the damage suffered; *provided, however*, that in case the said city, or the said water company, or owner or owners of the said lands or water works, shall be dissatisfied with the report of the said commissioners, and shall apply to the justice of the said circuit court at the same term after the filing of the said report, the court shall have the power, upon good cause shown, to set the same aside, and there-

agreement
between
city and
owner or
owners as
to pur-
chase.

Proceed-
ings in case
of appeal.

Proviso.

upon to direct a proper issue for the trial of the said controversy, to be formed between the said parties, and to order, if required, a jury to be struck, and a view of the premises to be had, and the said issue to be tried at the next circuit 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 water works, 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 the said city, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same, or a less sum than the said city shall have offered, or the said commissioners awarded, then the said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; *provided*, that such application to the court shall not prevent the said city from taking the said land upon the filing of the aforesaid report and tender of the sum awarded.

Proviso.

Appoint-
ment of
engineers,
surveyors,
officers,
agents, &c.

4. *And be it enacted*, That it shall be lawful for the said city, by its board of aldermen, council or other legislative body, to elect or appoint any and all engineers, surveyors, officers, agents, employees or committeemen that they may deem necessary or convenient for accomplishing the purposes contemplated by this act, to define their duties, regulate their compensation, and provide for their removal, and that the said engineers, surveyors, officers, agents, employees or committeemen so appointed or elected as aforesaid, are hereby authorized and empowered to enter upon any land or water for the purpose or making any and all surveys and examinations necessary under this act, and at all seasonable hours to enter any dwelling or other place where the water so furnished is taken or used, and where unnecessary waste thereof is known or suspected, and examine and inquire into the cause thereof, and the said engineers, surveyors, officers, agents, employees or committeemen shall have full power to examine all service pipes, stop cocks and other apparatus connected with the water supply or drainage works, for the purpose of ascertaining whether the same are of the character and dimensions, and fixed in the manner

directed by the ordinance or ordinances of the said city regulating the same, and if any person or persons shall refuse to permit such examinations, or oppose or obstruct any such engineers, surveyors, officers, agents, employees or committeemen in performance of such duty, he, she or they so offending shall have the supply of water shut off, until the required examination is made, and such alterations and repairs as may be found necessary shall be completed.

5. *And be it enacted*, That whenever any work to be performed or materials to be furnished under the provisions of this act, may involve an expenditure of any sum exceeding five hundred dollars, the said board of aldermen, council or other legislative body of said city, shall designate a time when they will meet at their usual place of meeting, to receive proposals in writing, for doing such work or furnishing such materials, as the case may be, and shall thereupon order the clerk or some other officer of said city to give notice thereof, by advertisements put up in ten of the most public places of the said city, and by advertising the same in one or more newspapers printed and published in said city, at least two weeks before the time of such meeting, which advertisements shall specify the dimensions and quality of the work to be done, or materials to be furnished; that all such proposals shall be publicly opened in the presence of those who choose to attend, that not more than one proposal shall be received from any one person for the same contract, directly or indirectly, and that said body shall be empowered to reject any or all of said proposals, and to advertise for new proposals, and to accept such as shall in the opinion of a majority of said body be deemed most advantageous for said city; *provided*, the contract for such work and materials, when awarded, shall be awarded to the lowest bidder, and to enter into and compel the performance of all necessary and proper contracts for the doing of such work or furnishing such materials.

Advertisement to be made for proposals for work when expenditure exceeds a certain sum.

Proviso.

6. *And be it enacted*, That all such contracts shall be in writing and of each contract two copies shall be taken, and each copy shall be read before the said body; and if approved by a majority of the whole number thereof, such approval shall be endorsed upon each of said copies by the president of the said body and be by him signed as such president, and then such contracts so approved, endorsed and signed shall be executed by the mayor of the said city

Contracts to be in writing.

How executed.

on behalf of and in the name of the said city, and under the common seal thereof, and that one of said copies when fully executed by the parties thereto, shall be deposited with the treasurer of said city; and that no party shall be allowed to enter upon any work or furnish any material until such contract shall have been so read, approved, endorsed, executed and deposited as aforesaid; and that every person who shall enter into any such contract with the said city, shall give satisfactory security for the faithful performance of his contract according to its terms, with at least two sureties to be approved by said common council.

Contractor
to give se-
curity.

May borrow
money and
issue
bonds.

7. *And be it enacted*, That any of the said cities be and they are hereby authorized to borrow any sum not exceeding eighty thousand dollars, for the purpose of defraying all the expenses and the cost of the purchase of real estate, works and appurtenances of the said existing water company or companies, and of maintaining and extending the same and for the purpose of defraying all the expenses and the cost of such other lands, buildings or water privileges as shall be purchased or taken for the purposes of this act and for the purchase of materials, the laying of pipes and mains in the said city and constructing all works necessary to the full accomplishment thereof and of all expenses incidental thereto, and to secure the payment thereof by issuing bonds under the seal of said city, and the signature of the mayor and other proper officers of said city, bearing interest at the rate of seven per centum per annum, payable semi-annually; that the principal of said debt shall be payable at periods not less than ten nor more than thirty years from date, and the treasurer of said city may dispose of the said bonds at either public or private sale for the best price that can be obtained, but at not less than their par value; that record of all said bonds so issued and disposed of shall be kept by the said treasurer, and all moneys received therefrom shall be deposited by said treasurer in any bank or banks to be designated from time to time by a majority of said common council, and shall be drawn upon by said treasurer for the purposes of this act solely, and for none other, and only when said treasurer shall be so ordered by proper warrant or warrants issued by said board of aldermen, council or other legislative body of said city.

Treasurer
to keep reg-
ular books
of account.

8. *And be it enacted*, That the treasurer of said city shall keep regular books of account, containing the receipts and

expenditures under this act, and all such books shall be open at all times to the examination of any member of the legislative body of said city and of any person or persons appointed by said body for that purpose; that the said treasurer shall once at a time fixed by said body, in each and every year, make a detailed statement to the said body of such receipts and expenditures, an abstract of which shall be published with the annual statement of said treasurer. Annual statement to be made.

9. *And be it enacted*, That the said board of aldermen, council or other legislative body of said city shall have the power and they are hereby authorized to make, ordain and establish, all such ordinances, resolutions and regulations as said body may deem necessary and proper for the distribution, supply, use and protection of the said water and the safety, security and protection of the buildings, machinery, canals, aqueducts, reservoirs, and other works and appurtenances thereto, and for fixing and collecting the water rents or prices for water, and for imposing penalties in addition to cutting off the water for the non-payment thereof, and that they may erect such number of public hydrants and fire plugs, and in such places as they shall see fit, and direct in what manner and for what purposes the same shall be used. Authorized to make rules and regulations.

10. *And be it enacted*, That the owner and occupier of any house, tenement, building or lot, shall each be liable for the payment or the price or rent as fixed by the said board of aldermen, council or other legislative body of said city for the use of the water by such owner or occupier, and such price or rent so fixed shall be a lien upon said house, tenement, building or lot, until the same shall be paid and satisfied; that said body shall have authority to require payment in advance for the use or rent of water furnished by said city in or upon any building, place or premises, and in case prompt payment of any water rent or rents shall not be made when the same become due, the water shall be shut off from such building, place or premises, and shall not be again supplied to said building, place or premises until such arrears with interest thereon shall be fully paid, and it shall and may be lawful for the said body to give notice for one month, by advertisements in a newspaper printed and published in said city, requiring the owners or occupants of such houses, tenements or lots to pay such water rents so remaining due and unpaid thereon, and if the same are not paid, such houses, tenements and lots will be sold at public auc- Water rents to be a lien. May require payment in advance.

tion, at a day and place to be specified therein, for the lowest term at which any person will offer to take the same in consideration of paying the amount of the water rent, with interest thereon due on the same, and the expenses of such advertisement and sale, and if, notwithstanding such notice, the owners or occupants shall refuse or neglect to pay such water taxes and the interest thereon and the expenses of the said advertisement, then it shall be lawful for the said body to cause such houses, tenements or lots to be sold at public auction for a term for the purposes and in the manner expressed in said advertisement, and to give a declaration of such sale to the purchaser thereof, under the common seal of the said city, and such purchaser, his executors, administrators or assigns shall, by virtue thereof and of this act, lawfully hold and enjoy the same for his and their own proper use against the owner or owners thereof, claiming under him or then, until his term shall be complete and ended; and that such purchaser shall be at liberty, at or before the end of his term, to remove the buildings and materials erected and placed by him thereon, taking care to leave the same in as good order and condition as when it came into his possession; and in addition to the remedies above provided, all water rents due, or to become due to the said city, may be collected and recovered in the name of the treasurer of said city in an action of debt, or, on the case, before any court of competent jurisdiction, against any person chargeable therewith.

When empowered to charge owners of any building as for a single hydrant.

11. *And be it enacted*, That the board of aldermen, council or other legislative body of said city, be and they are hereby authorized and empowered by ordinance to charge the owners of any and every building erected along the line of any street, road, lane or alley in said city, in which any water pipe shall be laid by order of said common council, and shall not have the water introduced on the premises, a water rent not exceeding the rent charged by said city for a single hydrant, and collect the same in the manner hereinbefore provided for, for the collection of water rents in arrears.

Moneys for water rents how applied.

12. *And be it enacted*, That such portions of the moneys received from the water rents or prices paid for the use of water, and interest on arrears of water rents, as may remain after paying all expenses for constructing and maintaining the works and raising and distributing the water and salaries, wages and incidental expenses and charges, shall be applied

by said body, first to the payment of the interest upon the debt created for the construction of the works, and next to the purchase of the bonds issued therefor, if the same can be obtained at reasonable rates, or if that cannot be effected, then to be safely invested by commissioners of the sinking fund of the said city, if any there be, and if none, then by the said legislative body, and allowed to remain as a sinking fund, to be applied to the payment of the bonds at maturity.

13. *And be it enacted*, That the said board of aldermen, council or other legislative body of said city shall, on before a certain day in each year, to be fixed by said body, by a committee to be appointed from the members thereof, cause a careful estimate to be made of the interest on the water debt and cost of managing and keeping in repair and operation of the works for the ensuing year, and of the amount to be received during the same year for the use of water and water rents, and of the deficiency, if any, of such receipts for the payment of such expenditures, and such committee shall report the same in writing to said body, and said deficiency said city shall raise by tax as other city taxes are assessed, levied and collected, and said body shall, in case of any estimated deficiency, furnish a copy of such report to the board or officer who by law is required to make assessments of taxes in said city.

Proceedings in case of receipts are less than expenditures.

Deficiency to be raised by taxation.

14. *And be it enacted*, That it shall be the duty of the said board or other officers of said city to add to the sum so reported three per centum to cover losses and contingencies, and to assess such sum so increased upon all the taxable property in said city in the same manner as other taxes are assessed, and said taxes shall be collected by the collector and other officers of said city, who are by law required to collect taxes, and if not paid at the time required by law for the payment of other city taxes, shall be collected by warrant and by and in the same manner as other city taxes are collected in said city, and shall be a lien upon the property whereon the same are assessed in like manner.

May assess additional sum to cover losses, &c.

15. *And be it enacted*, That if any person or persons shall maliciously or wilfully divert the water or any portions thereof from the said works, or shall pollute, corrupt or render impure the water in any reservoir, aqueduct, conduit or raceway erected, built or laid down under the provisions of this act, or shall destroy or injure any engine, machine, reservoir pipe, fire plug, hydrant or structure whatsoever, or

Penalty for injury to property or works.

other property used or required for procuring or distributing the water whereby the same may be obstructed or stopped, or shall wilfully or maliciously draw off or waste the water from any fire plug or hydrant, such person or persons and their aiders and abettors shall forfeit to the said city, to be recovered in the name of the treasurer of said city, in an action of trespass, in any court in this state having cognizance of the same, triple the amount of damages which shall appear on trial to have been sustained, and all such acts are hereby declared to be misdemeanors, and the parties found guilty thereof may be further punished by fine not exceeding five hundred dollars, or by imprisonment at hard labor, not exceeding one year, or both, at the discretion of the court.

Provisions of act to remain inoperative in any city until assented to by a majority of the legal electors thereof.

16. *And be it enacted*, That this act shall take effect immediately, but its provisions shall remain inoperative in any city in this state until assented to by a majority of the legal electors thereof voting at an election to be held in said city at any time to be fixed by the board of aldermen, council or other legislative body of said city, of which election the city clerk of said city shall cause public notice of the time and place of holding the same to be given by advertisements signed by himself, and set up in at least twenty public places in said city, and published in one or more newspapers printed therein, for at least six days previous to the day of such election; and said clerk shall provide for each elector voting at such election, ballots, to be printed or written, or partly printed and partly written, on which shall be either the words "for the adoption for this city of the provisions of an act entitled 'An act to enable cities to supply the inhabitants thereof with pure and wholesome water,'" or "against the adoption for this city of the provisions of an act entitled 'An act to enable cities to supply the inhabitants thereof with pure and wholesome water,'" that the polls for such election shall be held at the usual places of holding the annual charter election in said city, and shall be opened at seven o'clock in the forenoon, and closed at seven o'clock in the afternoon, and such election shall be conducted by the proper election officers of said city for the time then being, and in the manner as may then be prescribed by the ordinance of said city regulating elections therein, and such officers shall return to the board of aldermen, council, or other legislative body of said city, a

true and correct statement, in writing, under their hands, of the result of said election, the same to be entered at large upon the minutes of said body.

Approved April 21, 1876

CHAPTER CXCVIII.

An act relating to public printing.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the constitution of the state of New Jersey, as adopted and ratified in the year eighteen hundred and forty-four, and the amendments thereto in eighteen hundred and seventy-five, be printed and published in the annual volume of the laws of New Jersey for the year eighteen hundred and seventy-six, the same to be printed separately and not incorporated together; and that said constitution and amendments in said volume, precede the legislative list now required to be printed by law.

Constitu-
tion and
amend-
ments to be
printed
separately.

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

Approved April 21, 1876.

CHAPTER CCIII.

An act to authorize the corporate authorities of cities and towns to drain meadow and swamp lands lying within their corporate limits.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporate authorities of any town or city having within its corporate limits any meadow

May con-
tract for
drainage,
&c.

or swamp lands, may by the unanimous vote of all members elected to the board of aldermen, council or other legislative body of such town or city, with the approval of the mayor or other chief executive officer of said town or city, enter into a contract with any person or persons to drain the same by the construction of dykes, dams, tide banks, drains, sluices, sewers, pumps or other mechanical means necessary or useful, for a term of years not to exceed ten, and to renew the said contract at the expiration of the said term, for a further period of ten years: *provided*, that before the making and entering into any such contract, the said authorities shall first cause an advertisement to be inserted for the space of thirty days, in at least one newspaper printed and published in the said city or town, for proposals, plans and estimates for draining said meadow or swamp lands lying within the corporate limits of said town or city; and *provided further*, that this act shall not be construed to interfere with any corporation of this state now having authority to drain any territory.

Annual expense of draining to be assessed and collected. 2. *And be it enacted*, That the annual expense of draining said lands shall be assessed by commissioners of assessments or other persons authorized and empowered to perform those duties in any town or city, upon the said lands so drained and upon all the lands of said town or city, according to the special benefit received by said lands, together with five per centum additional for the costs and expenses of making such assessment and collecting the same, two per centum to be paid to the persons making, and three per centum to the person or persons collecting the same.

Excess of contract over amount assessed to be paid out of contingent fund. 3. *And be it enacted*, That should the annual amount of the consideration money of said contract exceed the amount assessed upon the real estate specially benefitted thereby, such excess shall be borne by and paid out of the contingent fund of said town or city, or shall be added to the annual tax levy of said town or city, and be assessed and collected the same as taxes are collected and assessed in said city.

When assessment shall be made. 4. *And be it enacted*, That the said assessment shall be made at the same time as the annual assessment for taxes is made in the said town or city in which said meadow or swamp lands are situate, and by the corporate authorities of which said contract has been made; and that on or before the last day of making such annual assessment of taxes, the said commissioners of assessment shall file, in each and ev-

ery year, an assessment map of such assessment in the office of the clerk of said town or city.

5. *And be it enacted*, That said assessment shall be collected at the same time and in the same manner and by the same person or persons, as the same shall be collected by the city or town in which said meadow or swamp lands may be situate, and by the corporate authorities of which said contract has been made. Time and mode of collecting assessment.

6. *And be it enacted*, That said assessment shall be a lien upon all real estate which shall be assessed for benefits specially arising from the drainage of said meadow and swamp lands, and shall be sold in the same manner and at the same time as lands are now, or hereafter may be, sold for the non-payment of taxes in the said town or city in which any said meadow or swamp lands may be situate. Assessment to be a lien.

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

Approved April 21, 1876.

CHAPTER CCIV.

An act to authorize the board of chosen freeholders in the several counties to appropriate funds for celebrating the Centennial of American Independence.

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 in any county of this state, in which the population is over one hundred and seventy thousand, in aid of a suitable celebration of the centennial of our national independence, to appropriate a sum of money not exceeding the rate of three cents for each inhabitant in such county, and the amount which may be thus appropriated said board is authorized to borrow in anticipation of the county tax next thereafter levied, and which amount so borrowed shall be placed in the said tax levy next thereafter. Amount of appropriation.

Money to
be paid un-
der the di-
rection of
the board
of chosen
freehold-
ers.

2. *And be it enacted*, That the sum so appropriated in any county shall be paid by the county collector in such county, under the direction of the board of chosen freeholders, to some suitable "committee of arrangements," such committee having been first appointed at a meeting of citizens in such county held pursuant to notice, for the purpose of appropriately celebrating on the fourth day of July next the centennial of American Independence.

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

Approved April 21, 1876.

CHAPTER CCV.

An act relating to reassessments of benefits in cities.

Proceed-
ings where
assess-
ments have
been set
aside by
court of re-
view.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That where any assessment for benefits for local improvement heretofore made or hereafter to be made in any city of this state, has been or shall be set aside only as to the prosecutor or prosecutors of any writ or writs of certiorari by any court of review the common council of said city shall ascertain and estimate the amount of the assessment or assessments so set aside, together with the lawful interest accrued thereon, and the costs and expenses of a new assessment, and thereupon a new assessment shall be made by commissioners appointed by the circuit court of the county in which such city is situated; in conformity with the provisions of any existing law of this state; and in making such reassessment the person or persons authorized to make the same shall assess upon all the owners of the lands and real estate peculiarly benefitted by said improvement an amount of the assessment so set aside which is equal to the amount of benefit actually received by said lands and real estate proportioned as nearly as may be to the benefit each owner thereof shall be deemed to acquire, and the balance of said assessment so set aside and remaining unassessed

shall be assessed upon and paid by the said city, and said person or persons authorized to make said reassessment shall proceed in all respects as provided in respect to the original assessment; but in making such reassessment any tracts of land and real estate originally assessed for the benefit of said improvement, and the original assessment upon which shall not have been set aside, shall not be liable to be reassessed.

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

Approved April 21, 1876.

CHAPTER CCVI.

An act respecting county physicians.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any board of chosen freeholders of any county in this state, whenever said board shall deem it best so to do, to elect at any regular or special meeting of said board, a county physician, from the number of licensed physicians residing in said county, and to pay him such yearly salary for the service rendered by him, as to said board shall seem just, to be fixed from time to time as such elections shall be made; before entering upon the duties required of him by this act, said county physician shall take and subscribe an oath or affirmation before the clerk of said county, faithfully and fairly to perform the duties of his office to the best of his skill and understanding, which oath or affirmation shall be filed by said clerk in his office.

2. *And be it enacted*, That it shall be the duty of said county physician, in all cases of death in prison, and all violent, sudden or casual deaths within his county, to take a view of the body, and make all proper inquiry respecting the cause and manner of the death for the purpose of ascertaining whether an inquest should be held; if, upon such view and inquiry, said physician shall be of an opinion that

there is cause to suspect that the person whose body he has been called to view, came to his or her death by murder or manslaughter, or by the contrivance, aiding, procuring or other misconduct of any person or persons, then it shall be his duty to call upon one of the coroners of the county, or if such coroner cannot be had, upon a justice of the peace of said county, and request him, in writing, to issue the precept for the summoning of a jury of inquisition, to consist of not more than fifteen nor less than nine, and to hold an inquest and make return of the same according to law, and any post mortem examination or other medical service required upon said inquest shall be performed by said county physician.

Coroners
and jus-
tices of the
peace to
act in case
of vacancy.

3. *And be it enacted*, That in case no election shall be made by the board of chosen freeholders of any county in this state, of such county physician, or in case one so elected shall omit to take the oath or affirmation herein required, or shall die or resign, or his office in anywise becomes vacant; then, during such failure to elect, or such omission or vacancy of the office, the coroners and justices of the peace in such county where there shall be no county physician, for any of the causes last named, shall perform the duties and exercise the powers prescribed by law.

County
physician
may ap-
point any
other
licensed
physician
to act in
certain con-
tingencies.

4. *And be it enacted*, That in case said county physician shall be sick, or from any cause shall be unable to attend to make such view and inquiry, or post mortem examination, or attend at any inquest or perform any service required by this act, it shall be lawful for him to nominate and appoint in writing, under his hand, any other licensed physician of said county, to perform such specific service as he may be unable to perform; and the physician so appointed shall in that behalf possess all the powers of said county physician, and all fees and charges of said physician so appointed, for such service rendered while acting under such appointment, shall be paid by said county physician.

Physician
to have ex-
clusive
right and
power to
make views
and inquiries.

5. *And be it enacted*, That in all cases where a county physician shall be elected and qualified, and fulfilling his office as aforesaid, he shall have exclusive right and power to make all views and inquiries heretofore made by coroners and justices of the peace; and that no precept for the summoning of a jury of inquest shall hereafter be issued by any justice or coroner of any county where a county physician shall be elected and qualified and fulfilling his office as

aforesaid, except by the written request of said physician made as aforesaid; and the request in writing so made by such physician shall be annexed to the inquest made and returned by said coroner or justice.

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

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

Approved April 21, 1876.

CHAPTER CCVII.

An act respecting county jails.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from the sentence of any person to the common jail of any county in this state there may be remitted by the board of chosen freeholders of said county, or by the committee on discharge of prisoners of such board, upon the recommendation of the sheriff or jail warden in whose custody such person may be, for good conduct, a term not exceeding one day for every six days of said sentence. Term of sentence may be remitted for good conduct.

2. *And be it enacted*, That if any such person shall be again convicted and sentenced to imprisonment in such county jail, such person shall, in addition to such sentence, be required to serve out the number of days remitted to him or her on the previous term. Number of days remitted at previous term may be added to sentence if again convicted.

3. *And be it enacted*, That the board of chosen freeholders of the several counties of this state, or the committee on discharge of prisoners of any such board, shall have power to remit fines and costs due to their respective counties, and to discharge from imprisonment in the county jail of such county, any person committed or held therein, in default of the payment of such fines and costs; but no person shall be discharged, under the provisions of this section, until he or she shall have remained confined for such default for a term Chosen freeholders shall have power to remit fines, &c. and discharge from imprisonment.

at least equaling one day for every dollar so remitted, or for a term of six months in the whole.

Sentences
to county
jail how
construed.

4. *And be it enacted*, That all sentences to the county jail of any county shall be construed and understood to be made under and subject to the provisions of this act; *provided*, that the provisions of this act shall not apply to or affect any person heretofore convicted and now undergoing punishment; *and provided further*, that before any person is discharged in accordance with the provisions of this act, or has his or her fine remitted the action of the board of freeholders in that respect shall be approved of by the presiding judge of the court of common pleas.

Proviso.

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

Approved April 21, 1876.

CHAPTER CCVIII.

An act in relation to turnpike roads.

Proceed-
ings for
vacating
turnpike
road in cer-
tain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the directors of any turnpike company, upon which turnpike road have been laid, by authority of law, the rails of a railroad company operated by steam, shall apply to the court of common pleas of any county, or to the justices of the supreme court of this state, as the case may require, for the appointment of surveyors of the highways to vacate said turnpike road, or any portion of the same, then and in such case the same proceedings shall be taken and had as are taken and had in reference to the vacation of any public road; and if such turnpike road, or any part thereof, shall be vacated upon said proceedings, the right of way of the public over such lands, within the limits of such turnpike road, as a turnpike, shall be extinguished; *provided, nevertheless*, that all other easements over said lands shall continue, and the said turnpike company shall not be divested of the title thereto; *and provided further*, that it shall be the duty of the surveyors of the high-

Proviso.

Proviso.

ways appointed in such case to assess and appraise the damages which any owner or owners of lands abutting upon said turnpike road may sustain by reason of such vacation, which damages shall be paid by said company upon demand, and before the easement of the right of way over such as a turnpike shall be extinguished, and either party may take proceedings in the nature of an appeal, as in the case of assessment of damages for the opening of a public road.

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

Approved April 21, 1876.

CHAPTER CCIX.

An act relative to the publication of the laws of this state in the newspapers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the public laws of this state, passed at each session of the legislature, shall be published in the newspapers in the several counties, which papers shall be selected and designated as hereinafter provided, and the number of papers authorized to make such publication in each county shall be in proportion to the representation of the county in the house of assembly; *provided*, that there shall not be more than four nor less than two papers so authorized in any one county, excepting the counties of Essex, Atlantic, Union, Mercer, Hudson, and Passaic, in each of which counties there shall be one additional paper so authorized published in the German language.

2. *And be it enacted*, That it shall be the duty of the governor and comptroller of this state, as soon as practicable after the passage of this act, and annually thereafter, within thirty days after the commencement of the annual session of the legislature, to select and designate the papers to publish the laws for the then current year, and in making such selection they shall give preference to those papers which

Laws of each session of the legislature to be published in newspapers.

Proviso.

Governor and comptroller to select and designate the papers to publish the laws.

have had the largest actual circulation within the respective counties in which they are published, for the year next preceding the time of making such selection; they shall select papers that have been published regularly and continuously for at least two years next preceding the time of making such selection, unless there be no papers in the county which have been published for that length of time; they shall select in each county an equal number (as nearly as possible) from the papers representing the two principal political parties, they shall have power to establish such rules and regulations as they may deem proper for their guidance in making the selection, and they may require from each publisher an affidavit in such form and manner as they may prescribe, as to the circulation of his paper.

Newspapers designated to be deemed legal newspapers of the State for that year.

Compensation.

Proviso.

Repealer.

3. *And be it enacted*, That the newspapers designated in accordance with the foregoing sections shall be deemed the legal newspapers of the state for that year, and shall be authorized to publish all the general public acts, and such special public acts only as may be applicable exclusively to the respective counties in which the said papers are published, and no publisher shall be entitled to receive compensation for publishing any act unless such publication shall be made within ninety days after the said act shall have been filed in the office of the secretary of state; the compensation for publishing the laws published in pursuance of this act shall be at the rate of sixty cents per folio of one hundred words, which shall be paid from the state treasury upon the warrant of the comptroller, and it shall be the duty of the secretary of state to furnish to the said newspapers copies of the laws herein required to be published; *provided*, that nothing in this act shall be so construed as to render illegal any public notices or advertisements whatever, and shall only apply to the publication of the laws; and the secretary of state shall receive for his services under this act the rates now allowed by law, provided the sum shall not exceed one thousand dollars in any one year.

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

Approved April 21, 1876.

CHAPTER CCX.

An act concerning public road boards.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the persons to be appointed in the several counties of this state, as hereinafter provided, be and they are hereby constituted, within the county in which they are appointed, a public board, to be known and designated as "the (inserting the name of the county in which they are appointed) county public road board," for the purpose of laying out, opening, constructing, improving, ornamenting and maintaining one or more free public roads in the county in which they are appointed, that shall afford better facilities for those who may wish to travel upon the same, for purposes of business or pleasure; that in each of said boards the acts of a majority shall be deemed the acts of the board, and that each member of each of said boards shall, before entering upon the duties of his office, take and file in the office of the clerk of the county in which he is appointed, an oath or affirmation to act faithfully and impartially in the execution of the trust reposed in him by this act, and each member of each of said boards shall give bond to the county collector of the county in which he is appointed, in the sum of fifty 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.

Name by
which public board
shall be
known and
designated.

2. *And be it enacted*, That whenever, in any county of this state having upwards of seventy-five thousand inhabitants, according to the latest official census of the United States or of this state, (and not having already in existence a public road board organized in accordance with the provisions of this act or any other act of this state), twenty-five freeholders and taxpayers in such county shall make known in

Mode of
appointing
road
boards.

writing to the board of chosen freeholders of such county their desire to have a public road board organized in said county under this act, such board of chosen freeholders of such county may, if they deem proper, cause the said matter to be submitted to the votes of the legal voters of the said county at a special election to be held for that purpose in said county; the said board of chosen freeholders shall fix the time of holding such election, and shall give at least six weeks' notice of such election in at least two newspapers printed and circulating in such county; the tickets voted at such election in favor of the appointment of such road board shall read "for road board," and those against such appointment shall read "no road board," and such election shall be held and conducted and the votes canvassed in all respects in conformity with the provisions of the act respecting elections; if a majority of the legal votes cast at such election shall not be in favor of the appointment of a county road board, then no further proceedings shall be had upon such aforesaid application; if a majority of such votes shall be in favor of the appointment of a county road board, then it shall be the duty of the said board of chosen freeholders to forthwith appoint five persons to be members of the public road board of such county; *provided, however,* that no such appointment shall be made and no further proceedings had thereunder unless such submission has first been made as aforesaid to the legal voters of such county and ratified by a majority thereof as hereinbefore provided; *and, provided,* that no person shall be appointed to membership in said board unless he shall have been a citizen of the United States, resident in the limits of such county for at least five years next preceding his appointment; that one of the persons so appointed shall hold office for one year, one for two years, one for three years, one for four years, and one for five years, and they shall within thirty days after their appointment determine by lot who of them shall hold office for each of said terms, and give notice of such determination in one of the newspapers printed and published in the county in which they are appointed; the board of chosen freeholders of such county shall immediately after any vacancy may occur in such public road board, appoint a person to fill such vacancy, and shall from time to time appoint persons to succeed the incumbents whose term of office will or shall have expired; persons appointed to fill

proviso.

Proviso.

vacancies in such board shall hold office during the unexpired term only; persons appointed to succeed incumbents shall hold office for the term of five years from the time the term of office of his predecessor expired, and each member shall remain in office until his successor is appointed and qualified; the board of chosen freeholders in each county shall fix the compensation of the members of the public road board of such county, and shall pay the same; nothing in this section or in this act shall be construed to authorize the appointment of more than one public road board in any one county,

3. *And be it enacted*, That the persons so appointed shall, within thirty days, organize said board by the election of a president, to be chosen from among such persons so appointed; they shall appoint a secretary and treasurer, who need not be members of said board, 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.

4. *And be it enacted*, That whenever, in any such county, one hundred persons or more, being freeholders and taxpayers in such county, shall present their petition, in writing, to the public road board, so appointed and organized in such county, setting forth their desire to have a free public road laid out, opened, constructed, improved, ornamented and maintained in such county, and setting forth the general location, width and extent of such desired road, and stating their willingness to be assessed, under the provisions of this act, for the improvement asked for in such petition, then such public road board shall consider such petition, and if they deem it advisable, and for the best interests of such county, shall proceed to lay out such desired road, and take such further proceedings in regard to the same as are provided in this act, nothing in this section or in this act shall be construed to prevent the presentation of as many petitions as may be signed by the requisite number of freeholders and taxpayers of such county, under the provisions of this section, and the consideration of the same by such public road board.

5. *And be it enacted*, That such public road board, after having considered any petition so presented to them, and

Election of president, secretary and other officers.

Proceedings for laying out, constructing and improving public road.

Public road board invested with

rights and
powers to
lay out,
open and
control
public road.

having deemed it advisable and for the best interests of such county to lay out, open, construct, improve, ornament, and maintain a public road of the general location, width and extent set forth in such petition, are hereby authorized and invested with all the rights and powers necessary and expedient to lay out, open, construct, improve, ornament and maintain such public road, and in making the surveys for the same, they may use all the surveys and maps that now are or may hereafter be recorded or filed in any public office of such county, *provided*, the same be not removed from such public office.

Proviso.

May take,
lands,
buildings
and im-
prove-
ments.

6. *And be it enacted*, That the said board shall have power to open such road by taking all the lands, buildings and improvements within the lines of such road, making compensation for any which have not been heretofore dedicated, opened or taken to or for public use; *provided*, 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 publication, as provided for in section seven of this act, of notice of the amount of the assessment for laying out and opening, except by consent of the person in possession, as well as the owner thereof; *and provided also*, that nothing in this act contained shall be so construed as to prevent the removal, by any person entitled to remove the same, of any such building or structure at any time within the said period of three months, and in case of such removal compensation therefor shall be determined and paid, as hereinafter provided; *and provided also*, that nothing in this act contained shall be so construed as to authorize the removal or destruction of any of the public buildings belonging to such county.

Proviso.

Proviso.

Proviso.

Survey and
map show-
ing route of
road, &c.,
shall be
made and
filed in the
office of the
board.

7. *And be it enacted*, That said board, immediately after its determination to lay out any such road, shall, as soon as it conveniently can, proceed to lay out such road, in the following manner; they shall, in the first place, make or cause to be made a survey of such road, with a map thereof showing the termini and route of such road, including the courses and distances, and the various improvements through which the same will pass, and also the names of the several owners of lands proposed to be taken therefor, so far as the same can be conveniently ascertained, and

showing also the width of such road; and after the preparation of said map, it shall be filed in the office of the board; and after filing said map, the board shall refer the matter of awards and assessments for laying out and opening such to the commissioners of assessment provided for in this act, and shall furnish the commissioners of assessment with a map or maps, showing the lands and buildings to be taken for the opening of such road, and shall also furnish the said commissioners of assessment with any other map or maps showing the property in such county which in the judgment of said commissioners of assessment, will be benefitted by such improvement, designating each lot and parcel on said map or maps by a number; said commissioners of assessment shall determine the extent to which the several pieces or parcels of property on said map or maps are benefitted, and shall also ascertain, so far as practicable, the names of the owners of such real estate to be taken and property to be benefitted, as aforesaid, and the interest of each of the owners of the real estate to be taken, and when such names or estates are not known, they shall so report; they shall also appraise the value of the interest of each known owner of real estate, 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 will be left after taking so much thereof as will be required for said opening, and where the estates in any plot of land are unknown they shall appraise the value of the damages done to the fee simple; said commissioners of assessment shall also estimate all other expenses likely in their judgment to attend the completion of the said laying out and opening, and shall so determine the cost of laying out and opening such road, this cost they shall then assess upon the lands to be benefitted to the extent to which said lands are benefitted by said laying out and opening, in proportion to the benefit received; thereupon they shall, under their hands, make a preliminary report of the facts ascertained, and of the appraisements, awards, estimates determinations and assessments made by them concerning said laying out and opening of such road, and shall file such preliminary report, together with the map or maps furnished to them by the public road board, with the secretary of said board; thereupon the said secretary shall cause a notice of such filing to be published for two weeks successively, once in each week, in five of the

Mode of
ascertain-
ing owners,
&c., making
assess-
ments for
damages.

Other ex-
penses to
be estimat-
ed.

Prelimin-
ary report
to be made.

Notice of
filing report
to be pub-
lished.

newspapers published in such county, if so many there be, to be designated by said public road board, which notice need contain only a statement that the said map or maps and preliminary report have been filed, and that the same are open to the inspection of all parties interested, and shall state the time and place when and where the said commissioners of assessment will meet to hear and consider any objections to said preliminary report which may be presented in writing, and all objections at such time and place presented in writing, said commissioners of assessment shall consider and adjudicate upon, and may adjourn from time to time as may be necessary, and shall thereupon under their hands, make a final report of the facts ascertained, and of the appraisements, awards, estimates, determinations and assessments made by them concerning said laying out and opening of such road, and shall file such final report, and any map or maps accompanying the same, with the secretary of said board; thereupon said secretary shall cause a notice of such filing to be published for two weeks successively, once in each week, in five of the newspapers published in such county, if so many there be, to be designated by said public road board, which notice need contain only a statement of such filing, and that the same are open to the inspection of all parties interested, and shall state the time and place when and where an application will be made to a justice of the supreme court to confirm said final report and the map or maps accompanying the same; that at such time and place, and at such other times and places, to and at which the hearing on said application may be adjourned by said justice, all parties interested shall be heard, and the justice shall thereafter confirm said report as presented to him, with the map or maps accompanying the same, or order and direct the commissioners of assessment to make such corrections and alterations in the same as he may deem just and proper; thereupon, the commissioners of assessment shall correct their report and map or maps as directed by said justice, and present such corrected report and map or maps to said justice, who shall thereupon confirm the same, and the report and map or maps confirmed by said justice shall be filed with the secretary of said board; thereupon said secretary shall cause a notice of such filing to be published for two weeks successively, once in each week, in five of the newspapers pub-

Confirmation of report to be made by a justice of the supreme court.

Map and report to be corrected as directed by the justice.

lished in such county, if so many there be, to be designated by said public road board, which notice need contain only a statement of such confirmation and filing, and shall state the time and place when and where the public road board will meet and remain in session from ten o'clock in the morning until three o'clock in the afternoon, for the purpose of receiving remonstrances in writing against the laying out and opening of such road, and if, at such time and place so appointed, a majority in amount of said assessment shall remonstrate in writing against the laying out and opening of such road, then all proceedings in regard to the laying out and opening of such road shall cease; but if, at such time and place, a majority in amount of said assessment shall not remonstrate in writing against the laying out and opening of such road, then the work shall be proceeded with, in accordance with the provisions of this act; the secretary of said board shall immediately give notice, by publication for one week in five of the newspapers published in such county if so many there be, to be designated by said public road board, stating the amount of said assessment and the amount represented by remonstrance, and if such remonstrance shall not represent one-half in amount of said assessment, thereupon, on the expiration of said one week, the awards made shall be due and payable after the lapse of sixty days.

8. *And be it enacted*, That the said board shall establish and determine the width of the carriage-way and of the side-walks of such road, and shall construct such road by grading the same in such way and manner and according to such grade as the said board shall fix and determine, by excavating and removing earth, rocks, trees, stumps, buildings, improvements and all obstructions, by disposing of such portions thereof as are not needed in the constructing, improving or ornamenting such road to the best advantage, and by filling up any low parts of the route, and otherwise preparing the premises for such road by building all the bridges on such road and by building all sewers, culverts and receiving basins and providing all necessary sewerage and outlets for the same, or by making connection with or using any public sewers or outlets that may exist that they may deem necessary within or without the lines of such road; *provided*, that such road shall be constructed upon the grades established by any municipal authorities (if any have been established) as near as conveniently may be so to ensure an

Road board to determine the width of the carriage way and of the side walks of such road.

Proviso.

- easy and even grade throughout the entire road, and in case any grade shall be changed compensation shall be made to the person injured (if any there shall be who are injured by such alteration of grade); said board shall have power to improve such road or any part thereof by paving or macadamizing the roadbed thereof, by flagging the sidewalks or any part thereof, by curbing and guttering such road or any part thereof, by providing lamps for and lighting such road or any part thereof, and may use, in making any such improvements, any materials now or at such time in use for any of said purposes within the lines of such road that may have been placed there by or under any municipal authority;
- Improve-
ment of
roads, &c.** *provided*, that the average cost per mile of such constructing and improving shall not exceed seventy-five thousand dollars, based upon a width of one hundred feet, and in the same proportion for a less width; *and provided also*, that no road shall be laid out and opened under the provisions of this act, exceeding one hundred feet in width.
- Proviso**
- Proviso.**
- May plant
trees and
keep road
in repair.** 9. *And be it enacted*, That said board shall have power to ornament such road, or any part thereof, by planting trees upon the same, and shall have power to maintain such road by keeping the same in repair and fit for public use.
- May enter
upon lands,
&c.** 10. *And be it enacted*, That the said board, their agents, engineers, surveyors, and others in their employ, shall have full power at all times to enter 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 laying out, opening, constructing, improving, ornamenting and maintaining such road, or any part thereof, may be taken therefor, and damages shall be allowed and benefits assessed to and against the persons owning the lands and real estate so taken respectively, as herein provided.
- Work to be
done and
furnished
by contract.** 11. *And be it enacted*, That all work and all materials of or exceeding one thousand dollars, done and furnished in and about the constructing, improving, and ornamenting such road, shall be done and furnished by contract, after advertisement in the manner following: the public road board shall advertise for proposals for doing any work and furnishing any materials amounting in the whole to one thousand dollars or more, once in each week, for at least two weeks, but not more than four weeks, (according to the extent and nature of such work), in such of the newspapers of such county as they may deem expedient, and shall thereafter
- Proposals
to be adver-
tised for.**

give the contract or contracts to the lowest responsible bidder, who shall furnish such good and sufficient sureties as may be approved by said public road board ; but said board shall be under no obligation to accept the lowest bid if they deem it to be against the interest of the public so to do, and may reject all bids if they deem it to be for the interest of the public so to do; and in case of such rejection the said board shall again advertise for proposals, and proceed in all things as if no proposals had before been offered.

12. *And be it enacted*, That, except to cross such road, no horse or dummy railroad shall be allowed on such road ; and in case any such railroad be now, or shall hereafter be constructed on any part of the line of such road, it shall be the duty of the public road board to designate a new and convenient route for such railroad, and to give written notice of the route so designated to the persons or corporation owning such railroad, and, within ninety days after the giving of such notice and obtaining the consent of such horse railroad corporation, it shall be the duty of such persons or corporation to remove their tracks from the line of such road ; and such persons or corporation are hereby authorized to lay their tracks over the route designated in such notice ; and in case of the failure of said persons or corporation to remove their tracks as aforesaid, within ninety days after the giving of said notice, the said public road board may remove the same forthwith ; *provided*, that if any person or corporation is entitled to damages or compensation by reason of any act done or contemplated under this section, the same shall be ascertained and paid as herein provided.

Horse or dummy railroad not allowed on such road except to cross the same.

Road board may remove tracks from line of road.

Proviso.

13. *And be it enacted*, That after such road shall be constructed, improved, and ornamented in accordance with this act, the board shall refer the matter of assessment to raise the money to pay the cost of such constructing, improving and ornamenting, to the commissioners of assessment, and shall furnish the commissioners of assessment with the amount of the cost of such constructing, improving and ornamenting, and with map or maps showing all the property in such county, which, in the judgment of said commissioners of assessment, will be benefitted by such improvement; designating each lot or parcel on said map or maps by a number; said commissioners of assessment shall determine the extent to which the several lots or parcels of

Owners of lands to be assessed for amount of cost of constructing, improving and ornamenting road according to benefit.

land on said map or maps are benefitted by such constructing, improving and ornamenting, and shall also ascertain, as far as practicable, the name of the owners of such land benefitted by such constructing, improving and ornamenting; and when such names are not known they shall so report; they shall then assess the cost of such constructing, improving and ornamenting, upon the lands to be benefitted to the extent to which said lands are benefitted by such constructing, improving and ornamenting, and in proportion to the benefit received; thereupon they shall, under their hands, make a preliminary report of the facts ascertained, and of the determinations and assessments made by them concerning such constructing, improving, and ornamenting of such road, and shall file such preliminary report, together with the map or maps furnished to them by said board, with the secretary of said board; thereupon the said secretary shall cause a notice of such filing to be published for six weeks successively, once in each week, in five of the newspapers published in such county, if so many there be, to be designated by said public road board, which notice need contain only a statement that the said map or maps and preliminary report have been filed, and that the same are open to the inspection of all parties interested, and shall state the time and place when and where the said commissioners of assessment will meet to hear and consider any objections to said preliminary report which may be presented in writing; and all objections, at such time and place, presented in writing, said commissioners of assessment shall consider and adjudicate upon, and may adjourn from time to time as may be necessary, and shall, thereupon, under their hands, make a final report of the facts ascertained, and of the determinations and assessments made by them concerning such constructing, improving and ornamenting of such road, and shall file such final report and any map or maps accompanying the same with the secretary of said board, thereupon the said secretary shall cause a notice of such filing to be published for two weeks successively, once in each week, in five of the newspapers published in such county, if so many there be, to be designated by said public road board, which notice need contain only a statement of such filing and that the same are open to the inspection of all parties interested, and shall state the time and place when and where an ap-

Preliminary report to be made and filed.

Notice of filing to be published.

Objection shall be made in writing.

Final report.

Notice to be given of filing.

plication will be made to a justice of the supreme court to confirm said final report and the map or maps accompanying the same; that at such time and place and at such other times and places to and at which the hearing on such application may be adjourned by said justice, all parties interested shall be heard, and the justice shall thereafter confirm said report as presented to him with the map or maps accompanying the same or order and direct the commissioners of assessment to make such corrections and alterations in the same as he may deem just and proper; thereupon the commissioners of assessment shall correct their report and map or maps as directed by said justice and present such corrected report and map or maps to said justice, who shall thereupon confirm the same, and the report and map or maps confirmed by said justice shall be filed with the secretary of said board, and thereupon such assessment together with the assessment for laying out and opening such road as provided for in section seven of this act, shall be a lien on the lands and real estate upon which said assessments are made until paid as herein provided.

Confirmation of report.

Correction of map and report.

14. *And be it enacted*, That the said board may include in any such road as a part thereof, any road, street, highway or avenue, or part thereof already laid out, opened, or dedicated in such county, and said public road board shall have the exclusive control of such road, and regulate the use thereof throughout the entire length thereof.

What the board may include in road.

15. *And be it enacted*, That said public road board shall have power to construct, improve, ornament and maintain such road in sections, and any certiorari or other legal proceedings had or taken in regard to or affecting any particular section, shall not affect any other section, and the work may be proceeded with on all other sections the same as if no certiorari or other legal proceedings had been had or taken.

Road may be constructed in sections.

16. *And be it enacted*, That except as otherwise provided in this act, 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, to be selected and appointed by the judge of the circuit court of the county in which such road is located; on application of said public road board, and said judge shall fix the compensation to be paid to said commis-

Compensation to be paid owners of lands &c., to be ascertained by commissioners.

sioners by the public road board, and in case any or all of said commissioners shall be interested in any assessment to be made, the public road board shall notify said judge, who shall appoint a commissioner or commissioners in the place of the commissioner or commissioners so interested.

Commissioners to fix a time and place where parties interested may be heard.

17. *And be it enacted*, That the commissioners of assessment shall in all cases, whether awarding damages or compensation for lands, buildings or improvements taken, or in any other case authorized by this act, 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 two newspapers to be designated by said public road board, by publication for four weeks successively, once in each week, and they may adjourn from time to time, without further notice, until they have made up their award or assessment.

Majority of the commissioners required to perform any act.

18. *And be it enacted*, That in all cases where, under this act, any act or thing is required to be done or performed by the commissioners of assessment, the acts of a majority of said commissioners of assessment shall be the acts of said commissioners of assessment; any commissioner of assessment neglecting or refusing to perform any of the duties imposed upon him by this act, or for any other good reason appearing therefor, may be removed by the judge of the county circuit court, and any vacancy in the commissioners of assessment occurring by such removal, or otherwise, shall be immediately filled by said judge.

Vacancy how filled.

Compensation for damages not expressly provided for how ascertained and paid.

19. *And be it enacted*, That in all cases where the owners of any land, or corporate franchises, or property, or any party interested therein, shall be entitled to compensation for damages done by the public road board under the exercise of any authority contained in this act, not herein otherwise expressly provided for, the amount thereof shall be ascertained under like proceedings as in cases of awards, under section seven of this act; and the amount, when thus ascertained, shall be paid by the public road board to the party entitled thereto.

Proceedings when parties entitled to award or compensation cannot be found.

20. *And be it enacted*, That in case any parties entitled to any award or compensation under any of the provisions of this act, cannot be found to whom to pay the same, or are unknown, or labor under disabilities, or refuse to receive the same when tendered, payment of such award or compensation into the circuit court shall be equivalent to pay-

ment of the parties entitled thereto, and the same shall be paid to the party entitled thereto, upon the order of said court.

21. *And be it enacted*, That the interest on all assessments, until the first installment of the assessment shall become due and payable, shall be payable as follows: on the first Monday of the first October after the date of the confirmation of the assessment made under section thirteen of this act the first installment of interest shall become due and payable, and shall consist of interest on the amount of the assessment, at seven per centum per annum from the date of the confirmation of the assessment made under section thirteen of this act until said first Monday in October; the second installment shall become due and payable on the first Monday of the second October after the date of the confirmation of the assessment made under section thirteen of this act and shall consist of one year's interest on the amount of the assessment, at seven per centum per annum, and so there shall become due and payable on the first Monday of each succeeding October after the date of the confirmation of the assessment made under section thirteen of this act an installment of interest which shall consist of one year's interest on the amount of the assessment, at seven per centum per annum, until five installments of interest shall become due and payable, and all assessments, with the interest thereon, shall be payable in twenty installments, as follows: the first installment shall consist of one-twentieth of the principal of the assessment, together with one year's interest, at seven per centum per annum on the whole of such principal, and shall become due and payable on the first Monday of the sixth October after the date of the confirmation of the assessment made under section thirteen of this act; the second installment shall consist of one-twentieth of the whole principal, and one year's interest at seven per centum per annum on nineteen-twentieths of the whole principal, and shall become due and payable on the first Monday of the seventh October after the said confirmation; the third installment shall consist of one-twentieth of the whole principal, and one year's interest, at seven per centum per annum, on eighteen-twentieths of the whole principal, and shall become due and payable on the first Monday of the eighth October after the said confirmation, and in like manner each subsequent in-

Interest on
assess-
ments when
to become
due and
payable.

Payment of
install-
ments.

stallment shall consist of one-twentieth of the whole principal, together with one year's interest, at seven per centum per annum, on so much of said whole principal as shall not theretofore have become due and payable, and said installments shall respectively become due and payable on the first Monday in each succeeding October; in case any interest or installment shall not be paid to the county collector of the county when due and payable as aforesaid, interest shall be charged and collected thereon at the rate of twelve per centum per annum, from the time when such interest or installment shall have become due, as aforesaid, until the same shall be paid, or until the property assessed shall be sold for the interest or assessment, 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, and interest to the county collector of the county, who shall forthwith notify the secretary of the public road board of such payment, and said secretary shall thereupon cancel said lien of record; *provided*, that in any case where the owner of land assessed desires to discharge a portion of the said land from the lien of such assessment, it shall be the duty of the county collector of the county, upon written request, to apportion the assessment and fix the amount which shall be paid upon the part to be released, and upon receiving such amount said county collector shall notify said secretary of such payment, and the land to be released thereby, and said secretary shall cancel the lien of such assessment, so far as it affects said land to be released, and the lien of said assessment shall continue upon the remainder of the land as theretofore.

When interest at the rate of twelve per cent per annum may be charged.

Proviso.

Assessments to be a lien.

Proceedings in case of sale.

22. *And be it enacted*, That all assessments which shall hereafter be assessed or made under this act upon any lands, tenements or real estate, situate in such county, shall be and remain a lien thereon from the time of the confirmation of the assessment made under section thirteen of this act, until paid, notwithstanding any devise, descent, alienation, mortgage, or other incumbrance thereof, and that if the full amount of any interest or 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 county collector of such county to cause such lands, tenements and real estate to be sold at public auction for the shortest term any person will agree to take

the same, and pay such interest or assessment, or the balance thereof remaining unpaid, or the installment due, with the interest thereon, and all costs, charges and expenses; and to execute under his hand and seal of the county, a declaration of such sale, 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 interest or installments of any assessment, the same as if such sale and purchase had not been made; *provided*, that the said county collector of the county 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 the board of chosen freeholders of the county may designate by resolution; which advertisement shall describe the said lands, tenements or real estate, which may be done by reference to any assessment map on file with the secretary of the public road board, and showing any lands as thereon described by lot and block number, or otherwise, and specify the amount of the interest or assessment; and the recitals in such declaration of sale shall be evidence of the assessment, advertising and sale; *and provided also*, that the lands, tenements, and 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 county collector of the county 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 the 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 county collector of the county, stating the payment, and showing what lands, tenements and real estate such payment is intended to redeem, shall be evidence of such re-

demption; 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 such 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 register'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 creditable 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 and real estate, or any portion of them, may be adjourned or postponed from time to time, or suspended, as the said county collector of the county may direct; *and provided*, that if at any 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 county collector of the county 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 adjourned sale; and if, at said adjourned sale, there shall be no purchasers for said lands, tenements or real estate, or any part thereof, then it shall be lawful for the county collector of the county, in the name of the board of chosen

Proviso.

Proviso.

Proviso.

freeholders of the county, 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 of chosen freeholders of the county may assign said purchase to any party, upon such terms as said board of chosen freeholders of the county may deem just and proper; *provided, also*, that all moneys paid for the redemption of ^{Proviso.} 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 ^{Proviso.} shall be kept in the office of the public road board, 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 secretary of the public road board, to give certificates of search, in relation to liens, to any person or persons applying for the same, and to cancel such sales, when the property shall be redeemed on certificate of the county collector of the county of such redemption; it shall be the duty of the county collector of the county to make out two certificates for all property redeemed, one for the person redeeming, and one which he shall deliver forthwith to the secretary of the public road board.

23. *And be it enacted*, That it shall be the duty of the county collector of the county 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. ^{County collector to give notice of expiration of time limited for redemption of lands, &c.}

Mistake in name or names of owners, &c. not to render the assessment invalid.

Proviso.

When the county collector may execute lease of premises purchased &c.

Cost of laying out road &c., to be assessed upon the lands &c. in the county.

Money to be paid by the public at large to be raised by tax.

24. *And be it enacted*, That notwithstanding any mistake occurring in the name or names of the owner or owners of any lands or chattels real in such 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 described, 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 the sale of such land or chattels real, the name or names of the real owner or owners, if discovered, shall be made to appear.

25. *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 county collector of the county, that all taxes and assessments thereupon up to the date of such application, have been paid, and proof of services of notice on all the parties entitled to redeem, as required by this act, and the expiration of the time given then therefor, the said county collector of the county, under his hand and the seal of the county, 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 incumbrances.

26. *And be it enacted*, That the money to pay the cost of laying out, opening, constructing, improving and ornamenting such road to the extent to which the lands to be assessed are benefitted by said improvements, shall be raised by assessing the same upon the lands and real estate in such county benefitted thereby, in proportion to the benefits received.

27. *And be it enacted*, That all moneys required or necessary for any purpose authorized by this act, except such as are herein required to be raised by assessment, in accordance with the provisions of this act, shall be paid by the public at large of such county, and shall be raised by tax, at the same time and in the same manner as the county taxes shall be raised.

23. *And be it enacted*, That it shall be lawful for the public road board to borrow, from time to time, such sums of money as said board may deem necessary to pay for all awards made by the commissioners of assessment for lands, buildings and improvements taken in the opening of such road, and for any damages and compensation awarded to any person under the provisions of this act, or to pay for the constructing, improving, ornamenting and maintaining such road or any part thereof, or that may be necessary for the purpose of executing any part of this act, and any sum they may deem necessary, in anticipation of the collection of any assessment or assessments, to be made or levied under this act, the payment of said sums thus borrowed to be provided for by the issue of bonds, in sums of one thousand dollars each, payable in thirty years after date, with interest from date at the rate of seven per centum per annum, payable semi-annually, which bonds shall be given in the name of "The (inserting the name of the proper county) Public Road Board," for and in behalf of the inhabitants of such county, and said bonds shall be signed by the president and secretary of the public road board, with the seal of the said board affixed, and numbered from one upwards in the order of their issue; and said bonds, together with the coupons attached, may be made payable at such place as the said public road board shall determine and designate therein, and the same may be made payable to order or bearer; and such bonds shall bear date the first day of January or July next preceding their issue; said bonds may be sold in such way and manner as the public road board may, from time to time direct, either at public or private sale, at not less than ninety-five per centum of their par value.

May borrow money and issue bonds.

29. *And be it enacted*, That during the first ten days of every month the secretary of the public road board shall make and transmit to the clerk of the board of chosen freeholders of such county, a full and complete list and statement of all bonds issued by the public road board during the previous month, and all bonds issued by said public road board and all interest on the same shall be paid by the county collector of such county as the same, according to their terms and conditions, become due and payable; and in order to provide for the payment of said interest, the said board of chosen freeholders of such county is hereby empowered and authorized to issue and sell bonds, in the sum of one thousand

List and statement of all bonds issued to be made by the secretary of the board.

dollars each, payable in thirty years after date, with interest from date at the rate of seven per centum per annum, payable semi-annually, which bonds shall be given in the name of the board of chosen freeholders of such county, for and in behalf of the inhabitants of said county; and said bonds shall be signed by the then director of the board of chosen freeholders of such county, with the seal of the said board of chosen freeholders of such county affixed, and countersigned, numbered and registered by the county collector of such county, and, together with the coupons attached, shall be made payable to bearer, at the office of said county collector, and said bonds shall bear date on the first day of January or July next preceding their issue, and shall be sold in such way and manner as the board of chosen freeholders of such county may, from time to time direct, either at public or private sale, at a price not less than ninety-five per centum of their par value, and to an amount sufficient to raise such money as shall be required for the payment of said interest, and said board of chosen freeholders of such county shall cause to be, and there shall be raised in each year by tax, at the same time and in the same manner as the county taxes shall be raised, a sum sufficient to pay the interest on all thirty year bonds issued under this act accruing in such year, and in order to provide for the payment of the principal of all thirty year bonds issued under this act, said board of chosen freeholders of such county shall cause to be, and there shall be raised each year by tax, in manner aforesaid, such an amount as shall, after deducting the assessments arising under this act falling due within such year, be equal to one twenty-ninth part of the whole principal of said thirty year bonds theretofore issued and unpaid, until a sufficient sum shall be raised to pay the whole principal of said thirty year bonds.

Sale of
bonds, &c.

Certificates
of indebted-
ness.

How paid.

30. *And be it enacted*, That said public road board shall have power to issue certificates of indebtedness in payment for work done or materials furnished, or any expense incurred in the execution of this act, and to issue them at such times and for such amounts, payable at such periods, and executed and transferable in such manner as they may deem best; said certificates of indebtedness shall be paid out of the proceeds of the sale of bonds authorized to be issued by section twenty-eight of this act, and shall bear interest at the rate of seven per centum per annum, and may be paid

at any time within one year from the date thereof, at the option of said board, as they shall designate therein.

31. *And be it enacted*, That no member of said public road board, or officer, agent, clerk or employee of said board, (except a contractor for work to be done on such road) 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.

Member of board, or officer not to be interested in any contract.

32. *And be it enacted*, That the treasurer appointed by said public road board, and such other employees as they shall designate, shall give bonds in such sum as said board shall require; and said board shall fix the compensation of the county collector, and any other person required by this act to perform any service, for any services rendered in pursuance of this act, except as otherwise provided in this act, and pay the same.

Treasurer and other employees to give bonds.

33. *And be it enacted*, That said public road board shall have power to make and use a common seal, and alter the same at pleasure, and shall keep an office in such county with a clerk in attendance thereat during business hours, to be determined by said board, to give information to all parties interested, to require and take bonds of any officer, agent or employee by their title as aforesaid.

May have a seal.

34. *And be it enacted*, That said public road board may establish such rules and regulations for the authentication of all their acts, 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 an annual report of such account to the board of chosen freeholders of such county; *provided also*, that all the meetings and proceedings of said road board shall be public.

May make rules and regulations.

Proviso.

35. *And be it enacted*, That all the proceedings and acts of said public road board, as the same shall appear upon the minutes of said board, and all maps, contracts, awards, assessments, or other matters or papers on file in their office, 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 during the business hours of every day, except Sundays and holidays, and copies thereof, certified under the seal of said

Proceedings, minutes &c., to be public and matters of public record.

board, by the secretary of said board, shall be evidence in all courts and places, the same as the original would be if produced.

Copies of final report and assessment map or maps to be transmitted to county collector.

36. *And be it enacted*, That the secretary of the public road board shall forthwith, after any final report and assessment map or maps have been confirmed and filed with him, transmit true copies of the same to the county collector of such county, and the county collector of such county shall make to the public road board, at each regular meeting, a written report of all his proceedings under this act.

May sue and be sued.

37. *And be it enacted*, That the public road board may, in the corporate name of such board, maintain any suit at law or in equity, to carry out any object or intent of this act; and in like manner they may be sued for any debt or other liability they may incur; and any contract they may make pursuant to their powers, and any judgment that may be obtained against them, shall be of like effect as if lawfully made by or obtained against the board of chosen freeholders of such county; all certificates of indebtedness and bonds to be issued by said public road board under this act, shall be deemed and taken to be public stock created under the laws of this state, and can be deposited with the treasurer of this state, under and subject to the provisions of an act entitled "An act to authorize and regulate the business of banking," approved April ninth, one thousand eight hundred and seventy-five, and the supplement thereto.

Certificate of indebtedness to be considered public stock created under the laws of this state.

Commissioners of the public road board sinking fund how constituted.

38. *And be it enacted*, That the director of the board of chosen freeholders of such county, and the county collector of such county for the time being, respectively holding said offices, together with one freeholder, to be designated from time to time by the board of chosen freeholders of such county, from amongst their number, shall constitute a board of commissioners, which shall be known by the name of the "The Commissioners of the Public Road Board Sinking Fund," whose joint duty it shall be to invest, from time to time, all the money directed by this act to be raised by assessment, and all money directed to be raised by taxation for the payment of the principal of the thirty year bonds issued under this act, and all interest and profits accruing thereon, and they may reinvest 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 of the thirty year bonds issued under

Duties and powers.

this act; said sinking fund commissioners shall annually report to the board of chosen freeholders of such county a detailed and particular statement of all the investments, reinvestments, 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, bonds and improvement certificates of such county, or any city, town or township therein, or bonds or certificates of indebtedness issued under this act by the public road board of such county.

39. *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 single 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.

40. *And be it enacted*, That all acts and parts of acts, general or special, public or private, inconsistent with the provisions of this act, or any part thereof, shall be and the same are hereby repealed, and this act shall be deemed and taken as a public act, and as such shall be taken notice of by all courts of justice in this state, without the necessity of pleading the same, and shall take effect immediately.

Approved April 21, 1876.

CHAPTER CCXII.

A supplement to "An act concerning bridges," approved April tenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wherever any toll bridge has been constructed and now exists over any stream forming a part of a free public road in this state, it shall and may be lawful for the board of chosen freeholders of the county in which such toll bridge and road may be situate, to purchase such toll bridge with all the franchises, privileges and rights of the person or persons, or corporation owning and maintaining such bridge for such reasonable sum as in their judgment may be for the best interest of the county; and when any such bridge shall be so purchased it shall be forever thereafter free for public travel, and shall be maintained and renewed as other county bridges are directed to be.

Board of
chosen
freehold-
ers may
purchase
toll bridge.

2. *And be it enacted*, That in case the chosen freeholders cannot agree with the bridge owners as to the valuation of any such bridge, the justice of the supreme court holding the circuit within which such bridge is situate shall, upon application of either party, appoint three competent and disinterested persons commissioners to determine the true value of the bridge in question, and the said commissioners shall immediately upon their appointment proceed to estimate and determine the fair and just value of the said bridge and franchises, having given at least twenty days' notice in writing of the time and place when and where they will meet to hear any representatives on behalf of the said bridge owners or of the board of freeholders, which notice shall be served upon the persons or corporation owning said bridge, and upon the director of the board of freeholders; and so soon as the said commissioners shall have determined the said valuation they shall prepare and sign a

Proceed-
ings when
freehold-
ers and
owners
cannot
agree as to
valuation.

certificate thereof, and file the same in the office of the clerk of the county in which the said bridge is situate, and immediately upon the payment of the amount of the said valuation or award to the said bridge proprietors, or in case they will not receive it upon deposit of the same in such trust company or savings institutions as the aforesaid justice of the supreme court shall direct, the title to and right of possession of the said bridge shall become vested in the board of freeholders of the said county for public use in the same manner as if the same had been erected by said board in pursuance of law.

3. *And be it enacted*, That in case the said bridge owners or the board of freeholders shall feel aggrieved or be dissatisfied by the action of the said commissioners, they may appeal therefrom to the supreme court of this state at any time within sixty days after the filing of the said certificate, and the said court shall order a jury, which jury shall assess the value of the said bridge and franchise, and the trial thereof shall be conducted as in other cases of trial by jury, and the final conclusion of said court shall be conclusive as to the said valuation, and the amount already paid or deposited shall be increased or diminished accordingly; *provided*, that in case of appeal, but one issue shall be framed, and one jury ordered for the trial thereof, and that the trial of such appeal, whether taken by the said bridge proprietors or by the board of freeholders, shall be held in the county in which such bridge is situate. Proceed-
ings in case
of appeal.

4. *And be it enacted*, That before entering upon the duties hereinbefore specified, the said commissioners shall take and subscribe an oath before some person having authority to administer the same, that they will faithfully and impartially perform the duties required of them by this act; and the said commissioners shall be entitled to receive five dollars per day for the time they are necessarily employed by the duties imposed by this act. Commis-
sioners to
take and
subscribe
oath.

5. *And be it enacted*, That for the purpose of paying the purchase money for such bridge, it shall and may be lawful for the board of chosen freeholders of the county wherein the same may be, and they are hereby authorized upon agreeing on the amount so to be paid, to issue the bonds of said county, under the corporate seal of said board, and signed by the director and attested by the clerk of said board, and countersigned by the county collector of said May issue
bonds.

county, and of such denominations as they deem advisable, bearing legal interest, and not exceeding the sum required, with the necessary expenses, and from the proceeds of said bonds to pay to the owners of such bridge, upon receiving full and complete conveyances, releases and acquittances of the franchises, privileges and bridge of the person or persons or corporation owning the same, and all other rights appertaining thereto; *provided*, said bonds by this act authorized, shall be sold under the order and directions of the board of chosen freeholders at public or private sale, as may seem to said board best for the interests of the county;

Proviso. *and provided further*, that said bonds shall not be sold or disposed of at less than ninety-five per centum of their par value.

Bonds to be a lien, &c. 6. *And be it enacted*, That the bonds issued by virtue of this act shall specify the purpose for which they are issued, and shall be a lien upon all the property of said corporation, and the faith of the inhabitants of said county shall be pledged for the payment of the principal and interest; the said bonds shall be so issued that one-tenth of the principal shall be paid fifteen years after date, and one-tenth every year thereafter until the whole sum shall be paid; the interest shall be payable semi-annually by the county collector.

Principal and interest when payable. 7. *And be it enacted*, That for the purpose of paying the interest on said bonds, and the principal of the same as they may become due, it shall be lawful for the board of chosen freeholders of the county where such bridge is so purchased, to raise the amount required by taxation in the same manner as other county taxes are raised.

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

Approved April 21, 1876.

CHAPTER CCXIII.

An act explanatory of the proviso of the first section of "An act providing for state taxes on railroads, and the more efficient collection thereof," approved April thirteenth, eighteen hundred and seventy-six.

WHEREAS, doubts have arisen as to the proper and legal construction of the proviso of the first section of the act entitled "An act providing for state taxes on railroads, and the more efficient collection thereof," approved April thirteenth, eighteen hundred and seventy-six, which section and proviso are in the words following: "1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all railroad corporations and companies occupying or using railroads in this state, whether as lessees or otherwise, liable to be taxed as such by a general law taxing railroads for state purposes, shall pay an annual state tax upon the true value of said railroads, their equipment and appendages of said road at and after the rate of one-half of one per centum upon such value, and the same to be paid, notwithstanding any provisions in the charters of said corporations or companies, or the laws under which said railroads are respectively occupied and used, fixing a different basis, mode or rate of taxation; *provided*, that whereas, as certain railroad companies required to pay tax annually to the state under the provisions of the act entitled 'An act relative to transit duties,' approved March fourth, eighteen hundred and sixty-nine, control certain other railroads within this state, commonly called branch roads, by either owning or leasing them, or by owning a majority in value of their capital stock, or by owning or leasing other roads which own or lease them, which branch roads will be assessed under the provisions of this act the tax paid by any such railroad company, under the provisions of the said act of eighteen hundred and sixty-nine, shall be considered a full payment of all taxes here-

Preamble.

Section to be amended rected.

after to be assessed upon such branch roads under this act, so long as the amount paid by such railroad company under the provisions of said act of eighteen hundred and sixty-nine, shall exceed the aggregate amount of the taxes upon such branch road under this act, and of the tax upon such railroad company at the rate of one-half of one per centum upon the cost of their works, including all their property of any description not otherwise taxed, as provided in said act of eighteen hundred and sixty-nine, or so long as this act shall remain in force;" now in order to quiet such doubts, and to declare the true intent, meaning and effect of said proviso of said section,

Section as
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it is the true intent, meaning and effect of said proviso of said section, and it shall be construed to mean, that the tax required to be paid annually to the state by the United New Jersey Railroad and Canal Company, under the provisions of the act entitled "An act relative to transit duties," approved March fourth, eighteen hundred and sixty-nine, to wit: the sum of two hundred and ninety-eight thousand one hundred and twenty eight dollars and ninety-six cents, when paid shall be deemed, considered and taken as full payment and discharge of all taxes assessed or to be assessed, by virtue of the act to which this act is explanatory, upon and payable by all and every railroad corporation now owned or leased or controlled by the said the United New Jersey Railroad and Canal Company, or of which the said the United New Jersey Railroad and Canal Company now own a majority in value of the capital stock or which is owned, leased or controlled by any company which is itself now owned, leased or controlled by the said The United New Jersey Railroad and Canal Company, as well as a payment in full of all taxes assessed against the said The United New Jersey Railroad and Canal Company under and by virtue of the said act entitled "An act relative to transit duties," so long as the amount paid by said United New Jersey Railroad and Canal Company, under the provisions of the said last mentioned act shall exceed the aggregate amount of the taxes upon such railroad companies so owned, leased, operated or controlled as aforesaid, under the act of which this act is explanatory, and of the tax upon the said The United New Jersey Railroad and Canal Company at the rate of one-half of one per centum upon the cost of

their works including all their property of any description not otherwise taxed, as provided in said act of eighteen hundred and sixty-nine, or so long as the act to which this act is explanatory shall remain in force.

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

Approved April 21, 1876.

JOINT RESOLUTIONS.

JOINT RESOLUTIONS.

NUMBER I.

Joint resolution in relation to the state library.

WHEREAS, the British Museum has only imperfect sets of the journals and minutes of the two houses of the legislature of the state of New Jersey, of the legislative documents, and of the session laws of the state; *and whereas*, the governor of the British Museum has expressed a wish to complete said sets, either by purchase or by exchange for other books such as are not easily procured elsewhere; therefore

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners of the state library be and they hereby are authorized and directed to place at the disposal of the British Museum any of the journals and minutes of the two houses, the legislative documents and session laws, and also, in connection therewith, any digest, indexes, and law and equity reports, which, in the opinion of said commissioners, may be conveniently spared from the state library, or may be readily obtained by purchase, and accept and receive therefor the fair pecuniary value thereof, or such books and documents by way of exchange, as may form a useful addition to the state library, and may not be easily procured elsewhere.

2. *Be it resolved*, That this joint resolution shall take effect immediately.

Approved February 15, 1876.

NUMBER II.

Joint resolution relative to the rights of the State of New Jersey in that part of the Delaware river which runs between the States of Delaware and New Jersey:

Preamble. WHEREAS, the State of Delaware now claims to own the bed and to have exclusive jurisdiction, from shore to shore, of a portion of the Delaware river, extending from the boundary line between the States of Pennsylvania and Delaware, for some distance below the town of New Castle; and has lately endeavored to exercise jurisdiction co-extensive with said claim, and whereas, this state always claimed and now doth claim to own the bed of said river to the middle thereof, so far as said river lies between this state and the state of Delaware, and to be entitled to exclusive jurisdiction, (subject to the constitution of the United States and the acts of congress made in pursuance thereof) over its half of said river and hath always, heretofore exercised jurisdiction accordingly: and, *whereas*, it is desirable and necessary that the rights of this state, as between it and the State of Delaware, in and to said river shall be definitely, finally and conclusively settled; and, *whereas*, the efforts heretofore made to settle said matters of difference by consultation and agreement between the said differing states have proved ineffectual, therefore:

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the Governor of this state be, and he is hereby authorized to cause to be instituted and prosecuted, in the supreme court of the United States, a suit in equity, or an action at law, by the State of New Jersey against the State of Delaware, to ascertain, determine and settle the true territorial boundary line between said states and the extent of the jurisdiction of each of said states in and on said river, and for that purpose the Governor

Governor
authorized
to cause to
be institut-
ed and
prosecuted
a suit
against the
State of
Delaware.

nor shall have power to employ, on behalf of this state, counsel to assist the Attorney General in the commencement and prosecution of said suit, or action, and the expenses necessarily and reasonably attending the commencement and prosecution of said suit, or action, on bills certified by the Governor, shall be paid out of any moneys in the treasury not otherwise appropriated. May employ counsel to assist the attorney general. Expenses how paid.

2. *And be it further resolved*, That this resolution shall take effect immediately.

Approved March 30, 1876.

NUMBER III.

Joint resolution of thanks to the late officers of the Soldiers' Children's Home of New Jersey.

WHEREAS, the Soldiers' Children's Home, organized by act of Preamble. the legislature, March seventh, eighteen hundred and sixty-six, has been closed by reason of the expiration of the law, and time for which it was opened; *and whereas*, the institution has been one of great benefit and blessing to the children of soldiers who died and were disabled in the maintenance of the integrity and life of the nation; *and whereas*, said home has been successful in accomplishing so much good, the success of which has been largely due to the able and judicious management, and great care exercised by the late officers of the home, who have given their time, and without pay, fee, or hope of reward, used much self-denial, untiring and unselfish in their devotion for the welfare of the children connected with the home, and have sought, also, the best interest of the state, all of which is gratefully appreciated, and receives our high commendation; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the thanks of these bodies are hereby tendered to the late officers of the Soldiers' Chil- Thanks to late officers.

dren's Home, for their faithfulness in the discharge of duties, so satisfactorily performed, and though onerous, yet cheerfully, and in the spirit of love and kindness, have done their work.

Copy of
resolution
to be pre-
sented.

2. *And be it resolved*, That a copy of these joint resolutions be prepared under the direction of the governor, and presented to each of the late officers of the home.

Approved April 6, 1876.

NUMBER IV.

Joint resolution in regard to the disposition of bedding belonging to the Soldiers' Children's Home.

Preamble.

WHEREAS, the soldiers' children's home has been closed by reason of the expiration of the law and time for which it was opened; *and whereas*, the bedding belonging to the home, a good part of it has been there for ten years, is old and much worn, and will damage by not being used, will be unfit for use by any other institution, and could hardly be sold at any price, therefore

Disposition
of bedding.

1. *BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey*, That said bedding be given to the late lady officers of the home to distribute to the destitute and worthy poor whom they may find in need of it.

Approved April 11, 1876.

NUMBER V.

Joint resolution for the relief of the legal representatives
of the late Doctor William Bryan.

WHEREAS, Doctor William Bryan, late of Beverly, in the Preamble.
county of Burlington, did, under the authority of the
president of the United States, recruit a regiment of
volunteers known as the Olden legion, which said regi-
ment was organized, clothed, equipped, armed and trans-
ported to Washington by the United States government;
and whereas, said regiment was on or about the twenty-
ninth day of January, eighteen hundred and sixty-two,
mustered out of the United States service, the commis-
sions of the officers revoked, whereupon the same was re-
organized and accepted under officers appointed by the
governor of this state, and mustered into the United
States service for three years as the tenth regiment of
New Jersey volunteers, colonel William R. Murphy com-
manding, and the men credited to the state on its quota;
and whereas, it is represented that neither the said Doctor
William Bryan, in his lifetime, nor his legal representa-
tives have been reimbursed the necessary expenses in-
curred therefor, and that claims for said expenses to the
amount of four thousand eight hundred and eighty-eight
dollars are now on file in the war department, and that
the said representatives have not been able to obtain a
settlement thereof; and whereas, the widow of said de-
ceased is advanced in life and in straightened circum-
stances, and greatly in need of whatever may be found
due her, as a means for her support and maintenance;
therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of*
the State of New Jersey, That the quartermaster general be Quarter-
and he is hereby authorized and directed to audit and adjust master
the claims of the legal representatives of the said William general to
Bryan for expenses necessarily and properly incurred in re- audit and
adjust
claims.

cruiting, subsisting and transporting men afterwards mustered into the tenth regiment of New Jersey volunteers, and that he make report to the governor of this state of the amounts of moneys so expended and justly due and owing, and that the governor be requested to cause the said claim to be presented to the United States, and urge the settlement thereof with convenient despatch, and that the necessary expenses incurred therefor be paid by the treasurer of this state upon the warrant of the comptroller and the certificate of the governor.

Treasurer
to pay on
warrant of
comptrol-
ler.

2. *Be it further resolved*, That the governor be and he is hereby authorized to make such advances to the widow of the said William Bryan, on account of said claim, in such amounts as he may deem expedient for her maintenance during the prosecution of said claim, not exceeding the sum of five hundred dollars, and that the same be paid by the treasurer upon the warrant of the comptroller.

Approved April 13, 1876.

NUMBER VI.

Joint resolution for heating and ventilating the House of Assembly.

1. *BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey*, That the commissioners of the state house extension appointed under the act entitled "An act to appoint commissioners to erect an addition and make repairs to the state house," approved March thirty-one, eighteen hundred and seventy one, and the several supplements thereto, be and they are hereby authorized to make such alterations and improvements in the heating and ventilation of the assembly chamber upon such plans as may be adopted by and under the directions of the house members of the joint committee on public buildings, at an expense not ex-

Commis-
sioners au-
thorized to
make al-
terations
and im-
provements
in the heat-
ing and
ventilation
of the as-
sembly
chamber.

JOINT RESOLUTIONS.

423

ceeding two thousand dollars, and the necessary amount for that purpose is hereby appropriated for the payment of the same, the bills for which shall be audited by the comptroller and paid on his warrant by the treasurer from time to time as may be required by the said commissioners.

Appropriation not to exceed two thousand dollars.

Approved April 21, 1876.

PROCLAMATIONS.

PROCLAMATION

BY

JOEL PARKER, GOVERNOR OF NEW JERSEY.

A PROCLAMATION BY THE GOVERNOR.

WHEREAS, information hath been communicated to me in due form of law, that Alfred Mahon, on the eighth day of September, A. D. eighteen hundred and seventy-four, at the township of Morris in the county of Morris and state of New Jersey, was murdered by some person or persons unknown; *and whereas*, it hath come to my knowledge that the commission of said crime was attended with circumstances of great atrocity, demanding (in my opinion) that the largest reward authorized by law should be offered.

Now therefore, I, Joel Parker, Governor of the State of New Jersey, by virtue of authority vested in me by law, do issue this my proclamation, and hereby offer a reward of six hundred dollars, to be paid out of the treasury of this state, for the apprehension and conviction of each of the persons who committed the aforesaid crime.

Given under my hand and the great seal of the state of [L. s.] New Jersey, at Trenton, this fifteenth day of September, A. D. eighteen hundred and seventy-four.

By the Governor,

JOEL PARKER.

HENRY C. KELSEY, *Secretary of State.*

PROCLAMATIONS

BY

JOSEPH D. BEDLE, GOVERNOR OF NEW JERSEY.

PROCLAMATION BY THE GOVERNOR.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
TRENTON, Sept. 3, 1875. }

Josephus Sooy, Jr., the Treasurer of this State, elected by the Legislature in joint meeting, in the year A. D. 1874, having, on the thirty-first day of August, A. D. 1875, notified me, in writing, that he could no longer perform the duties of that office, and that he surrendered the same; and the said Josephus Sooy, Jr., having entirely ceased to execute said duties, and the said office having become in fact vacant, I, Joseph D. Bedle, Governor of the state of New Jersey, do issue this my proclamation, and give hereby public notice, that I have appointed and commissioned Gershom Mott, of the county of Burlington, to fill the said vacancy, and to execute the duties of Treasurer of the State of New Jersey, until the end of the next session of the Legislature, unless a successor shall be sooner appointed.

Given under my hand and the great seal of the state of
[L. s.] New Jersey, at Trenton, this third day of September, A. D. eighteen hundred and seventy-five.

By the Governor,

J. D. BEDLE.

HENRY C. KELSEY, *Secretary of State.*

PROCLAMATION BY THE GOVERNOR.

STATE OF NEW JERSEY, {
EXECUTIVE DEPARTMENT. }

I Joseph D. Bedle, Governor of the State of New Jersey do hereby by virtue of the sixth section of the "act providing for decreeing and making known, that certain laws and joint resolutions have become inoperative" and void approved March 3, 1873, make proclamation, that the comptroller of the treasury, hath according to said section reported to me the following named bills, approved at the last preceding session of the legislature (a list of which is hereto annexed with the date of approval of each and making part of this proclamation) as those that have 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.

Given under my hand and the great seal of the state of [L. s.] New Jersey at Trenton, this seventh day of September, A. D., eighteen hundred and seventy-five.

By the Governor,

J. D. BEDLE.

HENRY C. KELSEY, *Secretary of State.*

LIST OF PRIVATE ACTS

Passed or approved during the legislative session of 1875
upon which the assessments have not been paid as re-
quired by law.

July 31, 1875.

1. An act to authorize Samuel H. Weatherby and William M. Weatherby to build and maintain a wharf in front of their lands on Salem creek, in the township of Pilesgrove, in the county of Salem, approved February 22, 1875.

2. An act to enable the owners of all that tract of meadow lying within the bounds of the Halfway Creek Meadow Company, Money Island Meadow Company, and meadow lying between the Halfway Creek Meadow Company and Alloway's creek, in the township of Elsinboro, in the county of Salem and State of New Jersey, the more effectually to maintain a road or roads in and through and to their said meadows, approved March 15, 1875.

3. An act to incorporate the South Orange Gas Light Company; approved March 17, 1875.

4. A further supplement to an act entitled 'An act to incorporate the South Mountain and Boston Railroad Company;' approved March 24, 1875.

5. A supplement to an act entitled 'An act to incorporate the Hoboken Ship Canal Company;' approved March 24, 1875.

6. An act to incorporate the Unabhangiger Turn Verein, (Independent Turn Society) of Newark, New Jersey; approved March 29, 1875.

7. An act to change the name of George W. Coxson to George W. Barr; approved March 31, 1875.

8. An act to change the name of Joanna F. Phillips, Mary M. Phillips and Henry D. Phillips; approved March 31, 1875.

9. An act to change the name of John Adam Kachele; approved April 1, 1875.

10. An act to incorporate the Hopewell Printing Company; approved April 6, 1875.

11. An act confirming and making valid the act entitled 'An act to incorporate the Union Mercantile association of Swedesboro, Gloucester county, New Jersey; approved March 20, 1873;' approved April 8, 1875.

12. An act to incorporate the Montgomery Fire Insurance Company of Jersey City; approved March 19, 1875.

13. An act to incorporate the New Jersey Agricultural Insurance Company; approved March 9, 1875.

LETTER OF THE COMPTROLLER.

STATE OF NEW JERSEY, }
OFFICE OF COMPTROLLER OF }
THE TREASURY, }
TRENTON, July 31, 1875.

To His Excellency

JOS. D. BEDLE,
Governor of New Jersey.

Sir:

Pursuant to the requirements of "An act providing for decreeing and making known that certain laws and joint resolutions have become inoperative and void," approved March 3, A. D. 1873, I have the honor to transmit herewith a list of the titles and date of approval or passage of the private acts passed and approved during the session of 1875, upon which the assessments have not been paid as required by law.

Very Respectfully, your ob't serv't

A. L. RUNYON,
Comptroller.

PROCLAMATION BY THE GOVERNOR.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT. }

The Board of State Canvassers, having on this twenty-eighth day of September, A. D. eighteen hundred and seventy-five, filed in the office of the Secretary of State, their certificate and determination as required by the act entitled "An act to provide for submitting proposed Amendments to the Constitution of this State to the people thereof," approved April 8th, 1875, by which it appears that all of the proposed Amendments to the Constitution of this State, submitted to the people at the special election for that purpose only, held by virtue of said act, on the seventh day of September instant, have received in their favor a majority of all the votes cast in the state for and against said proposed amendments respectively by the electors qualified to vote thereon under the constitution, I, Joseph D. Bedle, Governor of the state of New Jersey, do hereby, as further provided in said act, issue this my proclamation, declaring that the same have all been adopted, approved and ratified by the people, by a majority of the electors qualified to vote for members of the legislature voting thereon, and that the same have this day become a part of the Constitution, which amendments are as follows:

ARTICLE I.

RIGHTS AND PRIVILEGES.

Insert as paragraph 19, a new paragraph, as follows:

"19. No county, city, borough, town, township or village shall hereafter give any money or property, or loan its money or credit, to or in aid of any individual, association or corporation, or become security for, or be directly or indirectly the owner of any stock or bonds of any association or corporation."

PROCLAMATIONS BY THE GOVERNOR.

Insert as paragraph 20, a new paragraph, as follows:

"20. No donation of land or appropriation of money shall be made by the state or any municipal corporation to or for the use of any society, association or corporation whatever."

Change the number of present paragraph 19, to number 21.

ARTICLE II.

RIGHT OF SUFFRAGE.

Section I.

Strike out the word "white" between the word "every" and the word "male" in the first line.

Add to the paragraph the following:

"And provided further, that in time of war no elector in the actual military service of the state, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the legislature shall have power to provide the manner in which, and the time and place at which, such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside."

Section II.

Strike out all of the second section after the word "bribery."

ARTICLE IV.

LEGISLATIVE.

Section I.

Paragraph 3—Strike out the words "second Tuesday of October," and insert in lieu thereof the words "first Tuesday after the first Monday in November."

Section IV.

Paragraph 7—Strike out the following words:

"A compensation for their services, to be ascertained by law, and paid out of the treasury of the state; which compensation shall not exceed the sum of three dollars per day for the period of forty days from the commencement of the

session, and shall not exceed the sum of one dollar and fifty cents per day for the remainder of the session. When convened in extra session by the governor they shall receive such sum as shall be fixed for the first forty days of the ordinary session. They shall also receive the sum of one dollar for every ten miles they shall travel in going to and returning from their place of meeting on the most usual route,"

—and insert in lieu thereof the following :

"Annually the sum of five hundred dollars during the time for which they shall have been elected, and while they shall hold their office, and no other allowance or emolument, directly or indirectly, for any purpose whatever."

Also, strike out the words "per diem."

Section VII.

Paragraph 4—Add to the paragraph the following :

"No law shall be revived or amended by reference to its title only, but the act revived, or the section or sections amended, shall be inserted at length. No general law shall embrace any provision of a private, special or local character. No act shall be passed which shall provide that any existing law, or any part thereof, shall be made or deemed a part of the act or which shall enact that any existing law, or any part thereof, shall be applicable, except by inserting it in such act."

Paragraph 6—Insert the word "free" between the word "public" and the word "schools," and add to the paragraph the following :

"The legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in this state between the ages of five and eighteen years."

Strike out paragraph 8, as follows :

"8. The assent of three-fifths of the members elected to each house shall be requisite to the passage of every law for granting, continuing, altering, amending or renewing charters for banks or money corporations; and all such charters shall be limited to a term not exceeding twenty years."

Change the number of present paragraph 9 to 8.

Insert as paragraph 9, a new paragraph, as follows :

"9. No private, special or local bill shall be passed unless

public notice of the intention to apply therefor, and of the general object thereof, shall have been previously given. The legislature, at the next session after the adoption thereof, and from time to time thereafter, shall prescribe the time and mode of giving such notice, the evidence thereof, and how such evidence shall be preserved."

Insert as paragraph 11, a new paragraph, as follows :

"11. The legislature shall not pass private, local or special laws in any of the following enumerated cases, that is to say :

"Laying out, opening, altering and working roads or highways.

"Vacating any road, town plot, street, alley or public grounds.

"Regulating the internal affairs of towns and counties ; appointing local offices or commissions to regulate municipal affairs.

"Selecting, drawing, summoning or empanelling grand or petit jurors.

"Creating, increasing or decreasing the per centage or allowance of public officers during the term for which said officers were elected or appointed.

"Changing the law of descent.

"Granting to any corporation, association or individual any exclusive privilege, immunity or franchise whatever.

"Granting to any corporation, association or individual the right to lay down railroad tracks.

"Providing for changes of venue in civil or criminal cases.

"Providing for the management and support of free public schools.

The legislature shall pass general laws providing for the cases enumerated in this paragraph, and for all other cases which, in its judgment, may be provided for by general laws. The legislature shall pass no special act conferring corporate powers, but they shall pass general laws under which corporations may be organized and corporate powers of every nature obtained, subject, nevertheless, to repeal or alteration at the will of the legislature.

Insert as paragraph 12, a new paragraph, as follows :

"12. Property shall be assessed for taxes under general laws, and by uniform rules, according to its true value."

Section VIII.

Insert as paragraph 2, a new paragraph, as follows:

"2. Every officer of the legislature shall, before he enters upon his duties take and subscribe the following oath or affirmation: 'I do solemnly promise and swear (or affirm) that I will faithfully, impartially and justly perform all the duties of the office of——, to the best of my ability and understanding; that I will carefully preserve all records, papers, writings or property entrusted to me for safe keeping by virtue of my office, and make such disposition of the same as may be required by law.'"

ARTICLE V.

EXECUTIVE.

Paragraph 6—After the word "legislature," where it occurs first in said paragraph, insert the words "or the senate alone."

Paragraph 7—Add to the paragraph the following:

"If any bill presented to the governor contains several items of appropriations of money, he may object to one or more of such items while approving of the other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the appropriations so objected to shall not take effect. If the legislature be in session he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If, on reconsideration, one or more of such items be approved by a majority of the members elected to each house, the same shall be a part of the law, notwithstanding the objections of the governor. All the provisions of this section in relation to bills not approved by the governor shall apply to cases in which he shall withhold his approval from any item or items contained in a bill appropriating money."

Paragraph 8—Add to the paragraph the following:

"Nor shall he be elected by the legislature to any office under the government of this state or of the United States, during the term for which he shall have been elected governor."

ARTICLE VII.

APPOINTING POWER AND TENURE OF OFFICE.

Section I.

MILITIA OFFICERS.

Paragraph 5—After the words “major generals,” insert the words “the adjutant general and quartermaster-general.”

Paragraph 9—Strike out the words “the adjutant general, quartermaster-general and.”

Also strike out the word “other.”

Section II.

CIVIL OFFICERS.

Paragraph 1—Strike out the word “and” (where it occurs first) in the paragraph, and insert after the word “appeals” the following words: “and judges of the inferior court of common pleas.”

Change the number of present paragraph 3 to number 2, and strike therefrom the following words “and the keeper and inspectors of the state prison:” and insert in lieu thereof the words “and comptroller.”

Also, strike out the words “one year” in the second clause of paragraph 2 of section 2, and insert in lieu thereof the words “three years.”

Change the number of present paragraph 4 to number 3, and strike out the word “and” where it occurs between the word “chancery” and the word “secretary.”

Also, insert after the word “state” the words: “and the keeper of the state prison.”

Change the number of present paragraph 5 to number 4.

Change the number of present paragraph 6 to number 5.

Change the number of present paragraph 7 to number 6, and strike therefrom the words “annually,” “annual” and “they may be re-elected until they shall serve three years, but no longer.” Insert after the word “assembly” the following words: “and they shall hold their offices for three years:” and add to the paragraph the following words: “sheriffs shall annually renew their bonds.”

Change the number of present paragraph 8 to number 7.

Change the number of present paragraph 9 to number 8.

Change the number of present paragraph 10 to number 9.

Change the number of present paragraph 11 to number 10.

Given under my hand and the great seal of the state of New Jersey, at Trenton, this twenty-eighth of September, A. D. eighteen hundred and seventy-five.

By the Governor,
J. D. BEDLE.
HENRY C. KELSEY, *Secretary of State*.

PROCLAMATION BY THE GOVERNOR.

Recognizing God as the source and giver of all our blessings, and that by His will government is ordained and upheld, I Joseph D. Bedle, Governor of the State of New Jersey, do hereby designate Thursday, the twenty-fifth day of November, instant, and recommend the people of this state gratefully to observe it, as a day of thanksgiving and praise to almighty God, for His innumerable bounties and mercies to us during the year drawing to a close, and of humble prayer that He may continue to prosper and bless us.

Given under my hand and seal, at the executive chamber, in the City of Trenton, this fourth day of November, in the year of our Lord one thousand eight hundred and seventy-five, and of the independence of the United States the one hundredth.

J. D. BEDLE,
Governor.
Attest:
JOHN A. HALL, *Private Secretary*.

PROCLAMATION BY THE GOVERNOR.

WHEREAS, it appears to me by affidavit that on the twelfth day of March, A. D. 1876, (at night) the dwelling house of James Crossley of the township of North Bergen in the county of Hudson, in this state, was burglariously entered by four masked men unknown, and said Crossley tied and his house plundered,

Now therefore, I, Joseph D. Bedle, Governor of the State of New Jersey, by virtue of the authority in me vested by law do issue this my proclamation, and hereby offer a reward of five hundred dollars for apprehending and securing the persons who committed said offence; said reward to be paid on conviction of one or more of the offenders, but the total reward shall not exceed five hundred dollars.

Given under my hand and the great seal of the state of
[L. S.] New Jersey, at Trenton, this fourteenth day of
March, A. D. eighteen hundred and seventy-six.

By the Governor,

J. D. BEDLE.

HENRY C. KELSEY, *Secretary of State.*

PROCLAMATION BY THE GOVERNOR.

It appearing by oath and coroner's inquest that Jacob Young, on or about the fourth day of April, A. D. 1876, at the township of Harmony, in the county of Warren, in this state, was murdered by some person unknown ;

Therefore I, Joseph D. Bedle, Governor of the State of New Jersey, by virtue of the authority in me vested by law, do issue this my proclamation, and hereby offer a reward of five hundred dollars for apprehending and securing the said person unknown—said reward to be paid under the provisions of the first section of the act entitled "An act to empower the Governor to offer a reward for the apprehension of certain offenders," approved April 15, 1846.

Given under my hand and the great seal of the State of [L. s.] New Jersey, at Trenton, this ninth day of May, A. D. eighteen hundred and seventy-six.

J. D. BEDLE.

By the Governor :

H. C. KELSEY, *Secretary of State.*

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SPECIAL PUBLIC ACTS.

SPECIAL PUBLIC ACTS,

PASSED BY THE

One Hundredth Legislature.

CHAPTER VII.

An act to repeal the act entitled "An act to organize the local government of the city of Belleville," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to organize the local government of the city of Belleville," approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same hereby is repealed; *provided, however*, that this repealer shall not in any way revive and put in force the act entitled "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 Belleville polling district," approved April sixth, one thousand eight hundred and seventy-one, the supplements thereto, the act reviving the same, approved April fourth, eighteen hundred and seventy-three, and the act entitled "An act to set off from the Belleville polling district in the township of Belleville, in the county of Essex, an election district, to be called and known as Montgomery district in said township," approved

Repealer.

Proviso.

March the twenty-sixth, eighteen hundred and seventy-four, which said several acts were by the first mentioned act repealed.

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

Passed February 22, 1876.

CHAPTER VIII.

An act to change the boundary line between the counties of Essex and Union.

Boundary
line.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the boundary line between the counties of Essex and Union and the township of Springfield, in the county of Union, and the township of Milburn, in the county of Essex, between the points hereinafter mentioned, shall hereafter be as follows, viz.: Beginning in the southerly line of the new road known as Washington street, at a point therein where the middle of the brook which runs from Wellington Campbell's mill pond intersects the same; thence running along the southerly line of said new road to the northerly line of the Morris and Elizabeth turnpike; thence along the northerly line of said turnpike to a point opposite a small apple tree standing on the southerly side of said turnpike near the fence on Montgomery's land; thence to the southerly side of said turnpike near said apple tree, and thence along the southerly line of said turnpike to the boundary line between the township of Summit and the township of Springfield.

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

Approved February 22, 1876.

CHAPTER XV.

An act to confirm the acknowledgment and proof of deeds and other instruments of writing, taken by Rufus N. Edgar.

WHEREAS, the said Rufus N. Edgar was, on the first day of Preamble.

April, in the year eighteen hundred and seventy, duly appointed commissioner for taking the acknowledgement and proof of deeds for the fourth ward of the city of Rahway, in the county of Union; *and whereas*, the said Rufus N. Edgar, from a misapprehension of his authority, under his said commission, continued to take acknowledgments and proofs after the date of the expiration thereof; therefore,

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 Rufus N. Edgar be and the same are hereby confirmed, and declared valid and effectual as if the said Rufus N. Edgar had been lawfully authorized to take the same. Acts legalized and confirmed.

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

Approved March 7, 1876.

CHAPTER XXIX.

An act to confirm the acknowledgment and proof of deeds and other instruments of writing.

WHEREAS, Andrew Egan was, on the first day of April, in Preamble.
the year eighteen hundred and seventy, duly appointed

commissioner for taking the acknowledgment and proof of deeds, for the second ward of the city of Elizabeth, in the county of Union; *and whereas*, the said Andrew Egan, from a misapprehension of his authority, under his said commission, continued to take acknowledgments and proofs after the date of the expiration thereof; therefore,

Acts legalized and confirmed.

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 Andrew Egan, be and the same are hereby confirmed and declared valid and effectual as if the said Andrew Egan had been lawfully authorized to take the same.

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

Approved March 16, 1876.

CHAPTER XXXIII.

An act to straighten the county line brook dividing Union and Somerset counties in the city of Plainfield.

Preamble. WHEREAS, a certain stream of Water known as Green brook (the same being the county line between Union and Somerset counties), at a point in the city of Plainfield where the same crosses a street known as Elm place, because of its present course before crossing said Elm place being nearly at right angles with the general course of the stream, causes the roadway and adjoining properties to overflow in time of high water; therefore,

Board of freeholders to change the course of Green brook.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the boards of chosen freeholders of the counties of Union and Somerset shall so change the course of Green brook, crossing Elm place in the city of Plainfield, as that it shall cross said street in a line parallel with the general course of the stream north of said Elm place.

2. *And be it enacted*, That the county line shall be so ^{Division} changed as that Green brook when so straightened shall ^{line.} continue to be the dividing line between the counties of Union and Somerset, the same as before the passage of this act.

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

Approved March 16, 1876.

CHAPTER XXXVII.

An act to confirm the acknowledgment and proof of deeds, mortgages and other instruments of writing taken by Lewis R. Dunham, Arthur G. Ogilby and George W. Herbert.

WHEREAS, Lewis R. Dunham, Arthur G. Ogilby and George ^{Preamble.} W. Herbert were appointed commissioners for taking the

acknowledgment and proof of deeds for the third, fourth and fifth wards respectively of the city of New Brunswick, in the county of Middlesex; *and whereas*, the said Lewis R. Dunham, Arthur G. Ogilby and George W. Herbert, did inadvertently perform official acts as such commissioners, while non-residents of the wards for which they were appointed, by reason of which such acknowledgments and proofs are defective, and innocent persons may be subject to loss; therefore, for the remedy of the same,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all acknowledgments and proofs <sup>Acts legal-
ized and
declared
valid.</sup> of deeds, mortgages and other instruments of writing, taken and certified by the said Lewis R. Dunham, Arthur G. Ogilby and George W. Herbert as such commissioners, be and the same are hereby declared and made valid and effectual in law, and in all courts be held, taken and adjudged to have the same force and effect as if the same had been legally taken and certified.

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

Approved March 20, 1876.

CHAPTER XLVI.

A supplement to an act entitled "An act to incorporate the borough of Frenchtown, in the county of Hunterdon," approved," April fourth, eighteen hundred and sixty-seven.

Extension
of bound-
ary line.

Boundary.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the boundary line of the charter of the borough of Frenchtown, in the county of Hunterdon, approved April fourth, eighteen hundred and sixty-seven, to which this is a supplement, be extended to include all that part of the township of Kingwood, in the county of Hunterdon, contained within the following limits, to wit: beginning at the mouth of the Big Nississacaway creek, in the river Delaware, at the corner dividing the township of Kingwood and the borough of Frenchtown, in said county, in the boundary line between the state of New Jersey and the commonwealth of Pennsylvania; thence down the said river on the line dividing the said state and commonwealth, to a corner opposite to a line dividing lands of Wilson Little, and the entailed land of Rebecca Kean deceased; thence south eighty-nine and one-half degrees east, crossing the public road leading from Frenchtown to Tumble, on a line dividing the entailed lands of Rebecca Kean deceased, and Wilson Little, crossing land and track of the Belvidere and Delaware railroad company, dividing the entailed land of aforesaid and lands of Charles Housel, William Rice and Robert L. Williams, and Robert L. Williams and James Ashcroft, and James Ashcroft and Charles Roberson, to a stump standing in the public road leading from Frenchtown to Barbertown, and corner to lands of Moses Roberson and Charles Roberson, in a line of James Ashcroft's land; thence

north forty minutes west, in public road last described on a line dividing lands of Charles Roberson and Moses Roberson, across lands of Moses Roberson to public road leading from Frenchtown to Baptistown, crossing said road and lands of Moses Roberson to line dividing lands of Robert L. Williams and Simeon F. Opdyck to public road leading from Frenchtown to stone church, crossing said road to line dividing land of Ishmael Brink and David Rittenhouse in company, and Newbury Daughter and said Brink, and Rittenhouse, and Simeon F. Opdyck and Samuel Opdyck in company, crossing land of said Opdyck's to line dividing lands of said Opdyck's and Robert L. Williams to public road leading from Frenchtown to Palmyra, crossing said road to corner to land of William H. Plum in Garret Lair's line, and east corner of the borough of Frenchtown at the Big Nississacaway creek; thence down said creek, on the line dividing the said borough and township of Kingwood to the place of beginning, shall be and hereby is extended, and with the borough of Frenchtown, consolidated a part and parcel of said borough, and its inhabitants.

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

Approved March 30, 1876.

CHAPTER L.

An act to divide the township of Franklin, in the county of Bergen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Franklin, in the county of Bergen, lying southeasterly of a division line described as follows, to wit: beginning in the Passaic county line at the hotel of Abraham Coe and in the centre of the Godwinville macadamized road, and running thence northeasterly along said road to its intersection with the New Jersey Midland railroad; thence continuing north-

Locality.

Boundaries.

Name.	easterly in a direct line to the centre of the public road leading from Midland Park to Hohokus; thence continuing northeasterly along the centre of said road to its intersection with the public road leading from Garret I. Hopper's to White's Mills; and thence northerly along the centre of said last mentioned road and the road leading to Allendale to the Hohokus brook and west line of the township of Hohokus; shall be and is hereby set off from the said township of Franklin, and made a new and separate township, to be known by the name of the township of Ridgewood.
Corporate title.	2. <i>And be it enacted</i> , That the inhabitants of the said township of Ridgewood shall be and they are hereby made and constituted a body politic and corporate in law, and shall be known by the name of The Inhabitants of the Township of Ridgewood, in the county of Bergen, and shall
Powers and privileges.	be entitled to all the rights, powers, authority, and privileges conferred upon the inhabitants of the several townships of this state by 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, eighteen hundred and sixty."
Franklin township.	3. <i>And be it enacted</i> , That the inhabitants of the township of Franklin, as remaining after the passage of this act, shall hold their next township election at the hotel of John P. Ramsey, junior, at Wycoff, and afterwards in each year at such place as shall be designated at their preceding annual township election, at the time fixed by law; and at the said first township election Daniel D. Depew, John Z. Goetschius and Samuel Coe shall act as judges, and John W. Ackerman shall act as clerk of the said first election.
Elections in.	
First election officers.	
Ridgewood township.	4. <i>And be it enacted</i> , That the inhabitants of the township of Ridgewood shall hold their first township election at the Ridgewood Hotel, at Ridgewood, and afterwards in each year at such place as the inhabitants of said township shall at their preceding annual township meeting determine at the time fixed by law for the annual township election in the said township of Franklin, and at the said first township election Benjamin F. Robinson, Whitman Phillips and John R. Snyder shall act as judges, and Theodore V. Terhune shall act as clerk of said election.
Elections in.	
First election officers.	
Franklin and Ridgewood.	5. <i>And be it enacted</i> , That the township committees of said townships of Franklin and Ridgewood, elected at the said first election, respectively, shall meet on the fourth

Monday of April next at the hotel of Abraham Hopper, at Ridgewood, at ten o'clock in the forenoon, and afterwards, if necessary, at such times and places as the majority of those present may determine, and then and there, by writing signed by a majority of said committees, allot and divide between said townships such property, if any as may be owned by the present township of Franklin, and also such moneys and assets as may be on hand or due, or to become due to said township, in proportion to the taxable property and ratables in said township respectively, as shall be determined by the last assessment of taxes of the said former township of Franklin; and each of the said townships shall be and remain liable to pay its just proportion of the debts and obligations of the present township of Franklin, according to said last assessment, as the said debts and obligations shall exist at the next annual town meeting, until the same are fully paid and discharged; such proportion of said indebtedness to be assessed on the inhabitants of said township respectively, in accordance with the laws now applicable thereto; and each of said townships shall support the paupers whose settlement is or may be within their bounds respectively; and if any of the persons composing either of the said township committees shall refuse or neglect to meet as aforesaid, those assembled may proceed to make said division, and the decision of a majority of those present shall be final and conclusive.

Property
and liabilities
to be
apportion-
ed.

6. *And be it enacted*, That nothing in this act contained shall be construed so as to interfere with or impair the commissions of the justices of the peace, or of the commissioners for taking the acknowledgments and proof of deeds, until they shall expire by their own limitation, or so as to impair the rights of the said township of Ridgewood in and to its just and legal proportion of the surplus revenue of the general government, and the interest due or becoming due thereon.

Commis-
sions of
certain off-
cers not
impaired.

Surplus
revenue.

7. *And be it enacted*, That the said township of Ridgewood shall form a part of the second assembly district of the county of Bergen as heretofore.

Assembly
district.

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

Approved March 30, 1876.

CHAPTER LII.

A further supplement to an act entitled "An act to incorporate the Freehold and Smithfield Turnpike Company," approved the twenty-sixth day of February, one thousand eight hundred and fifty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall and may be lawful for the president and directors of the Freehold and Smithfield Turnpike Company to abandon so much of said turnpike road laid out and constructed under the act to which this is a further supplement, as lies between the beginning point of said turnpike in the centre of the town of Freehold in the county of Monmouth, and a line drawn horizontally across said turnpike from a point in the southerly edge of Main street, southwesterly three hundred feet from the southwesterly edge of Brinckerhoff avenue where it intersects with said Main street in said town, such portion of said turnpike lying within the corporate limits of said town of Freehold, and that such part of said turnpike road be discharged from the operation and effect of the said act, and shall be deemed to be and shall be worked and managed as a public highway, and whenever said corporation now owning said turnpike shall execute under their corporate seal and the hand of their president, a writing surrendering or granting to the township through which said turnpike runs, such part of said turnpike as is above described, and shall deliver the same to the clerk of the said township, such part of said turnpike road shall be deemed and taken to be abandoned by said corporation, and to belong to said township in the same manner as other public highways, and said corporation shall be released and discharged from all obligations and liabilities whatsoever in reference to the same, and shall exercise no further control or authority over that part of said road so abandoned, or receive any toll on the same.

Authorized
to abandon
portion of
road.

Portion
abandoned
to be deem-
ed a pub-
lic high-
way.

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

Approved March 30, 1876.

CHAPTER LIII.

A further supplement to an act entitled "An act to incorporate the Freehold and Howell Plank Road Company," approved the first day of March, eighteen hundred and fifty-three.

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 and may be lawful for the president and directors of the Freehold and Howell plank road company to abandon so much of their said road, laid out and constructed under the act to which this is a supplement, as lies within the corporate limits of the town of Freehold, extending northerly from the Junction of Institute and South streets; and that such part of their said road be discharged from the operation and effect of said act, and shall be deemed to be and shall be worked and managed as a public highway; and whenever said corporation now owning said road shall execute under their corporate seal and the hand of their president, a writing surrendering or granting to the township through which said road runs, such part of said road as above mentioned, and shall deliver the same to the clerk of the said township, such part of said road shall be deemed and taken to be abandoned by said corporation and to belong to said township in the same manner as other public highways, and said corporation shall be released and discharged from all obligations and liabilities whatsoever in reference to the same, and shall exercise no further control or authority over that part of said road as abandoned or receive any toll on the same.

Authorized
to abandon
a portion of
road.

Portion
abandoned
to be deem-
ed a public
highway.

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

Approved March 30, 1876.

CHAPTER LXVII.

An act to create a new township, to be called the township of Sayreville, in the county of Middlesex.

Locality. Boundaries.	<p>1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i>, That all that part of the township of South Amboy, in the county of Middlesex, lying within the boundaries and description following, to wit: beginning at a point on Raritan bay shore at the northeast corner of land of Richard S. Conover; thence running (one) south sixty-seven degrees west, fifty-four chains and fifty links to an old partition corner; thence (two) north ten degrees and thirty minutes west, thirteen chains to the middle of the Bordentown and South Amboy turnpike; thence (three) south fifty-one degrees and thirty-five minutes west, six chains and eighty links to opposite the middle of a cross road; thence along the middle thereof, five courses to the middle of the Amboy and Washington road, to wit: (one) north fourteen degrees and fifteen minutes west, four chains and ten links; (two) north forty degrees and fifteen minutes west, eleven chains and thirty links; (three) north twenty-three degrees and fifty minutes west, five chains and fifty-two links; (four) north fifty degrees west, two chains and fifty-nine links; (five) north fifty-one degrees and twenty minutes west, six chains and ninety-eight links to the middle of said Amboy and Washington road; thence along the same north forty-five degrees and thirty minutes east, seven chains and seventy-seven links; thence still along said road north forty-three degrees and fifteen minutes east three chains and thirty-two links to a stone monument; thence north twenty-four degrees and thirty minutes west sixteen chains to the westerly line of the Camden and Amboy railroad; thence northerly along said westerly line of said railroad twenty-six chains and fifty links to the middle of Ridgway avenue; thence northwesterly along the middle of said avenue nine chains to the Willocks patent line; thence northeasterly</p>
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along said patent line to Raritan river; thence up said Raritan river its various courses to the mouth of South river; thence up said South river and boundary line of East Brunswick township to the middle of the Bordentown and South Amboy turnpike and boundary line of Madison township; thence north-easterly and easterly along the said boundary line of Madison township to Cheesquakes creek; thence down said Cheesquakes creek to mouth thereof on Raritan bay; thence up the shore of said bay to the beginning.

2. *And be it enacted*, That the inhabitants of the township Name. of Sayreville shall be, and they hereby are constituted, a body politic and corporate, and shall be styled and known by the name of the inhabitants of the township of Sayreville, in the county of Middlesex. Corporate title.

3. *And be it enacted*, That the inhabitants of the said township of Sayreville, hereby created, shall hold their first town meeting for the election of officers of said township, at the school house of school district number thirty-seven, in the county of Middlesex, on the second Monday in April next ensuing; and that the board of election at said first town meeting shall be chosen in the manner provided by law, in the case of a vacancy in said board; and that the inhabitants of said township shall be entitled to all rights, powers and privileges conferred upon the inhabitants of the several townships of this state, by 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, eighteen hundred and sixty, and shall elect the several township officers provided for therein. Town meetings.

4. *And be it enacted*, That the town committees of the townships of South Amboy and Sayreville, shall meet on the first day of May next, at the hour of ten o'clock in the forenoon, at the inn of Mrs. Clark in the township of South Amboy, and shall then and there proceed to determine by writing, signed by a majority of both township committees, to allot and divide between the said townships, all property or money on hand or due, in proportion to the taxable property and ratables, as valued and assessed by assessors, within their respective limits of said townships, at their last assessments; and the inhabitants of said township of Sayreville, 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 South Amboy and Sayreville. Property and liabilities to be apportioned.

said town committees shall refuse or neglect to meet as aforesaid, then those assembled shall 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 Sayreville as a majority of those assembled may think proper.

Proviso. 5. *And be it enacted*, That nothing in this act shall be so construed as to interfere with the commissions of commissioners of deeds, or justices of the peace, until the terms of the incumbents of those offices, within said townships of South Amboy and Sayreville, shall expire by their limitation.

Commissioners of certain offices not impaired. 6. *And be it enacted*, That the paupers of said townships of South Amboy and Sayreville shall be divided in accordance with the law now in force, determining the legal settlement of the poor.

Paupers. 7. *And be it enacted*, That Andrew J. Disbrow, of Old Bridge, Charles C. Hommann, of South Amboy, and Smith Gildersleve, be and are hereby appointed commissioners to run and mark, by or before the first day of January, eighteen hundred and seventy-seven, the dividing lines between said townships, and to furnish each of said town committee a map thereof, showing the land owners adjoining the same; and a majority of them, the said commissioners, if necessary, can perform the said work, in all respects, and the expense and reasonable compensation of said commissioners to be equally divided between said townships; and said townships shall compose part of the third assembly district of Middlesex county.

Commissioners to run and mark out dividing lines. 8. *And be it enacted*, That this act shall take effect immediately.

Assembly District. Approved April 6, 1876.

CHAPTER LXXVI.

An act to define the status of the township officers of the township of Belleville, in the county of Essex.

WHEREAS, the present township committee of the township of Belleville, in the county of Essex, and other township officers of said township have, in default of the election of other officers to succeed them, held over and exercised the functions of their respective offices for nearly two years; *and whereas*, some uncertainty as to the status of the said township officers existed while the act (now repealed), creating a local government for the city of Belleville was in force; now, in order to settle and remove all doubt which may have existed, or may exist, on that subject, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the acts of the several township officers of the said township, done in pursuance of law, and in the performance of the duties which are by law imposed on such officers, be and the same are hereby ratified, confirmed and made legal, to all intents and purposes, to the same extent as if said act, now repealed, had never been passed, and the said officers had been regularly annually chosen or appointed, and duly qualified. Acts of township officers ratified and confirmed.

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

Approved April 10, 1876.

CHAPTER LXXIX.

A further supplement to an act entitled "An act appointing commissioners of streets and sewers in the city of New Brunswick," approved March twenty-third, eighteen hundred and seventy-one.

- 1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter all assessments for expenses, costs, charges and interest which have been heretofore incurred or which may be hereafter incurred for any public improvement in the said city of New Brunswick, authorized by the act to which this is a supplement or by any supplement thereto, shall be assessed by the said commissioners upon all the owners of land and real estate in the said city, peculiarly benefitted thereby, in proportion as nearly as may be to the advantage each shall be deemed to acquire; and in case the said expenses, costs, charges and interest shall exceed the amount of the said benefits, the balance thereof shall be assessed upon and paid by "the mayor and common council of the city of New Brunswick."
2. *And be it enacted*, That in order to provide for the payment of the expenses, costs, charges and interest of any public improvement as aforesaid, or of any part thereof, the assessment for which may have been or may be hereafter vacated, set aside or declared invalid by the supreme court of this state or by the said commissioners, an assessment shall be made and levied or completed, in accordance with the provisions of this act and of the act to which this is a supplement, and of the several supplements thereto; *provided*, that in case any previous assessment has been paid in whole or in part, and the said commissioners shall deem such land to have not been peculiarly benefitted beyond the amount of such payment with the interest thereon, they shall make no further assessment thereon; and if they shall deem such lands to have been peculiarly benefitted beyond that amount, then the payment

Assess-
ments to be
made upon
owners of
land, &c.,
peculiarly
benefitted
by public
improve-
ments.

Payment of
expenses,
costs,
charges,
and inter-
est how
provided
for.

Proviso.

and interest shall be deducted and an assessment made only for the difference.

3. *And be it enacted*, That whenever the said commissioners shall deem the public good requires that any public road, street, avenue, lane, alley or section thereof, or the sidewalks thereof, in the said city, should be graded or regraded, they may ascertain, determine and pay such damages done to private property, in the performance of the said work, as they may deem equitable; all such damages, together with the costs and expenses of the work and interest to be assessed in accordance with the provisions of this act, and of the act to which this is a supplement, and the several supplements thereto.

4. *And be it enacted*, That each and every assessment made and levied or completed in accordance with the provisions of this act, the act to which this is a supplement, and of the act supplementary thereto, as modified by this act, shall be a lien and shall be collected and enforced in all respects as now directed and authorized by law; *provided*, that when both damages and benefits shall be estimated and assessed upon the same land, and no appeal shall have been taken therefrom, the amount to be paid by the owner of the land assessed, or by the said commissioners, as the case may be, shall be the amount of the difference only between the estimated damages and the assessments for benefits.

5. *And be it enacted*, That it shall be lawful for the said commissioners hereafter to sell any of the "improvement bonds" mentioned in the said act to which this is a supplement, to the best advantage and at such rates as shall be determined by the mayor and treasurer of the said city for the time being, jointly with the said commissioners.

6. *And be it enacted*, That in case of any notice required to be given by law, or by the act to which this is a supplement, or the acts supplementary thereto and not in the said acts prescribed, or the mode of service or publication thereof not therein directed, it shall and may be lawful for the said commissioners to give any such notice by publication thereof for one week in the newspapers published in said city.

7. *And be it enacted*, That it shall and may be lawful for the said commissioners to modify and change any part of the plan heretofore formed or adopted for the general sewerage of the said city and not executed so as to conform

Damages done to private property by grading or re-grading how ascertained and paid.

Assessments to be a lien.

Proviso.

Sale of improvement bonds.

Notice to be given by publication when not otherwise directed.

May modify or change plan for sewerage.

the same to the present exigency of the case and the public welfare, and that the plan of the said sewerage as executed be and the same is hereby ratified and confirmed.

Proceed-
ings in case
any of the
commis-
sioners are
disqualified
by law.

8. *And be it enacted*, That in case any of the said commissioners shall be interested, and thus be disqualified by law to act in any assessment hereafter to be made in the said city, the place of such interested commissioner or commissioners shall be filled by some competent and fit person or persons, as the case may be, to be appointed by one of the justices of the supreme court of this state; and ten days' notice shall be given by the said commissioners of the time and place of application on their behalf, to the said justice, for the appointment of such person or persons, as the case may be, in the newspapers published in the said city, at which time and place, upon satisfactory evidence to him of the due publication of such notice as aforesaid, such justice shall, without unnecessary delay, appoint under his hand and seal, such person or persons as aforesaid, to act in making the said assessment, in the place and stead of such commissioner or commissioners so interested and disqualified as aforesaid, and in case of the death, resignation or disability of the person or persons so appointed, such vacancy or vacancies shall be supplied as soon after as may be, by appointment by one of the justices of the said supreme court, under his hand and seal, on notice as aforesaid upon application on behalf of the said commissioners; and such person or persons so appointed as aforesaid shall, before entering upon the execution of the said duty, take and subscribe an oath or affirmation to make the said assessment fairly, justly and equitably, according to law, to the best of his or their skill and understanding; and such person or persons so appointed as aforesaid, shall jointly with the commissioner or commissioners not interested and disqualified, if any such there be, proceed to make such assessment in accordance with the provisions of this act and of the act to which this is a supplement, and the several supplements thereto; and any assessment so made shall be valid and as effectual in law, and shall be a lien and be enforced the same and in the same manner as if made by the said commissioners in the said original act named; and the compensation of such person or persons shall be paid out of and considered part of the expense of the said commission.

9. *And be it enacted*, That for the services performed by the said commissioners they shall hereafter each receive the sum of one thousand dollars per annum, and that the entire expenses of the said commissioners, other than the salaries of the commissioners, shall not in any event exceed the yearly sum of five thousand dollars. Compensation to commissioners.

10. *And be it enacted*, That all acts and parts of acts in-
consistent with or repugnant to the provisions of this act are hereby modified or repealed, and that this act shall be deemed a public act and take effect immediately. Repealer.

Approved April 11, 1876

CHAPTER LXXXVIII.

A further supplement to an act entitled "An act to incorporate the Camden, Ellisburgh and Marlton Turnpike Company," approved February twenty-eighth, one thousand eight hundred and forty-nine.

WHEREAS, by an act of the legislature of the state of New Jersey, passed the twenty-eighth day of February, one thousand eight hundred and forty-nine, and by a supplement thereto, passed the twenty-fourth day of March, one thousand eight hundred and fifty-two, the said turnpike company was authorized to construct a turnpike road from the village of Marlton to the village of Medford, in the county of Burlington, on and along the main public highway between said villages; *and whereas*, the said company from the want of suitable material along the line of said road have to incur great expenses to keep it in repair, and the receipts having materially decreased since the construction of a railroad from Medford to Mount Holly and Camden, the company are and have been unable to keep all their said road in good repair, even without paying any dividends on its capital stock; *and whereas*, at a special meeting of the stockholders of said com- Preamble.

pany, legally called to consider the propriety of abandoning some part of their said road, it was decided to abandon and surrender that part of their turnpike road between the village of Medford and Darnell's corner, therefore,

Authorized
to surren-
der and
abandon
portion of
road.

Part aban-
doned to be
deemed a
lawful pub-
lic road.

Liability
of company
to cease on
filing writ-
ten surren-
der.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said turnpike company is hereby authorized to yield up and surrender in writing, under the hand of its president and corporate seal, all that part of said turnpike road lying and being between the village of Medford aforesaid, and the said Darnell's corner, and that the said abandoned and surrendered part of said turnpike road shall henceforward be deemed and taken to be a lawful public road, and shall be kept in repair in the same manner, by the same means, and shall be subject to the same laws and regulations as other public roads are in the respective townships in which the same are located.

2. *And be it enacted*, That upon the filing of the said written surrender in the clerk's office of the county of Burlington, to be there recorded, all liability of said company to keep, amend and repair the part of said road so surrendered, with the bridges and culverts pertaining to the same, shall cease and forever determine.

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

Approved April 12, 1876.

CHAPTER CXI.

Supplement to the act approved March twenty-third, eighteen hundred and seventy-one, entitled "A supplement to an act to incorporate the borough of Hightstown," approved March fifth, eighteen hundred and fifty-three.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section fifth of the act to which this is a supplement, which section reads as follows: "that

the common council of the borough of Hightstown when assembled by a majority of votes shall have the sole and exclusive right and power of licensing and assessing every inn keeper and tavern keeper residing within said borough, for such time or term as they may deem expedient, otherwise subject to the same restrictions and provisions, and in like manner in every particular as the same is or may be lawfully done by the inferior court of common pleas in this state," be and the same is hereby repealed.

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

Approved April 13, 1876.

CHAPTER CXII.

An act to authorize the common council of the city of Bordentown in the county of Burlington, to build and maintain a dock or wharf opposite said city and at the end of Park street therein.

WHEREAS, a number of the citizens of said city of Borden- Preamble.
town have by their petition represented that it would greatly promote the advantage and prosperity of said city, and the convenience of its citizens by having a public dock or wharf built on the river Delaware at the terminus of a public road or street known as Park street in said city, and have prayed that an act may be passed authorizing the common council of said city to build, maintain and keep in repair a dock or wharf, extending a sufficient distance into said river for the accommodation of vessels navigating the same; therefore,

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 said city of Bordentown, their successors and assigns to build, maintain and keep in repair a dock or wharf in said city of Bordentown, at the end of a

Authorized
to build and
maintain
a dock or
wharf.

public road or street known as Park street in said city, extending a sufficient distance into the river Delaware, for the accomodation of its citizens and of vessels navigating the same, and from time to time to rebuild and repair the same and to lay vessels at the same and to receive dockage or wharfage therefor from all persons using the same under such ordinances and regulations as may from time to time be made by the common council of said city; *provided*, that this act shall not affect the legal rights of any person or persons whatever; *and provided further*, that such dock shall not extend beyond the exterior line for solid filling as surveyed or hereafter may be, under the direction of the Riparian Commission and shall not interfere with the navigation of said river.

Proviso.

Proviso.

Penalty for
injuring by
any person
or persons.

Proviso.

2. *And be it enacted*, That if any person or persons shall in any way injure the said dock or wharf, such person or persons shall be responsible for and shall make good all damages which may be sustained recoverable by said city in an action of trespass in any court having jurisdiction of the same; *provided*, that nothing in this act shall affect the rights of the state, to the lands lying under water; and the compensation for said lands shall be fixed by the Riparian Commissioners and shall be paid or secured to the state to the satisfaction of the governor on or before the first day of January next, and in default thereof then this act and all the provisions thereof shall thereupon cease and be of no force or effect.

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

Approved April 13, 1876.

CHAPTER CXV.

An act to set off from the townships of Union and Lacy, in the county of Ocean, a new township, to be called the township of Ocean.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the townships ^{Locality.} of Union and Lacy, in the county of Ocean, lying within the following boundaries, that is to say, beginning at the ^{Bounda-} sea, and running first north sixty-seven and a half degrees ^{ries.} west, to the mouth of Little Horse Neck creek, known as the north fork of Lochiel branch; thence (two) westerly up said branch to the bridge on the main shore road leading from Barnegat to Waretown; thence (three) north fifty-seven degrees west, to the north side of the Hezekiah Soper old house standing on the westerly side of the old main road; thence (four) north seventy-eight degrees west to Pancost road; thence (five) westerly along said Pancost road to a stone on the north side of said road in the east line of a tract of land containing about one hundred and seventy acres, now belonging to Samuel Birdsall, said stone being twenty-one chains easterly from where the middle of the Barnegat straight road to Cedar Bridge crosses said Pancost road; thence (six) north sixty-seven and a half degrees west, to a point where the road leading from Millville to the Barnegat and Cedar Bridge straight road intersects said line; thence (seven) northerly to a point where the Jones road crosses the Wells' Mills road, thence north-westerly on or along said Jones road to the south line of Lacy township; thence (eight) easterly along the southerly line of said Lacy township to the mouth of Oyster creek; thence (nine) south seventy-seven degrees and forty-five minutes east to the sea; thence (ten) southerly along the edge of the sea, crossing Barnegat inlet to the beginning, shall be and the same is hereby set off from the said town-

Name.	ships of Union and Lacy, and erected into a separate township to be known by the name of the township of Ocean.
Corporate title.	2. <i>And be it enacted,</i> That the inhabitants of the said township of Ocean, shall be and are hereby constituted a body politic and corporate in law, and shall be styled and known by the name of the inhabitants of the township of Ocean, in the county of Ocean.
Township meetings.	3. <i>And be it enacted,</i> That the inhabitants of the said township of Ocean hereby created shall hold their first town meeting for the election of officers of said township at the Hopkins' house, now kept by Mrs. Sophia P. Hall, in the village of Waretown, on the first Tuesday in May next, ensuing; and that the board of election at said first town meeting shall be chosen in the manner provided by law, in the case of a vacancy in said board; and that the inhabitants of said township shall be entitled to all rights, powers and privileges conferred upon the inhabitants of the several townships of this state, by 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, eighteen hundred and sixty, and shall elect the several township officers provided for therein.
Disposition of paupers.	4. <i>And be it enacted,</i> That all paupers who may be chargeable to the said townships of Union and Lacy, at the time when this act shall go into operation, shall thereafter be chargeable to and supported by that township within the bounds of which they have acquired their settlements respectively, or in which the said paupers may have resided at the time of acquiring their respective settlements; and all persons whose present settlements are in the said townships of Union and Lacy, and who shall hereafter become chargeable as paupers, shall be supported by that one of the said townships, Ocean, Union and Lacy, within the bounds of which they respectively resided at the time of acquiring their respective settlements.
Union, Lacy, and Ocean.	5. <i>And be it enacted,</i> That the township committees of the townships of Union, Lacy and Ocean, shall meet on the third Tuesday in May next, at ten o'clock in the forenoon, at the Hopkins house, in the township of Ocean, and shall then and there proceed by writing to be signed by a majority of those present, to allot and divide between the said townships, all the property and moneys on hand, or due in proportion to the amount of taxable property and ratables
Property and liabilities to be apportioned.	

in each as valued and assessed by the assessors of the said townships of Union and Lacy at their last assessments and included within the respective limits of said townships; and shall also ascertain and determine which of the paupers now supported by the townships of Union and Lacy, have their residence in that part of said townships hereby set off as the township of Ocean, and shall adjourn from time to time, and to such time and place as a majority of those assembled may deem proper; and the inhabitants of the township of Ocean shall be liable to pay their just proportion of the legal debt, if any there should be, and to support and maintain the paupers so allotted to them, and if any of the persons composing either of the town committees shall neglect, or refuse to meet as aforesaid, those assembled may proceed to make the said division, and a decision of a majority of those present shall be final and conclusive.

6. *And be it enacted*, That nothing in this act contained shall be construed to impair, or in anywise affect the rights of the said township of Ocean, in any portion of the surplus revenue of the general government, or to any portion of the state school fund, to which the said township may now, or at any time hereafter be entitled in the distribution of said moneys.

Rights to surplus revenue and portion of state school fund not to be impaired.

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

Approved April 13, 1876.

CHAPTER CXVII.

A supplement to an act entitled "A further supplement to an act entitled 'A act to establish the Long Branch Police Sanitary and Improvement Commission, " approved April eleventh, anno domini eighteen hundred and sixty-seven, approved April eighth, eighteen hundred and seventy-five.

WHEREAS, bonds to the amount of thirty thousand dollars have already been issued by the the Long Branch Com.

Preamble.

mission, under and by virtue of the provisions of an act entitled "A supplement 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, and the supplements thereto; *and whereas*, the said commissioners issued bonds to the amount of five thousand dollars prior to the enactment of the act above mentioned, approved April eighth, eighteen hundred and seventy-five; *and whereas*, doubts have arisen as to the amount of bonds authorized to be issued by "The Long Branch Commissioners," under and by virtue of said act, approved April eighth, eighteen hundred and seventy-five; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section thirty-six of the act to which this is a supplement, which said section reads as follows:

Recital of
section.

"36. *And be it enacted*, That the commissioners shall have power to borrow money from time to time for all purposes for which they are authorized to raise money by tax by this act, and to secure the payment thereof by bond or other instrument under the common seal of the district, and the signature of the president and treasurer, to provide by tax for the payment thereof; *provided*, that all such loans shall be authorized by an ordinance of said commissioners, which ordinance shall distinctly specify and provide the object or objects for which said loan is authorized, the ways and means exclusive of laws, to pay the principal of such loans within twenty years from the time of the contracting of the debt, and also the interest of such loan annually, which ordinance shall be irrevocable until such debt be paid; and said bonds or other instruments shall not be disposed of at less than their par value; *and provided further*, that the total of said bonds or other instruments outstanding and unpaid at any one time shall not exceed the sum of twenty thousand dollars," shall not be construed to include, refer or extend to any bonds issued by the said "The Long Branch Commissioners," prior to the enactment of said act to which this is a supplement, or to bonds now issued for the purpose of establishing a graded school in the town of Long Branch, and known as the Long Branch graded school bonds, and that the amount of bonds or other instruments of indebtedness, authorized by said section thirty-six, shall not be construed to include

Section
how con-
strued.

temporary loans made in anticipation of taxes for any current year, or for payment of any public improvement not exceeding the amount of specific assessment for such improvement.

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

Approved April 15, 1876.

CHAPTER CXVIII.

A further supplement to the act entitled "An act to establish district courts in the city of Newark," passed March fourth, eighteen hundred and seventy-three.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in all cases now depending, or that may hereafter be brought in either of said courts, if either party thereto shall desire a trial by jury, the application therefor shall be made at least one day before the time for trial of said cause, and in case no demand for a trial by jury be so made, the demand for a jury shall be deemed to be waived, and the trial shall be had before the court without a jury, unless the judge before whom the proceeding shall be, shall in his discretion grant an order for the issuing of a venire, notwithstanding the failure of any party to demand a jury as hereinbefore provided.

2. *And be it enacted*, That the clerks of either of said district courts may, in the absence of the judge thereof, adjourn the trial of any cause depending therein, in like manner as the judge of said court might do if present.

3. *And be it enacted*, That the assistant clerks of said courts in case of the absence or death of the respective clerks of said courts, shall have the like powers with said clerks, and shall discharge the duties of such clerks during their absence, and, in case of the death of such clerk, until

his successor shall be appointed; and all warrants, writs and other process during such times shall be issued and signed by such assistant clerk in his own name with the additional words "assistant clerk" thereto, and shall have the same force and effect as though issued and signed by the clerk of either of said courts.

Assistant
clerks to
give bond.

4. *And be it enacted*, That the assistant clerks of said courts shall enter into like bond, as required by the twenty-seventh section of the act to which this is a supplement, in the sum of one thousand dollars, which bond shall be approved and filed, and such remedies had thereon as provided for by said twenty-seventh section of said act.

Stay of pro-
ceedings
not to ex-
ceed time
provided by
law for
perfecting
appeal.

5. *And be it enacted*, That the stay of proceedings in cases of appeal, provided for by the fourth section of the act to which this is a supplement, shall not exceed the time provided by law for perfecting such appeal, or such further time as the judge of either of said courts shall grant for perfecting such appeal, and if any appeal shall not be perfected within the time aforesaid, execution may issue in like manner, and be proceeded upon as though no appeal had been taken.

Warrant
for arrest
or execu-
tion not to
be set aside
except by
justice of
supreme
court or
law judge
of Pleas.

6. *And be it enacted*, That no warrant for the arrest, or execution against the body of any defendant, or any of the proceedings in relation thereto, shall be reviewed, set aside, or vacated, except by a justice of the supreme court, or the law judge of the court of common pleas of the county of Essex upon application to one of them after reasonable notice to the plaintiff of an application for that purpose, any law, to the contrary thereof notwithstanding.

7. *And be it enacted*, That in addition to the fees now allowed by law in said courts, the following fees shall be allowed:

Fees.

For issuing every summons, warrant, or writ of attachment the additional sum of seventy-five cents;

For the hearing of every cause the additional sum of twenty-five cents;

For signing and sealing every certificate, twenty-five cents;

For hearing every motion for a new trial, two dollars; which fees, together with the other fees provided by law, shall be paid over to the treasurer of the city of Newark in like manner as provided by the act to which this is a supplement.

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

Approved April 17, 1876.

CHAPTER CXX.

A supplement to an act entitled "An act to provide for the more efficient government of the city of Trenton."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the police justices of the city of Trenton shall each receive an annual salary of five hundred dollars, to be paid monthly by the treasurer of said city, upon orders drawn in the usual manner; and the said salary shall be in lieu of all fees and costs whatever. ^{Annual salary.}

2. *And be it enacted*, That all the taxable fees and costs to which the said justices or others might by law be entitled, shall hereafter be collected and paid by the said justice into the said treasury; *provided*, that in all cases where the offender is committed or sentenced by said justice to the county jail, the taxable fees and costs shall be paid to the county collector. ^{Fees and costs to be paid to city treasurer. Proviso.}

3. *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. ^{Repealer.}

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

Approved April 17, 1876.

CHAPTER CXXV.

A further supplement to an act entitled "An act to revise and amend the charter of the city of Camden," approved February fourteenth, eighteen hundred and seventy-one.

Section re-
pealed. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one hundred and one, of the act to which this is a supplement, which section reads as follows :

"That the city council of the city of Camden shall have the exclusive power to grant licenses to persons to keep inns and taverns and victualling houses, with the privilege of retailing spirituous, vinous and malt liquors within the said city," be and the same is hereby repealed.

Section re-
pealed. 2. *And be it enacted*, That section one hundred and two of the act to which this is a supplement, which section reads as follows :

"That every application for license as aforesaid shall be made to said city council by the petition of the person or persons applying for the same, stating that the place or premises where the said inn and tavern or victualling house is proposed to be kept, and a certificate thereunto annexed, signed by at least twelve respectable citizens and freeholders in the ward in which the place or premises is or are situate, setting forth that such inn and tavern or victualling house is necessary to accommodate the public and entertain strangers and travellers, and such person or persons is or are of good repute for honesty and temperance, well capable of carrying on the trade or business for which the tavern is requested, and well provided with room and other suitable convenience for the comfort and accommodation of the public, of strangers and travellers," be and the same is hereby repealed.

Section re-
pealed. 3. *And be it enacted*, That section one hundred and three of the act to which this is a supplement, which section reads as follows :

"That the city council shall have power, on every application to keep an inn or tavern or victualling house as aforesaid, to grant or withhold the same, and to revoke, for cause shown, any license whatever granted by said city council; the said city council shall charge for every license granted not less than thirty nor more than two hundred dollars, and may attach such terms and conditions to the license as they may deem proper, and no license shall be granted for a longer term than one year; every license shall be signed by the president and clerk of council and no license shall be delivered until the fee thereof shall be paid to the city clerk, and all moneys received for license shall be paid to the city treasurer for the use of said city," be and the same is hereby repealed.

4. *And be it enacted*, That so much of paragraph four of section thirty of the act to which this is a supplement, ^{Portion of section repealed.} which paragraph is in the following words: "To license and regulate restaurants, victualling houses or cellars, ale and lager beer saloons or gardens, billiard tables and bowling alleys, and to prohibit the keeping of the same except by persons duly licensed" as empowers the city council of the city of Camden to license and regulate restaurants, victualling houses or cellars, ale and lager beer saloons or gardens be and the same is hereby repealed.

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

Approved April 18, 1876.

CHAPTER CLIV.

A further supplement to an act entitled "An act to revise and amend the charter of the town of Harrison," approved March sixth, eighteen hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of section ten, of the ^{Repealer} supplement to the charter of the town of Harrison, which

supplement was approved April sixth, eighteen hundred and seventy-five, which provides as follows: "No person shall be eligible or shall be appointed or elected to the office of police justice of said town for a second term immediately succeeding the term which he shall have served already," be and the same is hereby repealed.

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

Approved April 21, 1876.

CHAPTER CLXIII.

A further supplement to an act entitled "An act to authorize the inhabitants of the township of Bloomfield, in the county of Essex, to vote by ballot at their town meetings," approved February eighteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sixth section of the supplement to the act entitled "An act to authorize the inhabitants of the township of Bloomfield, in the county of Essex, to vote by ballot at their town meetings," approved February eighteenth, eighteen hundred and forty-six, which said supplement was approved April fourth, eighteen hundred and sixty-seven, which reads as follows:

Repealer. "6. *And be it enacted*, That the annual meeting of the legal voters of the said township, for the election of township officers, shall hereafter be held on the second Monday in March of each year," be and the same is hereby repealed.

Approved April 21, 1873.

CHAPTER CXCI.

A further supplement to "An act to revise and amend the charter of the city of Rahway," approved March twenty-third, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That sections eighteen and twenty of "A supplement to an act entitled 'An act to revise and amend the charter of the city of Rahway,'" approved March twenty-third, eighteen hundred and sixty-five, which said supplement was approved April fourth, eighteen hundred and seventy-two, and which said sections read as follows, to wit:

"18. *And be it enacted*, That the salaries or fees of all city and ward officers, whose compensation or fees are defined by law or ordinance, and all demands against said city based on duly authorized contracts signed by the mayor, may be paid on the report of the auditor and treasurer by the warrant of the mayor countersigned by the city clerk, without an order of the common council.

"20. *And be it enacted*, That the receiver of taxes and city treasurer for the said city shall be entitled to receive one and one-half per centum on all moneys received or collected by them, the said per centum to be computed from the commencement of the term of office of the present incumbents, and so much of the sixty-ninth section of the act to which this is a further supplement as authorizes a commission of two per centum on moneys paid into the city treasury is hereby repealed;" be and said sections eighteen and twenty are hereby repealed, *provided*, that this act shall not apply to the present incumbents.

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

Approved April 21, 1876.

CHAPTER CXCI.

An act to confirm the acknowledgements and proofs of deeds and other instruments in writing taken by Joseph Warren.

Preamble. WHEREAS, it appears to the legislature that Joseph Warren was duly appointed on the first day of April, in the year eighteen hundred and seventy-two, one of the commissioners to take the acknowledgements and proofs of deeds for the third aldermanic district, Jersey City, county of Hudson and state of New Jersey, and was commissioned and sworn into office by virtue of said commission; *and whereas*, it appears that said Joseph Warren thereafter removed his residence out of said third aldermanic district, and after such removal, from ignorance of the laws of this state, continued to take acknowledgments and proofs, by reason of which defective acknowledgements and proofs innocent persons may be subject to great loss; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several acknowledgements and proofs of deeds and other instruments of writing, taken and certified by the said Joseph Warren as commissioner, after his removal out of said third aldermanic district, be and the same are hereby confirmed and declared valid and effectual, in like manner as though the same had been taken and certified by him while residing in the said district for which he had been appointed.

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

Approved April 21, 1876.

Acts legalized and confirmed.

CHAPTER CC.

An act relative to town meetings in the township of Wayne,
in the county of Passaic.

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 incorporating the inhabitants of townships, designating their powers and regulating their meetings,'" approved April fourteenth, one thousand eight hundred and forty-six, which said supplement was approved February fifth, one thousand eight hundred and seventy-three, and is in the following words, to wit:

"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;" be and same is hereby repealed.

Approved April 21, 1876.

CHAPTER CCXI.

A supplement to an act entitled "An act to regulate fishing with seines in Barnegat bay," passed February seventeenth, eighteen hundred and forty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of ^{Fishing} with fikes,

pounds or
weirs, pro-
hibited.

this act, it shall not be lawful for any person or persons to set or use, within the tide waters of Barnegat bay, or any of the rivers, coves or other tributary waters thereof, any fike or fikes, pound or pounds, weir or weirs, for the purpose of taking fish therefrom.

Use of
gill-nets
prohibited
during cer-
tain seas-
ons and be-
tween cer-
tain hours
of each day.

2. *And be it enacted*, That it shall not be lawful for any person or persons to set or use any gill-net or gill-nets, or other stationary device for the purpose of taking fish from the aforesaid waters, between the first day of November and the first day of June, yearly and every year, nor during the remainder of the year, between the hours of seven o'clock in the morning, and six o'clock in the evening, of each day.

Hauling
any seine
or other
moving net
prohibited
during a
certain
season.

3. *And be it enacted*, That it shall not be lawful for any person or persons to haul any seine or other moving net for the purpose of taking fish from that portion of said Barnegat bay lying between "Sea Weed" Point and Cedar creek, between the first day of July and the first day of September, yearly and every year.

Penalty.

4. *And be it enacted*, That if any person or persons shall violate any of the provisions of this act he or they shall, for each and every offence, forfeit and pay one hundred dollars, with costs of suit, to be recovered by action of debt, by any person who shall prosecute for the same, in any court having cognizance of that sum, one-half thereof to the use of the prosecutor, and the other half to the county collector for the use of the county.

Additional
penalty.

5. *And be it enacted*, That as an additional penalty all boats or vessels, together with the fikes, pounds, gill-nets, seines and other implements employed, or used in the violation of this act shall be forfeited by the owners thereof, and may be seized, in such act of violation, and sold, the proceeds of such sale after deducting the costs and expenses to be applied as above.

Repealer.

6. *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 on the first day of June next.

Approved April 21, 1876.

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P R I V A T E A C T S .

PRIVATE ACTS

PASSED BY THE

One Hundredth Legislature.

CHAPTER XXVI.

An act for the relief of Moses R. Quigley.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Moses R. Quigley of the county of Mercer, be and is hereby restored to all his former rights and privileges as a citizen of New Jersey. Rights and privileges restored.

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

Approved March 15, 1876.

CHAPTER XXXVIII.

An act to confirm the title to land, sold by Maria Antonia Beck, as attorney in fact for John Beck, to Valentine Markart.

WHEREAS, John Beck, of the city, county and state of New York, did on the twenty-fourth day of June, anno domini Preamble.

eighteen hundred and fifty-six, execute and deliver to Maria Antonia Beck, his wife, a certain letter of attorney, bearing date the day and year aforesaid, empowering said Maria Antonia Beck to sell, grant, and convey a certain lot of land, on the south side of Springfield avenue, in the city of Newark, county of Essex, and state of New Jersey, and known as lot number sixty-five, on a map of Charles N. Buck; and by virtue of said letter of attorney, said Maria Antonia Beck did, as such attorney in fact, of John Beck, sell and convey, by deed dated August twelfth, eighteen hundred and fifty-six, to Valentine Markart, the premises aforesaid, known as number sixty-five on said map of said Charles N. Buck; *and whereas*, the letter of attorney, under and by virtue of which said Maria Antonia Beck attempted to convey said premises, was not recorded at the same time as the conveyance to said Valentine Markart, and cannot now be found; *and whereas*, it has been alleged that the title to said lot, so conveyed to said Valentine Markart, is defective, because said letter of attorney was not duly recorded at the same time as the conveyance to said Markart; *and whereas*, also the said John Beck and Maria Antonia Beck, his attorney in fact, are now deceased, for remedy whereof, and to confirm the title of said Valentine Markart, and his heirs and assigns, to the land so conveyed to him as aforesaid; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said deed, so made by said Maria Antonia Beck, so far as the execution thereof by said Maria Antonia Beck, as attorney in fact for said John Beck, her husband, to said Valentine Markart, be, and the same is hereby declared valid and effectual in law, and to convey and vest in the said Valentine Markart, and his heirs and assigns, and such person or persons as have since purchased from said Valentine Markart all of the estate of said John Beck, in and to said lot, at the time of said sale, and the execution of said deed by the said Maria Antonia Beck, as attorney in fact for said John Beck, as fully as such estate would have been conveyed and vested, had said letter of attorney been duly recorded at the proper time.

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

Approved March 20, 1876.

Deed declared valid and effectual.

Estate vested in Valentine Markart.

CHAPTER XLIX.

An act to change the name of Daniel Donovan to Daniel Curran.

WHEREAS, Daniel Donovan of Jersey City, Hudson county, is Preamble.
desirous of having his name changed to Daniel Curran,
and no reason appearing to the contrary,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of Daniel Donovan of Jersey City, in the county of Hudson, be, and the same Name changed to Daniel Curran.
is hereby changed to Daniel Curran, and by that name he shall possess and enjoy all the rights, powers and privileges which he would have possessed and enjoyed had he retained his original name of Daniel Donovan.

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

Approved March 30, 1876.

CHAPTER LVI.

An act to authorize Isaac Vanwagenen and Jabez P. Pennington, executors of the last will of James Baldwin, deceased, to convey land devised to them in trust by said will.

WHEREAS, James Baldwin, late of the city of Newark, in the Preamble.
state of New Jersey, now deceased, by his last will, devised to Isaac Vanwagenen and Jabez P. Pennington, executors of said last will, in trust, four certain city lots of land, situate in said city of Newark, for a site for a school house and lecture room, to be for the use of a denomination of christians called Methodist Episcopal; *and where-*

as, the said Methodist Episcopal christians have, at large expense, erected and furnished buildings upon said lots of land, in execution of the object and intent of the said devise, and in pursuance of the same, and have established a church and organized a society incorporated under the general law of this state, by the name of "The South Market Street Methodist Episcopal Church, of Newark, New Jersey;" *and whereas*, the said executors and the society are desirous that the title to said lands should be vested in the said society; *and whereas*, it is believed to be necessary to the security and prosperity of said society that it should hold the title in fee of said lots of land; *therefore*,

Executors
authorized
to convey
land de-
vised, &c.

Society au-
thorized to
receive con-
veyance
from exec-
utors.

Receipt
and ac-
ceptance
of convey-
ance to dis-
charge ex-
ecutors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it may and shall be lawful for the said Isaac Vanwagenen and Jabez P. Pennington, the executors of the last will of James Baldwin, late of the city of Newark, in the state of New Jersey, deceased, to make conveyance, and the said Isaac Vanwagenen and Jabez P. Pennington, execuors as aforesaid, are authorized and empowered to make conveyance in fee of the said four city lots of land in the city of Newark, so devised to them by the said James Baldwin, as is mentioned in the foregoing preamble, to the said The South Market Street Methodist Episcopal Church, of the city of Newark, New Jersey, and to make as good and perfect title to the said lands, by such conveyance, as the said James Baldwin could have made and conveyed at the time of his decease; *and also*, that it shall and may be lawful for the said society to receive and take such conveyance from the said executors, of said lands, and the fee thereof shall, by force of such conveyance, be vested in said society as fully and perfectly, and the said society shall take hold and enjoy said lands as fully, perfectly and entirely as though the said James Baldwin had, in his lifetime conveyed said lands directly to said society by his deed, with full covenants.

2. *And be it enacted*, That whenever such conveyance as is provided for in and by the foregoing section, is made and delivered by the said Isaac Vanwagenen and Jabez P. Pennington, and received and accepted by the said The South Market Street Methodist Episcopal Church, of Newark, the said Isaac Vanwagenen and Jabez P. Pennington, and each of them, shall be, from thenceforth forever freed and dis-

charged from all duties, responsibilities and reliabilities created and imposed upon them by the aforesaid trust and devise.

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

Approved April 4, 1876.

CHAPTER LXXXII.

An act to confirm title of land to "The Trustees of the New Asbury Meeting House" of the Methodist Episcopal Church, at Townsend Inlet, Cape May county, New Jersey.

WHEREAS, Henry Swain, Jr., and wife, by deed of indenture, Preamble. dated April twenty-eighth, anno domini eighteen hundred and seventy-three, and recorded in the clerk's office of Cape May county, New Jersey, in book number thirty-nine of deeds, pages six hundred and eight, six hundred and nine, and six hundred and ten, granted and conveyed to the trustees of the Asbury Methodist Episcopal Church of Townsend Inlet, Middle Township, county and state aforesaid, in trust, &c., a certain lot of land, building and premises containing one acre as therein described, for the use of the church; *and whereas*, the correct corporate name of the purchasing grantee aforesaid is "the trustees of the New Asbury meeting house" of the Methodist Episcopal Church, and doubts exist whether said property can be legally held by reason of said error in the grantee's name in said deed; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said deed is hereby made legal, with power to the church by its correct name to hold Deed legalized. and convey the same.

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

Approved April 12, 1876.

CHAPTER LXXXIV.

An act to change the corporate name of the First Presbyterian church, of Hopewell.

Name
changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporate name of the First Presbyterian church, of Hopewell, is hereby changed to the First Presbyterian church, of Pennington, in the county of Mercer; and by that name shall hereafter be called and known for all purposes whatsoever; and that the legal rights and liabilities of the said church shall remain the same as if the name had not been changed.

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

Approved April 12, 1876.

CHAPTER LXXXVI.

An act to authorize the trustees of the Methodist Episcopal church of Dover, New Jersey, to sell and convey and mortgage certain real estate.

Trustees
empower-
ed to sell
and convey
land and
real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Methodist Episcopal church of Dover, in the county of Morris and state of New Jersey, or their successors in office, be and they are hereby authorized and empowered to sell and convey all or any part of the land and real estate, with the appurtenances thereto belonging, now held in trust as the property or for the use of the said Methodist Episcopal church at Dover, by virtue of a deed made to David San-

ford, Aaron Doty, James McDavit, Frederick B. Dalrimple and Henry C. Bonnell, trustees of the Methodist Episcopal church, and to their successors in office, by Henry McFarlan, David Ayers and Stephen Van Rensselaar, trustees of Henry McFarlan, deceased, by virtue of an act entitled "an act to vest certain real estate whereof Henry McFarlan died seized," passed March sixth, anno domini eighteen hundred and thirty-two; said deed bears date August first, anno domini eighteen hundred and thirty-eight, and is recorded in the Morris county record of deeds in book S three, folios forty-six and forty-seven; and to make and deliver to the purchaser or purchasers a good and sufficient deed or deeds for the same under the hands and seals of the said trustees of the Methodist Episcopal church of Dover, by which said purchaser or purchasers, their heirs and assigns, shall hold the same so conveyed to his, her or their own use, free and clear and absolutely discharged from all trusts whatever upon which the same has heretofore been held; and the trustees of the Methodist Episcopal church in Dover, or their successors, are hereby also empowered and authorized to mortgage any part or all of the real estate held by them by virtue of the before mentioned deed, when in their opinion it becomes necessary so to do.

2. *And be it enacted*, That the proceeds of the sale or sales or mortgage or mortgages shall be used by the trustees of the Methodist Episcopal church in Dover to aid in paying the cost of construction, erection and maintaining the new church or chapel lately erected by them, and for the use and benefit of the members of the Methodist Episcopal church.

Proceeds of
sale how to
be employ-
ed.

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

Approved April 12, 1876.

CHAPTER CXIII.

An act to legalize, ratify and validate all acts and proceedings had or done heretofore by the Dime Savings Bank of the city of Hudson.

Preamble. WHEREAS, the governor of this state, in accordance with the provisions of an act entitled "An act providing for, declaring and making known that certain laws and joint resolutions have become inoperative and void," approved March third, eighteen hundred and seventy-three, has, by his proclamations issued and dated respectively the first day of December, anno domini eighteen hundred and seventy-three, and the eighth day of September, anno domini eighteen hundred and seventy-four, made known that the act entitled "An act to incorporate the Dime Savings Bank of the city of Hudson," approved February tenth, eighteen hundred and sixty-nine, has become and is inoperative and void, because the parties therein interested have failed to pay the assessment required by law; and *whereas*, such failure to pay said assessment has arisen from mistake or inadvertence; now therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all acts and proceedings had or done heretofore by the savings bank association originally organized under the provisions of the act entitled "An act to incorporate the Dime Savings Bank of the city of Hudson," approved February tenth, eighteen hundred and sixty-nine, and since known as the "Dime Savings Bank of the city of Hudson," be and the same are hereby legalized, and made valid, so far as the same would have been legal and valid if said assessment had been paid according to law and no further, *provided*, That the state assessments upon the said original act, and on this act be paid on or before the first day of July next after the passage of this act.

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

Approved April 13, 1876.

CHAPTER CXIV.

A supplement to an act entitled "An act to incorporate the Jolly Mining Company," approved February 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 the corporate name of the Jolly Mining Company, be and the same is hereby changed to "The Dover Mining Company." ^{Name changed.}

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

Approved April 13, 1876

CHAPTER CXLII.

An act restoring Edward H. Eakins to the rights of citizenship.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edward H. Eakins, of Patter-son, in the county of Passaic, be, and he is hereby restored to all his rights and privileges as a citizen of New Jersey. ^{Rights and privileges restored.}

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

Approved April 20, 1876.

CHAPTER CLXIV.

An act to repeal the ninth section of "An act to incorporate the Guttenberg Ferry Company."

Repealer. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section nine of an act entitled "An act to incorporate the Guttenberg Ferry Company," approved March twenty-fifth, eighteen hundred and sixty-nine, be and the same is hereby repealed.

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

Approved April 21, 1876.

CHAPTER CCL.

An act for the relief of the trustees of the Methodist Episcopal Church Shiloh, in the city of New Brunswick.

Preamble. WHEREAS, The trustees of the Methodist Episcopal Church Shiloh, in the city of New Brunswick, are the owners in fee simple of a lot of land situate on the southerly side of Liberty street, in the said city of New Brunswick, by deed to them from James Smith, dated the twenty-sixth day of April, eighteen hundred and seventeen, recorded in the office of the clerk of the county of Middlesex, in Book D twelve, of conveyances, on pages eight hundred and seventy-four, and so forth, in trust, expressed in said deed that they shall keep in constant repair the house erected on said premises for the members of the Methodist Episcopal Church in the United States of America, to worship in according to the rules and discipline which

from time to time may be agreed upon and adopted by the ministers and preachers of the said church at their general conferences in the United States of America, and in further trust and confidence that they shall at all times forever hereafter permit such ministers and preachers belonging to the said church as shall from time to time be duly authorized by the general conferences of the ministers and preachers of the said Methodist Episcopal Church, or by the annual conferences authorized by the said general conferences to preach and expound God's Holy Word therein; *and whereas*, the trustees of the said the Methodist Episcopal Church Shiloh, in the city of New Brunswick, have purchased a lot of land in the said city more favorably located for the purposes expressed in the said trusts, and have erected thereon a large and expensive church edifice, to be used forever in the same manner and for the same purposes and by the same denomination in the said trusts specified, and are unable to maintain two Churches in the said city of New Brunswick, and are obliged to abandon the use of the lot and building so as aforesaid conveyed to them, and desire to sell and convey the same and use the money arising from the said sale, and the whole thereof towards and for the construction of their said new church building in substantial conformity to and within the spirit of the said trusts; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Methodist Episcopal Church Shiloh, in the city of New Brunswick, are hereby authorized and empowered to sell either at public or private sale all the real estate aforesaid in New Brunswick conveyed to them by the said James Smith in and by the deed aforesaid, and to make and deliver to the purchaser or purchasers therefor a good and sufficient conveyance for the same, by which the whole title of the said corporation to the said lands and premises shall pass to the purchaser or purchasers free and clear, and absolutely and forever discharged from all trusts whatsoever upon which the same is or has heretofore been held. Trustees
authorized
to sell
real estate.

2. *And be it enacted*, That the proceeds of said sale or sales of said lands and buildings shall be invested by the said corporation in the construction of their said new church edifice, and in payment for the same exclusively. Proceeds
of sale how
invested.

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

Approved April 21, 1876.

CHAPTER CCII.

An act to authorize the corporation of "The Sisters of the Poor of Saint Francis," in the state of New Jersey, to sell certain real estate.

Preamble. WHEREAS, one Peter Gunn, of Jersey City, New Jersey, by his will, bearing date on the eleventh day of August, in the year of our Lord one thousand eight hundred and sixty-eight, did give, devise and bequeath, after the death of his wife, Rose Ann Gunn, all his real estate to the Sisters of the Poor of Jersey City, upon condition that they will apply all the rents and revenues of said real estate towards the object of their organization, and that said rents and revenues shall be so applied perpetually and for no other purpose whatever; *and whereas*, the said the Sisters of the Poor of Jersey City were incorporated by an act of the legislature approved February ninth, eighteen hundred and sixty-nine, by the name of "The Sisters of the Poor of St. Francis; *and whereas*, the said Rose Ann Gunn, has departed this life; *and whereas*, the real estate so devised consists in part of old and dilapidated buildings, and in its present condition is of little use or benefit to said corporation; *and whereas*, it is equitable and just and beneficial to the charity intended in said will, that the said real estate be sold by the said corporation, in order that the proceeds of said sale may be invested and the income thereof applied towards the objects of the said corporation,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporation of "The Sisters of the Poor of Saint Francis," in the state of New Jersey, and their successors shall have power, and they are hereby

Corporation empowered to sell real estate, &c.

authorized to sell and convey the real estate devised to the said corporation by the last will and testament of Peter Gunn, deceased, late of Jersey City, New Jersey, dated August eleventh, in the year of our Lord one thousand eight hundred and sixty-eight, and to execute a good and sufficient deed, or good and sufficient deeds thereof, to convey the same in fee simple to the purchaser or purchasers, which said deed or deeds may be with or without the usual covenants or any of them, and subject to any incumbrances.

2. *And be it enacted*, That the proceeds of such sale shall be kept, and from time to time invested and reinvested by said corporation, and that the income of such investments shall be applied perpetually towards the objects of said corporation. Proceeds of sale how invested.

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

Approved April 21, 1876.

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ABSTRACT
—OF—
THE CENSUS
—OF THE—
STATE OF NEW JERSEY
FOR THE YEAR 1875.

PRINTED BY ORDER OF THE LEGISLATURE

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—
1876.

STATE OF NEW JERSEY,
DEPARTMENT OF STATE,
TRENTON, April 21, 1875. }

HON. JOHN D. CARSCALLEN,

Speaker of House of Assembly,

SIR:—I herewith transmit an abstract of the census of
1875, taken from the files deposited in my office to this date.

HENRY C. KELSEY,

Secretary of State.

Abstract of Census Returns for the County of Atlantic, 1875.

TOWNSHIPS	NATIVE.				FOREIGN.				CHILDREN BETWEEN 5 AND 16 YEARS OF AGE				Blind, Deaf and Dumb, Idiots or Insane.	Total Number of Inhab- itants in Township.
	White Males.	White Females.	Col'd Males.	Col'd Females.	White Males.	White Females.	Col'd Males.	Col'd Females.	White Males.	White Females.	Col'd Males.	Col'd Females.		
Absecon	305	298	.....	.....	14	9	.....	.....	59	75	.....	.....	.....	626
Atlantic City	859	894	31	40	97	88	.....	.....	260	270	4	9	2	2009
Buena Vista	294	310	9	5	133	26	.....	.....	115	121	1	.....	2	837
Egg Harbor City	372	391	8	7	390	348	.....	.....	223	214	1	2	3	1516
Egg Harbor Township	1736	1754	16	12	16	6	.....	.....	534	589	4	5	14	3540
Galloway	996	928	5	3	127	121	.....	.....	288	286	1	.....	3	2180
Hamilton	631	651	8	10	31	25	.....	.....	189	182	1	1	4	1356
Hammonton	606	668	10	7	130	124	.....	.....	188	195	3	4	1	1545
*Mullica .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	862
Weymouth	329	334	1	1	1	1	.....	.....	98	81	1	1	.....	667
Total	6128	6228	88	85	939	808	.....	.....	1954	2013	16	22	29	15138

*Township from which no returns have been received. The figures given are as reported by census of 1870.

Abstract of Census Returns for the County of Bergen, 1875.

TOWNSHIPS.	NATIVE.				FOREIGN.				CHILDREN BETWEEN 5 AND 16 YEARS OF AGE.				Blind, Deaf and Dumb, Idots or Insane.	Total Number of Inhab- itants in Township.
	White Males.	White Females.	Col'd Males.	Col'd Females.	White Males.	White Females.	Col'd Males.	Col'd Females.	White Males.	White Females.	Col'd Males.	Col'd Females.		
Englewood.....	1267	1337	108	121	475	624	.....	.....	404	439	13	23	4	3932
Franklin.....	1333	1310	55	33	279	290	.....	.....	403	381	9	9	11	3300
Harrington.....	982	999	109	121	242	223	.....	.....	318	306	29	34	6	2676
Hobokus	1292	1254	109	100	131	129	.....	.....	376	350	30	31	5	3015
Lodi	1036	983	48	63	816	736	.....	.....	516	515	15	19	5	3682
Midland	601	597	103	87	123	108	1	.....	202	168	23	26	7	1620
New Barbadoes.....	1582	1746	86	120	404	413	1	.....	451	469	15	18	5	4352
Palisade	708	696	71	79	173	167	.....	.....	258	247	16	18	1	1894
Ridgefield.....	1226	1224	22	26	534	532	.....	.....	509	469	2	1	6	3564
Saddle River.....	515	459	31	27	191	201	.....	.....	180	153	7	4	3	1424
Union	978	1097	36	28	501	417	.....	.....	313	353	9	4	1	3057
Washington.....	1289	1273	112	88	127	111	.....	.....	344	328	33	26	12	3000
Total	12809	12975	890	893	3996	3951	2	.....	4274	4178	201	213	66	35516

Abstract of Census Returns for the County of Burlington, 1875.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				CHILDREN BETWEEN 5 AND 16 YEARS OF AGE.					Total Number of Inhabitants in Township.
	White Males.	White Females.	Colored Males.	Colored Females.	White Males.	White Females.	Colored Males.	Colored Females.	White Males.	White Females.	Colored Males.	Colored Females.	Blind, Deaf and Dumb, or Insane.	
Bass River.....	519	453	6	6	12	7	.....	.....	147	145	1	4	.....	1003
Beverly.....	1017	1123	4	4	102	111	.....	.....	276	279	.....	.....	.....	2501
Bordentown.....	2095	2238	111	108	234	274	.....	.....	536	567	31	27	7	5110
Burlington—First and Second Wards.....	2857	3210	269	342	276	341	1	1	847	841	60	71	10	7297
Chester.....	976	1142	42	43	102	107	.....	.....	290	292	3	7	2	2412
Chesterfield.....	689	692	42	40	31	26	.....	.....	261	237	13	12	.....	1520
Cinnaminson.....	1347	1339	68	64	267	273	.....	.....	453	499	19	17	10	3358
Evesham.....	655	628	76	61	73	60	.....	.....	193	161	22	20	2	1553
Florence.....	770	651	7	7	56	43	.....	.....	238	193	2	3	.....	1534
Little Egg Harbor.....	901	877	1	3	11	7	.....	.....	274	282	.....	2	3	1800
Lumberton.....	722	739	14	15	64	61	.....	.....	172	195	4	5	4	1615
Mansfield.....	747	744	16	15	40	35	.....	.....	172	169	1	4	2	1597
Medford.....	1 22	1063	27	29	38	29	.....	.....	262	235	5	5	2	2208
Mount Laurel.....	710	631	87	86	81	78	.....	.....	221	182	13	21	1	1673
New Hanover.....	1151	1128	103	82	37	41	.....	.....	342	304	39	21	5	2542
Northampton.....	1543	2076	103	129	116	141	.....	.....	356	396	22	23	5	4108
Pemberton.....	1472	1397	23	18	53	45	.....	.....	346	326	5	3	.....	3908
Randolph.....	237	212	1	1	5	4	.....	.....	56	40	1	1	.....	460
Shamcong..	524	493	19	17	29	15	.....	.....	131	131	7	6	1	1097
Southampton.....	1189	1162	2	3	38	36	.....	.....	315	276	.....	.....	3	2430
Springfield.....	861	792	16	20	33	25	.....	.....	251	232	4	6	1	1747
Washington.....	238	236	4	5	10	6	.....	.....	69	86	.....	2	1	499
Westhampton.....	516	495	60	66	32	31	.....	.....	139	145	11	19	2	1200
Willingboro'.....	317	312	11	4	24	22	.....	.....	94	84	6	1	1	690
Woodland.....	152	147	3	1	16	14	.....	.....	39	48	.....	.....	.....	333
Total.....	23227	23980	1115	1169	1830	1832	1	1	6520	6342	269	280	62	53155

Abstract of Census Returns for the County of Camden, 1875.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				CHILDREN BETWEEN 5 AND 16 YEARS OF AGE.				Blind, Deaf and Dumb, Idiots or Insane.	Total Number of Inhab- itants in Township.
	White Males.	White Females.	Col'd Males.	Col'd Females.	White Males.	White Females.	Col'd Males.	Col'd Females.	White Males.	White Females.	Col'd Males.	Col'd Females.		
Camden—1st ward.....	2399	2755	21	39	324	394	.....	.....	687	839	2	.....	.....	5932
“ 2d ward.....	1560	1709	6	35	319	317	.....	.....	431	462	1	1	.....	3946
“ 3d ward.....	1292	1441	2	.....	156	140	.....	.....	333	361	.....	.....	2	3031
“ 4th ward.....	2270	2504	.....	15	232	240	.....	.....	637	658	.....	.....	.....	5261
“ 5th ward.....	2044	2030	273	333	289	296	2	.....	539	574	55	52	3	5267
“ 6th ward.....	1440	1507	61	70	213	188	.....	1	448	449	13	10	.....	3480
“ 7th ward.....	1184	1226	351	407	305	286	.....	1	423	402	71	77	1	3760
“ 8th ward.....	907	898	544	584	122	117	3	.....	271	247	130	136	4	3175
	13096	14070	1258	1483	1960	1978	5	2	3769	3992	272	276	10	33852
Centre	346	351	244	270	29	18	3	.....	93	92	65	94	3	1261
Delaware	574	530	46	35	95	78	.....	.....	190	163	16	9	6	1358
Gloucester	1193	1009	93	77	75	53	1	.....	273	282	28	18	18	2501
Gloucester City.....	1865	1995	6	5	553	680	.....	1	716	743	2	3	3	5105
Haddon	947	1054	169	160	94	116	.....	1	226	257	41	41	2	2541
Merchantville	162	154	13	18	13	20	.....	.....	59	37	3	5	1	380
Stockton.....	655	580	337	326	115	89	4	.....	208	184	97	60	.....	2106
Waterford.....	925	844	16	8	111	99	.....	.....	294	264	5	1	6	2003
Winslow.....	894	828	7	7	78	73	.....	.....	333	267	3	3	2	1887
Total	20657	21415	2189	2389	3123	3204	13	4	6161	6281	532	510	51	52994

Abstract of Census Returns for the County of Cape May, 1875.

TOWNSHIPS.	NATIVE.				FOREIGN.				CHILDREN BETWEEN 5 AND 16 YEARS OF AGE.				Blind, Deaf and Dumb, Idiots or Insane.	Total Number of Inhab- itants in Township.
	White Males.	White Females.	Col'd Males.	Col'd Females.	White Males.	White Females.	Col'd Males.	Col'd Females.	White Males.	White Females.	Col'd Males.	Col'd Females.		
Cape May City	487	511	63	54	44	42	.....	.....	147	127	16	10	2	1201
Dennis.....	769	793	1	.....	14	8	.....	.....	239	230	.....	.....	4	1585
Lower	644	659	70	81	12	13	.....	1	174	138	16	23	2	1480
Middle.....	1105	1176	35	26	7	6	.....	.....	385	379	11	9	6	2355
Upper	764	797	1	.....	4	3	.....	.....	207	194	1	.....	6	1569
Total	3769	3936	170	161	81	72	.....	1	1452	1068	44	42	20	8190

Abstract of Census Returns for the County of Cumberland, 1875.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				CHILDREN BETWEEN 5 AND 16 YEARS OF AGE.				Blind, Deaf & Dumb, Idiots or Insane.	Total Number of In- habitants in Town- ship.
	White Males.	White Females.	Col'd Males.	Col'd Females.	White Males	White Females	Col'd Males.	Col'd Females.	White Males.	White Females.	Col'd Males.	Col'd Females.		
Bridgeton—1st ward.....	1619	1630	88	104	96	78	.....	.....	380	366	17	23	5	3615
“ 2d ward.....	1034	979	63	61	48	37	.....	.....	304	275	18	16	1	2222
“ 3d ward.....	867	991	67	70	67	54	.....	.....	242	219	19	13	2	2116
	3520	3600	218	235	211	169	.....	.....	926	860	54	52	8	7953
Commercial.....	1101	1049	1	.....	1	.....	.....	.....	335	288	.....	.....	2	2152
Deerfield.....	709	686	16	18	29	21	.....	.....	319	207	7	4	5	1470
Downe.....	823	736	1	.....	.....	.....	.....	.....	193	189	.....	.....	2	1560
Fairfield.....	1428	1384	233	228	26	11	.....	.....	349	344	70	77	16	3310
Greenwich.....	442	416	164	142	5	4	.....	.....	102	100	50	35	4	1173
Hopewell.....	807	773	50	43	27	15	.....	.....	286	265	31	31	10	1715
Landis.....	2299	2352	88	87	304	296	1	4	597	646	13	16	6	5431
Maurice River.....	1327	1238	17	22	16	8	.....	.....	355	327	6	8	4	2628
Millville—1st ward.....	1041	960	48	53	67	45	.....	.....	347	274	10	17	2	2214
“ 2d ward.....	1214	1238	10	10	63	43	.....	.....	395	336	1	4	7	2578
“ 3d ward.....	899	873	4	1	97	109	.....	.....	300	294	.....	.....	1	1983
	3154	3071	62	64	227	197	.....	.....	1042	904	11	21	10	6775
Stoe Creek.....	557	517	27	16	15	12	.....	.....	171	148	7	9	.....	1144
Total.....	16158	15822	877	855	861	733	1	4	4675	4278	249	253	67	35311

Abstract of Census Returns for the County of Essex, 1875.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				CHILDREN BETWEEN 5 AND 16 YEARS OF AGE.				Blind, Deaf and Dumb, Idiots or Insane.	Total Number of Inhabitants in Township.
	White Males.	White Females.	Colored Males.	Colored Females.	White Males.	White Females.	Colored Males.	Colored Females.	White Males.	White Females.	Colored Males.	Colored Females.		
Belleville	971	986	29	29	373	407	.....	.....	285	265	4	3	4	2795
Bloomfield	1835	2033	76	81	670	728	.....	.....	615	616	18	13	5	5425
Caldwell	1265	1251	10	5	216	147	.....	.....	370	377	2	1	4	2897
Clinton	491	1065	15	18	308	260	.....	.....	331	526	4	3	1	2657
East Orange	2345	2696	47	79	534	796	.....	.....	718	774	3	7	10	6497
Franklin	522	499	1	3	259	272	.....	.....	183	187	.....	.....	.....	1556
Livingston	542	484	10	9	115	80	.....	.....	240	192	3	2	1	1200
Millburn	527	594	6	8	196	209	1	.....	203	229	.....	3	1	1541
Montclair	1434	1501	68	70	386	568	.....	1	422	386	18	11	4	4034
Newark—1st ward	2332	2784	88	97	681	963	.....	.....	659	804	9	4	4	7000
“ 2d ward	2469	2699	201	220	1209	1212	.....	.....	844	907	30	33	3	8010
“ 3d ward	1944	2161	164	167	573	762	.....	.....	696	695	33	29	4	5771
“ 4th ward	1912	1976	78	77	1065	1108	.....	.....	656	553	10	6	3	6216
“ 5th ward	1709	1863	14	16	617	701	.....	.....	618	591	2	1	3	4920
“ 6th ward	4264	4266	15	17	2672	2660	.....	.....	2091	2036	4	5	4	13894
“ 7th ward	2477	2526	55	64	1455	1563	1	.....	1184	1248	18	13	8	8141
“ 8th ward	3327	3345	44	73	1445	1609	.....	.....	1240	1406	2	4	9	10343
“ 9th ward	2218	2616	92	124	470	662	.....	.....	576	605	16	31	6	6192
“ 10th ward	3691	3730	128	140	1492	1471	.....	.....	1562	1471	32	33	5	10652
“ 11th ward	1772	1894	13	31	648	721	.....	1	680	698	1	6	114	5080
“ 12th ward	3115	3435	15	20	2629	2440	2	2	1662	1637	5	7	11	11858
“ 13th ward	4224	4472	215	243	3290	3266	.....	3	2285	2235	47	54	10	18713
“ 14th ward	1169	1394	24	47	258	281	.....	.....	292	328	3	5	15	3173
“ 15th ward	2082	2188	24	27	985	1041	.....	.....	867	835	6	6	1	6347
	38965	41849	1165	1373	19489	20460	3	6	15912	16079	217	237	200	123310
Orange—1st ward	989	969	64	94	414	489	1	.....	351	388	9	8	3	3020
“ 2d ward	1049	1045	51	56	479	560	.....	.....	387	383	11	11	1	3240
“ 3d ward	1449	1346	56	26	805	874	.....	.....	611	547	3	3	.....	4553
	3487	3360	165	176	1698	1926	1	.....	1349	1314	23	22	4	10813
South Orange	1198	1180	11	7	398	458	.....	.....	402	353	3	1	4	3252
West Orange	944	949	31	41	393	476	1	.....	516	461	1	1	.....	2835
Total	54929	58453	1634	1899	25035	26787	6	9	21551	21699	296	304	238	168812

Abstract of Census Returns for the County of Gloucester, 1875.

TOWNSHIPS.	NATIVE.				FOREIGN.				CHILDREN BETWEEN 5 AND 16 YEARS OF AGE.				Blind, Deaf and Dumb, Idiots or Insane.	Total Number of Inhab- itants in Township.
	White Males.	White Females	Col'd Males.	Col'd Females.	White Males.	White Females.	Col'd Males.	Col'd Females.	White Males.	White Females.	Col'd Males.	Col'd Females.		
Clayton.....	1729	1685	22	14	160	134	.....	.....	562	489	8	5	8	3744
Deptford.....	552	543	72	58	45	34	.....	.....	150	134	14	13	1	1304
Franklin.....	995	918	37	39	95	75	.....	.....	290	258	9	16	2	2159
Greenwich.....	1075	1031	43	36	87	68	.....	.....	268	245	12	11	.....	2340
Harrison.....	1324	1255	32	21	111	112	.....	.....	391	347	9	5	7	2885
Mantua.....	817	766	4	1	59	63	.....	.....	210	209	.....	.....	4	1710
Monroe.....	824	750	6	8	59	49	.....	.....	287	258	.....	2	.....	1696
Washington.....	641	575	17	13	42	29	.....	.....	174	158	6	2	1	1317
West Deptford.....	630	612	46	42	74	58	.....	.....	201	169	18	14	5	1462
Woodbury.....	767	832	137	141	85	67	.....	.....	205	193	51	39	3	2029
Woolwich.....	1696	1587	124	113	181	139	.....	.....	517	479	36	34	6	3840
Total.....	11050	10554	540	486	1028	828	.....	.....	3255	2939	163	141	37	24486

Abstract of Census Returns for the County of Hudson, 1875.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				CHILDREN BETWEEN 5 AND 16 YEARS OF AGE.				Blind, Deaf and Dumb, Idiots or Insane.	Total Number of Inhabitants in Township.
	White Males.	White Females.	Colored Males.	Colored Females.	White Males.	White Females.	Colored Males.	Colored Females.	White Males.	White Females.	Colored Males.	Colored Females.		
Bayonne—1st, 2d, 3d and 4th wards.....	1909	1999	30	39	918	940	1	..	734	728	4	4	4	5836
Harrison—1st ward.....	416	417	..	..	309	357	..	..	222	217	..	..	2	1499
“ 2d ward.....	248	167	2	2	161	170	..	..	110	135	3	..	..	856
“ 3d ward.....	301	344	..	6	155	136	..	..	140	144	..	1	..	944
“ 4th ward.....	416	402	..	..	327	321	..	..	243	206	..	..	1	1466
Hoboken—1st, 2d, 3d and 4th wards.....	1381	1430	10	8	952	984	..	..	715	702	3	1	3	4765
Jersey City—1st district.....	6369	6560	14	30	5817	5976	..	..	3067	3085	..	1	11	24766
“ 2d district.....	4424	4486	21	20	2554	2916	..	..	1575	1646	1	..	7	14421
“ 3d district.....	6604	6528	66	67	6105	6122	..	..	3190	3298	14	17	3	25492
“ 4th district.....	6098	6183	121	134	2344	2615	..	2	1979	2127	20	24	18	17504
“ 5th district.....	6699	7082	12	21	4811	4363	1	..	2830	2801	..	..	13	22989
“ 6th district.....	4085	4495	74	96	1546	1751	..	1	1458	1495	13	21	3	11958
“ 6th district.....	5454	5661	92	140	2631	28.6	1	..	2101	2079	14	20	6	16865
Kearney.....	33364	24370	386	478	19991	20653	2	3	13133	13446	62	82	50	109227
North Bergen.....	427	408	10	4	287	265	..	..	162	157	2	..	2	1401
Town of Union.....	1129	1029	35	38	941	756	..	..	588	530	8	14	152	3928
Union.....	1271	1295	..	..	1066	1042	..	2	690	682	..	..	2	4676
Weehawken.....	768	757	1	..	561	493	..	..	438	421	..	..	4	2580
West Hoboken.....	174	162	3	1	122	139	1	..	58	56	1	..	..	602
West Hoboken.....	1372	1455	12	15	1222	1130	8	5	802	740	4	3	2	5219
Total.....	48164	49445	501	613	31877	32378	12	10	20366	20547	84	105	230	163000

Abstract of Census Returns for the County of Hunterdon, 1875.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				CHILDREN BETWEEN 5 AND 16 YEARS OF AGE.				Blind, Deaf and Dumb, Idiots or Insane.	Total Number of Inhabitants in Township.
	White Males.	White Females.	Colored Males.	Colored Females.	White Males.	White Females.	Colored Males.	Colored Females.	White Males.	White Females.	Colored Males.	Colored Females.		
Alexandria.....	705	679	.....	.....	15	17	.....	.....	191	158	.....	.....	4	1416
Bethlehem.....	1254	1251	16	19	159	127	.....	.....	359	376	1	5	7	2826
Clinton.....	937	966	17	11	72	40	.....	.....	243	262	2	1	4	2043
Delaware.....	1507	1402	22	17	56	32	.....	.....	354	319	8	5	2	3 96
East Amwell.....	784	786	41	38	20	15	.....	.....	200	201	10	7	2	1684
Franklin.....	680	627	3	2	13	8	.....	.....	207	185	.....	.....	2	1333
Frenchtown.....	435	516	2	3	3	1	.....	.....	95	90	.....	.....	5	960
High Bridge.....	937	942	1	2	78	60	.....	.....	312	249	.....	.....	11	2020
Holland.....	877	922	11	12	19	11	.....	.....	202	223	4	4	6	1852
Kingwood.....	857	892	3	5	14	8	.....	.....	201	213	1	2	5	1779
Lambertville—1st ward.....	525	601	.....	.....	165	165	.....	.....	202	260	.....	.....	1	14*6
“ 2d ward.....	479	579	5	8	69	87	.....	.....	105	150	1	2	2	1227
“ 3d ward.....	640	704	2	4	51	50	.....	.....	189	191	1	1	7	1451
	1644	1884	7	12	285	302	.....	.....	416	601	2	3	10	4134
Lebanon.....	1211	1288	11	12	119	119	.....	.....	362	424	6	3	15	2760
Raritan.....	1572	1674	59	62	111	68	.....	.....	459	431	10	8	4	3546
Readington.....	1442	1499	15	20	45	22	.....	.....	356	368	2	8	5	3043
Tewksbury.....	965	935	27	27	18	11	.....	.....	267	243	11	8	1	1983
Town of Clinton.....	389	418	9	19	32	33	.....	.....	93	102	4	3	1	900
Union.....	499	485	6	5	58	27	.....	.....	134	124	.....	.....	4	1080
West Amwell.....	479	478	5	9	27	20	.....	.....	132	112	.....	1	3	1018
Total.....	17174	17704	255	275	1144	921	.....	.....	4583	4681	61	58	91	37473

Abstract of Census Returns for the County of Mercer, 1875.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				CHILDREN BETWEEN 5 AND 16 YEARS OF AGE.				Blind, Deaf and Dumb, Idiots or Insane.	Total Number of Inhab- itants in Township.
	White Males.	White Females.	Col'd Males.	Col'd Females.	White Males.	White Females.	Col'd Males.	Col'd Females.	White Males.	White Females.	Col'd Males.	Col'd Females.		
Chambersburg.....	1328	1316	2	4	572	546	.....	.....	591	521	.....	1	1	3768
East Windsor.....	998	1055	40	48	45	44	.....	.....	307	288	14	13	2	2230
Ewing.....	656	626	98	87	206	132	.....	.....	177	189	26	21	3	1805
Hamilton.....	1490	1488	76	73	182	141	.....	.....	464	409	18	18	11	3450
Hopewell.....	1899	1897	153	144	146	133	.....	.....	461	438	36	31	9	4372
Lawrence.....	928	898	100	90	356	307	.....	.....	335	313	15	17	5	2679
Princeton.....	1379	1494	242	297	210	288	6	7	455	442	66	56	11	3923
Trenton—1st ward.....	1403	1679	15	29	279	294	.....	.....	418	436	.....	.....	.....	3699
“ 2d ward.....	887	1013	128	126	155	204	5	2	344	350	57	36	.....	2520
“ 3d ward.....	1795	1971	6	13	635	602	.....	.....	669	682	3	3	1	5022
“ 4th ward.....	1437	1520	3	5	474	470	.....	.....	623	633	2	1	2	3909
“ 5th ward.....	1483	1536	77	128	422	377	.....	.....	433	477	16	28	1	4013
“ 6th ward.....	447	433	1	.....	165	169	.....	.....	174	178	.....	.....	.....	1215
“ 7th ward.....	1648	1672	161	183	496	493	.....	.....	623	562	29	22	16	4653
	9090	9824	391	484	2626	2609	5	2	3284	3318	107	90	20	25031
Washington.....	577	530	35	33	45	44	.....	.....	188	180	15	12	1	1264
West Windsor.....	637	571	46	27	41	40	.....	.....	191	168	13	5	1	1362
Total.....	18982	19699	1183	1287	4429	4284	11	9	6443	6266	310	264	64	49884

Abstract of Census Returns for the County of Middlesex, 1875.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				CHILDREN BETWEEN 5 AND 16 YEARS OF AGE.				Blind, Deaf and Dumb, Idiots or Insane.	Total Number of Inhab- itants in Township.
	White Males.	White Females.	Col'd Males.	Col'd Females.	White Males.	White Females.	Col'd Males.	Col'd Females.	White Males.	White Females.	Col'd Males.	Col'd Females.		
Cranbury	708	762	58	41	39	42	1	.....	214	184	11	5	7	1651
East Brunswick	1138	1199	43	26	317	221	.....	.....	386	367	18	7	19	2944
*Madison .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1637
Monroe	1140	1008	49	24	134	95	.....	.....	502	380	16	10	6	2450
New Brunswick—1st ward	6055	6525	266	334	1637	1841	1	1	2136	2035	68	76	6	16660
“ “ 2d ward														
“ “ 3d ward														
“ “ 4th ward														
“ “ 5th ward														
“ “ 6th ward														
North Brunswick.....	476	424	26	19	116	94	.....	.....	161	138	7	7	9	1155
Perth Amboy.....	1325	1331	12	14	630	458	.....	.....	408	415	1	2	1	3770
Piscataway	1157	1178	51	42	214	160	.....	.....	340	305	5	8	5	3802
Raritan.....	1503	1429	42	44	325	304	.....	.....	499	414	13	8	5	3647
South Amboy.....	1755	1802	3	4	969	660	.....	.....	662	574	2	2	1	5193
South Brunswick.....	1162	1152	94	59	128	104	.....	.....	315	330	26	12	4	2699
Woodbridge.....	1275	1238	30	37	651	474	.....	.....	465	417	6	6	6	3705
Total	17694	18048	674	644	5160	4453	2	1	6088	5559	173	143	69	48313

*Township from which no returns have been received. The figures given are as reported by census of 1870.

Abstract of Census Returns for the County of Monmouth, 1875.

TOWNSHIPS.	NATIVE.				FOREIGN.				CHILDREN BETWEEN 5 AND 16 YEARS OF AGE.				Blind, Deaf and Dumb, Idiots or Insane.	Total Number of Inhab- itants in Township.
	White Males.	White Females	Col'd Males.	Col'd Females.	White Males.	White Females	Col'd Males.	Col'd Females.	White Males.	White Females.	Colored Males.	Col'd Females.		
Atlantic.....	604	612	84	85	140	127	1	.....	210	226	29	21	6	1653
Eatontown.....	1015	1118	133	115	78	77	1	.....	287	286	30	22	2	2573
Freehold	1463	1574	123	128	138	145	.....	.....	435	430	28	26	8	3571
Holmdel.....	533	579	24	36	84	82	.....	.....	174	183	13	13	.....	1338
Howell	1628	1551	5	4	66	46	.....	.....	536	461	1	1	5	3300
Manalapan	843	892	58	62	128	111	.....	.....	247	259	19	18	4	2094
Marlboro	925	936	49	37	166	161	.....	.....	330	298	11	11	4	2274
Matawan.....	1065	1169	92	116	210	223	.....	.....	322	401	21	31	7	2875
Middletown.....	1734	1870	176	166	281	290	.....	.....	577	584	47	48	5	4517
Millstone	973	920	50	35	60	53	.....	.....	312	302	18	13	15	2091
Ocean	2773	2715	106	93	219	201	2	.....	791	845	19	15	5	6109
Raritan	1553	1630	30	45	140	166	.....	.....	417	439	2	6	5	3564
Shrewsbury	2268	2484	377	375	423	402	.....	1	645	670	110	86	18	6330
Upper Freehold	1575	1567	169	139	75	73	.....	.....	467	398	29	36	3	3598
Wall	1281	1270	7	7	24	24	.....	.....	390	366	3	4	9	2613
Total	20269	20887	1483	1443	2232	2181	4	1	6140	6148	380	351	96	48500

Abstract of Census Returns for the County of Morris, 1875.

TOWNSHIPS.	NATIVE.				FOREIGN.				CHILDREN BETWEEN 5 AND 16 YEARS OF AGE.				Blind, Deaf and Dumb, Idiots or Insane.	Total Number of Inhab- itants in Township.
	White Males.	White Females.	Col'd Males.	Col'd Females.	White Males.	White Females.	Col'd Males.	Col'd Females.	White Males.	White Females.	Col'd Males.	Col'd Females.		
Boonton.....	1426	1433	19	22	326	350	.....	.....	491	459	.....	.....	4	3576
Chatham.....	1590	1702	62	84	423	577	1	1	483	442	14	19	12	4440
Chester.....	645	666	5	5	74	72	.....	.....	194	215	.....	1	.....	1467
*Hanover.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3624
Jefferson.....	774	734	1	.....	134	97	.....	.....	271	218	.....	.....	.....	1740
Mendham.....	720	735	11	10	79	65	.....	.....	216	187	1	2	3	1620
Montville.....	680	646	14	16	47	39	.....	1	212	190	2	4	11	1443
Morris.....	2584	2784	115	170	613	734	.....	.....	797	867	14	27	7	6950
Mount Olive.....	813	744	3	.....	113	87	.....	.....	303	258	.....	.....	3	1760
Passaic.....	782	722	5	5	138	116	.....	.....	224	184	.....	.....	7	1718
Pequannock.....	785	794	29	15	46	24	.....	.....	226	213	5	1	2	1693
Randolph.....	2408	2381	17	25	1438	1307	.....	.....	802	787	4	7	11	7576
Rockaway.....	2419	2371	12	14	1086	924	.....	.....	1076	971	.....	.....	7	6826
Roxbury.....	902	903	3	5	183	161	.....	.....	276	279	.....	.....	3	2157
Washington.....	1196	1179	3	6	24	21	.....	.....	366	362	.....	2	2	2429
Total.....	17624	17794	299	377	4724	4574	1	2	5937	5632	40	63	72	49019

*Township from which no returns have been received. The figures given are as reported by census of 1870.

Abstract of Census Returns for the County of Ocean, 1875.

TOWNSHIPS.	NATIVE.				FOREIGN.				CHILDREN BETWEEN 5 AND 16 YEARS OF AGE.				Blind, Deaf and Dumb, Idiots or Insane.	Total Number of Inhab- itants in Township.
	White Males.	White Females.	Col'd Males.	Col'd Females.	White Males.	White Females.	Col'd Males.	Col'd Females.	White Males.	White Females.	Col'd Males.	Col'd Females.		
Berkeley.....	357	355	1	2	1	.....	.....	.....	107	113	.....	.....	.....	716
Brick.....	1502	1351	4	6	58	45	.....	.....	429	370	.....	1	8	2966
Dover.....	1107	1054	.....	.....	59	62	.....	.....	364	344	.....	.....	1	2282
Eagleswood.....	290	232	.....	.....	1	1	.....	.....	84	54	.....	.....	2	524
Jackson.....	775	708	.....	1	10	9	.....	.....	253	217	.....	.....	.....	1503
Lacey.....	380	337	.....	.....	7	6	.....	.....	116	110	.....	.....	.....	730
Manchester.....	426	420	2	3	65	61	.....	.....	139	184	1	.....	.....	977
Plumsted.....	763	698	26	24	32	25	.....	.....	230	198	3	7	4	1568
Stafford.....	533	480	4	2	16	10	.....	.....	142	128	1	.....	1	1045
Union.....	661	727	.....	.....	6	2	.....	.....	147	182	.....	.....	.....	1396
Total.....	6794	6362	37	38	255	221	.....	.....	2011	1900	5	8	16	13707

Abstract of Census Returns for the County of Passaic, 1875.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				CHILDREN BETWEEN 5 AND 16 YEARS OF AGE.				Blind, Deaf & Dumb, Idiots or Insane.	Total Number of In- habitants in Town- ship.
	White Males.	White Females.	Col'd Males.	Col'd Females.	White Males.	White Females.	Col'd Males.	Col'd Females.	White Males.	White Females.	Col'd Males.	Col'd Females.		
Acquackanonk.....	522	508	19	9	272	301	.....	.....	230	205	5	1	.....	1631
Little Falls.....	503	511	2	1	221	219	.....	.....	212	205	.....	.....	1	1457
Manchester.....	484	488	20	21	162	169	.....	.....	196	220	6	5	.....	1344
Passaic—1st ward.....	815	846	10	11	653	575	.....	.....	321	352	1	3	.....	2910
“ 2d ward.....	402	445	44	53	184	194	.....	.....	127	156	6	5	.....	1322
“ 3d ward.....	206	248	5	6	89	97	.....	.....	93	91	.....	.....	.....	651
Paterson—1st ward.....	1423	1539	59	70	926	866	.....	.....	541	599	7	8	.....	4883
“ 2d ward.....	1380	1557	16	24	541	532	.....	.....	539	548	3	6	4	4050
“ 3d ward.....	1440	1543	29	34	770	720	.....	.....	660	632	8	7	37	4536
“ 4th ward.....	1704	1860	105	113	875	965	1	.....	690	687	18	22	5	5623
“ 5th ward.....	1444	1677	28	41	593	698	1	.....	498	564	5	5	.....	4482
“ 6th ward.....	1497	1626	22	18	1176	1181	.....	.....	743	770	6	8	6	5520
“ 7th ward.....	915	987	6	9	733	668	.....	.....	411	417	2	2	4	3318
“ 8th ward.....	1196	1294	.....	.....	943	1082	.....	.....	612	648	.....	.....	5	4515
“ 8th ward.....	1806	2044	.....	.....	1434	1486	.....	.....	899	1103	.....	.....	9	6770
.....	11382	12588	206	239	7065	7332	2	.....	5052	5369	42	50	70	38814
Pompton.....	702	647	39	36	71	49	.....	.....	262	217	14	14	9	1544
Wayne.....	676	630	20	15	175	114	.....	.....	213	190	4	4	6	1630
West Milford.....	1197	1173	26	21	32	23	.....	.....	381	379	7	6	7	2472
Total.....	16889	18084	391	412	8924	9073	2	.....	7087	7394	85	88	95	53775

Abstract of Census Returns for the County of Salem, 1875.

TOWNSHIPS AND WARDS.	NATIVE				FOREIGN.				CHILDREN BETWEEN 5 AND 16 YEARS OF AGE.				Blind, Deaf and Dumb, Idiots or Insane.	Total Number of Inhab- itants in Township.
	White Males.	White Females.	Col'd Males.	Col'd Females	White Males.	White Females.	Col'd Males.	Col'd Females.	White Males.	White Females.	Col'd Males.	Col'd Females.		
Elsinboro.....	251	233	63	69	12	7	.....	.....	80	78	17	15	1	635
Lower Alloways Creek.....	619	609	84	57	16	11	.....	.....	244	243	25	28	2	1396
Lower Penns Neck.....	602	551	101	74	22	15	.....	.....	189	172	18	29	7	1365
Mannington.....	550	453	425	432	33	33	3	1	180	136	147	149	2	1930
Pilesgrove.....	1295	1418	237	221	59	46	.....	.....	304	338	70	47	10	3276
Pittsgrove.....	872	732	3	.....	45	32	.....	.....	284	213	.....	.....	1	1684
Quinton.....	466	447	101	91	22	19	.....	.....	125	124	31	21	3	1146
Salem—East ward.....	888	997	77	98	65	54	.....	.....	229	245	16	14	2	2179
“ West ward.....	973	1052	25	53	81	96	.....	.....	276	273	14	10	2	2280
	1861	2049	102	151	146	150	.....	.....	505	518	30	24	4	4459
Upper Alloways Creek.....	864	841	45	32	18	16	.....	.....	215	227	14	7	8	1816
Upper Penns Neck.....	1509	1344	17	14	32	26	.....	.....	435	400	2	2	2	2942
Upper Pittsgrove.....	993	947	20	19	46	27	.....	.....	255	235	4	5	3	2052
Total.....	9882	9624	1198	1160	451	382	3	1	2816	2684	358	327	43	22701

Abstract of Census Returns for the County of Somerset, 1875.

TOWNSHIPS.	NATIVE.				FOREIGN.				CHILDREN BETWEEN 5 AND 16 YEARS OF AGE.				Blind, Deaf and Dumb, Idiots or Insane.	Total Number of Inhab- itants in Township.
	White Males.	White Females	Col'd Males.	Col'd Females.	White Males.	White Females.	Col'd Males.	Col'd Females.	White Males.	White Females.	Col'd Males.	Col'd Females.		
Redminster	921	887	98	90	38	23	.....	.....	257	241	31	24	2	2057
Bernards.....	1153	1162	16	15	155	117	.....	.....	338	327	6	5	6	2618
Branchburg.	585	574	42	42	36	36	.....	.....	164	137	13	6	1	1288
Bridgewater.....	2933	2729	215	263	738	636	.....	.....	880	815	36	21	16	7514
Franklin.....	1552	1565	217	208	253	245	.....	.....	468	464	48	40	8	4040
Hillsborough.....	1424	1505	125	98	321	94	2	.....	414	416	30	18	2	3569
Montgomery	875	858	114	88	435	82	.....	.....	231	249	33	26	10	2452
North Plainfield.....	1142	1173	29	28	215	231	.....	.....	324	308	5	5	5	2818
Warren.....	432	444	5	2	121	93	.....	.....	168	165	.....	.....	1	1097
Total.....	11017	10870	861	834	2312	1557	2	.....	3244	3122	202	145	51	27453

Abstract of Census Returns for the County of Sussex, 1875.

TOWNSHIPS.	NATIVE.				FOREIGN.				CHILDREN BETWEEN 5 AND 16 YEARS OF AGE.				Blind, Deaf and Dumb, Idiots or Insane.	Total Number of Inhab- itants in Township.
	White Males.	White Females.	Col'd Males.	Col'd Females.	White Males.	White Females.	Col'd Males.	Col'd Females.	White Males.	White Females.	Colored Males.	Col'd Females.		
Andover.....	565	592	.....	1	16	10	.....	.....	155	161	.....	.....	1	1184
Byram.....	728	647	2	4	50	31	.....	.....	195	164	1	1	1	1468
Frankford.....	837	876	10	8	38	14	.....	1	214	218	1	.....	36	1784
Greene.....	412	408	.....	1	15	4	.....	.....	105	101	.....	.....	3	840
Hardyston.....	1067	1064	9	9	156	114	.....	.....	360	337	1	4	3	2419
Hampton.....	458	514	1	.....	14	3	.....	.....	146	164	.....	.....	2	990
Lafayette.....	391	426	3	1	21	11	.....	.....	99	110	1	.....	1	853
Montague.....	452	432	7	6	10	11	.....	.....	136	114	2	.....	.....	918
Newton.....	1036	1178	10	9	124	126	.....	.....	313	329	2	1	14	2483
Sandyston.....	583	566	15	13	13	10	.....	.....	153	148	1	2	2	1200
Sparta.....	998	969	6	8	90	84	.....	.....	351	297	.....	3	2	2155
Stillwater.....	703	716	2	1	27	11	.....	.....	264	263	.....	1	4	1460
Vernon.....	951	905	1	4	54	26	.....	.....	285	253	.....	.....	1	1941
Walpack.....	327	298	2	5	.....	.....	.....	.....	84	63	.....	2	.....	632
Wantage.....	1737	1866	9	4	39	28	.....	.....	432	448	2	.....	7	3683
Total	11245	11457	83	74	667	483	.....	1	3292	3180	11	14	77	24010

Abstract of Census Returns for the County of Union, 1875.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				CHILDREN BETWEEN 5 AND 16 YEARS OF AGE.				Blind, Deaf and Dumb, Idiots or Insane.	Total Number of Inhabitants in Township.
	White Males.	White Females.	Colored Males.	Colored Females.	White Males.	White Females.	Colored Males.	Colored Females.	White Males.	White Females.	Colored Males.	Colored Females.		
Clark	111	119	1	1	51	46	.....	.....	41	43	.....	.....	.....	329
Cranford.....	400	425	15	19	142	109	.....	.....	112	130	2	4	1	1110
Elizabeth—1st ward.....	1514	1491	28	36	771	660	.....	.....	683	625	6	7	5	4500
“ 2d ward.....	1338	1280	.....	.....	1067	961	.....	.....	660	658	.....	.....	2	4646
“ 3d ward.....	1121	1173	113	108	768	724	1	2	505	498	29	25	10	3990
“ 4th ward.....	609	773	7	9	167	232	.....	.....	189	221	.....	.....	4	1797
“ 5th ward.....	1748	2055	79	98	432	607	.....	.....	562	576	6	8	2	5019
“ 6th ward.....	739	839	19	20	150	206	.....	1	192	170	4	1	.....	1974
“ 7th ward.....	575	683	25	31	141	228	.....	.....	170	161	8	2	.....	1683
“ 8th ward.....	760	817	13	13	303	408	.....	.....	266	302	4	5	7	1314
	8404	9091	284	315	3739	4026	1	3	3227	3211	57	48	30	25923
Linden.....	586	679	38	43	222	188	.....	1	177	195	5	5	.....	1757
New Providence.....	308	334	12	9	87	88	.....	.....	111	88	2	1	5	838
Plainfield.....	2571	2800	155	193	647	770	.....	.....	678	687	28	17	11	7216
Rahway—1st ward.....	563	525	41	51	114	106	.....	.....	200	176	9	13	.....	1340
“ 2d ward.....	636	662	19	28	206	215	.....	.....	231	219	2	3	8	1766
“ 3d ward.....	949	1110	48	82	173	215	.....	.....	277	298	7	26	2	2577
“ 4th ward.....	479	575	32	39	56	82	.....	1	120	164	9	5	2	1264
	2567	2872	140	200	549	618	.....	1	828	857	27	47	12	6947
Springfield.....	303	338	22	17	69	61	.....	.....	102	105	6	2	2	810
Summit.....	558	588	7	2	166	173	.....	.....	180	168	.....	.....	.....	1489
Union.....	873	924	34	36	236	210	.....	.....	224	205	7	3	2	2313
Westfield.....	1156	1234	61	69	253	263	.....	.....	274	287	10	17	3	3026
Total	17837	19479	769	894	6221	6552	1	5	5954	5976	144	144	66	51758

Abstract of Census Returns for the County of Warren, 1875.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				CHILDREN BETWEEN 5 AND 16 YEARS OF AGE.				Blind, Deaf and Dumb, Idiots or Insane.	Total Number of Inhabitants in Township.
	White Males.	White Females.	Colored Males.	Colored Females.	White Males.	White Females.	Colored Males.	Colored Females.	White Males.	White Females.	Colored Males.	Colored Females.		
Allamuchy.....	331	349	.....	.....	10	10	.....	.....	95	90	.....	.....	1	700
Belvidere.....	741	841	34	38	43	47	.....	.....	214	232	12	7	2	1744
Blairstown.....	712	700	9	8	15	9	.....	.....	172	160	1	4	.....	1453
Franklin.....	803	799	8	7	10	10	.....	.....	204	202	2	1	9	1637
Frelinghuysen.....	574	578	5	3	10	5	.....	.....	136	125	1	.....	.....	1175
Greenwich.....	1368	1247	15	12	48	38	.....	.....	415	352	4	4	4	2728
Hackettstown.....	1225	1282	6	10	105	78	.....	.....	328	333	.....	.....	4	2706
Hardwick.....	312	276	.....	.....	3	1	.....	.....	73	87	.....	.....	.....	592
Harmony.....	639	649	5	4	25	12	.....	.....	202	169	.....	.....	1	1384
Hope.....	786	746	2	3	13	8	.....	.....	217	164	1	1	1	1558
Independence.....	505	467	3	3	27	24	.....	.....	149	112	.....	1	1	1029
Knowlton.....	814	778	1	1	49	29	.....	.....	214	195	1	.....	6	1672
Lopatcong.....	666	641	1	.....	139	143	.....	.....	205	191	.....	.....	1	1590
Mansfield.....	881	844	17	18	64	23	.....	.....	212	230	3	2	5	1847
Oxford.....	1624	1570	22	15	575	380	.....	.....	597	599	6	5	5	4186
Pahaquarry.....	210	193	.....	.....	4	4	.....	.....	81	75	.....	.....	.....	411
Phillipsburg—1st ward.....	793	777	6	10	78	56	.....	.....	197	184	1	2	.....	1720
“ 2d ward.....	778	781	.....	.....	196	172	.....	.....	266	295	.....	.....	.....	1927
“ 3d ward.....	882	911	5	5	198	152	.....	.....	283	333	1	.....	.....	2153
“ 4th ward.....	589	499	.....	.....	195	157	.....	.....	204	222	.....	.....	1	1440
Town of Washington.....	3042	2968	11	15	667	537	.....	.....	950	1034	2	2	1	7240
Washington.....	1039	1001	66	61	86	67	.....	.....	304	250	11	14	2	2320
Washington.....	675	648	1	1	51	41	.....	.....	172	138	1	.....	.....	1417
Total.....	16997	16577	296	199	1944	1466	.....	.....	4940	4738	45	41	43	37389

RECAPITULATION.

COUNTIES.	NATIVE.				FOREIGN.				CHILDREN BETWEEN 5 AND 16 YEARS OF AGE.				Blind, Deaf and Dumb, Idots or Insane.	Total Number of Inhab- itants in Counties.
	White Males.	White Females.	Col'd Males.	Col'd Females.	White Males.	White Females.	Col'd Males.	Col'd Females.	White Males.	White Females.	Col'd Males.	Col'd Females.		
Atlantic.....	4897	4943	49	38	452	372	.....	.....	1471	1529	11	11	24	13967
Bergen.....	12809	12975	890	893	3996	3951	2	.....	4274	4178	201	213	66	35516
Burlington.....	23227	23080	1115	1169	1830	1832	1	1	6520	6342	269	280	62	53155
Camden.....	20657	21415	2189	2389	3123	3204	13	4	6161	6281	532	510	51	52994
Cape May.....	3769	3936	170	161	81	72	.....	1	1152	1068	44	42	20	8190
Cumberland.....	16158	15822	877	855	861	733	1	4	4675	4278	249	253	67	35311
Essex.....	54989	58453	1634	1899	25035	26787	6	9	21551	21699	296	304	238	168812
Gloucester.....	11050	10554	540	486	1028	828	.....	.....	3255	2939	163	141	37	24486
Hudson.....	48164	49445	501	613	31877	32378	12	10	20366	20547	84	105	230	163000
Hunterdon.....	17174	17704	255	275	1144	921	.....	.....	4583	4681	61	58	91	37473
Mercer.....	18982	19699	1183	1287	4429	4284	11	9	6443	6266	310	264	64	49884
Middlesex.....	17694	18048	674	644	5160	4453	2	1	6088	5559	173	143	69	48313
Monmouth.....	20269	20887	1483	1443	2232	2181	4	1	6140	6148	380	351	96	48500
Morris.....	17624	17794	299	377	4724	4574	1	2	5937	5632	40	63	72	49019
Ocean.....	6794	6362	37	38	255	221	.....	.....	2011	1900	5	8	16	13707
Passaic.....	16889	18084	391	412	8924	9073	2	.....	7087	7394	85	88	95	53775
Salem.....	9882	9624	1198	1160	451	382	3	1	2816	2684	358	327	43	22701
Somerset.....	11017	10870	861	834	2312	1557	2	.....	3244	3122	202	145	51	27453
Sussex.....	11245	11457	83	74	667	483	.....	1	3292	3180	11	14	77	24010
Union.....	17837	19479	769	894	6221	6552	1	5	5954	6976	144	144	66	51758
Warren.....	16907	16577	206	199	1944	1466	.....	.....	4940	4738	45	41	43	37389
Total.....	378124	388108	15404	16140	106746	106304	61	49	127960	126141	3663	3505	1578	1019413