

ACTS

33047

OF THE

CATALOGUED

One Hundred and Fifteenth Legislature

OF THE

STATE OF NEW JERSEY,

AND

Forty-Seventh Under the New Constitution.



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

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

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

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

HENRY C. KELSEY,

Secretary of State.

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OF THE

One Hundred and Fifteenth Legislature

OF NEW JERSEY.

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General Public Laws.

GENERAL PUBLIC ACTS

PASSED BY THE

One Hundred and Fifteenth Legislature

CHAPTER I.

An Act to repeal an act entitled "An act for the formation and government of boroughs," approved March twelfth, one thousand eight hundred and ninety.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An act for the formation and government of boroughs," approved March twelfth, one thousand eight hundred and ninety, be and the same is hereby repealed. Repealer.

2. *And be it enacted*, That this act shall not affect the validity and full legal force of any incorporation which may have been heretofore created under the provisions of the act to which this is a repealer, and which has duly elected its officers under the same. Boroughs in existence not affected.

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

Passed February 3, 1891.

CHAPTER III.

An Act regulating the renewal of excise licenses in cities of the second class.

Preamble. WHEREAS, It is deemed best that uniformity should exist in the cities of the same class as to the manner of granting renewals of licenses therein for the keeping of inns and taverns, saloons or victualing-houses; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in all cities of the second class in this state (whether such licenses are now granted by a board of excise, or by commissioners of excise, or by the governing board of such city or its city council), that after a license has once been granted in any such city to keep an inn and tavern, or a license to sell ale, beer and wine, or a license to keep a victualing-house with privilege of retailing spirituous liquors within such city, to any person or persons at any place in such license designated according to the terms of the charter of such city or cities as they now exist, it shall not be requisite in order to give such board of excise, or commissioners of excise, or city council, or other governing body jurisdiction to grant renewals of such licenses that a new application recommended by freeholders shall be first signed and presented to such board; but that the filing with the board or body authorized to grant and renew licenses in any such city of a petition for renewal, signed by the applicant, accompanied by a new bond of the same tenor as accompanied the first application, shall confer full power upon such board to renew such licenses for the term of one year; *provided, always*, that the freeholders who may have recommended the former application shall not be eligible as signers for any new application for the term of one year from the granting of such renewal; *and provided further*, that this act shall in no wise affect applications for new inns and taverns, or saloons or victualing-houses in such cities.

Does away in cities of the second class with the necessity of procuring freeholders to certify to applications for renewal of licenses to hotels, saloons, &c.

Proviso.

Proviso.

2. *And be it enacted*, That all acts or parts of acts, general, special, local or private, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.
Passed February 10, 1891.

CHAPTER IV.

An Act to carry into complete effect in the state of New Jersey the provisions of an act of congress entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of congress approved July second, one thousand eight hundred and sixty-two," which act was approved August thirtieth, one thousand eight hundred and ninety.

WHEREAS, By an act of congress approved August thirtieth, one thousand eight hundred and ninety, the title of which is above recited, certain sums of money were appropriated to be paid annually to each state and territory for the more complete endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, established in accordance with an act of congress approved July second, one thousand eight hundred and sixty-two; *and whereas*, the Rutgers Scientific School, maintained by "The Trustees of Rutgers College in New Jersey," is and always hitherto has been recognized as the agricultural college or agricultural department of the college established in accordance with the said act of congress approved July second, one thousand eight hundred and sixty-two; therefore,

Declares the
assent of the
state to the grant
of congress

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assent of the state of New Jersey to the grant made to this state under the said act of congress approved August thirtieth, one thousand eight hundred and ninety, and to the purpose of said grant, as indicated by the acts of congress relating thereto, is hereby declared and signified, and the secretary of state is hereby directed to transmit a certified copy of this act to the secretary of the treasury and to the secretary of the interior of the United States.

Moneys received
under the acts of
congress to be
paid to Rutgers
College for its
agricultural
department

2. *And be it enacted*, That the moneys received and to be received by this state under the said act of congress approved August thirtieth, one thousand eight hundred and ninety, shall, immediately and as soon as received, be paid over by the treasurer of this state, upon the warrant of the comptroller of this state, and the order of the trustees of Rutgers College, to the treasurer of Rutgers College, for the more complete endowment and maintenance of the said agricultural college or agricultural department of the college, established as aforesaid, for the benefit of agriculture and the mechanic arts, to be by the said trustees applied only to instruction in agriculture, the mechanic arts, the English language and the various branches of mathematical, physical, natural and economic science, with special reference to their applications in the industries of life and to the facilities of such instruction, in accordance with the acts of congress relating thereto.

Legislature em-
powered to pass
laws to enforce
execution of this
act.

3. *And be it enacted*, That the legislature shall have power at any time hereafter to pass such laws as may be deemed necessary and proper to enforce the due execution of this act and the beforementioned acts of congress.

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

Approved February 10, 1891.

LEON ABBETT,
Governor.

JAMES J. BERGEN,
Speaker of the House of Assembly.

ROBERT ADRAIN,
President of the Senate.

CHAPTER V.

A Further Supplement to an act entitled "An act to ascertain the rights of the state and of the riparian owners in the lands lying under the waters of the bay of New York and elsewhere in the state," approved April eleventh, one thousand eight hundred and sixty-four.

WHEREAS, there are islands situate in the tidal waters of this state, the lands below mean high water adjoining to which are the property of this state and are capable of being used for the erection and construction thereon of docks, wharves, piers, warehouses and other structures, which use will greatly promote foreign and inland commerce; *and whereas*, there are reefs and shoals in the tidal waters of this state awash or submerged at mean high water which are the property of this state, which reefs and shoals and the lands below mean high water adjoining thereto which are also the property of this state, are also capable of such use as aforesaid, and foreign and inland commerce will be greatly promoted thereby; *and whereas*, it is just and wise that the state should so legislate as to permit its said lands to be used as aforesaid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the riparian commissioners, or a majority of them therein concurring, with the approval of the governor and after consultation with the board of engineers, acting under the authority of the secretary of war, and known as the harbor commission, shall, from time to time, fix and establish around or in front of all islands, reefs and shoals situate in the tidal waters of this state, exterior lines in said waters, beyond which no pier, wharf, bulkhead, erection or permanent obstruction of any kind shall be made or maintained, and also interior lines for solid filling in said waters be-

Preamble.

Riparian commissioners to establish exterior lines in tidal waters.

Proviso. yond which no permanent obstructions shall be made or maintained other than wharves and piers and erections thereon for commercial uses; *provided, however,* that no exterior line around or in front of any such island, reef or shoal shall be fixed and established in front of any riparian grant which has been heretofore made, unless such exterior line shall be fixed and established after consultation with the said board of engineers at such distance as will, in the judgment of said commissioners, leave a sufficient water way in front of said grants for navigation, and when the riparian commissioners shall have so fixed and established said lines after consultations aforesaid, they shall file a survey and map thereof in the office of the secretary of state, showing the lines for piers and lines for solid filling so fixed and established.

Commissioners may sell or let lands under water. 2. *And be it enacted,* That the said riparian commissioners, or a majority of them, together with the governor, may sell or let to any applicant therefor any of the lands under water and below mean high water mark, embraced within the lines so fixed and established, upon such terms as to purchase money or rental, and under such conditions and restrictions as to time and manner of payment, the duration and renewal of any lease, the occupation and use of the land sold or leased, and such other conditions and restrictions as the interest of the state may require, and as may be fixed and determined by the said riparian commissioners, or a majority of them, together with the governor.

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

Approved February 10, 1891.

CHAPTER VI.

An Act to establish a Department of Banking and Insurance.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there is hereby established a department of banking and insurance, charged with the execution of all laws now in force or which may be enacted hereafter, relative to insurance, banking, savings, trust, guarantee, safe deposit, indemnity, mortgage, investment and loan corporations.

Department of banking and insurance established.

2. *And be it enacted*, That the chief officer of said department, to be denominated the commissioner of banking and insurance, shall be appointed by the governor, by and with the advice and consent of the senate, and shall hold office for the term of three years, beginning on the first day of April, one thousand eight hundred and ninety-one, and until his successor shall be appointed and confirmed, unless sooner removed by the governor for cause; no person shall be appointed as such commissioner who is in any way connected with the management or control of any corporation affected by this act, and his term of office shall immediately cease if at any time he shall become so interested; before entering upon the discharge of his duties the said commissioner shall give bond, conditioned for the faithful discharge of his duties in the sum of twenty-five thousand dollars, with two good and sufficient sureties, freeholders of this state, to be approved by the governor; he shall also take an oath of office before one of the justices of the supreme court in form similar to that now required of the secretary of state, which bond and oath of office shall be filed in the department of state.

Commissioner of banking and insurance.

Bond.

Oath of office.

3. *And be it enacted*, That the said commissioner shall receive an annual salary of four thousand dollars, to be paid monthly by the state treasurer, on the warrant of the comptroller; for all services performed by him he shall

Salary, \$4,000 per annum.

charge the same fees as are now fixed by law for like services in the department of state, and shall make quarterly returns to the comptroller of all fees and moneys collected by him, and pay the sum so collected into the state treasury; he shall employ from time to time such clerks, agents and employees as may be necessary for the proper discharge of his duties; their compensation shall be fixed by the governor and be paid in the same manner as that of the commissioner; *provided*, that the entire sum paid for salaries annually in this department shall not exceed the amount of fees collected by the commissioner and paid into the state treasury.

Clerks and employees.

Salaries shall not exceed fees.

Deputy commissioner.

4. *And be it enacted*, That the said commissioner shall have authority to appoint, with the consent of the governor, a deputy, who shall have power to perform all the duties of the commissioner in case of his absence or inability to act from any cause; said deputy shall be commissioned by the governor, and before entering upon his duties shall execute a bond in the sum of ten thousand dollars, with two sufficient sureties, freeholders of this state, to be conditioned and approved in the same manner as the bond of the commissioner; he shall also take an oath of office in the same manner as the commissioner, which bond and oath shall be filed in the department of state.

Department charged with administration of all acts relative to banking and insurance.

5. *And be it enacted*, That this department shall be vested with all the powers and charged with all the duties and subject to all the obligations and penalties now vested in, conferred and imposed upon the secretary of state, acting as commissioner of insurance, or upon the board of bank commissioners or any other officer or board charged with the execution of the laws relative to subjects recited in the first section of this act, as also building and loan corporations or associations organized under the laws of other states, transacting or to be admitted to transact business in this state.

Building and loan companies of other states.

Seal of office.

6. *And be it enacted*, That the said commissioner, with the approval of the governor, shall devise a seal of office, a description and impression of which, with a certificate of approval by the governor, shall be filed in the department of state; every certificate, assignment, conveyance or other official paper executed by the said com-

missioner under authority of law and sealed with the said seal of his office, shall be received as evidence and may be recorded in proper recording offices in the same manner and with like effect as a deed regularly acknowledged or proved before an officer authorized by law to take proof or acknowledgment of deeds; and all copies of papers in the office of said commissioner, certified by him and authenticated by said seal, shall be accepted as evidence in all cases equally and in like manner as the original; an impression of said seal directly on paper shall be as valid as if made on wax or wafer.

Certificate to be accepted in evidence.

7. *And be it enacted*, That all books, blanks, papers and documents, securities, stocks, bonds and mortgages now in the custody of the secretary of state, acting as commissioner of insurance, or in the office of any other state official or board connected with the matters embraced in this act, shall, on demand, be delivered and transferred to the commissioner of banking and insurance, when appointed, and thereafter remain in his charge and custody.

Documents and deposits to be delivered.

8. *And be it enacted*, That there shall be assigned to said commissioner by the governor suitable offices in the state house for conducting the business of said department, and the superintendent of the state house and grounds shall from time to time furnish the necessary furniture, fuel, lights, and properly care for said offices, the expense thereof to be defrayed in the same manner as like expenses of other departments of the state government.

Office in the State House.

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

Repealer.

Approved February 10, 1891.

CHAPTER VII.

An Act to provide for the imposition of additional state taxes upon life insurance corporations, and for the collection thereof.

Preamble

WHEREAS, The revenue derived from the state under existing legislation is insufficient, the public interests demanding an increase of state taxes upon life insurance companies; *and whereas*, it is undesirable to impose any taxation for state purposes on life insurance companies not incorporated under the laws of this state but doing business therein, because, by reason of the operation of reciprocal or retaliatory legislation of other states the companies of this state would be compelled to pay a much greater amount of taxation to other states than would be collected from such companies of other states by this state; *and whereas*, such companies of this state are willing to bear the entire burden of such taxation, provided such companies of other states be relieved therefrom; therefore,

Taxes or charges in lieu thereof hitherto imposed upon life insurance companies of other states, except those imposed in retaliation, are abolished.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all state taxes or charges in lieu of taxes, which are now imposed by any law of this state upon life insurance companies incorporated by other states of the United States, except such taxes and charges as may be imposed by the reciprocal or retaliatory laws of this state, are hereby abolished; and so much of any act or acts imposing any such taxes or charges is hereby repealed.

In lieu thereof a new and additional tax of thirty-five one-hundredths of one per centum upon their total gross insurance premiums is imposed upon companies of this state.

2. *And be it enacted*, That as a substitute for such taxes and charges hitherto imposed upon companies of other states, all life insurance companies of this state shall pay, in addition to the one per centum tax on surplus imposed by the act entitled "An act to provide for the imposition of state taxes upon certain corporations and for the collection thereof," approved April eighteenth, one thousand eight hundred and eighty-four, a further annual franchise

tax of thirty-five one-hundredths of one per centum upon the total gross insurance premiums collected by such companies of this state during the year ending December thirty-first next preceding; *provided*, that any taxes, or charges in lieu of taxes, that may hereafter be collected by this state from life insurance companies of other states shall be credited in rebate of the taxes hereby imposed on companies of this state, in proportion to the several amounts payable by the several companies of this state under this act; the commissioner of insurance shall ascertain and report to the state board of assessors all facts necessary to enable the said board to ascertain and fix the amount of taxation to be paid by life insurance companies under this act, and shall ascertain and report to said board the amount of rebate to be allowed to said companies as herein provided, and shall also certify to each of said companies the amount of such taxation and the rebate allowed under this act.

Proviso.

Commissioner of insurance to report to state board of assessors rebate allowed.

3. *And be it enacted*, That all the provisions relating to the assessment and collection of the tax provided in said act, approved April eighteenth, one thousand eight hundred and eighty-four, and the remedies therein contained in the event of non-payment, shall, so far as may be, be applicable for the enforcement of this act.

Provisions of act of April 18, 1884, shall be applicable for the enforcement of this act.

4. *And be it enacted*, That this act shall take effect immediately, and this act shall be subject to alteration or repeal by the legislature.

Approved February 10, 1891.

CHAPTER VIII.

An Act to provide for the compensation of certain officers of the legislature.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the following named clerks shall receive the following compensation for their services

Fixing compensation of clerks of committees of the house of assembly.

during the session of one thousand eight hundred and ninety-one: The clerk of the committee on the judiciary of the house of assembly, three hundred dollars; the clerk of the committee on revision of the laws of the house of assembly, three hundred dollars; the clerk of the committee on municipal corporations of the house of assembly, three hundred dollars; the clerk of the committee on corporations of the house of assembly, three hundred dollars; the clerk of the committee on railroads and canals of the house of assembly, three hundred dollars; the clerk of the committee on labor and industries of the house of assembly, three hundred dollars.

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

Approved February 11, 1891.

CHAPTER IX.

An Act to enable cities in this state to increase the number of the police force.

Authorizes cities in which the police force is controlled by the mayor and police commissioners, to increase the force to seventy men, exclusive of superior officers.
Repealer.

1 *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any city in this state in which the police force is controlled by the mayor and a board of police commissioners appointed by him, to increase the said police force to the number of seventy men exclusive of superior officers.

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

Passed February 16, 1891.

CHAPTER X.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any vacancy or vacancies shall occur in the office of commissioners of deeds appointed under section thirty-seven of the act to which this is a supplement, whether by expiration of time or failure of a joint meeting of the senate and general assembly to appoint proper and fit persons for each of the counties of this state as such commissioners of deeds, or by death, resignation or otherwise, or where under any act of the legislature additional commissioners of deeds are to be appointed and by reason of the failure to hold a joint meeting such appointments have not been made, the governor of the state is hereby authorized to appoint such additional commissioners of deeds where failure has been made to make such appointment by reason of no joint meeting of the senate and general assembly, and is also authorized to fill vacancies in such office, arising as hereinbefore set forth, who shall hold office until their successors shall be appointed by a joint meeting of the senate and general assembly.

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

Approved February 16, 1891.

CHAPTER XI.

An Act concerning defective advertisements of sale of real estate.

Validates sales of land under judicial proceedings, notwithstanding defect or irregularity in publication of advertisement.

Proviso.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all sales of land made by virtue of any order, judgment or decree of any court of record of this state shall be confirmed by the court, notwithstanding any defect or irregularity in the publication of the advertisement of such sale; *provided*, that the officer making such sale shall certify, under oath, that such sale was otherwise regular, and that the property was sold for a fair price, in the judgment of such officer; *and provided further*, that the court shall be satisfied by affidavit that the defect or irregularity in the publication was not injurious to the parties in interest.

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

Approved February 16, 1891.

CHAPTER XII.

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

Gives defendants in all criminal cases the right to at least ten peremptory challenges.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon the trial of any indictment where twenty peremptory challenges are not allowed, the defendant or defendants shall be entitled to challenge peremptorily, at any time before the jury is

sworn, ten of the general panel of jurors summoned and returned by the sheriff or other officer.

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

Approved February 16, 1891.

CHAPTER XIII.

A Supplement to an act entitled "An act to enable counties which have no county hospital to assist in maintaining hospitals located in such county," approved April twenty-sixth, one thousand eight hundred and eighty-six.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the board of chosen freeholders of any county of this state which has no hospital located therein maintained by such county other than the hospital or sick ward of the county poorhouse, to make an appropriation of a sum of money not exceeding two thousand five hundred dollars each year, in the same manner that appropriations for other county purposes are made, which sum so appropriated shall be included in the annual tax levy of such county, and collected in the same manner and at the same time as other county taxes, and shall be applied to the purpose of supporting and maintaining such patients as may be sent to any hospital or hospitals supported by private charity and located in such county; *provided*, the ^{Counties having no county hospitals allowed to appropriate \$2,500 toward the support of private hospitals within such county.} sum so appropriated be used and applied for the benefit, ^{Proviso.}

Proviso. comfort and maintenance of such patients, inmates of such hospital, as are residents of said county at the time of being sent to said hospital; *provided, further*, that the provisions of this act shall not apply to counties of the first class.

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

Passed February 16, 1891.

CHAPTER XV.

An Act to provide for the adjustment, division and creation of wards in certain cities in this state, and for the election of officers therein and in said cities.

Cities of not more than fifty thousand inhabitants may re-arrange their wards by a majority vote of the common council.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after the passage of this act, any city of not more than fifty thousand inhabitants may by resolution adopted by a majority vote of the common council or other legislative body thereof, at a regular meeting or at a special meeting called for that purpose, so divide, create, re-create or readjust the wards thereof, and increase or diminish the number of such wards, once in five years, so that each ward shall contain not more than eight hundred legal voters.

Officers to be elected in such wards.

2. *And be it enacted*, That whenever any city council or other legislative body in any city of this state shall divide, create, re-create or readjust the wards of such city, or increase or diminish the number of such wards in conformity with the first section of this act, each ward so created, re-created or readjusted, shall be entitled to elect to the common council or other legislative body thereof to be elected in such city, one councilman or alderman as the case may be, and no more; and one school commissioner and no more; and such other officers as were theretofore elected from the different wards of

such city, whose term of office shall be for the term of two years, except that under the first election held under this act the representatives from the odd numbered wards shall be elected for one year, and the representatives from the even numbered wards shall be elected for two years; and thereafter councilmen or aldermen and school commissioners from such wards shall be elected for two years; *provided*, that if at the date of the first election under this act the term of office of any councilman or other person shall not have expired, then in that case such person shall hold his office for the term for which he was elected. Proviso.

3. *And be it enacted*, That in addition to the councilmen or aldermen, as the case may be, and other officers elected under this act, there shall be elected a councilman or alderman-at-large by all the legal voters of such city; which councilman or alderman so elected shall hold his office for two years, and may reside in any ward therein, and such councilman or alderman so elected shall, by virtue of such election, become president of the city council or board of aldermen as the case may be, of the city in which he is thus elected, with all the powers and privileges appertaining to that office, and appertaining to the office of councilman or alderman. Councilman or alderman at-large.

4. *And be it enacted*, That whenever the wards of any city shall be divided, created, re-created, adjusted, diminished or increased under the provisions of this act, the councilmen or aldermen and school commissioners and other officers herein mentioned, shall be elected from such newly divided, created or adjusted wards at the first municipal election held in such city after such division, creation or adjustment shall have been made. Officers to be elected at first municipal election.

5. *And be it enacted*, That the word "or" wherever it occurs in this act, shall be construed to mean "and" whenever it shall be necessary to give effect to the provisions of this act. Word "or" construed to mean "and" whenever necessary to give effect to provisions of act.

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

Approved February 17, 1891.

CHAPTER XVII.

A Supplement to an act entitled "An act to enable boards of commissioners and improvement commissions in towns and villages or within townships in this state to employ police and fix the compensation of the same," approved March sixth, one thousand eight hundred and eighty-eight.

Section to be amended

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

Board of commissioners or improvement commissions enabled to employ police in townships.

1. *And be it enacted*, That it shall be lawful for any such board of commissioners or improvement commissions to employ one or more police officers for the township within the limits of the jurisdiction of the said commission, and to fix and determine the amount to be expended for the services of said police officer or officers, whose duty it shall be, upon view and without warrant, to apprehend and arrest all persons committing breaches of the peace in said township within the limits of the jurisdiction of said commission, or violating any ordinance of such boards of commissioners, and in like manner to apprehend and arrest all disorderly persons in said township within the limits of the jurisdiction of the said commission, and bring them before a justice of the peace in said township within the limits aforesaid, to be dealt with according to law ; that the justice before whom any such disorderly person or persons shall be tried shall receive the same fees and costs allowed by law for trial of actions of tort before justices of the peace, and that any person or persons so arrested, tried and convicted, upon the evidence of one or more credible witnesses, shall pay all the costs of such arrest, trial and conviction, together with the fine or penalty for the offence of which he shall stand convicted, which fine or penalty shall be paid to the treasurer of said commission for the use of said commission.

Fees of justices of the peace.

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

Approved February 18, 1891.

CHAPTER XVIII.

An Act to amend an act entitled "An act to provide for the publication of the manual of the legislature of New Jersey," approved April sixteenth, one thousand eight hundred and eighty-four.

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

2. *And be it enacted*, That two thousand copies of the "manual of the legislature of New Jersey" shall be furnished for the use of the legislature from year to year at each session thereof; eight hundred copies to be for the senate and twelve hundred copies for the house of assembly; and upon the delivery of the said number of copies of the said legislative manual, upon presentation of a receipt therefor from the sergeant-at-arms of the senate and house of assembly (which receipt, upon the delivery of the said copies, the said sergeant-at-arms are required to give,) to the comptroller of the treasury, the said comptroller shall draw his warrant in favor of the compilers and publishers of the said legislative manual for the price thereof, and the state treasurer shall therefor pay the same. Distribution of the "Legislative Manual."

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

Approved February 18, 1891.

CHAPTER XIX.

An Act to authorize and empower the chancellor to fix and determine the salary or compensation to be paid to the several sergeants-at-arms at the several chancery chambers.

- Chancellor allowed to fix the salary of the sergeants-at-arms at the chancery chambers
1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the chancellor may by a certificate under his hand, filed with the comptroller, fix and designate an annual salary or compensation to be paid to each of the sergeants-at-arms connected with the several chancery chambers of this state; *provided, however*, that the same shall not exceed the sum of one thousand dollars, and shall be in lieu of the per diem or other allowance now fixed by law.
- Proviso.
- Comptroller to draw warrant.
2. *And be it enacted*, That after the filing of such certificate or certificates the comptroller shall draw his warrant or warrants monthly, and the treasurer shall pay the said sergeants-at-arms monthly the salary or compensation fixed in said certificate.
- Repealer.
3. *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 February 18, 1891.

CHAPTER XX.

An Act empowering executors and trustees, holding land and real estate in trust for minor children, to mortgage the same and apply proceeds to the improvement and erection of buildings on said land.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any land or real estate is devised by will to any executor or executors, trustee or trustees, in trust for the benefit of minor children until such time, or until the happening of some event in said will named, and it shall be made to appear to the chancellor by petition of said executor or executors, trustee or trustees named in said will, or the survivor or survivors of them, or any duly appointed person standing and acting in their place, that the land devised as aforesaid is occupied in whole or in part by buildings that are insecure, dilapidated or in need of repair, or that said land is occupied by a building or buildings that is or are incapable of producing an income proportionate with the value of the land, and that it would be to the advantage of said minor children that additions, repairs and improvements be made to said buildings, or that a new building or buildings should be erected, or both, it shall be lawful for the chancellor to order and direct that the petitioner or petitioners as aforesaid, be authorized to enter into a contract or contracts for the improvement of the buildings already on said land or for the erection or erections of such new building or buildings as may be deemed advisable by the chancellor, or both; and it shall be lawful for the chancellor to order and direct that the petitioner or petitioners as aforesaid, borrow on bond secured by mortgage on said land held in trust for said minor children as aforesaid, such sum or sums of money as shall be sufficient in amount to pay for the improvements and additions made to the buildings already on said land or for the erection of new buildings, or both.

Executors empowered to mortgage real estate of minors for improvement of the same.

Repealer.

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

Approved February 18, 1891.

CHAPTER XXI.

A Supplement to an act entitled "An act to amend an act entitled 'An act to establish a system of public instruction'" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, which act to be amended was approved February twenty-first, one thousand eight hundred and eighty-two.

Penalty of \$20 for failure of a district clerk to post notices of the election of trustees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any district clerk who shall fail to post notices of the election of trustees, as required by the act to which this is a supplement, shall pay a fine of twenty dollars, to be recovered in an action of debt in the court for the trial of small causes, by any person resident of said school district.

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

Approved February 23, 1891.

CHAPTER XXII.

An Act for the formation and government of villages.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of any township, or part of one or more townships, in this state may become incorporated as a village under the provisions of this act by complying therewith; *provided*, that no village shall be so incorporated that shall not contain at least three hundred inhabitants; and if the territory included in such proposed village should exceed one square mile in area, then such village must contain three hundred inhabitants for every additional square mile or fraction of a mile of area.

Townships may become villages.

Proviso.

2. *And be it enacted*, That the proceedings for the formation of such village shall be commenced by a petition for an election to be held under this act, addressed to the judge of the circuit court in and for the county wherein said proposed village is situated, which petition shall set forth the name and boundaries of the proposed village, and be signed by persons owning at least one-fifth in value of the taxable real estate in the limits of the proposed village as the same appears upon the assessor's duplicate for the preceding annual tax levy.

Villages to be organized must petition to the judge of the circuit court in the county where it is located for an election, which petition must be signed by at least one-fifth of the taxable real estate in the limits of the village.

3. *And be it enacted*, That previous to the presentation of said petition the said petitioners shall cause an accurate map and verbal description of the boundaries of the territory intended to be embraced within such village to be made by a practical surveyor, showing the quantity of land in such territory, to be verified by the affidavit of the surveyor, and shall also cause an accurate census to be taken of the resident population of such territory within thirty days of the time of presenting said petition, which census shall exhibit the name of every head of a family and the number of such family residing in said territory at the time of taking such census; such census shall be verified by the affidavit of the person taking the

Map and census to be filed with the court.

same, written thereon or annexed thereto; such survey, map, verbal description of the boundaries and census completed and verified as aforesaid shall be filed, with said petition, with the clerk of said county, and be open to the inspection of all persons interested.

Judge to appoint a time for the consideration of the petition.

4. *And be it enacted*, That upon the presentation and filing of said petition, map and census, it shall be the duty of said judge to appoint a time for the consideration of said petition, notice of which shall be in writing, set up at least ten days previous to said time, in five of the most public places within said proposed village limits, and published at least twice in a newspaper published therein, if any, and if none so published, then in a newspaper published in said county; such notice shall contain the name and boundaries of the proposed village and shall state that on the day so appointed the said judge will sit to hear and consider what may be said thereon by any persons interested.

To hear parties who appear before him

5. *And be it enacted*, That at the time and place so appointed the said judge shall hear all parties who may appear before him and desire to be heard on any question affecting the proposed incorporation, and shall determine whether the boundaries of the said proposed village are such as will be probably most advantageous and consistent with the public interests, in view of the character of the locality and community proposed to be incorporated, and will not unduly or unreasonably include or exclude any territory that ought not to be included or excluded; and said judge shall confirm, amend or alter the boundaries thereof as shall seem to him most consistent with public and private interests, and may designate another name for the proposed village than that specified in the said petition if there shall appear to him to be good reason why some other name should be substituted therefor.

To determine and file his determination with county clerk

6. *And be it enacted*, That said judge shall also determine by affidavits or evidence taken before him whether the said proposed village contains the population mentioned in the first section of this act, and whether said petition is signed by petitioners owning the requisite amount of real estate; he may adjourn said hearing from time to time, and make such orders as may be necessary to correct or amend any defective proceedings, and shall

file with the clerk of said county his determination in writing of the matter submitted to him, including the name and description of the boundaries of the proposed village as finally determined by him, which determination and finding of said judge shall be the basis on which future proceedings for incorporation shall be founded.

7. *And be it enacted*, That in case any of the signers of such application shall be dissatisfied with the determination of said judge, it shall be lawful for them to file their dissent in writing and their desire to have their names removed from said petition within five days after said judge shall have filed his determination as aforesaid; *provided*, it shall be lawful for any other owner of taxable real estate within said territory to cause his name to be added to said petition within the same time, and if then it shall appear (to be decided summarily by said judge) that the names of the owners of less than one-fifth of the taxable real estate within said territory remain on said petition, then the whole application shall be deemed to be abandoned and the proceedings shall be dismissed, but if the names remaining on said petition or added to it as aforesaid represent the owners of more than one-fifth of said taxable real estate, then an election shall be held as herein provided.

8. *And be it enacted*, That thereupon it shall be the duty of said judge to call a special election, to be held at some convenient place within the said proposed village, by notice in writing under his hand, which notice shall contain the name and an accurate description of the boundaries of the proposed village, and state the object of the said election to be to vote for or against the incorporation of the said proposed village under the provisions of this act; which notice shall be set up at least twenty days previous to said proposed election in five of the most public places within the said proposed village limits, and published for two weeks, at least once in each week, in a newspaper printed and published within the said proposed limits, if any, or if none so published, then in a newspaper printed and published in the county wherein said proposed village is situated.

9. *And be it enacted*, That the said judge shall appoint by writing, under his hand, a judge and two inspectors of

Signers may file their dissent.

Proviso.

Judge to order a special election to be held as to whether the village shall be incorporated or not.

To appoint election officers.

said election, who shall be legal voters in said proposed village, and who shall hold and conduct the election aforesaid at the time and place specified in the said notice; the polls shall open and close at such hours as said judge shall direct in said order, provided the polls shall be open not less than six hours, and the election shall be conducted, as nearly as may be, in like manner as township elections are conducted; the ballots cast shall contain the words "for incorporation" or "against incorporation," as the case may be; at the close of the polls the said judge and inspectors of election shall canvass the votes cast, and they shall forthwith certify the result of said election, and the number of votes cast for and against incorporation, under their hands, to said circuit judge, to be filed in the office of the clerk of the county wherein said village is situated.

To confirm and establish the result.

Proviso.

10. *And be it enacted*, That at the expiration of five days from the filing of said certificate, the said circuit judge shall examine the same, and if the said proceedings appear to be regular and legal, shall confirm and establish the result of said election by writing under his hand, to be filed with said clerk; *provided*, that any elector qualified to vote at said election, may within five days after the filing of said certificate, appeal to said judge by petition, specifying any irregularities in and objections of the legality of said election, and praying that the same may be investigated by said judge and if found illegal be set aside, and the said judge shall thereupon appoint a time and place for hearing the same, upon such notice as he may order, and on such day shall proceed to hear the same, and shall have power by subpoena to compel the attendance of witnesses before him, and may adjourn said hearing from time to time as may be necessary, and shall file his determination as to the legality of said election with the said clerk; if the said judge shall decide such election to have been illegal, he shall forthwith, on the rendering of his decision, make an order and file the same in the said clerk's office, directing another election to be held to determine the question of the incorporation of such territory; the election so ordered shall be held on notice of such election, given in the same manner as the notice of the previous elections as to incorporation;

such second election shall be held in the manner and by the persons as judge and inspectors as hereinbefore provided for or by other persons to be appointed by said circuit judge in their places, who shall make a certificate of such election, such as was required at the previous election, by this act, and file the same as directed as to the certificate of the previous election, which shall be the subject of the determination and review of the said judge as herein provided in respect to said first election; upon the filing by said circuit judge of his certificate determining that the election held under this act is legal, and that a majority of the votes cast are for incorporation, then such territory shall be an incorporated village within the intent of this act from the time of the filing of the certificate of the said judge, and said judge shall also file with said determination an order designating a time and place within said village for the first election to be held for the election of such village officers as shall be required to be elected by this act, which time shall be within thirty days from the date of filing said determination.

11. *And be it enacted*, That if at either of such elections a majority of the ballots cast shall be against incorporation, then such territory shall not be an incorporated village, and in that case no second election can be held therein, under this act, within one year from the time the first of such elections was held.

Majority defeats incorporation.

12. *And be it enacted*, That the inhabitants of any village incorporated under this act shall be a body corporate in fact and in law, by the name of the village of _____ (being the name stated in the notice of election), and by said name shall have perpetual succession and may sue and be sued, prosecute and defend, in any courts by such name; may make and use a common seal and alter it, and receive by gift, purchase, grant, devise or bequest, and hold and convey real and personal estate for the use and benefit of said village.

Inhabitants of village incorporated to have perpetual succession, sue and be sued, and make and use a seal.

13. *And be it enacted*, That the persons hereinbefore designated as judge and inspectors of the election for incorporation, or a majority of them, shall give notice stating that, on a day stated and at a place named in such village, and between certain hours, being the time and place appointed by the said circuit judge, an election

Election of village officers.

will be held for the election of such village officers as shall be required to be elected by this act; such notice shall be published in a newspaper, if one shall be published in said village, and posted by printed handbills in five public places, at least ten days before the time of holding such election; such election shall be held for at least the space of four hours uninterruptedly, between twelve o'clock noon and seven o'clock in the afternoon, and the notice of the election shall state the hours of opening and closing the polls and the names of the offices to be filled.

Voters to fill
vacancies in
election offices.

14. *And be it enacted,* That in case of the failure of any of said election officers to act, the legal voters present at the time and place designated for said election, by a viva voce vote, may fill the vacancy, and the said election officers so appointed or elected, having first taken and subscribed to an oath or affirmation honestly and impartially to hold and conduct said election, shall forthwith open the polls for the election of officers hereinafter mentioned; and the said election shall be by ballot, and shall be conducted in the same manner as elections for township officers are conducted; the persons voting at said elections shall be those who are qualified to vote at elections for members of the legislature of the townships wherein said village is situated; at the closing of the polls the judge and inspectors holding said election shall canvass the votes cast and certify the result, with the number of votes cast for each candidate, to the clerk of the county wherein said village is situated; the person eligible and having the greatest number of votes for any office shall be deemed elected to such office; if there shall be a tie, as to a particular office, between two or more persons eligible, and having the greatest number of votes, the person presiding at such election shall forthwith determine by lot, in the presence of the other inspectors or a majority of them, which shall be deemed elected, and set forth such fact in the certificate of the result made by them.

Officers shall be
five village trustees,
who shall constitute
the governing board,
and serve without
compensation.

15. *And be it enacted,* That the officers of said village to be elected shall be five village trustees, who shall constitute the governing board of said village, and who shall serve without compensation, except the trustee who shall

be appointed treasurer, whose compensation may be fixed by a majority of said board; that at the first meeting after the election said trustees shall decide their term of office by lot; that the term of office of one trustee shall expire on the first Tuesday in April next ensuing such election, of two trustees in one year thereafter, and of the remaining two trustees in two years thereafter; the term of office of the trustees elected after the first election shall be three years, and all vacancies shall be filled for the unexpired term only; the said board shall organize by the election of one of their own number as president and one as treasurer, who shall be the village president and treasurer respectively and who shall hold their offices for one year and until their successor shall be elected; *provided*, that no president or treasurer shall remain in office after the expiration of his term as trustee.

except the trustee who shall be appointed treasurer.

Term of one of the trustees shall expire in one year, two in two years, and two in three years, the first time to be decided by lot.

Proviso.

16. *And be it enacted*, That no person shall be eligible to the office of trustee unless he shall be at the time a resident and elector of said village; whenever any trustee shall cease to be resident thereof, his office shall become vacant; vacancies in the board of trustees occurring from any cause shall be filled by the remaining members of the board until the next annual election.

Trustees to be residents and electors of the village.

17. *And be it enacted*, That said board of trustees shall defray, out of the moneys of said village coming into their hands, the reasonable expenses of said proceedings for incorporation, to be ascertained and determined by them.

To defray expenses of proceedings for incorporation.

18. *And be it enacted*, That a copy of said determination of said judge establishing the boundaries of said village and of his order confirming said election for incorporation, shall be filed by said trustees in the office of the secretary of state within twenty days after their election, and a certified copy thereof shall be admitted in evidence in all courts and be proof of the truth of the contents thereof.

Determination of a judge to be filed by trustees with secretary of state.

19. *And be it enacted*, That there may be appointed by the village trustees a village clerk, a village counsel, a street superintendent, and such and so many policemen and other officers as shall be deemed necessary by said trustees, and who shall hold office at the pleasure of said board, and who shall perform such duties as may be

Trustees authorized to appoint a village clerk, counsel, street superintendent, and as many policemen as may seem necessary.

required by law or the ordinances of said trustees, and who shall receive such compensation as such trustees shall, by ordinance, establish.

Officers to give bonds.

20. *And be it enacted,* That such officers as the trustees shall require shall, before they enter upon the duties of their offices, give bonds to the village in its corporate name in such sums and with such sureties as the said trustees may require and approve for the faithful performance of their duties.

Annual election of trustees.

21. *And be it enacted,* That the annual election of trustees for such village shall be held on the first Tuesday of April, and the board of trustees shall hold an annual meeting on the next Tuesday after the annual election, yearly and every year, and such other meetings as they

President of board to preside at meetings and have a vote.

shall, by ordinance, direct and appoint; the president of said board shall preside at such meetings and shall have a vote on all questions before them, and in the absence of the president, the other members shall appoint one of their number to preside pro tempore; and when met, said

Trustees to adopt ordinances, by-laws, &c.

trustees shall have the power to make and adopt such ordinances, rules, by-laws and regulations, and in general to do and perform all such other acts as are provided for and warranted by this act; and that three members shall

Three members a quorum.

constitute a quorum of said board; and it shall be the duty of the president, when necessary, to call special meetings of said trustees, and in case of his neglect or refusal, then it shall be lawful for any three members of said board, at such time and place in said village as they may designate, to call any special meeting or meetings by written or printed notices, and in all cases of special meetings notice shall be given to all the members of said board in person or left at their place of residence.

Special meetings.

Duties of village clerk.

22. *And be it enacted,* That it shall be the duty of the village clerk to act as clerk of the board of trustees at all meetings and keep the minutes of the meetings and record all ordinances passed by the trustees; he shall have the custody of the books, papers, documents, seal and other personal property belonging to the village, and shall perform such other duties appertaining to his office as the trustees shall from time to time prescribe.

Treasurer.

23. *And be it enacted,* That it shall be the duty of the treasurer to receive and pay out all moneys due or belong-

ing to said village, whether for taxes, assessments, arrears of taxes or otherwise, and safely keep and disburse the same under the direction of the trustees, and shall pay out the same only upon the warrant of said trustees, signed by the president and countersigned by the clerk, and no warrant on the treasurer shall be authorized except in pursuance of an order of said trustees passed at a stated meeting and entered on their minutes; such warrant shall be made and numbered, payable to the order of the person or persons to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid; the said treasurer shall keep a record of the proceedings affecting the revenue of said village, and shall make out annually on the last Tuesday in March, or oftener should the trustees require, and publish in a newspaper published therein, if any, and if none so published, then in a newspaper published in the county in which said village is situated, a detailed and true statement of all moneys received into the treasury, and of all moneys disbursed therefrom from the commencement of his official year to the date aforesaid, and file a copy with the clerk.

24. *And be it enacted,* That the said board of trustees in any village shall in each year, preceding the day of holding the annual village election, appoint one judge and two inspectors of election (the said inspectors not to be of the same political party), who shall hold office for the term of one year and until their successors are elected; the said trustees shall appoint the place of holding such elections and designate the time during which the polls shall be open, which shall be not less than four hours uninterrupted, between twelve o'clock noon and seven o'clock in the afternoon, ten days' public notice of which shall be given by the village clerk.

Annual election
and election
officers.

25. *And be it enacted,* That the said judge and inspectors so appointed shall constitute the election board of said village, and the decision of a majority of such board on any question shall be deemed and taken to be the decision of such board and final.

Majority of elec-
tion board to
decide.

26. *And be it enacted,* That the judge and inspectors of election of such village shall meet at the time and place when and where any such election is appointed to be held therein, and shall organize themselves as a board of elec-

Organization of
election board.

tion for the purpose of presiding at and conducting such election, and the clerk of such village shall meet with such board and be the clerk thereof.

Election officers to hold no other elective office.

27. *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, and if any such judge, inspector or clerk shall be voted for in any 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 upon the election, for whom the greatest number of votes shall have been given therein other than such judge, inspectors or clerk, shall be deemed and taken to be elected, and the vote which shall be given to such judge, inspector or clerk shall be deemed and taken to be null and void.

Officers to be chosen in absence of election officers.

28. *And be it enacted*, That if at the hour of the day of any such election the judge, or one or both of the inspectors of election of such village shall be absent from the place where such election shall be appointed to be held, or shall be disqualified, or shall neglect or refuse to serve, it shall be lawful for the persons then and there present, who shall be entitled to vote at such election in such village, by a majority of voice 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 qualified to vote at such election in such village, 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.

Board of election to appoint a clerk, if village clerk is absent or neglects or refuses to serve.

29. *And be it enacted*, That if at the hour of the day of such election, or at any other time during such election, the clerk of such village shall be absent from the place where such election shall be appointed to be held, or shall be disqualified, or 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 village, 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.

30. *And be it enacted*, That any person who may be appointed to fill the office of 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 village, shall be taken to be in all respects a true member of such board with respect to all matters appertaining to the election, but his powers under such appointment shall not extend to any subsequent election.

31. *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, that they will faithfully and impartially execute the duties required of them by law.

32. *And be it enacted,* That when the judge and inspector 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 that he will faithfully and impartially execute the duties required of him by law; and a 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.

33. *And be it enacted,* That the mode of conducting such election shall be the same and shall be governed by the same laws as govern township elections in this state.

34. *And be it enacted,* That it shall be lawful for the trustees of any such village to divide said village into election districts and provide for a polling place in each district when, in their judgment, it may be necessary, and to appoint an election board for each polling place, the clerk of said village to act as clerk in the election district where he resides and said trustees to appoint a clerk for the other district or districts; that when such village shall be divided into election districts, the judges of election of each district and the clerk of the village shall meet within two days after the holding of any election at the polling place in the district in which said clerk resides, and the said judges, when so met, shall cast up and add together the votes polled in the several

Officers filling vacancies to have same power as original officers.

To take oath.

Oath of clerk.

Election to be conducted in same manner as township elections.

Trustees to divide village into election districts.

districts, and the result thus determined shall be written out and signed by the judges and attested by said clerk and delivered to said clerk, who shall duly file the same.

Compensation of
election officers.

35. *And be it enacted*, That the compensation to be paid the judge, inspectors and clerk for their service at each village election shall be the sum of three dollars each and no more.

Village to consti-
tute a separate
road district
within its limits,
and the board of
trustees shall
have full jurisdic-
tion over the
streets and high-
ways within such
limits

36. *And be it enacted*, That any village incorporated under this act shall constitute a separate road district within its corporate limits, and that the said board of trustees shall have full and exclusive jurisdiction over the streets, roads and highways within such limits, and in addition to other powers and duties created by this act, shall have the general and exclusive control and management of the public highways in said village and of their repair and regulation, and shall have the powers and duties in respect to the same as now are or may by law be conferred upon overseers of the highways and township committees, and shall also have full and exclusive power to lay out, open, accept, widen, straighten, alter, vacate any street, road or highway within said village limits, and to take any lands necessary therefor, just compensation being awarded for such lands so taken and the damages, if any, sustained thereby, the amount of such compensation and damages to be established by agreement with the owners of such lands or assessed by commissioners to be appointed by the circuit court in the manner herein provided for the appointment of commissioners to assess damages for the expense of constructing sewers and drains, and who shall proceed in the same manner, under the same restrictions, and with the same powers as are herein provided for in case of said last-named commissioners; said trustees shall grade, work and repair the streets and roads now laid or to be hereafter laid in said village; shall control and regulate the width and grade of all sidewalks and the manner of paving and maintaining the same; may provide for lighting such streets as they may deem necessary to be lighted and construct sewers and drains; *provided*, that the provisions of this section shall not apply to any village within a township having a public road board, if a majority of the voters of said village, at an election to be ordered by said

Proviso.

trustees for the purpose, shall so decide; *and provided, further*, that nothing in this section shall apply to, affect, or include any such street, road or highway that is now or may hereafter be, under the charge, direction, management, supervision, or control of any county public road board in this state, whether created or organized under or by virtue of any general or special act of the legislature. Proviso.

37. *And be it enacted*, That it shall be lawful for any such board of trustees to procure and supply lights for lighting the public streets and to make contracts with any person or corporation for the supplying of such lights, for a year or term of years, which contract when so made shall be lawful and valid, and the money payable under said contract in each year shall be levied and raised by taxation in the annual levies of such years; *provided*, that no such contract shall be made for a longer period than five years. Trustees to procure and supply lights for the public streets. Proviso.

38. *And be it enacted*, That the trustees of any village in this state incorporated under this act shall have power to pass, alter and repeal ordinances to take effect within their respective villages for the following purposes, in addition to the other special powers enumerated in this act: Trustees to pass ordinances.

I. To license and regulate public hacks, cabs, omnibuses, carriages and other vehicles, to fix a license fee for the same, and to prevent unlicensed persons from acting in the capacity of hackmen; To license hacks and other vehicles.

II. To pass ordinances regulating the grading, laying, flagging, curbing and improving the sidewalks within the village limits; To regulate the improving of sidewalks.

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

IV. To prevent immoderate or fast driving on the streets or roads; To prevent fast driving.

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

- To license peddlers, hucksters, &c. VI. To license and regulate peddlers, hucksters and other street venders, and all circuses or other shows and exhibitions whatsoever proposed to be performed or exhibited within the limits of said town;
- To make rules and regulations for collection of license fees. VII. To fix the terms upon which such license shall be granted and to make all proper rules and regulations for the collection of license fees, which license fees may be for revenue;
- To control and regulate a day and night police. VIII. To establish, regulate and control a day and night police, and to regulate and define the manner of their appointment and removal, their duties and compensation;
- To prescribe penalties for violation of ordinances. IX. To prescribe the penalties by fine, not exceeding twenty dollars in each case, or by imprisonment in the county jail not exceeding ten days in each case, or both, for the violation of any ordinance provided for in this act; *provided, however,* that the person or persons violating the provisions of such ordinance or ordinances shall be brought before a justice of the peace in the township in which such village is located, who shall have cognizance of such offense.
- Proviso. 39. *And be it enacted,* That it shall be lawful for such board of trustees to order and cause to be assessed and raised by tax every year such sum of money as they shall deem expedient for the current expenses of such village and for all other objects and purposes authorized by law; *provided,* that the amount to be assessed and raised by such tax shall not exceed in any year the sum of seven and a half mills on the dollar, unless a greater sum shall be authorized by a majority of the votes cast at any election for trustees.
- Trustees to assess tax every year. 40. *And be it enacted,* That the said trustees shall certify the amount to be raised to the assessor of the township wherein such village shall be located, on or before the twentieth day of August annually, requiring him to assess the same upon the real and personal estate within said village liable to taxation, which certificate shall be signed by said trustees or the president thereof, and attested by the clerk, under the corporate seal of said village, and shall be evidence to the assessor of his authority to levy the taxes authorized by this act; *provided,* that in case said village lies in more than one township the amount of village taxes shall be certified to the assessors of the town-
- Proviso. Amounts to be raised to be certified to the assessor of the township in which the village is located.

ships wherein said village lies, and be assessed by them proportionately to the amount of the real and personal property within the limits of said village in their respective townships.

41. *And be it enacted*, That the said assessor or assessors shall assess the amount so certified upon the real and personal property in said village liable to assessment, in the same manner as the other taxes are assessed; and the amount so assessed shall be collected by the collector of said township (or of each township wherein said village lies) in the same manner as other taxes are collected, and he shall pay over the same as collected to the said trustees, to be used by them for the purposes authorized by law, for which services the said assessor and collector shall each receive from their said township the sum of five cents for each name assessed and no more.

Assessor to make the assessment, and the collector of the township to collect it.

42. *And be it enacted*, That the trustees of such village are hereby authorized to borrow money in anticipation of taxes, not to exceed in amount the sum ordered to be raised by them, and to issue proper certificates of indebtedness therefor, to be signed by the president of said board and attested by the clerk under the corporate seal.

Trustees authorized to borrow money.

43. *And be it enacted*, That in case any owner of lands in front of which any sidewalk is required, by ordinance of the trustees of any village, to be graded, laid, flagged, repaired, curbed or improved, shall neglect or refuse to cause said work to be done within thirty days after notice of such ordinance, such board of trustees may have such work done at the expense of the owner of said land, and either recover from said owner the amount of the cost and the expense thereof, by suit in any court of competent jurisdiction in an action upon contract, or may assess said cost and expense upon the lot or tract of land in front, or if such lands lie on the corner of any street on the side of which the work may be done, and certify said assessment, together with a short description of said lands to the collector who collects other taxes within said village limits, and cause a copy of such certificate to be filed in the office of the clerk of the county wherein the land is situate, and recorded in a book of returns of unpaid taxes for the township wherein said lands are situate, and the amount of such cost and expenses shall, from the date of the

To have work done at expense of owners of lands, if they refuse to do it.

filing of said certificate, be and remain a first and paramount lien on said lands until paid.

Collector shall collect from owners

44. *And be it enacted,* That the said collector shall forthwith, upon receiving said certificate, serve notice of such assessment upon the owner of said lands, demanding payment thereof, together with interest at the rate of one per centum each month until paid; and in case said owner shall fail or neglect to make such payment on demand, the amount of said assessment shall be added to the annual tax assessed on said land and shall be part of the same, and shall be collected by said collector, with interest as aforesaid, in the manner as said other taxes are collected, and as a part thereof, at the time of the annual collection of taxes succeeding the receipt of said certificate, and payment thereof may be enforced by sale of the lands described in said certificate in the same manner as payment of other taxes is enforced.

Or assessment to be added to tax assessment.

How notice to be served.

45. *And be it enacted,* That notice of the ordinance mentioned in the forty-third section of this act, and also notice by the collector and demand of payment of such assessment, may be given either by personal service of a copy of said ordinance or of such notice and demand, as the case may be, or by leaving such copy thereof at the residence of said land owner, if residing within the limits of the said village, or, if a non-resident, by mailing such copy to his post office address, if known, and by publication once a week for three weeks in one of the newspapers published within said village limits, the cost of such publication to be added to said assessment and collected therewith.

Clerk to discharge assessment upon payment.

46. *And be it enacted,* That upon payment of said assessment it shall be the duty of the clerk or register in whose office any such certificate as is mentioned in the forty-third section of this act may be filed, to discharge the same from the record of tax returns in his office, upon filing with him the receipt of the payment of said assessment made by said village treasurer or by the collector by whom the same may have been collected, for which service said clerk or register shall be paid the sum of twenty-five cents.

Duties of police officers.

47. *And be it enacted,* That it shall be lawful for any such board of trustees to employ one or more police

officers for the village, and to fix and determine the amount to be expended for the services of such police officer or officers, whose duty it shall be, without warrant, to apprehend and arrest all persons committing breaches of the peace in said village or violating any ordinance of such board of trustees, and in like manner to apprehend and arrest all disorderly persons in said village and bring them before a justice of the peace in said township, to be dealt with according to law.

48. *And be it enacted*, That such police officer or officers shall be appointed and discharged or dismissed at such times as such board of trustees shall, from time to time in each case see fit and determine, and shall receive such pay and compensation for their services respectively as shall be fixed and agreed upon by such board of trustees.

Appointment
and discharge of
police officers.

49. *And be it enacted*, That the said board of trustees shall have power to form such and so many fire engine, hose and hook and ladder companies as they may deem necessary, which shall be subject to the direction, authority and control of said trustees at all times; and said trustees are hereby invested with full power to procure, build, repair, maintain and preserve engines, engine-houses, cisterns and reservoirs of water, ladders, buckets and all necessary implements and machines, and to purchase the real estate necessary, and to incur such other expenses as to said trustees shall appear best calculated to protect property within the village limits from injury or destruction by fire; but the whole amount expended under this section shall not in any year exceed such sum as shall be authorized for fire purposes by a majority vote at the annual election; the monies needed and so voted for the aforesaid purpose shall be certified to the assessor of the township wherein said village shall be located, and shall thereupon be assessed, levied and collected by the assessor and collector of said townships, upon the same property, and in the same manner, and at the same times other village taxes are, within the same limits; and said trustees shall have power to borrow said monies, or any part thereof, in anticipation of taxation.

Trustees to
create fire de-
partments.

50. *And be it enacted*, That every person while an actual member of a company organized under this act shall be exempt from all jury duty and all militia duty and mili-

Members of fire
companies ex-
empt from jury
and militia duty.

tary tax in time of peace; and every person who shall have been a member of such company for seven years, and shall have a certificate of such fact from said trustees, shall be forever exempt from such duty and such tax.

Trustees to construct sewers and drains.

51. *And be it enacted*, That it shall be lawful in any village in this state which has been incorporated under this act, for the board of trustees of any such village to order and cause, by contract or otherwise, sewers and drains to be constructed in any part of such village, and to provide, maintain and alter a general system of sewerage and drainage for such village or any part thereof, conformably to which all sewers and drains shall be constructed, and to establish and maintain one or more outlets or places of deposit, within or without such village, for sewerage and drainage from such village, and to repair and cleanse such sewers and drains.

Proceedings for constructing sewers and drains.

52. *And be it enacted*, That whenever a petition in writing of any owners of property interested, not less than ten, shall be presented to the board of trustees, asking for the construction of a sewer or drain in the whole or any particular part or section of such village, it shall be lawful for such board, in their discretion, if they consider such sewer or drain necessary and proper, to adopt a resolution declaring its intention to cause such sewers or drains to be constructed; and the said board shall forthwith cause public notice of such intention to be given in a newspaper printed or circulated in such village for the space of ten days, briefly describing the proposed work and the section or part of such village to be affected, and requesting such persons as may object thereto to present their objections, in writing, at or before the expiration of ten days from the date of such notice, and if persons owning or representing more than one-half of the lineal frontage of land along the streets through which it is proposed to construct any sewer or drain, shall so present their objections in writing, then such proceedings shall cease; but otherwise, and after the expiration of said ten days, it shall be lawful for such board to adopt any ordinance for the construction of such sewers or drains, to award contracts for the same, or for any part or section thereof, and to take all necessary steps for properly carrying into effect the desired improvement.

53. *And be it enacted*, That if, in the judgment of the said board of trustees, the construction of such sewer or drain is likely to benefit and increase the value of any lands and real estate in the vicinity thereof, the said board shall apply to the judge of the circuit court of the county wherein such village is situate, for the appointment of commissioners to estimate and assess such benefits, of the time and place of which application notice shall be given by ten days' publication in a newspaper published within the village, if any there be, and if none, in a newspaper published in the county, at which time and place, or at such other time and place as the said judge shall designate, said judge shall, without unnecessary delay, appoint three commissioners, who shall not be freeholders or residents of such village, to estimate and assess the said benefits; the said judge shall have power to remove any commissioner and appoint another in his place, and also to fill any vacancy that may occur in the office of any commissioner from any cause; the said commissioners, before entering upon the execution of the duties required of them by this act, shall take and subscribe, before some person duly authorized to administer the same, an oath or affirmation that they will make all estimates and assessments required of them fairly, legally and equitably, according to the best of their skill and understanding, which oath or affirmation shall be attached to the report that they are hereinafter required to make.

Commissioners
to assess benefits
of sewers and
drains.

Power of judge
to remove com-
missioners

54. *And be it enacted*, That the said commissioners, having thus qualified, shall give notice, under the direction of the said judge, of the time and place when and where they will hear any person in interest who may present themselves to be heard, and at such time and place, and at such other times and places to which they may adjourn for that purpose, the said commissioners shall attend and shall give public hearing to those persons in interest who may desire to be heard; the said commissioners shall have power to examine witnesses under oath, to be administered by any one of them, and to enter upon and view the premises that they may deem necessary, and to adjourn from time to time in their discretion, or as directed by the judge of said court; they shall use dili-

Persons may be
heard by com-
missioners.

Commissioners
to examine wit-
nesses.

gent effort to ascertain the names of the owners of the lands and real estate benefited by the construction of such sewer or drain as aforesaid, and shall state the same in the report hereinafter mentioned, but the failure to ascertain the name of any such owner or to state the same correctly, or the omission of any such name from the said report shall not be deemed to invalidate the said assessment, nor to be a bar to the collection of the same.

To report estimates and assessments.

55. *And be it enacted,* That after having given opportunity as aforesaid for a public hearing of the persons in interest, and having viewed the premises likely, in their judgment, to be benefited by the construction of such sewer or drain, the said commissioners shall make a report in writing of their estimates and assessments to the judge of said court, accompanied by a survey and map to be prepared under their direction by a civil engineer, to be appointed by the board of trustees of such village, showing the lots or parcels of land and real estate particularly benefited by such sewer or drain; the said report shall state the cost of the whole work, including in such cost all necessary expenditure for engineers, plans, salaries, interest, legal fees and charges and such other incidental expenses as in the proper prosecution of the work may be necessarily incurred; the portion, if any, assessed upon the village at large, and shall give the names, so far as ascertained, of the owners of said lots or parcels of land and real estate and the amount of the assessment to each owner for each of such lots or parcels of land and real estate for the said benefits; which assessment shall, in each case, be in proportion, as near as may be, to the advantage which each of the said owners shall be deemed to have acquired by the construction of such sewer or drain; in case the costs and expenses of such work shall exceed the amount of benefits, the excess thereof shall be paid by the village at large and raised by general tax; in no case shall any property or owner thereof be assessed beyond the amount of benefit actually derived from the construction of such sewer or drain.

Assessments for main sewers.

56. *And be it enacted,* That where any sewer may be constructed under the provisions of this act forming a trunk line into which lateral sewers may discharge, or through which the surface drainage and sewerage of a dis-

trict may be carried to tide-water or other receptacle, it shall and may be lawful, in assessing the benefits which may have been or may be conferred upon the property by the construction of such trunk line of sewers, for the commissioners appointed to assess such benefits to assess the same as follows: such assessment may be made upon all the property benefited and to be benefited within the entire drainage district, and where a direct tapping benefit may be or is secured, either by connection with the trunk line or lateral sewers already constructed, the assessments, when finally confirmed, shall be collectible at once, and where the benefit is prospective and depends upon the construction of lateral and connecting sewers not yet built, in every such case the assessments made upon such property shall constitute a first lien thereon at and from the time when the lateral sewer is constructed connecting the property assessed with such trunk line, and shall be collectible at the same time the benefits assessed thereon for the construction of such connecting lateral sewer is or may be by law collectible, and shall draw interest only from the time the assessment for benefits made upon property along the line of such lateral sewers for the construction thereof may draw interest, and at the same rate.

57. *And be it enacted*, That upon the coming in of any such report, signed by the said commissioners or any two of them, the judge of said court shall cause such notice to be given as he shall deem proper for the time and place of hearing any objections that may be made to such assessment; and after hearing any matter that may be alleged against the same, the judge of said court shall confirm the said report, or shall refer the same to the same or other commissioners to be appointed by him, forthwith to reconsider the subject matter thereof; and the said commissioners to whom such report shall be referred by the court shall return the same, corrected and revised, or a new report to be made by them in the premises, to the said court, without unnecessary delay, and the same being so returned shall be confirmed or again referred by the judge of said court in the manner aforesaid, as right and justice shall require, and so from time to time until a report shall be made or returned in the premises which

Judge to give
notice of hearing
objections

the said court shall confirm; such report when so confirmed shall be final and conclusive as well upon the said village as upon the owners of any lands and real estate affected thereby; the said court shall thereupon cause a certified copy of such report and the accompanying map to be filed in the office of the clerk of the county in which said village shall be located, and shall settle and determine the compensation to be paid to the commissioners and the costs and expenses of the proceedings, which shall be paid by the board of trustees of said village.

Time for allowing
certiorari.

58. *And be it enacted,* That no certiorari shall be allowed by any court to review any of the proceedings in relation to such improvement, nor in any way to affect any assessment made by such commissioners after the lapse of thirty days from the making of the order of the court confirming such assessments; the court shall designate what notice, if any, shall be given, by publication or otherwise, of the confirmation of the report of said commissioners.

Assessments
made a lien.

59. *And be it enacted,* That all assessments made under the provisions of the act shall be and remain a first and paramount lien upon the lands and real estate affected thereby until paid, notwithstanding any error or omission in stating the name or names of the owner or owners of such land and real estate and notwithstanding any devise, descent or alienation thereof, or any judgment, mortgage or encumbrance thereon, and shall bear interest at the rate of six per centum per annum.

Trustees to bor-
row money to
pay expenses of
such improve-
ment.

60. *And be it enacted,* That the board of trustees in order to pay the expenses of any such improvement, may borrow the money necessary therefor upon the promissory notes of such corporation or by the issue of temporary improvement certificates from time to time as the work progresses in such form as the board may prescribe; said notes and certificates shall bear interest at a rate not exceeding six per centum per annum, to be fixed by the board, and shall be payable at the expiration of not more than three years from the date of their issue, and that all receipts from assessments made against property benefited by such improvements shall be paid to the treasurer and shall be applied to the payment of any indebtedness incurred by the village therefor.

61. *And be it enacted*, That in order to provide for the expense of any such improvement and the notes or certificates of indebtedness issued therefor, it shall and may be lawful for said board of trustees to issue bonds to run for a period not to exceed ten years, and shall be so issued that an equal portion of the same shall be made payable in each year from and after two years from the date of said bonds, and to bear interest not exceeding six per centum per annum, which said bonds shall be styled improvement bonds, shall be issued in such denominations as the board of trustees may determine and be executed under the corporate seal of said village, signed by the president of said board and countersigned by the clerk thereof; coupons for every half year's interest shall be attached to each bond and numbered to correspond thereto, or the said bond may be registered, at the option of the holder; they shall be sold for not less than their par or face value and the proceeds thereof shall be used to pay the costs, damages and expenses of said improvements and public works, and to take up and pay off such temporary notes or certificates as have been given in payment of such costs and expenses; *provided*, that in order to meet the interest on said bonds as may be issued to pay the portion of such costs and expenses required to be paid by said village at large and redeem the same at maturity, it shall be the duty of the board of trustees to order the interest thereon, together with the installment of principal falling due the subsequent year, to be raised in the annual tax levy in each year. Expenses to be paid by issuing bonds.

62. *And be it enacted*, That the owners of the lands specially assessed may pay said assessments in such equal yearly payments, not exceeding ten, as the said trustees may determine, with legal interest thereon, from the date of said commissioners' report; the first of which said annual payments shall be made within three months after the confirmation by said court of the report of said commissioners, and upon failure to make any of the annual payments or any installment of the interest upon the assessment when due, the whole of said assessment shall become and be immediately due and payable; *provided*, that any party assessed shall have the privilege of pay- Assessments may be paid in yearly payments. Proviso.

ing the whole of any assessment with accrued interest at one time.

Proceedings in
case of failure to
pay assessments

63. *And be it enacted*, That in case any owner of lands so assessed shall fail to pay any such assessment, or any installment thereof, or the interest thereon, at the time and in the manner prescribed by this act, the said board of trustees may sue for and recover from such owner the whole of such assessment remaining unpaid, with interest and costs, by an action of contract in any court of competent jurisdiction, in the name of said village, against the owner of the land so assessed, for so much money laid out and expended for the use of such owner, and may declare generally and give the special matter in evidence, and if any of the said owners reside out of this state a writ of attachment may be resorted to as in other cases of non-resident debtors, and the said report of the said commissioners and the order of the court confirming the same shall be conclusive evidence against the said defendants, and the said assessment shall be and continue a lien on the lands against which the same is assessed, or it shall be lawful for the said board of trustees, and they are hereby authorized to sell at public sale the said lands so assessed for the shortest term of years for which any person will agree to take the same, not exceeding thirty years, and pay the said assessment with interest and the cost and expenses of sale, having first advertised said sale for the space of one month at least, once in each week, in two of the newspapers published in said county, giving notice of the time and place of sale, together with a brief description of said land, and specifying the amount of such assessment remaining unpaid, and the name of the owner of the land against which said assessment was made, and upon such sale the said board of trustees shall execute, under its common seal, a declaration of such sale, to be signed by its president and clerk, and deliver the same to the purchaser, and the said purchaser, his executors, administrators and assigns, shall by virtue thereof lawfully hold and enjoy the said lands and real estate for his and their own proper use, against the owner or owners thereof, and all persons claiming under them, until said term shall be completed and ended, and shall be at liberty to remove all the buildings and materials which he or

they shall erect or place thereon; and the recitals in such declaration of sale shall be deemed and taken as prima facie evidence of the truth of the matters therein set forth.

64. *And be it enacted*, That the lands, tenements or hereditaments so sold may be redeemed by the owner, mortgagee, occupant or person having a legal or equitable interest therein at any time within two years from the date of said declaration of sale, by paying to the purchaser thereof, his executors, administrators or assigns, the amount of said purchase money, together with any other sum paid for taxes or assessments which the said purchaser may have paid, chargeable on said lands, tenements or real estate, with interest on such sums at the rate of ten per centum per annum in addition thereto; and if the person so redeeming be a judgment creditor or mortgagee of the premises, he shall have a lien on the lot redeemed by him by virtue of this act for the amount paid by him to the purchaser to effect such redemption, with the legal interest which may thereafter accrue thereon, in like manner as if the same had been included in his mortgage or judgment, and may enforce the payment of the same in the same manner; *provided*, that ¹¹⁰ mortgagee, whose mortgage shall have been duly recorded before such sale, shall be divested of his right to redeem such property after the expiration of said period of two years, hereinbefore provided for the redemption of the said property, until six months after receiving notice in writing of such sale from the purchaser, or any person claiming under him; *provided, also*, that the said sale may be adjourned or postponed from time to time, or suspended as the board of trustees may direct; *and provided further*, that if any such sale of lands for such assessment, any part thereof shall remain unsold for the want of purchasers, it shall be lawful for the said board of trustees to purchase said lands for the benefit of such village for the term of thirty years, subject to the same redemption as hereinbefore provided for, and to assign the declaration of sale, or to lease, or otherwise dispose of said lands, subject to the right of redemption; *and provided further*, that such declaration of sale shall be void and of no effect against a subsequent judgment creditor

Lands sold, how redeemed.

Proviso.

Proviso.

Proviso.

Proviso.

or bona fide purchaser or mortgagee for a valuable consideration, not having notice thereof, except from the date of the record thereof, unless the same shall within fifteen days after the signing, sealing and delivering of the same, be recorded in the office of the clerk of the county in which the said lands so sold are situate.

Trustees to contract with any water company or with any city or other municipal corporation for the obtaining and furnishing of a supply of water.

65. *And be it enacted*, That it shall be lawful for the trustees of any village incorporated under this act to enter into a contract with any aqueduct board or water company, or with any city or other municipal corporation having water-works, for the obtaining and furnishing of a supply of water, for a year or term of years, to be used by and within such village for the purpose of extinguishing fires and for such other public uses and purposes as may be found convenient, which contract when so made shall be the lawful and valid contract of said village as well as of said aqueduct board or water company, or of said city or municipal corporation, and the moneys in said contract agreed to be paid in each year shall be levied and assessed in the annual tax levies of each year in the same manner as the other village taxes are levied and assessed; *provided, however*, no such contract shall be made for a longer period than ten years in any one term; *and provided*, that before said contract shall be valid or binding on said village, a majority of the legal voters of said village, at an annual or special election to which the question of authorizing such contract shall be submitted, shall approve the same.

Proviso.

Proviso.

Villages heretofore incorporated may adopt the provisions of this act.

Proviso.

66. *And be it enacted*, That it shall be lawful for any village heretofore incorporated by virtue of any special or general law to adopt the provisions of this act and thereafter be governed by the same, in lieu of the act under which such village was originally incorporated; *provided*, that the question of adopting this act shall be submitted to the legal voters of said village by the trustees or other governing board of said village at a general or special election held for the purpose and be approved by a majority of the votes cast at such election, and the result of such election shall be thereupon submitted to the judge of the circuit court of the county wherein said village is situated, who shall examine the proceedings and the result of said election and shall have the same powers

and duties in respect thereto as are herein provided in respect to the result of the election authorized in the previous sections of this act, and shall file his determination thereof as herein provided.

67. *And be it enacted*, That whenever the trustees of any village incorporated under this act shall think it necessary to have the boundaries of said village changed, either by including additional territory or excluding a portion of the territory of said village from the operation of this act, it shall be lawful for them to apply to the judge of the circuit court of the county wherein said village is located, and upon filing the petition in writing of a majority of the legal voters residing in the territory proposed to be added or excluded from said village consenting thereto, and requesting such alteration to be made, the said judge shall direct such notice as he may deem proper to be given of the time and place when and where he will sit and consider the matter, and at the time and place so appointed the said judge, after hearing all parties who may appear before him for the purpose, if he shall be of the opinion that said proposed alteration is judicious, and will be conducive to the public interests, shall so decide and make his determination in writing accordingly, which determination shall be filed in the office of the clerk of the said county, and a copy thereof in the office of the secretary of state, and thereupon the boundaries of said village shall be deemed to be modified accordingly.

How boundaries
may be changed

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

Approved February 23, 1891.

CHAPTER XXIII.

An Act to enable boards of commissioners and improvement commissions in towns and villages, or within townships in this state, to pass and enforce their ordinances respecting driving upon the public streets, and to collect the penalty for the violation thereof.

Board of commissioners or improvement commissions may pass ordinances to regulate driving upon the public streets, and to fix penalties.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any such board of commissioners or improvement commissions to pass all ordinances regulating driving upon the public streets within the limits of the jurisdiction of the said commission, and to enforce the observance of all such ordinances, by penalties, for the violation thereof, either by imprisonment, before any justice of the peace, within the limits of the jurisdiction of the said commission, in the county jail, not exceeding ten days, or by a fine, not exceeding ten dollars for each offence, recoverable with costs in an action of tort in the name of said commission, before any justice of the peace within the limits of the jurisdiction of said commission and for the use of said commission.

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

Passed February 23, 1891.

CHAPTER XXIV.

An Act to authorize the issue of bonds for rebuilding bridges in counties of the second class.

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 counties of the second class in this state, for the purpose of rebuilding any of the public bridges of any such county, to issue bonds in the corporate name and under the corporate seal of any such county, signed by the director and the clerk of the board of chosen freeholders of any such county, countersigned by the county collector of any such county, to be denominated on their face "rebuilding bonds," to an amount not exceeding one hundred thousand dollars; such bonds may be registered or coupon bonds, and shall bear a rate of interest not exceeding five per centum per annum, payable half yearly, and shall be redeemable at any time not exceeding twenty years from their date, in the discretion of the board of chosen freeholders of any such county; which bonds may be sold at public or private sale for the best price they can obtain for the same, but shall not be for less than the par value; and all real estate and property within any such counties 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.

Second class counties may issue bonds not exceeding \$100,000, for the purpose of rebuilding bridges.

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

Boards of chosen freeholders to provide by taxation for the payment of interest.

bonds as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable.

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

Passed February 24, 1891.

CHAPTER XXV.

An Act concerning cities of the first class, and relating to the appointment and suspension of clerks and other employees in the departments of comptrollers or corresponding chief financial officers of such cities.

Comptrollers of cities of the first class authorized to appoint, suspend or remove all clerks and assistants employed in or about the business of his office.
Proviso.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in all cities of the first class of this state the comptroller or corresponding chief financial officer thereof shall have and possess the power and authority to appoint, suspend or remove all clerks and assistants employed in or about the business of his office or department; *provided, however*, that the appointment of the same shall be made with the consent of the board of finance of such city, or the finance committee of the common council thereof, in case there be no such board in such city.

Repealer.

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

Approved February 24, 1891.

CHAPTER XXVI.

An Act to amend an act entitled "An act to enable boards of education of cities of the second class to appoint city superintendents of schools," approved June thirteenth, one thousand eight hundred and ninety.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any board of education of cities of the second class in this state shall have power to appoint a person of suitable attainments to be city superintendent of schools, define his duties and fix his term of office, not to exceed three years, and his compensation, which shall not be changed during his term of office.

Board of education to appoint city superintendent of schools.

2. *And be it enacted*, That the city superintendent of schools shall hold office for the said term and until his successor is appointed, subject to removal by the board of education on complaint for cause stated.

Term of office.

3. *And be it enacted*, That all acts or parts of acts, general or special, inconsistent herewith be and the same is hereby repealed.

Repealer.

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

Approved February 25, 1891.

CHAPTER XXVII.

An Act concerning district courts in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the judges of all district courts in cities of this state now in office shall continue in office until the first day of April, one thousand eight hundred and ninety-one, on which day their terms of office shall end; the successors of the judges of said courts now in office shall be appointed by the governor, by and with the advice and consent of the senate, and shall continue in office for five years from the first day of April, one thousand eight hundred and ninety-one; their successors shall be appointed by the governor, by and with the advice and consent of the senate.
2. *And be it enacted*, That this act shall take effect immediately.
- Approved March 2, 1891.

CHAPTER XXVIII.

A Further Supplement to an act entitled "An act to provide for the incorporation of street railway companies and to regulate the same," approved April sixth, one thousand eight hundred and eighty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any company has been organized under the provisions of the act to which this is a supplement, and has constructed and operated its street railway pursuant to the articles of association of such company and the provisions of said act, and has
- Upon sale of franchise, not less than three purchasers may form a company to maintain and operate street railway and turnpikes.

also purchased and operated a turnpike road under the provisions of an act entitled "An act relating to street railways within incorporated towns and boroughs in this state," approved April thirtieth, one thousand eight hundred and eighty-seven, and the street railway, turnpike, franchises and property of such company have been sold and conveyed under and by virtue of a decree of the court of chancery of this state to satisfy any debts of such company, it shall be lawful for the purchasers or owners thereof, not less than three in number, to associate themselves together by articles in writing for the purpose of forming a company to maintain and operate such street railway and turnpike.

2. *And be it enacted*, That the articles of association shall state the name of the company, the number of years the same is to continue, which shall not be more than fifty years, the points between which said street railway and turnpike have been constructed and operated and are to be maintained and operated, the length of such street railway and turnpike, as near as may be, the name of each municipality, township and county through which said street railway and turnpike extend, the amount of the capital stock of the company, the number of shares into which said capital stock shall be divided and the names and residences of the directors.

Articles of association and what they shall set forth.

3. *And be it enacted*, That the capital stock of any company to be organized under this act shall be and hereby is fixed and limited as follows: where the street railway, turnpike, franchises and property of any company organized under the act to which this is a supplement have been sold as aforesaid free and clear of all incumbrances, the capital stock of any company to be organized under this act shall not exceed the sum for which such street railway, turnpike, franchises and property were sold, and may be issued as full paid; where such street railway, turnpike, franchises and property have been sold as aforesaid subject to a mortgage indebtedness thereon, the capital stock of any company to be organized under this act shall not exceed the sum for which such street railway, turnpike, franchises and property were sold and the sum of such mortgage indebtedness, and may be issued as full paid to the extent of the sum for which such street

Amount of capital stock.

railway, turnpike, franchises and property were sold, and upon the payment or satisfaction of such mortgage indebtedness, or any part thereof, the residue of such capital stock may be issued as full paid or retained as treasury stock and sold for the benefit of the company; *provided, however,* that of said residue of said capital stock none shall be at any time issued or sold in excess of the amount which said mortgage indebtedness has been reduced by payment or satisfaction.

Proviso.

Articles to be signed by the persons associating themselves.

4. *And be it enacted,* That the said articles of association shall also state the amount of the capital stock of the company, and shall be signed by the persons associating themselves together for the purpose of forming said company, and the signing thereof acknowledged as required in the case of deeds for real estate.

Number of directors and term of office.

5. *And be it enacted,* That there shall not be less than three directors of said company, a majority of whom shall be inhabitants of this state; the first board of directors shall be chosen by the persons associating themselves together to form the company, and shall be named in the articles of association; successors to the first board of directors shall be elected by the stockholders of the company at the first annual meeting of the company and annually thereafter; directors shall hold office until the annual meeting next after their appointment or election and until others are chosen and qualified in their stead.

Articles to be filed.

6. *And be it enacted,* That the said articles of association, when signed and acknowledged as aforesaid, shall be filed in the office of the secretary of state, and thereupon the persons who shall have subscribed the same, and all persons who may become stockholders of said company, shall be and remain a corporation by the name specified in such articles of association, and shall be vested with all the rights, powers, immunities, privileges and franchises of corporations organized under the act to which this is a supplement, and subject to all the restrictions and conditions imposed upon any corporation organized under said act, except so far as the provisions of said act are modified or changed hereby.

Repealer.

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

Passed March 2, 1891.

CHAPTER XXIX.

A Supplement to an act entitled "An act to provide for the organization of the state lunatic asylum, and for the care and maintenance of the insane," approved February twenty-third, one thousand eight hundred and forty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the law or president judge of the court of common pleas of any county in this state shall have concurrent power and authority with the circuit court judge in his county, to order the removal of any person in confinement under indictment, or other process, to the insane asylum; and that the same proceedings shall be had thereon before the said law or presiding judge as are now required to be had before the circuit court judge.

Gives law judge in any county concurrent power with the circuit court judge in removing persons under indictment from the jail to the insane asylum.

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

Approved March 2, 1891.

CHAPTER XXX.

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

WHEREAS, Commissioners of deeds in and for this state, Preamble. in some instances have, through inadvertence or mistake, continued to take acknowledgments and proofs

of deeds, mortgages and other writings after their term of office had expired, or after their commissions had become void by reason of removal out of the township, borough, ward or district in which they resided at the time of their appointment, and innocent persons may be subjected to loss or injury thereby; therefore,

Acknowledgments and proofs of deeds made by commissioners after expiration of term of office confirmed and made legal.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all acknowledgments and proofs of deeds, mortgages and other writings, and the certificates thereof, heretofore taken or made before or by any commissioner of deeds in and for this state, whose term of office had expired, or whose office had been vacated, or whose commission had become void at the time of taking such acknowledgment or proof, and the records of such deeds, mortgages and other writings are hereby confirmed and made valid and legal and effectual to the extent that the same would have been valid, legal and effectual if the term of office of the commissioner taking such acknowledgment or proof had not expired, nor his office been vacated, nor his commission become void as aforesaid.

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

Approved March 2, 1891.

CHAPTER XXXI.

A Supplement to an act entitled "An act concerning executors," approved April fourteenth, one thousand eight hundred and eighty-seven.

Administrators with will given same powers as executors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any administrator cum testamento annexo shall have the same power as is given to any executor under the provisions of said act to which this is a supplement.

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

Approved March 2, 1891.

CHAPTER XXXII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases of contested elections of any county, township or city officer before the circuit court of any county of this state, the questions of fact involved in such contest shall be tried before said court by a jury, and in the same manner as jury trials are had before said court, together with the right of challenges to jurors, and of calling struck juries as fully and to the same extent as the same is allowed by law in the trial of other civil cases before said courts; *provided, however*, that nothing herein contained shall prevent the court from trying the case without a jury, upon the consent of both the incumbent and contestant.

Jury as well as judge shall sit in contested election cases before the circuit court.

Proviso.

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

Approved March 2, 1891.

CHAPTER XXXIII.

A Further Supplement to an act approved March twenty-fifth, one thousand eight hundred and eighty-nine, entitled "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'" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Supplement amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said supplement be amended so that the same shall read as follows:

Court may allow commission to guardian of an infant, idiot, lunatic or feeble-minded person.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever upon the settlement of the account of a guardian of an infant, idiot, lunatic or feeble minded person it shall appear that the estate of such infant, idiot, lunatic or feeble minded person received into the hands of such guardian exceeds the sum of twenty thousand dollars, it shall and may be lawful, upon such and any subsequent accounting, for the court before which said account shall be presented for settlement and allowance, to consider the actual pains, trouble and risk of such accountant, and to allow such commission upon the estate and interest or income received as to the said court shall be deemed fair and just; *provided*, that said allowance with all former or other allowances made to such guardian, shall not together exceed the sum of five per centum on such estate and the income received by such guardian for such infant, idiot, lunatic or feeble minded person.

Proviso.

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

Approved March 2, 1891.

CHAPTER XXXIV.

An Act concerning ward and district lines in cities of the first class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the first class of this state the common council, board of aldermen or other legislative body thereof, shall have power by resolution, when the same shall have been approved by the mayor of said city, and not otherwise, to divide such city up into wards or aldermanic districts, and to change the lines and boundaries of the wards or aldermanic districts therein, but not oftener than once in five years hereafter; *provided, however*, that the term of any officer appointed for or elected in said wards or aldermanic districts shall not be affected by such change; *and provided further*, that the number of wards or aldermanic districts in such city shall not be increased hereunder.

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

Approved March 2, 1891.

CHAPTER XXXV.

A Supplement to an act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings."

Term of office of township officers shall not extend beyond the term for which they were or may be hereafter elected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the term of office of all township officers heretofore elected or hereafter to be elected shall not extend beyond the term for which they were or may hereafter be elected; and no such township officer shall be considered as holding over in any such office after the expiration of the term for which he was or may be elected, but the office shall be considered vacant after the expiration of such term until filled by his successor in office.

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

Approved March 2, 1891.

CHAPTER XXXVI.

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

Three days' notice consecutively published in a Trenton newspaper prior to the introduction of a bill for any alteration in the boundary-line of any county necessary.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the passage of any bill providing for any alteration or change in the boundary lines of any county or counties, or township or townships, in this state, or of the territory of any county or town-

ship, the notice required by the first section of the act to which this is a supplement, shall be published in a daily newspaper published in the city of Trenton for at least three consecutive days prior to the introduction of such bill.

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

Approved March 3, 1891.

CHAPTER XXXVII.

An Act relating to the collection of assessments for street and other improvements in the cities of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases in which assessments are made upon any lands for improvements made in the cities of this state the same shall not bear interest if paid within forty days after the same shall have been confirmed; if not paid within forty days after confirmation the same shall bear interest at the rate of six per centum per annum, if paid within six months after confirmation; and if not paid within six months after confirmation then interest at the rate of eight per centum per annum shall be charged and collected thereon.

2. *And be it enacted*, That it shall be the duty of the officer charged by law with the collection of such assessments, within ten days after notice of the confirmation thereof has been received by him, to give notice in the manner herein directed to the owners of the lands so assessed of the amount of such assessment and of the provisions of this act with relation to the interest thereon; such notice may be given by publication in one or more of the newspapers authorized by law to publish official

Interest on unpaid assessments for street and other improvements fixed at six per cent. if forty days overdue and paid within six months; if not paid within six months, then interest at eight per cent.

Notice of assessment and of the provisions of this act to be given.

Proviso. notices in such city, or by mailing the same, postage prepaid, directed to said owner or owners at their last known address; and the expenses incurred in giving such notice shall be apportioned by such officers and added to the assessments so made upon the real estate of the owners so notified; *provided*, that if in any case the name of the owner or owners cannot be ascertained then such published notice shall shortly describe the property assessed and state that the owner is "unknown"; *provided, further*, that the failure to give such notice in any case shall not in any way affect or impair the validity of such assessments or prevent the collection thereof.

Proviso.

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

Approved March 4, 1891.

CHAPTER XXXVIII.

An Act to authorize the correction of errors and mistakes in the tax and assessment records of the cities of this state, and to authorize the cancellation of taxes and assessments by error or mistake imposed upon the wrong property, and authorizing the charging thereof to be made against the property actually taxed or assessed.

Authorizes the correction of errors and mistakes in the tax and assessment records in any city

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where in any city of this state it shall be made to appear to the satisfaction of the common council or other governing body that through an error or mistake a lot or tract of land has been wrongly described, or incorrectly numbered, whereby a tax or assessment would appear to be imposed upon a lot not intended to be assessed, and in fact not so assessed, and

thus causing a duplicate assessment to be made against the said property, it shall and may be lawful for the common council or other governing body of such city to cause all such mistakes and errors to be corrected, and lots or tracts of land actually assessed to be properly described, in such manner that no lot or tract shall be subject to a duplicate assessment, and no lot assessed shall escape proper taxation and assessment by reason of such error and mistake.

2. *And be it enacted*, That if in any case by reason of such error or mistake any person has paid a tax or assessment upon the property of another, intending to pay upon his own property, in every such case it shall be lawful for the common council or other governing body to cause the tax or assessment wrongly paid to be re-instated and properly entered upon the records of such city, and the same shall be and remain a lien upon the land upon which it was intended to be and was imposed, and shall be collectible as other taxes and assessments are by law collectible therein, and when so collected shall be paid by such city to the person who by mistake paid to the said city the amount of said tax or assessment; *provided*, that the provisions of this act shall not apply in any case where, subsequent to the levying of such tax or assessment, the property has changed ownership.

Authorizes the cancellation of taxes and assessments imposed upon the wrong property by error or mistake, and the charging thereof against the property actually taxed or assessed.

Proviso.

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

Approved March 4, 1891.

CHAPTER XXXIX.

An Act concerning townships.

Unlawful for any township committee in this state to make any arrangement, by contract or appointment, for sprinkling the streets or removing the garbage for a period beyond the terms of office of the members of such committee.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be unlawful for any township committee in this state to make any arrangement, by contract or appointment, for sprinkling the streets thereof or for removing garbage therein for a period beyond the term of office of the members of such committee.

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

Approved March 4, 1891.

CHAPTER XL.

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

Section to be amended.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the fifth section of the act entitled "An act concerning divorces" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, be amended so as to read as follows:

Court of chancery may decree a limited divorce for extreme cruelty adultery or desertion.

5. *And be it enacted*, That for desertion, adultery, or extreme cruelty in either of the parties, committed or that may be committed, the court of chancery may decree a divorce from the bed and board forever thereafter, or in the case of extreme cruelty, for a limited time, as shall

seem just and reasonable, but in every such case, except for extreme cruelty, the party applying shall prove that he or she has conscientious scruples against applying for a divorce from the bond of matrimony; when such proof has been made, the court, in case it shall deem it just so to do, may also decree that the guilty party shall forfeit all right to dower, curtesy and administration of or participation in the property or estate of the party in whose favor the decree is entered.

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

Approved March 4, 1891.

CHAPTER XLI.

A Supplement to an act entitled "An act respecting writs of error" (Revision), approved March twenty-seventh, A. D. one thousand eight hundred and seventy-four.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That any writ of error, heretofore brought or hereafter to be brought, to remove into the court of errors and appeals any judgment of the supreme court affirming or reversing the judgment of any circuit court of any county of this state in the matter of any contested election of any person to any county, township or city office in the said circuit court shall have the effect of staying all proceedings in the supreme court, remitting the record of the judgment in the supreme court, of affirmance or reversal of the said judgment of the said circuit court to the said circuit court; and the said writ of error shall also have the effect of staying all proceedings in the said circuit court towards carrying into effect the said judgment originally given in the said circuit

Writ of error to remove any judgment of the supreme court, in the matter of contested elections, shall stay proceedings in supreme court.

And circuit court.

court, and shall also have the effect of staying any order that may be or may have been heretofore issued by said circuit court, or by a judge thereof, or by any justice of the supreme court to the sheriff or other officer of any such county, requiring him to enforce the judgment of said circuit court and to remove the incumbent from the said office and to place the contestant in the possession of the same, until the said court of errors and appeals shall have finally determined the issues involved and brought before the said court of errors and appeals by the said writ of error.

Court of errors and appeals to hear and determine issues of law involved by the writ of error.

2. *And be it enacted*, That it shall be the duty of the said court of errors and appeals, to hear and determine, fully, and upon their merit, all and every of the issues of law involved and brought before the said court, by the said writ of error, amending any mistakes or objections of form, or substance in any proceedings relating to said writ of error, and of the issuing of the said writ, whether there is anything in writing to amend by or not, and all such amendments may be made whether the defect or error be that of the party applying to amend or not, and may be made with or without costs, and upon such terms as to the court or any justice or judge thereof may seem fit; and all such amendments may be made as may be necessary for the purpose of determining fully and completely the questions of law adjudicated upon in the court or courts below, and intended to be removed by said writ of error, for final review and adjudication, in and by the said court of errors and appeals.

And amend mistakes or objections of form or substance.

Clerk to place the cause upon the list for argument.

3. *And be it enacted*, That it shall be the duty of the said clerk of the court of errors and appeals to place the said cause upon the list for argument at the next term, after issue shall be joined upon the assignments of error, assigned and filed by the plaintiff in error, or his attorney.

Bond to defendant in error.

4. *And be it enacted*, That the plaintiff in error shall become bound to the defendant in error, by recognizance, in the manner and within the time mentioned and specified and provided in the eighteenth section of the act to which this is a supplement, and entitled "An act respecting writs of error," approved March twenty-seventh, eighteen hundred and seventy-four.

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

Approved March 4, 1891.

CHAPTER XLII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in lieu of and in substitution for, the one set of, or the three commissioners provided for in the sixth section of the act to which this is a supplement, there shall be appointed in the manner in said section provided, such number, sets or divisions of commissioners, to consist of three members in each set or division, and not exceeding six sets or divisions in all, as the justice of the supreme court in said section mentioned, in his discretion shall deem it expedient to appoint, for the performance of the duties and services therein mentioned; and in the order making the appointment of each of said sets or divisions of such commissioners, the said supreme court justice shall designate and specify the territory or portion of the road aforesaid, or any other or connecting road or roads provided for in any act supplementary to said original act, in and over which they, that is to say, each set or division of such commissioners, may operate and exercise jurisdiction; and to this end said justice is hereby authorized, in his discretion, to divide the whole territory or length of said road, as well as the other or connecting roads aforesaid, from one end to the other, into such number of sections or divisions not

Appointment of
commissioners

Duties of commissioners.

exceeding six in all, as he may deem proper; and said commissioners and each set or division thereof, within their several jurisdictions as herein provided for, shall, upon qualifying and taking the requisite oath, have, possess and may exercise like power and perform like duty confided to and vested in the three commissioners mentioned in the act to which this is supplementary; and the notices and proofs in said sixth section mentioned and required, and the proceedings and steps directed therein to be taken for the appointment of said three commissioners originally specified, and all other provisions of the act relating to such commissioners, shall apply to, have force and shall be followed, as near at least as may be, to the other and additional commissioners made necessary and required by this act; any vacancy occurring therein by death, resignation or otherwise, may be filled by said supreme court justice, by his appointing to fill the vacancy, without any other proceedings or preliminaries than mere evidence satisfactory to him of the death or vacancy, a suitable person qualified as directed in the original act; any resignation may be made effective by the commissioner tendering the same in writing, addressed to said justice of the supreme court and filing it in the office of the clerk thereof.

May take buildings.

2. *And be it enacted*, That where the said road or any other or connecting road, as above provided, or any line thereof shall take in whole, or shall bisect any building, the said commissioners may determine, as to them shall seem most just, to take the whole of said building or so much thereof as stands upon the lands required for the road, or to require the owner or owners thereof to move it back from and outside of the line of said road, in case the owner or owners have land enough left for that purpose, and the appraisalment of said commissioners, having due regard to all attendant expense, shall be made accordingly; said commissioners shall also, in all cases, in addition to the directions given to them in the original act, estimate and consider the amount likely to be realized from the sale of any buildings or parts of buildings to be taken or disposed of for or on account of said roads or any of them.

3. *And be it enacted,* That if the said board of chosen freeholders, in the laying out, location and construction of said road shall be confronted with a situation of affairs which to them shall seem to render it imperatively necessary, expedient and for the best interests of the county, that a portion or portions, section or sections of said roads, not exceeding one thousand feet in length at any one point or place, shall be adopted and fixed in advance of the fixing of the whole road or whole line, course and location of said road, as provided in the original act, and they shall so declare by resolution, they shall immediately cause or procure a proper survey and map of said portion or portions, section or sections to be made, under the direction of the chief engineer of said road, and thereupon shall file or cause to be filed said survey and map in the office of the clerk of said board; and said board shall cause public notice to be given for one week, in at least one newspaper circulating in said county, of the filing of said survey and map for public inspection, inviting such objections thereto and to the adoption in advance as aforesaid, of the said portion or portions as may be deemed proper to be offered by any person or party claiming to be interested therein, all which said objections shall be made in writing, signed by the persons or party making the same, and shall be filed with the clerk of said board; at the expiration of the week last mentioned, or as soon thereafter as the board shall assemble, it shall take up and consider the said objections, if any shall have been presented, and upon the consideration thereof, if said board shall be of opinion that said portion or portions in said survey and map shown or otherwise designated should be adhered to and fixed in advance as aforesaid, as a part of said road, notwithstanding said objection, the same shall be regarded and taken as so fixed, upon said board by a majority vote thereof voting to that effect, but if the objections shall be regarded by said board as well founded, then the adoption or fixing of said portion or portions in advance as aforesaid shall be considered as abandoned; if no objection as aforesaid is offered within the time above limited thereto, the said portion or portions so as aforesaid shown and designated shall be taken and regarded as fixed as a part of the road,

Map and survey
filed.

When map filed,
board to give
notice thereof.

Board to consider
objections.

and the proceedings and notices herein provided for shall, to the extent of the portion or portions adopted in advance as aforesaid, be taken and regarded as in lieu of and as if all the requirements of the original act respecting the fixing of the whole line of the road had been fully complied with, but the said action in advance shall not be regarded as in anywise a bar to or in lieu of any method of procedure, course, action, or proceedings whatever deemed necessary to be taken by said board, at, in, or respecting the final fixing, location or disposition of the line, course, distance or location of the road, as directed in and by said original act, when the time therefor shall have arrived; the proceedings herein authorized to be taken for the adoption of a portion or portions of the road mentioned in the original act in advance of the whole, shall be applicable to the said other or connecting roads, which may be provided for by said supplementary act; and said roads when constructed and open for travel thereon shall from one end to the other thereof be deemed and taken to be public roads and shall always be and remain open as such, but the same and the travel thereon shall be subject to such rules and regulations in relation thereto, and to limit and prevent the driving or travel thereon of loaded or heavy trucks, wagons or carts, as the said board may have adopted or shall adopt from time to time, and for the violation of which such board may make or prescribe reasonable penalties, not exceeding ten dollars in any case; such penalties shall be enforced by and through such process and method of procedure as shall be prescribed by the board as aforesaid by and before any police justice, police magistrate or recorder of any city, town or township in such county, upon proper complaint on oath being made before him, and on the conviction of the offender, in default of the payment of the penalty imposed such magistrate may commit such offender to the county jail for any term not exceeding five days.

Penalties.

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

Approved March 4, 1891.

CHAPTER XLIII.

An Act in relation to days of recreation and holidays, and fixing the days and parts of days so to be set apart and observed, and regulating the maturity of commercial paper with respect thereto.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Holidays.} *the State of New Jersey,* That the following days and half days, namely, the first day of January, commonly called New Year's Day; the twenty-second day of February, known as Washington's Birthday; the thirtieth day of May, known as Decoration Day; the fourth day of July, called Independence Day; the first Monday of September, to be known hereafter as Labor Day; the twenty-fifth day of December, known as Christmas Day; any general election day in this state; every Saturday from ^{Saturday half} twelve o'clock at noon until twelve o'clock at midnight, ^{holiday.} which is hereby designated a half holiday; and any day appointed or recommended by the governor of this state, or the president of the United States, as a day of thanksgiving, or fasting and prayer, or other religious observance, shall, for all purposes whatever as regards the presenting for payment or acceptance, and of the protesting and giving notice of the dishonor of bills of exchange, bank checks and promissory notes, made after the passage of this act, be treated and considered as the first day of the week, commonly called Sunday, and as public holidays or half holidays; and all such bills, checks and notes otherwise presentable for acceptance or payment on any of the said days shall be deemed to be payable and be presentable for acceptance or payment on the secular or business day next succeeding such holiday; but in the case of a half holiday shall be presentable for acceptance or payment at or before twelve o'clock noon of that day; *provided, however,* that for the purpose of protesting or ^{Proviso.} otherwise holding liable any party to any bill of exchange, check or promissory note, and which shall not have been

paid before twelve o'clock at noon on any Saturday, a demand of acceptance or payment thereof may be made and notice of protest or dishonor thereof may be given on the next succeeding secular or business day; *and provided further*, that when any person shall receive for collection any check, bill of exchange or promissory note, due and presentable for acceptance or payment on any Saturday, such person shall not be deemed guilty of any neglect or omission of duty, nor incur any liability in not presenting for payment or acceptance, or collect such check, bill of exchange or promissory note on that day; *and provided further*, that in construing this section every Saturday, unless a whole holiday as aforesaid, shall, until twelve o'clock noon, be deemed a secular or business day: and the days and half days aforesaid shall be considered as the first day of the week, commonly called Sunday, and as public holidays or half holidays, for all purposes whatsoever as regards the transaction of business in the public offices of this state, or counties of this state; on all other days or half days, excepting Sundays, such offices shall be kept open for the transaction of business.

Monday a holiday whenever holiday falls upon Sunday.

Proviso.

2. *And be it enacted*, That whenever the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July or the twenty-fifth day of December shall fall upon Sunday, the Monday next following shall be deemed a public holiday for all or any of the purposes aforesaid; *provided, however*, that in such cases all bills of exchange, checks and promissory notes, made after the passage of this act, which would otherwise be presentable for acceptance or payment on the said Monday, shall be deemed to be presentable for acceptance or payment on the secular or business day next succeeding such holiday.

Not to interfere with persons or corporations transacting business.

3. *And be it enacted*, That the provisions of this act shall not be construed as interfering with any person or corporation transacting business in this state, either private or public, but every such person or corporation shall be permitted to conduct business on any holiday or half holiday herein designated, in the same manner as if this law had not been passed.

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

Approved March 9, 1891.

CHAPTER XLIV.

An Act to amend an act entitled "An act in relation to the temporary custody of dangerous lunatics," approved March twenty-third, one thousand eight hundred and eighty-eight.

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

5. *And be it enacted*, That the expense of confining such lunatics temporarily while making the application for his or her admission to a lunatic asylum, or removing him or her thereto, or to the place of his or her legal settlement, shall be chargeable to and borne by the borough or township or other municipality in which such dangerous lunatic may have been found at the time of his or her temporary confinement; *provided, however*, that if in any case such confinement is continued beyond the term or period of ten days, then and in every case the expense incurred after the termination of said period shall be charged to and paid by the county in which such borough, township or other municipality is situated; *and provided further*, that nothing in this act shall prevent the transfer of such dangerous lunatic to his or her legal settlement in case the same shall be subsequently ascertained.

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

Approved March 9, 1891.

CHAPTER XLV.

An Act concerning volunteer fire companies whose charters are limited.

Provides for the continued legal existence of any volunteer fire company by filing certificate with secretary of state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any volunteer fire company that has failed during the period of its continuance named in its charter or certificate of incorporation, to file with the secretary of state a certificate extending its corporate existence, as permitted by statute, but has continued and still continues its organization, and the transaction of business, may still file such certificate at any time within the period of thirty days from the passage of this act, naming therein a period not exceeding fifty years.

Period of existence revived and extended.

2. *And be it enacted*, That upon filing such certificate, the period of existence of such corporation shall be revived and extended as declared in such certificate, as fully as if said period had been named in the original charter or certificate of such organization of such corporation, but 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, nor shall this act apply to any corporation against which quo warranto or other proceedings for dissolution are pending.

Not to continue any irrevocable contract with the state.

Volunteer fire company to dispose of all its real and personal property after any city has established a paid department.

3. *And be it enacted*, That in any city in this state where the said volunteering fire company is under the control of any municipal or other authorities, and the said municipal or other authorities desire to change the volunteer system to a paid department, the said volunteer fire company may have power to sell, dispose, or convey any real or personal estate to said city or municipal authorities, persons or other corporations, as the company may deem

best, but no sale shall become valid unless by two-thirds of the votes of the members present, and no vote shall be taken except at a regular stated meeting of the company.

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

Approved March 9, 1891.

CHAPTER XLVI.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any corporation created by the act to which this is a supplement shall have or has by the terms of its certificate of organization limited or restricted the free sale or transfer of its stock, by requiring such company at a corporate meeting to fix upon the value of such stock, and by giving, in any manner, such company or its board of directors a pre-emption upon or right to purchase such stock before the transfer thereof by the owner to a third person, or by requiring any employee who shall be a stockholder thereof to hold his stock subject to such pre-emptive right in said company, or to sell the same to said company upon his or her ceasing to be a stockholder therein, such corporation shall have the power by a two-thirds vote of its board of directors at a regular or special meeting called for that purpose, to change, alter or repeal any or all of such restrictions or limitations, and any or all provisions inserted in said certificate of organization for the purpose of securing the same; *provided*, all the stockholders of such company shall surrender their stock issued under the original certificate and shall accept in lieu thereof new stock to be issued in pursu-

Power to change, alter or repeal restrictions or limitations as to sale or transfer of stock.

Proviso.

ance of such resolution; and if any stockholder shall refuse to convert his stock as aforesaid within thirty days after written notice to him or her of the adoption of such resolution, the said corporation may apply by petition to the court of common pleas of the county in this state where the chief office of said company may be kept, or to a judge of said court in vacation, if no court is sitting, on two days' notice to such dissenting stockholder, to appoint three disinterested persons to estimate the damage, if any, to such dissenting stockholder by said resolution, whose award, or that of a majority of them, shall be final and conclusive, and the persons so appointed shall also appraise said stock of such dissenting stockholder at the full market value thereof, without regard to any depreciation or appreciation in consequence of the said change; and the said company on payment or tender to said stockholder of the value of his said stock and the amount, if any, of the damage so as aforesaid ascertained, shall be entitled to a transfer of such stock and to enforce the same by an action for specific performance; and upon the transfer thereof, such stock shall be held or disposed of by the company at the discretion of the directors; *and provided*, said corporation cause to be made, recorded and filed a certificate in writing which shall set forth:

Proviso.

Certificate to set forth clauses proposed to be altered or repealed.

Disposition to be made of such clauses or provisions.

How signed and sealed and filed.

I. The clauses or provisions in its original certificate of organization which are proposed to be altered, amended or repealed;

II. The disposition to be made of such provisions, whether by alteration, amendment or repeal; and if altered or amended, the language of such provision after such alteration or amendment shall be made;

Which certificate shall be signed by a majority of the board of directors of such corporation, the corporate seal shall be thereto affixed, and attached thereto shall be an affidavit of the secretary or treasurer of said company that all of the stock has been surrendered either voluntarily or involuntarily, as hereinabove provided for; and the said certificate having been first recorded in the office of the county clerk where the original certificate of organization is recorded, shall be filed in the office of the secretary of state.

2. *And be it enacted*, That upon the filing of such amended certificate in the office of the secretary of state the restrictions and limitations upon the transfer of the stock of such corporation named in the original certificate of organization shall be altered, amended or repealed accordingly as such amended certificate shall provide.

3. *And be it enacted*, That all acts and parts of acts in- consistent with this act be and they are hereby repealed, and this act shall take effect immediately.

Approved March 9, 1891.

CHAPTER XLVII.

A Supplement to an act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assessors and collectors of the respective townships of this state elected after the passage of this act, shall hold their office for the term of three years.

2. *And be it enacted*, That all acts or parts of acts, in- consistent with this act be and the same are hereby re- pealed, and that this act shall take effect immediately.

Approved March 9, 1891.

CHAPTER XLVIII.

An Act to provide for a commission to revise and consolidate the general statutes of this state relating to villages, towns and townships.

Governor to appoint three commissioners to revise the statutes relative to villages, towns and townships

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor shall appoint three competent persons commissioners to revise, simplify, arrange and consolidate all the general statutes of this state applying and relating to villages, towns and townships, which shall be in force at the time such commissioners shall make their final report.

Commissioners to present a printed copy of statutes before the next legislature.

2. *And be it enacted*, That the said commissioners shall lay a printed copy of the said general statutes, so revised and consolidated by them, before the legislature at its next session, that the same may be re-enacted, if the legislature shall so determine; and at the same time they shall suggest to the legislature such contradictions, omissions and imperfections as may appear in the original text of the said acts, and the mode in which they shall have reconciled, supplied and amended the same; and they may also designate such acts or parts of acts as, in their judgment, ought to be repealed, with their reasons for advising such repeal; and may also recommend the passage of such new acts or parts of acts as, in their judgment, may appear necessary or expedient, either in lieu of or in addition to any of the acts so revised and consolidated.

With suggestions.

And recommendation.

Compensation to be fixed by governor, comptroller and treasurer.

3. *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.

4. *And be it enacted*, That in case any of the said commissioners so appointed shall refuse to act or shall die, resign or remove from the state before the completion of the duties assigned to the said commissioners, it shall be the duty of the governor, or person administering the government, to appoint a suitable person or persons of this state to fill the vacancy thereby occasioned. Vacancies, how filled.

5. *And be it enacted*, That the commissioners appointed under this act shall have no power to revise, consolidate or simplify any acts or parts of acts in terms applying only to particular villages, towns or townships. Power of commissioners.

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

Approved March 9, 1891.

CHAPTER XLIX.

An Act to amend an act entitled "An act to authorize the apportionment of taxes, assessments and water rents," approved April twenty-first, one thousand eight hundred and seventy-six.

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

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 committee of the several townships; *provided, however*, that whenever there is or shall be in any city or town a board of finance or body possessing the general power now exercised by such boards, the power of apportionment as aforesaid shall be vested Powers to apportion, in whom vested. Proviso.

Proviso. in, and such application made to that board; *and provided further*, that whenever there is or shall be in any city an officer called a comptroller, the power aforesaid shall be vested in and such application made to that officer; *and provided further*, that whenever there is or shall be, in any city or town, tax commissioners, the power aforesaid shall only be vested in, and such application made to said tax commissioners.

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

Approved March 9, 1891.

CHAPTER L.

A Supplement to 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.

County clerk to
make transcript
of record in
docket and to
docket judgment.

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 clerk of any county to make a transcript of the record of any case entered in any docket deposited in the clerk's office of such county as required in sections one hundred and twenty-one, one hundred and twenty-two, one hundred and twenty-three, one hundred and twenty-four, of the act to which this is a supplement, and to docket any judgment obtained in any court for the trial of small causes, of which the record appears in any docket so deposited, for an amount not less than ten dollars, including costs, if execution shall appear by said record to have been issued thereon and returned unsatisfied; and if it shall appear that no execution has been issued upon such judgment, or, if issued, has not been returned, the said clerk of the county be and he is hereby authorized, upon the request of the person or persons

obtaining such judgment, his or their executors, administrators, assignee or assignees of such judgment, to issue execution thereon under the seal of the clerk of said county against goods, chattels and personal estate, and upon such writ being returned unsatisfied to proceed, upon the request of the person or persons obtaining such judgment, his or their executors, administrators, assignee or assignees of such judgment, to make a transcript from the said docket so deposited, and to proceed in manner and form as provided in the seventy-second section of the act to which this is a supplement, as though the justice of the peace by whom such judgment was granted had himself made such transcript, to docket the same in accordance with the provisions of said seventy-second section, and such judgment from the time of said docketing shall operate in all respects as though it had been docketed under and by force of said section; and for his services hereunder the clerk of the county performing the said functions shall receive the same fees, and no more, as the justice of the peace would have been entitled to for the same had his docket not been so deposited in the office of the clerk of the county.

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

Approved March 9, 1891.

CHAPTER LI.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every association heretofore or hereafter incorporated under and in pursuance of the Hospitals authorized to establish branches.

Proviso act to which this is a supplement, shall have the power to establish a branch institution or institutions in any place or places in this state; *provided*, that said association shall maintain its principal institution at the place named in its certificate of incorporation.

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

Approved March 9, 1891.

CHAPTER LII.

A Supplement to an act entitled "An act to provide additional accommodations for the state normal school," approved March twenty-fifth, one thousand eight hundred and ninety.

Additional furniture and apparatus for the State Normal School. 1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the state board of education be and they hereby are authorized to procure additional furniture and apparatus for the addition to the state normal school, and to make such alterations in the present buildings as in the judgment of said board may be necessary and requisite for carrying out the purposes of the act to which this is a supplement.

Work to be done by contract or otherwise. 2. *And be it enacted*, That the furnishing and alterations of said buildings shall be done by contract or otherwise, as the state board shall deem for the best interest of the state; and said board shall have power to employ architects, superintendents and mechanics, to advertise for proposals, to make a contract or contracts for the whole or any part of said work, and to incur all necessary expenses to carry out the provisions of this act, and of the act to which this is a supplement; and for these pur-

poses the sum of eight thousand dollars or so much thereof as may be necessary, in addition to the appropriation now authorized by law by the act to which this is a supplement, is hereby appropriated from the income of the state school fund, the same to be paid by the treasurer of the state, on a warrant of the comptroller, from time to time as payments shall become due, said payments to be made upon proper vouchers approved and duly certified by the said board or such officers thereof as may have been or may be designated for that purpose.

Appropriation of \$8,000.

3. *And be it enacted*, That the said board shall make to the legislature at its next session, and at each succeeding session, until said building is completed and furnished, and said alterations made, a full and detailed report of their proceedings and expenditures under this act, and the act to which this is a supplement.

State board of education to report.

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

Approved March 9, 1891.

CHAPTER LIII.

Supplement to an act entitled "An act to further define the duties of the fish commissioners of New Jersey," 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 whenever it shall become proper, under the provisions of said act, for the fish commissioners of this state to construct, rebuild, remodel or repair any fishway in any dam in the river Raritan or its tributaries, the expense of such construction, rebuilding, remodeling or repairing shall be paid in the first instance by the treasurer of the state out of its funds, upon the

Expense of constructing and repairing fishways in dams in Raritan river and tributaries to be paid by state treasurer.

warrant of the comptroller, on the requisition of the said commissioners.

Commissioners to collect and cover into the state treasury.

2. *And be it enacted*, That the said expense in each case when collected by the said commissioners pursuant to the provisions of the said act or of this act, shall be paid by said commissioners into the treasury of this state.

3. *And be it enacted*, That this act shall be deemed and taken to be a public act and shall take effect immediately.
Approved March 9, 1891.

CHAPTER LIV.

An Act to amend an act entitled "A supplement to an act entitled 'An act respecting the court of chancery,'" approved March twenty-seventh, in the year one thousand eight hundred and seventy-five.

Section to be amended.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "A supplement to an act entitled 'An act respecting the court of chancery,' approved March twenty-seventh, in the year one thousand eight hundred and seventy-five," which supplement was approved March twenty-fourth, in the year one thousand eight hundred and eighty-one, be amended so as to read as follows:

Actions heretofore or hereafter commenced affecting or concerning title to lands, or to foreclose a mortgage, or enforce a lien, may be proceeded against persons claiming any right, title, &c., or his heirs, devisees, &c.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in all actions heretofore or hereafter commenced in the court of chancery of New Jersey, by bill of complaint affecting or concerning the title to any lands lying in the state of New Jersey, or to foreclose a mortgage, or to establish and enforce any other lien or charge against lands in this state, mentioned and described in said bill, whenever it shall appear by the allegations of said bill of complaint, duly verified by the affidavit of the complainant or his agent or solicitor

thereto annexed, that any person mentioned in said bill of complaint as having or having had, claiming or having claimed, or believed by the complainant to claim or to have claimed, any right, title, interest or estate in or to said lands, or any part thereof, or any mortgage or other lien or charge thereon, or his heirs, devisees or personal representatives, are proper parties defendant to said bill of complaint; and that the complainant, after diligent and careful inquiry therefor, made as in case of absent defendants, has been unable to ascertain whether such person is still alive, or if he is known or believed to be dead, has been unable to ascertain the names and residence of his heirs, devisees or personal representatives, or of such of them as are proper parties defendant as aforesaid, such action may proceed against such person by name, and his heirs, devisees and personal representatives as in case of absent defendants whose names are known; *provided, nevertheless,* that such notice as is now required by law to be published against absent defendants in default of personal service, addressed to such person by name and to "his heirs, devisees and personal representatives," and containing such further statements and giving such further time as the chancellor may by his order direct, be first published and mailed in such manner as the chancellor may by his order in said action direct; and in case such person or his heirs, devisees or personal representatives shall not appear, plead, answer or demur within the time limited in said notice, or further allowed by the chancellor, if he shall think proper, on proof to the satisfaction of the chancellor of mailing and publication of said notice, as directed, such action may proceed in all respects as though such person or his heirs, devisees or personal representatives had been duly named and described and served with process of subpoena in said action and had failed to appear, plead, answer or demur to the complainant's bill of complaint within the time thereto allowed by law.

Approved March 9, 1891.

CHAPTER LV.

An Act to amend section one hundred and forty-eight of act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary, and the orphans' court and surrogates" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section to be amended.

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

Husbands have the right to take the personal estate of their wives without administration thereon when the estate does not exceed \$200.

148. *And be it enacted*, That nothing in this act contained respecting the distribution of intestates' estates shall extend to the estates of femmes covert who shall die intestate, but their husbands may demand and have administration of their rights, credits and other personal estates, and recover and enjoy the same as fully as they might have done before the passing of this act, but that in cases where the total value of the assets of such estates shall not exceed two hundred dollars they shall be absolutely entitled without administration to the balance thereof remaining after the payment of all debts due from the estate of such deceased person out of said estate.

Repealer.

2. *And be it enacted*, That all acts or parts of acts in conflict with this be and they hereby are repealed.

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

Approved March 9, 1891.

CHAPTER LVI.

An Act concerning salaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person whose compensation for services is payable by the state quarterly, shall, if he be so desirous, be paid in monthly installments. Salaries of all persons employed by the state payable monthly.

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

Approved March 9, 1891.

CHAPTER LVII.

An Act appropriating money to execute the laws when no specific appropriations are made therefor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when under any law of this state the expenditure of money from the state treasury is necessary to enable the governor to comply with the constitutional requirement that "he shall take care that the laws be faithfully executed," and such law does not appropriate the necessary money to provide specifically for its payment, it shall be lawful for the governor to make his requisition or requisitions upon the comptroller of the treasury for the necessary sums to meet such expenditure, specifying in each case the purpose or purposes for which the said money is to be expended; the necessary sums to meet such requisitions are hereby appropriated, and it shall be lawful for the comptroller, upon such requisitions, to draw his warrant or warrants Appropriates the necessary sums to pay all expenses incurred by the governor in taking care that the laws be faithfully executed," and the governor's requisition on the comptroller shall authorize the payment of such expenses

on the state treasury therefor, and for the treasurer to pay the same; and the comptroller shall each year report to the legislature the amounts drawn upon such requisitions and the specific purposes for which the same were drawn.

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

Approved March 9, 1891.

CHAPTER LVIII.

A further supplement to an act entitled "An act for the relief of creditors against absconding and absent debtors," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section to be amended.

1. **BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey*, That section forty-two of the act entitled "An act for the relief of creditors against absconding and absent debtors," approved March twenty-seventh, one thousand eight hundred and seventy-four (Revision, page forty-nine), be and the same is hereby amended to read as follows:

Court or judge to order advertisement.

42. *And be it enacted*, That it shall be the duty of the court out of which any attachment may issue, or of a judge thereof, to order the clerk of such court to cause notice of the issuing of such attachment, and at whose suit, against whose estate, for what sum, and when returned, to be published in such one or more newspapers in this state as said court or judge shall direct, for a space not less than four and not more than six weeks successively, at least once in each week; and judgment shall not be entered until proof to the satisfaction of said court or said judge shall be made of such publication.

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

Approved March 9, 1891.

CHAPTER LIX.

An Act in regard to honorably-discharged union soldiers
or sailors.

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

Prevents honorably discharged Union soldier or sailor from being removed from any city or county positions without cause.

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

Repealer.

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

Approved March 9, 1891.

CHAPTER LX.

A Further Supplement to an act entitled "An act to authorize the acquisition of real estate and the erection of buildings thereon for the use of police departments in the cities of this state," approved April eighth, one thousand eight hundred and eighty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That should the amount of eighty thousand dollars, provided for in the supplement passed May twenty-third, one thousand eight hundred and ninety,

Authorizes the increase of bonds to the amount of \$100,000, for the erection of police buildings.

to the act to which this is a further supplement, as the limit of expenditure for the purpose of carrying out the provisions of said acts, be insufficient to acquire the additional accommodations for the precinct station houses, or police station houses, for the use of the police department of any such city, as contemplated by said acts, that then and in such case it shall be lawful for the board having charge and control of the finances in any such city to increase such appropriation from time to time, upon the request of the board having control of the police department in any such city, to an amount not exceeding in the aggregate the sum of one hundred thousand dollars, which sum shall be the limit of expenditure under said act.

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

Approved March 9, 1891.

CHAPTER LXI.

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

Whenever any borough shall neglect or refuse to elect an assessor or collector, then the assessor and collector of the township in which the borough is situated shall act.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any borough or other taxing district in this state has refused or neglected, or shall hereafter refuse or neglect to elect or appoint an assessor to assess and levy, or a collector to collect the state school tax or other tax due to the state, it shall be the duty of the assessor and collector of the township from which the said borough or taxing district was originally carved or set off to assess, levy and collect all

taxes due from such borough or taxing district, whether in arrears or otherwise, in the manner provided in the act to which this is a supplement, to wit, said supplement of April eleventh, one thousand eight hundred and sixty-six, and to pay over the same as by law they would be required to do if they had assessed, levied and collected the same under said act of April eleventh, one thousand eight hundred and sixty-six.

2. *And be it enacted*, That it shall be the duty of such township assessor, within thirty days after written notice from the county collector of the amount of taxes due and unpaid from such borough or taxing district, to assess and levy upon the taxable property of such borough or taxing district the taxes due and unpaid, and in giving such notice the county collector shall state the amount of taxes due or in arrears, and such statement and notice shall be a sufficient warrant to the assessor in assessing the same.

Township assessor to assess and levy for due and unpaid taxes.

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

Duty of assessor and compensation.

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

Duty of collector and commissioners of appeal.

And compensation of commissioners.

they are now entitled to receive under said act of April eleventh, one thousand eight hundred and sixty-six, or any act which amends or changes said act.

Collector to collect taxes assessed.

5. *And be it enacted*, That it shall be the duty of the collector of such township to proceed within two days after the meeting of said commissioners of appeal to collect the taxes assessed and levied by the assessor under this act; and in making such collections the said collector is hereby vested with all the powers conferred upon him for that purpose by any act of the legislature; and such collector shall be entitled to the same rate of compensation for collecting such taxes as he is now entitled to receive under any act of the legislature.

Compensation.

Taxes due the state from county to be paid by county collector.

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

Chosen freeholders may borrow in anticipation of collection of taxes.

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

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

Approved March 9, 1891.

CHAPTER LXII.

A Further Act to amend the act entitled "An act to organize and establish a state board of agriculture," approved April first, one thousand eight hundred and eighty-seven.

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

2. *And be it enacted*, That the board of directors shall hereafter consist of the executive committee of the state board of agriculture with the following persons, to wit: How constituted.

Class A.—Two members of the board of managers of the geological survey to be appointed by said board, and two members of the board of visitors of the state agricultural college to be appointed by said board;

Class B.—The professor of agriculture in the state agricultural college, the president and director of the state experiment station, and the master and secretary of the state grange, patrons of husbandry;

Class C.—Two delegates from the state agricultural society, two delegates from the state horticultural society, two delegates from the cranberry growers' association, two delegates from the state poultry association, one delegate from each pomona grange, and two delegates from each county board of agriculture which may associate itself with the state board in the manner hereinafter provided.

2. *And be it enacted*, That the third section of the act of which this is amendatory be amended to read as follows: Section to be amended.

3. *And be it enacted*, That the officers, board of directors and committees appointed by the state board (or by the board of directors or the executive committee thereof), shall receive compensation from the state for their personal expenses when engaged in the duties of Compensation of officers, directors, secretary, &c.

said board; the secretary of the state board shall receive an annual salary of twelve hundred dollars, and may, with the approval of the executive committee, employ a clerk or clerks at an expense of not over two hundred dollars a year; the treasurer shall receive an annual salary of one hundred dollars and shall give bonds for the faithful performance of the duties of his office in such sum as the executive committee may require; the salaries of said secretary and treasurer shall be paid monthly by the treasurer of the state on the warrant of the comptroller out of any moneys not otherwise appropriated.

Section to be amended.

3. *And be it enacted*, That the seventh section of the act of which this is amendatory be amended to read as follows:

Where board to meet and elect officers, &c.

7. *And be it enacted*, That the board shall meet at the state house, in the city of Trenton, at least once in each year, and as much oftener as may be deemed expedient; they shall annually elect a president, vice-president and treasurer; they shall also elect a secretary, who shall have his office in the state house, and who shall be the secretary of the commissioner of agriculture, and who shall hold his office for the term of five years and until his successor is duly elected and qualified; the present secretary shall hold his office for the term of five years from the date of his last election; the said president, vice-president, treasurer and secretary with three others to be elected annually at the same time that the president, vice-president and treasurer are elected, shall constitute the executive committee of said board, and they shall appoint two members who shall constitute a committee to examine the vouchers and audit the account of the treasurer of the said board.

Section to be amended.

4. *And be it enacted*, That the eighth section of the act of which this is amendatory be amended to read as follows:

Term of office of board of directors.

8. *And be it enacted*, That the members of the board of directors other than the executive committee shall hold office for the following terms: Class A, one year; Class B, one year; Class C, two years, one representative of each association retiring each year.

5. *And be it enacted*, That the ninth section of the act of which this is amendatory be amended to read as follows: Section to be amended.

9. *And be it enacted*, That the expenses of the officers, Expenses, &c., of officers, directors, &c., by whom and how paid. board of directors and committees as provided in section three of this act (other than the salaries of said treasurer and secretary), shall be forwarded to the executive committee of the state board, who shall make up the same from time to time, which account, when approved by the president of the board and attested by the secretary, shall be presented to the comptroller of the state, who shall thereupon draw his warrant therefor upon the state treasurer, who shall pay the same out of any moneys not otherwise appropriated to the treasurer of the state board of agriculture upon such warrant, which amount, with the salaries paid to said treasurer and secretary, shall be considered part of the annual appropriation as provided in section ten of this act.

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

Approved March 9, 1891.

CHAPTER LXIII.

An Act to amend an act entitled "An act concerning mortgages" (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 six of the act entitled "An act concerning mortgages" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended so as to read as follows: Section to be amended.

6. *And be it enacted*, That where any person holds a mortgage against any lands or real estate situate in this state, and the mortgagor, or those holding under him, Proceedings when mortgagor has absconded, is unknown, or has died.

has absconded, conceals himself, is unknown to the holder of said mortgage, or is dead, and his heirs or devisees are wholly unknown, or some part of them are unknown, it shall be lawful for the holder of any such mortgage to file a bill in the court of chancery, setting up any of the facts above stated, and naming in said bill the mortgagor, or person holding under him, and said suit may proceed in the same manner as if all the owners of such real estate were known, making such absent or unknown owner or owners of said real estate a party or parties thereto, by a publication, according to the law and practice of said court, in case of absent defendants, and, in the order of said publication, describing such real estate in such manner and terms as will identify the same by (abuttals and boundaries, or otherwise) and naming the mortgagor or other person last owning the said real estate; which order of the chancellor may be published in one or more of the newspapers of this state or elsewhere, directing such absent or unknown owner or owners to appear, plead, answer or demur to the said bill, within such time as the chancellor shall direct, not less than two nor more than six months from the date of such order; which order shall be published, as aforesaid, within twenty days from the date thereof, and continued in said newspaper or newspapers at least once a week, to within ten days of the expiration of the time limited to appear, plead, answer or demur; and at the expiration of the time limited in said order, the chancellor shall make such decree against said absent or unknown owner or owners, as if they were known to the court, and as may be equitable and just, and shall have power to decree a sale of said mortgaged premises; and that the equity of redemption be foreclosed and cut off, in the same manner as if all the owners or persons in interest were known, and by name had been made parties to said suit; and the chancellor shall further decree that the proceeds of sale, after the payment of the complainants' mortgage, with the costs of foreclosure and sale, and such other liens and encumbrances as may have been established and ordered paid by the chancellor in such foreclosure proceeding, shall be deposited with the clerk of the court, and by him deposited, by order of the court, in any designated depos-

Chancellor to
make decree.

itory of moneys paid into the court of chancery, for the benefit of such absent or unknown owners, and the chancellor shall order the payment thereof from time to time to those who are entitled to receive the same, and as they shall be ascertained by the court.

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

Approved March 9, 1891.

LXIV.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of boroughs incorporated under the act to which this is a further supplement, shall annually by votes, upon the same ballot used in voting for mayor and councilmen, designate an amount of money to be raised by taxation upon the real and personal property within the borough for the current expenses of such borough; and the sum of money receiving the greatest number of votes at such election shall be the sum of money to be raised for the aforesaid purposes within said borough, and the result shall be certified upon the returns of said election; and the sum of money so voted shall be assessed and collected at the same time and in the same manner as other borough taxes have been heretofore assessed and collected, under the name of the "general borough tax"; *provided, however*, that in case the legal voters aforesaid fail to so designate the amount so to be raised as "general borough tax," by reason of a tie vote or otherwise, then it shall be lawful for the mayor and council at any regular meeting to fix such general

Legal voters to determine annually upon the same ballot used in voting for mayor and councilmen, the amount of money to be raised each year for borough purposes.

Borough tax, how assessed and collected.

Proviso.

borough tax at a sum not exceeding three thousand dollars.

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

Approved March 9, 1891.

CHAPTER LXV.

An Act providing for state policemen and defining their powers and duties.

Governor to appoint state policemen

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That upon the application therefor by the circuit judge or law judge of any county, or the prosecutor of any county, or upon his own motion, the governor may appoint any person or persons and issue to such person or persons so appointed a commission to act as a state policeman, a copy of such commission to be filed in the office of the secretary of state, together with a bond to the state in the sum of five thousand dollars, with sufficient surety, to be approved by the governor, conditioned for the faithful performance of his duty, and said state policeman, with the sureties on his bond, shall be liable on his said bond to any party injured by an unlawful act of said officer.

Policemen to have powers of policemen and constables.

2. *And be it enacted*, That every such person so appointed shall, in the counties of this state named in the said commission by the governor, have and possess all the powers of policemen and constables in criminal cases of the several counties, cities, wards of cities, townships and other municipalities existing in such county; and such state policeman shall, except when on detective duty, wear and keep in plain view a metallic shield or device, with the words "state policeman" thereon, and shall wear such uniform as may from time to time be designated by the governor.

And wear a shield.

3. *And be it enacted,* That such state policeman shall hold office during the pleasure of the governor, and his commission therefor may be revoked at any time by filing of a revocation thereof by the governor in the office of the secretary of state.

4. *And be it enacted,* That when the governor, in his discretion, shall determine that the preservation of the peace in any portion of this state requires such action, he shall have power to apply to the police commissioners or to the chief of police of any city or municipality to designate such portion of the police force of such city or municipality as the governor shall request to act as state policemen; that on failure of such police commissioners or chief of police, or other proper authority governing such police, to immediately make such designation, the governor shall have power to immediately designate such members of the police force as he shall deem necessary to act as such police force, and when such designation is made, either by the police commissioners, the chief of police or by the governor, the officers and men so designated shall be designated and known during their term of service as state policemen, and shall be subject to the orders of the governor for the preservation of the peace, either in the place where such officers or members of the police force shall usually perform their duties, or at any other place or places designated by the governor, and at such times and under such directions as he shall determine to be necessary under the circumstances; and the governor shall, when he deems it necessary, direct the officers or policemen to act under the orders of such member of the force as he shall designate, and any officer or policeman failing to perform the duty directed by the governor for the purpose of the preservation of the peace in any portion of the state shall forthwith cease to be a policeman of the city or municipality in which he shall be acting, under any appointment whatever, and shall be ineligible thereafter to hold the office of policeman, constable or peace officer under any law or authority of this state or any municipality thereof.

5. *And be it enacted,* That whenever the governor shall make such designation of state policemen from any one or more of the different police forces or departments of any city or municipality of this state for the purpose of

Hold office at pleasure of the governor.

Governor to apply to police commissioners or chiefs of police for portion of police force.

Upon failure, governor may designate.

Penalty for policeman failing to perform duty.

Counties to reimburse state for pay of men employed

preservation of the peace in any portion of the state, he shall have the power to pay the men employed in such duty and all the expenses connected with the preservation of the peace, and on his certificate the comptroller shall draw his warrant and the treasurer shall pay such expenses in the first instance, and the county of the state in which such state policemen are necessary to be used for the preservation of the peace shall reimburse the state for such expenses, if the governor shall determine that all or any portion of the charges are proper to be made against the county for the preservation of the peace therein.

State chief of
police and com-
pensation.

6. *And be it enacted*, That the policemen designated as "state policemen" under section four of this act shall be citizens of the state and shall, during their term of service under the direction of the governor in all the counties of this state, have and possess all the powers of policemen and constables in criminal cases in the several counties, cities, wards of cities, townships and other municipalities existing in such counties, and the state policemen under this act shall be under the exclusive charge of a person who shall be designated by the governor, and known officially as the state chief of police, who shall perform such duty as shall be determined by the governor, and shall receive an annual compensation of twenty-five hundred dollars per annum, payable monthly, and who shall hold office during the pleasure of the governor.

Repealer.

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

Approved March 9, 1891.

CHAPTER LXVI.

An Act to enable library associations to improve their real estate.

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 library association duly incorporated under the laws of this state to erect a building or buildings, or add to, alter and improve the building already erected on its real estate for the purposes of a library; *provided*, that the said real estate and such building or buildings when completed shall not exceed in value the sum of twenty thousand dollars.

Library associations may erect and improve buildings.

Proviso.

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

Repealer.

Approved March 9, 1891.

CHAPTER LXVIII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty-one of the said act entitled "An act concerning corporations" [Revision], approved April seventh, one thousand eight hundred and seventy-five, be and the same is hereby amended so that henceforth said section twenty-one shall be and read as follows and not otherwise, to wit:

Section to be amended.

Absent stock
holders may vote
by proxy.

Proviso.

21. *And be it enacted,* That at all meetings of the company absent stockholders may vote by proxy, authorized in writing; and every company may determine by its by-laws, the manner of calling and conducting all meetings, what number of shares shall entitle the stockholders to one or more votes, what number of stockholders shall attend either in person or by proxy, or what number of shares or amount of interest shall be represented at any meeting in order to constitute a quorum; *provided,* that in no case shall more than a majority of shares or amount of interest be required to be represented at any meeting in order to constitute a quorum; and if the quorum shall not be so determined by the company, a majority of the stockholders in interest represented either in person or by proxy, shall constitute a quorum.

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

Approved March 9, 1891.

CHAPTER LXIX.

An Act to provide for the establishment of libraries of professional books in the several counties of this state for the use of teachers of the public schools therein.

Whenever
teachers' libraries
are established
throughout the
state, the state to
contribute \$100
for a like sum
raised in any
county by the
people.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,* That whenever in any county in this state there shall have been raised by subscription a sum of money not less than one hundred dollars for the establishment of a library of pedagogical books for the use of the teachers of public schools in such county, the treasurer of the school fund, upon the order of the state superintendent of public instruction, is hereby authorized and directed to pay the sum of one hundred dollars out of the income of the school fund, to the county superintendent of said county; and the further sum of fifty

dollars annually thereafter, upon a like order, upon conditions that there shall have been raised by subscription a like sum for such year for the purpose aforesaid. And \$50 annually thereafter.

2. *And be it enacted*, That the county superintendent, and three teachers of public schools in such county appointed by him, shall constitute a committee for the selection of said books and the necessary apparatus, and the making of rules and regulations for the management, use and safe-keeping of such libraries. Committee to select books and make rules and regulations.

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

Approved March 9, 1891.

CHAPTER LXX.

An Act to repeal an act entitled "An act to amend an act entitled 'An act to authorize the incorporation of rural cemetery associations and regulate cemeteries'" (Revision), approved April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An act to amend an act entitled 'An act to authorize the incorporation of rural cemetery associations and regulate cemeteries'" (Revision), approved April ninth, one thousand eight hundred and seventy-five, which said amendment was approved April twenty-first, one thousand eight hundred and ninety, be and the same is hereby repealed. Repeals act amending the act authorizing the incorporation of rural cemetery associations, approved April 21, 1890.

Approved March 9, 1891.

CHAPTER LXXI.

An Act to permit the voters in road districts to set apart moneys for specific road and sidewalk purposes and to provide for the application of the same.

Voters in road districts to set apart moneys for specific road and sidewalk purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all road districts in which the road overseers are elected by the voters therein, that it shall be lawful for the voters in any such road district by resolution introduced and voted upon by ballot, at the time and place of election of the road overseer, to determine by ballot as follows :

I. As to how much of the money raised for road purposes in said road district shall be used for the purchase of broken stone, and also how the said amount of stone shall be applied, whether by Telford or McAdam process ;

II. As to how much of the money raised for road purposes in any said district shall be used in the construction and repair of sidewalks in any said district, and of what material the said sidewalk shall be constructed.

Duty of secretary of road meeting.

2. *And be it enacted*, That it shall be the duty of the person acting as secretary of the road meeting as aforesaid, upon the passage by ballot of such resolution as aforesaid, to make three copies thereof, one to be filed with the clerk of the township in which said road district is located, one to be given to the person elected as road overseer at such meeting, and the third copy to be returned as part of the minutes of said meeting by the person acting as secretary thereof.

Audit committee of road moneys.

3. *And be it enacted*, That there shall also be selected by ballot and at the same meeting, three resident voters thereof, one of whom shall not have voted for the overseer then elected, whose duty it shall be to oversee and acquaint themselves with the expenditure of the money appropriated as aforesaid, and said committee shall be known as the audit committee of road moneys of road district No. —, of township of ———.

4. *And be it enacted*, That if after the passage at the regular annual road meeting in any road district of a resolution regarding the expenditure of money as provided in section one of this act, that the road overseer elected at such annual meeting, or in lieu of election appointed by the town committee of the township in which any said road district shall be located, shall neglect or refuse to carry into effect the requirements of said resolution as aforesaid, then it shall be the duty of the committee of audit of road accounts of said road district to make complaint of said fact to a justice of the peace of the township wherein such road district is located, who shall thereupon issue summons against the said road overseer to appear and show cause for said neglect or failure in regard to the resolution as aforesaid, and further said action shall proceed as any other action for the recovery of a penalty as provided for under the act establishing justices' courts, and upon the conviction of the said overseer for neglect or refusal as aforesaid the justice hearing the cause may impose a fine not to exceed twenty dollars, to be collected together with the legal cost of same, the said fine to be paid to the collector of the township for the use of said road district.

Penalty for neglect of road overseer.

5. *And be it enacted*, That it shall not be lawful for the township committee of any township in which any such resolution as called for in section one of this act shall have been passed to pay over to the road overseer any money until his accounts shall receive the signature of the committee of audit of any said road district.

Account must be signed by committee of audit.

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

Repealer

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

Approved March 9, 1891.

CHAPTER LXXII.

An Act concerning licenses in boroughs of the second class.

License to sell malt liquors in boroughs of second class shall exist in the inferior courts of common pleas.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That hereafter in addition to the power or authority to grant licenses to keep an inn and tavern or to sell ale, strong beer, lager beer, porter, wine and other malt liquors within the limits of the boroughs of the second class of this state, the power to grant the same shall also exist in the inferior courts of common pleas of the several counties wherein such boroughs may be situate, such power to be exercised in accordance with the act of the legislature of this state entitled "An act concerning inns and taverns," approved April seventeenth, one thousand eight hundred and forty-six, and the act entitled "An act to regulate the sale of ale, strong beer, lager, porter, wine and other malt liquors in the state of New Jersey," approved April fourth, anno domini one thousand eight hundred and seventy-two, and the several supplements to said acts respectively.

Fees to be paid to clerks of said courts

2. *And be it enacted*, That from and after the passage of this act all license fees paid for licenses granted within boroughs of the second class (except court and clerk fees), shall be received by the clerks of said courts to and for the use of the borough within which the license granted is to be exercised and enjoyed; and all such fees received by any such clerk shall within thirty days after the receipt thereof be by such clerk transmitted to the proper borough, to the person or body having the legal custody of the funds thereof, to be by the governing body of such borough used, employed and disbursed for the uses and purposes of such borough.

And transmitted to the borough.

Repealer

3. *And be it enacted*, That all acts and parts of acts, general, local or special, inconsistent herewith or repugnant hereto, be and the same are hereby repealed and that this act shall take effect immediately.

Approved March 9, 1891.

CHAPTER LXXIII.

An Act to provide additional facilities for the transaction
of public business.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor is hereby authorized and empowered to have such alterations and additions made in and to the portion of the building recently occupied by the state library, as shall in his judgment be necessary to furnish accommodations for the museum and office rooms for the geological survey of the state, as provided for in "An act to provide for the establishment of a museum of the geological survey of the state," approved May twenty-third, one thousand eight hundred and ninety, and also such further alterations as shall in his judgment be necessary to provide office rooms and other facilities for the transaction of the business of the several departments and bureaus of the state; the sum necessary to carry out the provisions of this act is hereby appropriated, and the comptroller is authorized and directed, upon the approval of the governor, to draw his warrant or warrants upon the treasury, from time to time, for the requisite sums, and the treasurer is authorized to pay the same.

Governor to have such changes made in the old library building as he may deem necessary for a museum, geological survey office, and other state departments.

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

Repealer

Approved March 9, 1891.

CHAPTER LXXIV.

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

Section to be amended.

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

Overseers of roads to be elected by legal voters in their respective districts

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all townships in counties of the second class in this state the overseers of roads shall be elected in their respective districts by the legal voters residing therein, on Thursday following the regular town meeting in each and every year, and the clerk of the township shall give notice of the election in each road district, naming the time and place of holding such election, which shall be between the hours of two and eight o'clock in the afternoon, which notice shall be published at the time and with the notice of the regular town meeting; and in case of failure, for any cause, of the voters of any district to elect an overseer, then the township committee shall appoint, within ten days after the annual town meeting, some suitable person to fill the vacancy; said election may be by ballot or otherwise, as the voters of each district may determine.

Notice of election to be given.

Vacancies, how filled.

Repealer.

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

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

Approved March 9, 1891.

CHAPTER LXXV.

An Act to abolish the office of chosen freeholder in certain towns, boroughs and incorporated villages of this state.

1. BE IT ENACTED *by the Senate and General Assembly of State of New Jersey*, That the legal voters of any town, borough or incorporated village, which is situate in a township wherein the legal voters thereof elect a chosen freeholder for such township, shall not be entitled to vote for and elect a freeholder, commonly called a chosen freeholder, for such town, borough, or incorporated village; but the legal voters of any such town, borough or incorporated village, shall be entitled to vote for the chosen freeholder to be elected for the township wherein any such town, borough or incorporated village is situate in the same manner and at the same time as the legal voters of such township shall vote for such chosen freeholder; and the chosen freeholder so elected shall be the chosen freeholder for the whole of said township, including the town, borough or incorporated village situate therein; *provided however*, that nothing herein contained shall prevent the legal voters of any town, borough or incorporated village which includes within its boundaries a whole township and within which the legal voters of said township in which it is situate do not elect a chosen freeholder for such township, from voting for and electing a chosen freeholder for said town, borough and incorporated village; which chosen freeholder, when so elected by said town, borough or incorporated village, shall be and become a member of the board of chosen freeholders of the county in which said town, borough or incorporated village is situate, in the same manner in all respects as though he had been elected by the voters of any township.

2. *And be it enacted*, That the office of chosen freeholder be and the same is hereby abolished in any town,

Voters in towns, boroughs or incorporated villages not entitled to vote for a chosen freeholder for such town, borough or village

To vote for freeholder for township which he shall represent.

Provis

Office abolished in towns, boroughs and incorporated villages.

New Jersey State Library

borough or incorporated village of this state wherein the legal voters of such township vote for and elect a chosen freeholder for such township.

Not to affect
counties of the
fourth class.

3. *And be it enacted*, That the provisions of this act shall not apply to or affect counties of the fourth class in this state.

Repealer.

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

Approved March 9, 1891.

CHAPTER LXXVI.

An Act to provide for drainage and sewage in densely populated villages in which there is a public water supply.

Drainage and
sewage in villages
in which the pop-
ulation has be-
come or shall
hereafter become
so dense as to
average not less
than 1,000 inhab-
itants to the
square mile of
area, and in
which there is a
public water
supply.

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

Governing body
to cause surveys,
plans, &c., to be
made.

2. *And be it enacted*, That it shall be lawful for the governing body of such village to cause to be made surveys, plans and estimates by competent engineers and mechanics sufficient to demonstrate a practicable and efficient system of sewage and drainage for such village, including the disposition of house sewage and waste.

3. *And be it enacted*, That it shall be lawful for the governing body of such village, whenever in their opinion the public good demands it, by ordinance to cause sewers and drains to be constructed in any part of such village, and if necessary to take and appropriate, for the purpose of constructing such drains and sewers, any lands and real estate upon making compensation to the owner or owners thereof as is hereinafter mentioned and provided.

Governing body to cause sewers and drains to be constructed.

4. *And be it enacted*, That where any such village is so situated that any section thereof has no immediate outlet for sewerage or drainage, except through and across the territory of an adjoining township or municipality, it shall be lawful for the governing body of such village to build and construct, in connection with and as part of any main sewer in process of construction or proposed to be laid or built in such village, an extension or outlet sewer in, through, under and across the roads, streets and highways of such adjoining township or municipality in such manner and to such point or place of discharge, and upon such terms and conditions as shall or may be mutually agreed upon by the governing body of such village and the proper municipal board of such adjoining township or municipality, and if no agreement can be made, then such proceedings shall be had as are hereinafter provided.

May agree with proper municipal board of adjoining township or municipality to build through such municipality.

5. *And be it enacted*, That in case the governing body of such village shall deem it to be practicable and expedient to collect the sewage of such village and to deodorize, utilize, consume or dispose of the same by sale or otherwise, wholly or in part, it shall be lawful for said governing body to purchase lands in the corporate name of the village, and to erect all necessary buildings, works and machinery thereon, and to take and appropriate for such purposes any lands and real estate upon making compensation to the owner or owners as hereinafter mentioned and provided.

To deodorize, utilize, consume or dispose of the collection of sewage.

6. *And be it enacted*, That whenever any ordinance shall be passed by the governing body of such village for making any improvement or performing any work under and by virtue of the provisions of this act, all further acts and proceedings which it may be necessary for the governing body of such village to take to carry out said im-

After passage of ordinance for making improvement or performing work, further orders may be by resolution.

provement or work to completion, and all orders relating thereto may be by resolution and not by ordinance.

To treat with
owners of lands.

7. *And be it enacted*, That whenever the governing body of such village shall determine by ordinance to make and construct any sewer or sewers, drain or drains or any sewage receptacle, or works or place for treating and disposing of sewage, and shall deem it necessary to take and appropriate for any such purpose any lands and real estate either within said village or beyond its limits, they are hereby authorized to treat with the owner or owners thereof for the same, and they may purchase said lands and real estate from the owners of the same and make such compensation therefor as they may deem reasonable, and thereupon shall receive from such owner or owners a conveyance of such lands and real estate to such village.

Upon disagree-
ment, circuit
court to appoint
three commis-
sioners.

8. *And be it enacted*, That when the governing body of such village cannot agree as to the price or compensation with the owner or owners of any lands and real estate which they may deem it necessary to take and acquire, or cannot agree with the owner or owners of any lands and real estate through, over, under or upon which it may be deemed necessary or desirable to construct any such sewer or sewers, drain or drains, or when by the absence or legal incapacity of such owner or owners no such agreement can be made, it shall be lawful for the circuit court of the county in which such lands and real estate are situated, on application in writing made on behalf of the governing body of such village, and after notice of the time and place of making such application published at least ten days previously thereto in some newspaper circulating in the said county, to appoint three disinterested commissioners who shall make an estimate and assessment of the damage that any such owner or owners will sustain, as well for the taking of his, her or their lands and real estate, with the appurtenances, as for the injury to the owner or owners by reason of the intended improvement; if any of said commissioners die or refuse to act, the said court shall immediately make appointment of a proper person to fill any vacancy so created; the said commissioners shall be sworn to make a just and impartial estimate and assess-

ment, and shall present without delay to the said court a report in writing of such estimate and assessment which shall be sufficient if signed by a majority of said commissioners; the circuit court shall direct notice to be given by advertisement in some newspaper circulating in said county, for at least ten days, of the time and place at which said court will proceed to consider said report and any objection that may be made thereto, and shall have power to consider said report and the objections thereto in a summary way, and to revise and to confirm said report with or without alteration; said report when confirmed by the court or a copy thereof duly certified by the county clerk shall at all times be plenary evidence of the right of the governing body of such village to enter upon, take and use the said land and real estate, with the appurtenances, the governing body of such village first tendering to the owner or owners thereof, if resident in this state, the amount so awarded to them; and if any owner is not a resident of this state, or on due inquiry cannot be found therein, or is a lunatic or idiot, or under age, or is for any other cause incapacitated to receive the amount awarded or will not receive the same and sign a proper receipt therefor when tendered, then affidavit shall be made of the facts and filed in the office of the county clerk, and the amount awarded to any such owner shall be deposited in said circuit court before the governing body of such village shall have the right to take and use the said lands and real estate; the court shall settle and determine the compensation to be paid to the commissioners and the costs and expenses of the application and report which shall be paid by the village in behalf of which the application has been made.

9. *And be it enacted*, That when the governing body of such village and the governing body of an adjoining township or municipality cannot agree upon the terms and conditions of any contract or agreement provided for in this act, it shall be lawful for the circuit court of the county in which both such municipalities are situated, or if they are situated in different counties, then in the county wherein said adjoining township or municipality is located, on application in writing made on behalf of the governing body of such village, and after

Commissioners
to be appointed
in case of dis-
agreement with
adjoining town-
ships or munic-
pality by circuit
court.

notice of the time and place of making such application, published at least ten days previously thereto in some newspaper circulating in the said county or counties, to appoint three disinterested commissioners, who shall be sworn fairly and impartially to examine and determine between such village and said adjoining township or municipality concerning the matters provided for in this act upon which an agreement has not been had as hereinbefore provided; if any of said commissioners die or refuse to act, the said court shall immediately make appointment of a proper person to fill any vacancy so created; the said commissioners shall examine into the subject-matter of the said petition and shall determine upon what terms and conditions such village shall have the privileges and rights conferred in and by the provisions of the fourth section of this act, and shall present without delay to the said court a report in writing of the matters and things examined into by them, and their conclusions and determinations thereon, which report shall be sufficient if signed by a majority of said commissioners; the circuit court shall direct notice to be given by advertisement in some newspaper circulating in said county or counties for at least ten days, of the time and place at which said court will proceed to consider said report and any objection that may be made thereto, and shall have power to consider said report and the objections thereto in a summary way and to revise and confirm said report with or without alteration; said report when confirmed by the court shall be and become the judgment of said court, and a copy thereof duly certified by the county clerk shall at all times be plenary evidence of the right of such village in regard to the matters and things contained therein, the governing body of such village first complying with all terms and conditions imposed upon such village, and tendering to said adjoining township or municipality any amount so awarded thereto; the court shall settle and determine the compensation to be paid to the commissioners and the costs and expenses of the application, and report which shall be paid by the village in behalf of which the application has been made.

Vacancies, how filled.

Commissioners to examine and report.

Court to hear objections

And settle, and determine compensation.

10. *And be it enacted*, That it shall be lawful for the governing body of such village to keep the sewers, drains and works in repair and working order, and to make, establish and enforce regulations and conditions as to the management and use of the same and as to connections therewith, and they shall have power, and it shall be their duty beneficently and efficiently to control the use of such sewers and drains and to prevent and stop all abuses and improper uses of the same.

Governing body
to keep sewers in
repair.

11. *And be it enacted*, That for the purpose of paying the costs and expenses of the improvements and public works and maintaining and extending the same, and of the proceedings in relation thereto as mentioned in this act, or any of them, it shall be lawful for the governing body of such village to borrow money from time to time and to secure the payment of the same by issuing the corporate bonds of such village, payable at such times as said governing body may determine, which bonds when issued by resolution of such governing body and under the village seal, shall be the valid obligations of such municipal corporation according to their tenor; *provided, however,* that said bonds shall bear interest at a rate not exceeding six per centum per annum, shall be sold for not less than their par or face value; *and provided also,* that in no case shall bonds be issued to an amount which shall cause the entire corporate indebtedness of such village for all purposes to exceed at any time ten per centum of the assessed valuation of property in said village as shown on the duplicate of assessment.

To borrow
money on bonds.

Proviso.

Proviso.

12. *And be it enacted*, That for the purpose of paying the interest and principal of the bonds to be issued under the provisions of this act, it shall be the duty of the governing body of such village each year to issue a warrant to the appropriate officer or officers, directing him or them to assess upon the property subject to taxation in said village a sum equal to the amount of principal and interest which will fall due during the then current fiscal year; and all money so by warrant directed to be assessed shall be assessed, levied and collected by the same persons, in the same manner, at the same times and under the like fees, fines and penalties as the money raised by taxation in said village for other village purposes.

Tax to be as-
sessed and col-
lected to pay
principal and
interest.

Repealer

13. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall be deemed and taken to be a public act, and this act shall take effect immediately, except that no provision of any act which prohibits the pollution of any of the waters of this state used to supply any aqueduct or reservoir, or which are distributed for public use, is intended to be hereby repealed; and this act shall not be construed to authorize the discharge of sewage, or the contents of sewers, into fresh water, or into any portion of a river or stream tributary thereto in such manner as to defile a source of public water supply.

Sewage not to defile a source of public water supply.

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

Approved March 10, 1891.

CHAPTER LXXVII.

An Act providing for the cancelling of record of mortgages by order of a circuit judge or law judge of a county.

Circuit court judge or law judge to cancel record of mortgage upon proof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any circuit judge or law judge of any county may, by order, direct the county clerk of said county, or the register, when there is such officer in said county, to cancel of record any mortgage on real estate or chattels, or both, whenever he shall be satisfied by proof that the mortgagee therein has been fully paid the principal and interest due on said mortgage, or the mortgagor shall deposit with the county clerk any balance of principal and interest, if any, still due thereon according to the terms of the said mortgage; and any one or more of the mortgagors or party in interest may make application for such order, and the judge shall

order notice of such application to be served on the mortgagee or mortgagees, if residents of this state, the same as a summons should be served; and if the mortgagee or mortgagees are non-residents of this state, then such notice shall be served by publication once a week for four weeks in a newspaper published in said county, to be designated by said judge; if the record shows assignment of such mortgage, then notice as above shall be served on such assignee instead of the mortgagee.

2. *And be it enacted*, That when such order is filed with the clerk or register of such county, and the money deposited with him as required by said order, if such order so directs, then the clerk shall discharge and cancel of record such mortgage, and the said clerk or register shall enter on the margin of the registry or record of such mortgage, and opposite thereto, the words "cancelled by order," entering the date of such order and filing it.

Record to be marked "cancelled by order."

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

Approved March 10, 1891.

CHAPTER LXXVIII.

An Act to amend an act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section eleven of the "Act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three, which section reads as follows, to wit:

Section to be amended.

Width of road

“11. *And be it enacted*, That any railroad constructed under the provisions of this act shall not exceed a hundred feet in width, unless more land shall be required for the slopes of cuts and embankments, with as many sets of tracks and rails as such company incorporated under this act may deem necessary; and it shall be lawful for the said company, its agents, engineers, superintendents, or others in its employ, to enter at all times upon all lands or waters for the purpose of exploring, surveying, leveling, and laying out the route or routes of such railroad, and of locating the same, and to locate all necessary works, buildings, conveniences, appurtenances and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such railroad and the location or locations of other works, buildings, conveniences, appurtenances and appendages thereof shall have been determined upon, and a survey of such route or routes, location or locations deposited in the office of the secretary of state, then it shall be lawful for every corporation formed under this act, upon payment or tender of such compensation as is hereinafter provided, by its officers, agents, engineers, superintendents, workmen and other persons in their employ, to construct, maintain and operate a railroad with a single or double track, with such side tracks, turnouts, offices and depots as they may deem necessary between the points named in the articles of association, commencing at or within and extending to or into any town, city or village named as the place of the termini of such road, and construct, maintain and operate branches from the main line to other towns or places within the limits of any county through which said road may pass, lay rails, and for that purpose to enter upon, take possession of, hold, have, use, occupy and excavate any lands, and to erect embankments, bridges and all other necessary works, and to do all other things which may be suitable or necessary for the completion, repairs or management of said railroad, and for the conveyance of passengers and freight to and from the terminus thereof by steam or other motive power; *provided, always*, that the payment or tender of the payment of all damages for the occupancy of all lands through, under or upon which the said railroad

Proviso.

and its conveniences, appurtenances and appendages may be laid out or located be made before the said company, or any person under their direction or employ shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said railroad and its conveniences, appurtenances and appendages, and of locating the same, unless the consent of the owner or owners of such land, be first had and obtained," be and the same is hereby amended so as to read as follows, to wit :

11. *And be it enacted*, That any railroad constructed under the provisions of this act shall not exceed a hundred feet in width, unless more land shall be required for the slopes of cuts and embankments, with as many sets of tracks and rails as such company incorporated under this act may deem necessary; and it shall be lawful for the said company, its agents, engineers, superintendents, or others in its employ, to enter at all times upon all lands or waters for the purpose of exploring, surveying, leveling, and laying out the route or routes of such railroad, and of locating the same, and to locate all necessary works, buildings, conveniences, appurtenances and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such railroad and the location or locations of other works, buildings, conveniences, appurtenances and appendages thereof shall have been determined upon, and a survey of such route or routes, location or locations deposited in the office of the secretary of state, then it shall be lawful for every corporation formed under this act, upon payment or tender of such compensation as is hereinafter provided, by its officers, agents, engineers, superintendents, workmen and other persons in their employ, to construct, maintain and operate a railroad with a single or double track, with such side tracks, turnouts, offices and depots as they may deem necessary between the points named in the articles of association, commencing at or within and extending to or into any town, city or village named as the place of the termini of such road, and from time to time, either before or after completion of the main line, construct, maintain and operate branches within the limits of any county through which said road

Width of road.

Company to enter upon lands or waters.

Survey of route to be filed with secretary of state, then company to make deposit.

may pass, lay rails, and for that purpose to enter upon, take possession of, hold, have, use, occupy and excavate any lands, and to erect embankments, bridges and all other necessary works, and to do all other things which may be suitable or necessary for the completion, repairs or management of said railroad, and for the conveyance of passengers and freight to and from the terminus thereof by steam or other motive power; *provided, always*, that the payment or tender of the payment of all damages for the occupancy of all lands through, under or upon which the said railroad and its conveniences, appurtenances and appendages may be laid out or located be made before the said company, or any person under their direction or employ shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said railroad and its conveniences, appurtenances and appendages, and of locating the same, unless the consent of the owner or owners of such lands be had and obtained; *and provided further*, that the survey of the route of any branch shall not be filed in the office of the secretary of state until the officers or directors of the corporation shall have deposited with the treasurer of the state of New Jersey a sum equal to at least two thousand dollars for every mile, and a proportionate sum for any distance less than a mile, of such branch which it is proposed to construct, and the said treasurer shall be the custodian of such fund, and shall hold the same subject to be repaid to the directors or the treasurer of such company in sums of two thousand dollars for each mile, and a proportionate sum for any distance less than a mile, of such branch upon the construction of which it shall be proved to his satisfaction that such amount has been expended; *and provided further*, that all such branches shall be commenced within six months from the date of filing the survey thereof as aforesaid, and shall be opened and completed within two years from the date of commencement as aforesaid.

Approved March 10, 1891.

CHAPTER LXXIX.

A Further Amendment to an act to amend an act entitled "An act to regulate and establish the compensation of law or president judges of the courts of common pleas of the counties of this state," passed May eleventh, one thousand eight hundred and eighty-six, and amended May sixth, one thousand eight hundred and eighty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of an act to amend an act entitled "An act to regulate and establish the compensation of law or president judges of the courts of common pleas of the counties of this state," passed May eleventh, one thousand eight hundred and eighty-six, and amended May sixth, one thousand eight hundred and eighty-nine, be and the same is hereby further amended so as to read as follows :

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the law or president judges of the courts of common pleas of counties in this state shall be paid an annual salary in proportion to the population of said counties respectively as hereinafter provided, that is to say : The annual salary of each law or president judge aforesaid shall be fifteen hundred dollars in counties where the population is not more than thirty-nine thousand ; three thousand dollars in counties where the population is more than thirty-nine thousand and not more than fifty-nine thousand ; forty-five hundred dollars in counties where the population is more than fifty-nine thousand and not more than sixty-nine thousand ; forty-seven hundred dollars in counties where the population is more than sixty-nine thousand and not more than seventy-nine thousand ; forty-nine hundred dollars in counties where the population is more than seventy-nine thousand and not more than eighty-nine thousand ; five

thousand dollars in counties where the population is more than eighty-nine thousand and not more than ninety-nine thousand; five thousand two hundred dollars in counties where the population is more than ninety-nine thousand and not more than one hundred and nine thousand; five thousand six hundred dollars in counties where the population is more than one hundred and nine thousand and not more than one hundred and fifty thousand; seven thousand five hundred dollars in counties where the population is more than one hundred and fifty thousand.

Section to be amended.

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

Annual salaries, how based and determined.

2. *And be it enacted*, That the annual salary to be paid any of said judges under section one of said act as above amended shall be based upon the total population of the county as ascertained and determined by the last state or federal census taken or to be taken, and the annual salary thus ascertained or determined shall be paid each judge by the collector of the county, in equal monthly payments, and said salary shall be in lieu of all fees.

Section to be amended.

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

Act to apply to judges whose term of office shall hereafter commence, or shall file assent.

3. *And be it enacted*, That this act shall only apply to law or president judges of the courts of common pleas whose term of office shall hereafter commence or to those now in office who may file their assent in writing, under their hands, to the provisions of this act in the office of the clerk of the county, the law or president judge of which assents as above provided; and in case any judge now in office shall assent as above provided, the amount of his annual salary shall be ascertained and determined by the federal census of the year one thousand eight hundred and ninety, and shall be paid to him, under the provisions of this act, from and after the date of filing his assent as aforesaid by the collector of the county in equal monthly payments.

Repealer

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

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

Passed March 10, 1891.

CHAPTER LXXXI.

An Act concerning the appointment and terms of office
of certain officers in cities in the second class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in cities of the second class the city clerk and the street commissioner of such cities shall hereafter be appointed for terms of three years, and until the qualification of their successors; it shall be lawful for the common council, board of aldermen, or other governing body of any such city, having the appointment of such officers, to appoint them at any time after the passage of this act for terms of three years as aforesaid, notwithstanding any appointment heretofore made; upon the appointment of either of said officers under the provisions of this act the terms of any city clerk or street commissioner heretofore appointed shall cease; at the time of such appointments the salaries of the officers so appointed shall be fixed as now provided by law.
2. *And be it enacted*, That this act shall take effect on the twenty-second day of April, one thousand eight hundred and ninety-one; all acts inconsistent herewith are hereby repealed.

City clerks and street commissioners in cities of the second class to be appointed for three years.
Common council to appoint.

Terms of former officers to cease.

Salaries.

When act to take effect.

Repealer

Approved March 10, 1891.

CHAPTER LXXXII.

An Act relative to commissioners for taking lands for
public use.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where commissioners have been or shall be appointed pursuant to any

Supreme court justices have power to fill all vacancies when

any commis-
sioners appointed
to condemn lands
for public use
shall die, resign,
etc.

law of this state, to appraise the value and damages for the taking of lands for public use, if it shall appear that any one or more of the said commissioners has died pending the proceedings, or is disqualified, or is unable to act, or has failed or refused to act and perform the duties of the appointment, and there is no law providing for the appointment of other commissioners in such cases, a vacancy shall be deemed to exist, and it shall be the duty of the justice, or other authority appointing said commissioners, to fill the vacancy, on such notice as such justice or other appointing power shall direct, and when the vacancy shall be filled the commissioners shall proceed to perform the duties of their appointment with the same powers as if all the commissioners had been appointed under the original order of appointment.

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

Approved March 11, 1891.

CHAPTER LXXXIII.

An Act concerning the sinking fund of this state.

Abolishes the
office of commis-
sioner.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the office of commissioner of the sinking fund be and the same is hereby abolished; the officers now known as commissioners of the sinking fund shall, within ten days after this act shall become a law, deliver to the state treasurer all moneys, bonds, mortgages, securities, books, papers and other property belonging to the state which have come into the possession of said commissioners.

Vested in state
treasurer.

2. *And be it enacted*, That all sums of money which shall hereafter be raised or received by virtue of any law of this state for the purpose of liquidating either the principal or interest that is or shall become due on the loan of

this state authorized by an act entitled "An act authorizing a loan for the purposes of war, to repel invasion and suppress insurrection, and appropriating the same, and providing for the payment thereof," approved May tenth, one thousand eight hundred and sixty-one, and the supplements thereto, shall be received by the treasurer of the state, and the same shall be applied by him to constituting a sinking fund towards the payment of the principal and interest of said loan.

3. *And be it enacted,* That the state treasurer be and he is hereby invested with all the powers now conferred upon the commissioners of the sinking fund; it shall be his duty to perform such offices, to keep such accounts and to make such reports as are now required from the said commissioners; he shall perform such duties as are now performed by the commissioners of the sinking fund, without compensation additional to that received by him as state treasurer; it shall be his duty to keep a separate account of the receipts and disbursements of such fund, and to safely keep all bonds, mortgages, securities and papers belonging to or affecting such fund; his account with such fund shall be known as the "sinking fund account."

Who shall perform the duties of the commissioners and keep the "sinking fund account."

4. *And be it enacted,* That this act shall take effect on the first day of April, eighteen hundred and ninety-one.
Approved March 11, 1891.

When act to take effect.

CHAPTER LXXXIV.

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

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey,* That the township committee of each township shall have the full supervision, manage-

Township committee to have full supervision of all roads, and

may annually appoint a person to have charge and superintend such roads.

ment and control of the making and repairing of all roads in said township, and may make and repair the same by hire or by contract, and for that purpose may annually appoint a competent person or persons to superintend the making and repairing of all roads and cutting and removal of all briars and weeds, and who shall hold his position at the pleasure of the township committee.

May procure machinery, &c., and purchase gravel pits and stone quarries.

2. *And be it enacted,* That the township committee of each township may procure machinery, implements, stone, gravel and other material, and hire laborers and teams necessary and proper for making and repairing all roads aforesaid, and to make and repair the same, and may have the power to purchase gravel pits and stone quarries and take title to the same in the name of the township.

May pledge credit of township before road tax is collected.

3. *And be it enacted,* That it shall and may be lawful for the said township committee, at any time after the road tax in any year shall be ordered to be assessed and before the same is collected, to pledge the credit of the township for a loan or loans of any sum of money not exceeding in all four-fifths of so much of such tax as shall be assessed, to be by them expended in paying the expense of such making and repairing of the roads of said township for the current year, and the road tax for that year, when collected, shall be first applied to repay such loan, and so much thereof as shall not be needed for such payment shall be used by said township committee in paying the expenses of making and repairing the roads as aforesaid.

Taxes, how collected.

4. *And be it enacted,* That hereafter all taxes assessed for making and repairing roads, shall be paid in money and collected by the collector of said township at the same time and in the same manner as other taxes are collected in said township for other township and county purposes, and the taxes so collected to be immediately paid over to the township treasurer, who shall disburse the same on warrants drawn by the township committee.

Committee to make estimate of amount to be expended.

5. *And be it enacted,* That it shall be the duty of the township committee of each township to estimate the amount of money they deem advisable to expend for making and repairing the public roads for their respective townships for the ensuing year, and to publish the same at the same time and in like manner as the financial statement of the township is now required to be published.

6. *And be it enacted*, That it shall not be lawful for any township to raise by tax, for road purposes, in any year, a greater amount than is estimated and published by the township committee in the annual statement of that year, except as hereinafter provided for.

Cannot raise more than the estimate.

7. *And be it enacted*, That whenever the inhabitants of any township owning lands along any section of road therein, or other persons, shall contribute a certain amount of money for the improvement of said road, they shall make such proposition to the town committee in writing, who shall publish the same in their next annual statement, and the said committee shall submit such proposition to the legal voters of such township, and the said voters shall vote upon the same, and if a majority of the voters shall vote an equal or less amount, then such amount so voted shall be levied and assessed in addition to the annual road tax in the same manner as other township taxes are assessed and collected; but if the property owners along any section in any township shall contribute the whole amount necessary in making or repairing said road, then they shall have the control of the expenditure of the same, with the approval of the township committee; *provided*, that the entire amount assessed under this bill shall not exceed in any one year one-half of one per centum of the assessed valuation of the property of the township for the preceding year as shown by the duplicate of assessment for the township.

Duty of inhabitants and township committees.

Proviso.

8. *And be it enacted*, That it shall be lawful for any person or persons owning lands adjoining a public road or highway in any township, to construct sidewalks on said highway along the line of said land.

Persons may construct sidewalks.

9. *And be it enacted*, That when a sidewalk shall have been constructed as aforesaid, every person who shall ride or drive a horse, team, or other vehicle thereon, except for the purpose of crossing the same when necessary so to do, shall forfeit and pay the sum of five dollars to the use of the township, to be sued for and recovered by any person who shall sue for the same.

Penalty for driving over sidewalks.

10. *And be it enacted*, That all general acts inconsistent with this act are hereby repealed, and this act shall take effect immediately; *provided*, that nothing in this act shall be construed to repeal or in anywise affect the act consti-

Repealer.

Proviso.

tuting "Essex public road board," approved March thirty-first, one thousand eight hundred and sixty-nine, or any supplement thereto, or any act amendatory thereof or relating or applicable thereto, or any act in relation to turnpike roads, or any act which has been or may be passed to enable boards of chosen freeholders to acquire, improve or maintain public roads.

Approved March 12, 1891.

CHAPTER LXXXV.

A Supplement to the act entitled "A supplement to the act entitled 'A supplement to an act entitled "An act respecting bridges"'" [Revision], approved April tenth, one thousand eight hundred and forty-six, which supplement was approved April fifth, one thousand eight hundred and seventy-eight, and which last supplement was passed April sixth, one thousand eight hundred and eighty-six.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said act to which this act is a supplement, entitled "A supplement to the act entitled 'A supplement to an act entitled 'An act respecting bridges"'" [Revision], approved April tenth, one thousand eight hundred and forty-six, which act was approved April fifth, one thousand eight hundred and seventy-eight, which last supplement was approved April sixth, one thousand eight hundred and eighty-six, be so amended that section one of said act shall read as follows :

No bridge, viaduct, &c., to be erected without express permission of the legislature.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no bridge, viaduct or fixed structure shall be erected by any person or corporation over or in any part of the navigable waters separating this

state from other states where the tide ebbs and flows, without express permission of the legislature of this state heretofore or hereafter given, by statute for that purpose; *provided*, that nothing herein shall be construed to forbid Proviso the erection of docks or wharves.

2. *And be it enacted*, That section second of said act be Repealer. and the same is hereby repealed.

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

Approved March 14, 1891.

CHAPTER LXXXVI.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where acts of this state, whether general, special, local or otherwise, have heretofore been or are hereafter passed, providing for the creation or incorporation by proceedings to be taken thereunder or otherwise of any corporation or corporations, but limited to take effect only upon the happening of some future condition or event or proceedings to be taken therein named, such acts shall respectively take effect from and after the time when the persons, or a majority of the surviving persons, if any be dead, interested in any such enterprise as incorporators, commissioners, stockholders or directors as the case may be, shall make and sign in writing and file with the secretary of state a written acceptance by them duly acknowledged as a deed to be recorded of the provisions of this act, and an agreement to be approved by the governor and attorney-general, surrendering to the state all rights of exemption from taxation and all privileges and advant- Acts creating corporations take effect, in certain conditions, when incorporator; file acceptance with secretary of state.

ages arising from any alleged contract establishing any special mode of taxation in respect to such parties, and agreeing further that such acceptance shall not in any wise affect or impair the right of the state to take the property of such parties thereto under any existing law of the state, and that any law affecting such parties shall be subject to alteration or repeal by the legislature, and this act shall apply to and affect each and all of the class above mentioned without any qualification, limitation, exception or restriction of any kind or nature whatsoever, whether claimed to arise out of such act or any other act or otherwise.

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

Approved March 16, 1891.

CHAPTER LXXXVII.

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

Companies hav-
ing a capital
stock exceeding
\$100,000, how
organized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where acts of this state, general or special, have heretofore been or may hereafter be passed authorizing the organization or incorporation by any proceedings to be taken thereunder or otherwise of any corporation or corporations having in and by any such act or any certificate filed thereunder an authorized capital stock exceeding in amount the sum of one hundred thousand dollars, upon the subscription of a certain amount of such capital stock in such act or certificate filed thereunder limited, and the payment of a certain proportion thereof in cash as in such act or certificate filed thereunder stated, it shall and may be lawful to organize and incorporate such corporation or

corporations upon the subscription of one hundred thousand dollars of such capital stock and the payment thereon in cash of ten thousand dollars, and the organization or incorporation so effected on such subscription and payment shall be valid, complete and effectual to and for all the uses, intent, objects and purposes of the corporation or corporations so organized and incorporated under the provisions of this act; and in case upon the organization of any corporation under the provisions of this act the total amount of capital stock subscribed shall exceed one hundred thousand dollars, a majority of the persons authorized to receive the same may reduce, reject or apportion such subscriptions among subscribers in such manner as they may deem most likely to promote the interests of the corporation so created.

Stock may be reduced or apportioned.

2. *And be it enacted*, That all acts and parts of acts, Repealer. general, special, public, private, local or otherwise in any manner inconsistent with or repugnant to the provisions of this act be and the same hereby are repealed.

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

Approved March 16, 1891.

CHAPTER LXXXVIII.

A Supplement to an act entitled "A further supplement to an act entitled 'An act respecting prosecutors of the pleas of the state,' approved April sixteenth, one thousand eight hundred and forty-six," approved February ninth, one thousand eight hundred and eighty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in each county of this state, having a population of sixty-five thousand inhabitants and over, it shall be lawful for the prosecutor of the pleas

Appointment of assistant prosecutors of the pleas, by the

prosecutors, with the assent of the governor, in counties having a population of 65,000 and over. thereof, with the assent of the governor, to appoint one assistant prosecutor, who, after having taken an oath or affirmation before the clerk of the court of common pleas of the county wherein he is appointed, to faithfully and justly perform the duties of the appointment to the best of his ability, shall hold said appointment unless removed by the prosecutor and governor; and the services of such assistant shall be paid for by the county collector of said county in equal monthly payments out of the funds of the said county, an annual salary in proportion to the population of said counties, respectively, as hereinafter provided, that is to say, the annual salary of each assistant prosecutor aforesaid shall be twelve hundred dollars in counties where the population is more than sixty-five thousand and not more than seventy-five thousand; sixteen hundred dollars in counties where the population is more than seventy-five thousand and not more than eighty-five thousand; two thousand dollars in counties where the population is more than eighty-five thousand and not more than one hundred and fifty thousand; and thirty-five hundred dollars in counties where the population is more than one hundred and fifty thousand; which said salary shall be in addition to the salary or fees received by the prosecutors of the pleas of the said counties; *provided*, that the federal or state census last taken before the appointment of such assistant prosecutor shall be the basis for the above classification.

Salaries.

Proviso.

Repealer.

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

Passed March 16, 1891.

CHAPTER LXXXIX.

An Act in relation to the appointment and compensation of salaried interpreters in the criminal courts of this state in the counties of the second class.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That hereafter the appointment of interpreter to attend the criminal courts in the several counties of the second class of the state of New Jersey shall be made by the judges, or the majority of them, of the court of general quarter sessions of the peace in said counties respectively. Interpreters to attend criminal courts to be appointed by judges.

2. *And be it enacted*, That hereafter the salary to be received by such interpreter shall be fixed by the judges or a majority of them, of the courts of the general quarter sessions of the peace in the several counties respectively at a sum not less than four hundred and not more than six hundred dollars per year, to be paid in quarterly payments out of the funds of the county in each of said counties wherein such interpreter under the provisions of this act may be appointed, said compensation to be paid by the county collector upon certificate signed by said judges or majority of them, which said certificate said judges are hereby required to give in each of said counties where such interpreters are appointed. Salary not less than \$400 and not more than \$600 per year.

3. *And be it enacted*, That nothing herein contained shall invalidate or in anywise affect the appointment or salary of any such interpreter now in office, further than to make the same subject to be changed by order of the said judges or a majority of them, as in other cases. Not to affect appointment or salary of interpreter now in office.

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

Passed March 16, 1891.

CHAPTER XC.

An Act to extend the time for completing certain railroads.

Extends the
time for building
railroads two
years when the
time expires
before December
31, 1892.

Proviso.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the time limited for the completion of any railroad authorized to be constructed within this state under any special or general act has expired or shall expire before the thirty-first day of December, one thousand eight hundred and ninety-two, such time shall be and the same is hereby extended for the further period of two years from the passage of this act; *provided, however*, that this act shall not apply unless money has actually been expended in surveys or location of route or in acquisition of right of way or in construction since January first, one thousand eight hundred and eighty-six; *provided, further*, that this act shall not apply to any corporation unless such corporation shall first, and as a condition precedent to the exercise of any power granted by this act, file in the office of the secretary of state an agreement, to be approved by the governor and attorney-general, waiving all right of exemption from taxation, and from privileges and advantages arising from any law or contract, if any there be, establishing any special mode of taxation of any such corporation, and the further agreement to be bound by any general law of this state now in existence or that may be hereafter passed, taxing such corporations as are now authorized to be taxed by the legislature of the state under any general law, and further agreeing that the exercise of any power granted by this act shall not in any way affect the rights of the state, if any there exist, to take the property of such corporation under any existing law of this state, and agreeing further that all laws affecting such corporation shall be subject to alteration or repeal by the legislature.

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

Approved March 16, 1891.

CHAPTER XCI.

An Act fixing the compensation of interpreter in courts of counties of the first class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the interpreter duly appointed and commissioned to attend the circuit court, court of oyer and terminer and general jail delivery, court of common pleas, orphans' court, court of general quarter sessions of the peace, and court of special sessions of counties of the first class in this state, shall receive five dollars per day for each day he shall be in attendance upon said courts, the money to be paid by the county collector upon the certificate of the clerk of the courts of such counties. ^{Salary of court interpreter \$5 per day.}

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

Passed March 16, 1891.

CHAPTER XCII.

An Act authorizing all incorporated towns, boroughs, police, sanitary and improvement commissions, and all places governed by commissions in this state, to change the time of holding the municipal elections therein.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the governing body of any incorporated town, borough, ^{Authorizes boroughs, villages, &c., to change time and date of holding municipal elections.}

police, sanitary and improvement commission, and any municipality governed by a board of commissioners by whatsoever name said municipality may be designated, by ordinance to change the time of holding the municipal election therein to an earlier date than now prescribed by law for holding the same.

Notice to be given by newspaper and posting.

2. *And be it enacted,* That said governing body shall cause notice to be given of the time and place when they intend to consider said proposed ordinance, by publishing said notice for two weeks successively prior to the time fixed for the consideration of said proposed ordinance, at least once in each week, in some newspaper published in said municipality, and by posting for the same length of time said notice in at least twenty of the most conspicuous places in said municipality; and in any municipality in which no newspaper is published, said notice need only be posted as aforesaid.

Objections.

3. *And be it enacted,* That if at the time so designated for the consideration of said proposed ordinance, there are filed with said governing body written objections against changing the time of holding said election, signed by at least one-half of all the persons who voted at the next preceding municipal election, said proposed ordinance shall not be passed, but all proceedings in said matter shall at once cease and determine; and it shall be unlawful to again proceed to make such change within one year.

If change not made, unlawful to make it within one year.

Change to be made by a three-fourths vote of governing body.

4. *And be it enacted,* That if at the time so fixed for considering said ordinance, no objections as hereinbefore specified shall have been filed in accordance with the provisions aforesaid, it shall be lawful for the said governing body, in its discretion, by a vote of at least three-fourths of all its members, to pass an ordinance changing the time of holding the municipal elections in such municipality to the time specified in said ordinance.

Not to shorten term of any member of governing body, unless he consents.

5. *And be it enacted,* That said ordinance shall not operate to shorten the term of office of any member of said governing body, unless such member shall file with the clerk of said governing body his written consent to that effect, and in that case his term of office shall cease the day of the holding of said election.

6. *And be it enacted*, That unless each of the members of said governing body shall file the consent hereinbefore required, then the next municipal election shall be held on the day heretofore prescribed by law for holding the same, but the term of office of such member so to be elected shall expire on the day prescribed by said ordinance for holding said elections.

If all do not file consent, then election to be held on the day hereofore prescribed.

7. *And be it enacted*, That the municipal elections shall be held in each year hereafter upon the day specified in said ordinance.

Election to be held hereafter on days specified in ordinance.

8. *And be it enacted*, That all officers elected at the first annual municipal election which may be held within forty days after the passage of an ordinance under the provisions of this act changing the time of holding such annual municipal election shall hold office until their successors shall be elected and qualified.

Officers elected at first election to hold office until successors are elected and qualified.

9. *And be it enacted*, That the members of such governing body of any incorporated town, borough, police, sanitary and improvement commission and any municipality governed by a board of commissioners, by whatsoever name said municipality may be designated, shall meet, qualify and organize on the Thursday next succeeding such annual election and elect or appoint their officers.

Governing body to meet on Thursday next succeeding annual election

10. *And be it enacted*, That all officers elected at any annual municipal election after the time of holding the same may be changed by ordinance in accordance with the provisions of this act, shall hold offices for the term of one year or until their successors are chosen and qualified.

Officers elected after time of holding election is changed, to hold office for one year.

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

Repealer

Approved March 16, 1891.

CHAPTER XCIII.

An Act to amend chapter one hundred and nine of the laws of one thousand eight hundred and eighty-four, entitled "An act to provide for the imposition of state taxes upon certain corporations and for the collection thereof," approved April eighteenth, one thousand eight hundred and eighty-four.

Section to be amended.

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

Telegraph, telephone and electric light companies in the state taxed two per centum upon gross receipts.

4. *And be it enacted*, That each telegraph, telephone, cable and express company shall pay to the state a tax at the rate of two per centum upon the gross amount of its receipts so returned or ascertained ; that each gas company and electric light company shall pay to the state a tax at the rate of one-half of one per centum upon the gross amount of its receipts so returned or ascertained, and five per centum upon the dividends of said company in excess of four per centum so earned or declared ; that each oil or pipe line company shall pay to the state a tax at the rate of eight-tenths of one per centum upon the gross amount of its receipts so returned or ascertained ; that each insurance company other than life shall pay to the state a tax at the rate of one per centum upon the gross amount of its premiums so returned or ascertained ; that each life insurance company incorporated under the laws of this state shall pay to the state an annual franchise tax of one per centum upon the amount of its surplus on the thirty-first day of December next preceding the time of such payment as fixed in section five, as the same shall be ascertained by the commissioner of insurance of this state, according to the actuaries' table of mortality, and four per centum interest ; that each life insurance company not incorporated under the laws of this state, or of any other state or territory of the United States, but doing

Tax to be paid by other corporations.

business in this state, shall pay to the state an annual tax of two per centum on the amount of premiums collected during the year ending December thirty-first as aforesaid, from residents of this state, except on the amount of premiums collected from industrial insurance, on which amount each company shall pay to the state an annual tax of one per centum per annum, deducting from said premiums the amount of dividends actually allowed in rebate of the same, and the amount paid during said year to residents of this state for claims under matured policies; the secretary of state, acting as the commissioner of insurance, shall ascertain and report to the state board of assessors all the facts necessary to enable the board to ascertain and fix the amount of tax to be paid by life insurance companies under this act; that each parlor, palace or sleeping car company shall pay to the state treasurer a tax at the rate of two per centum upon the gross amount of its receipts so returned or ascertained; if any oil or pipe line company has part of its transportation line in this state and part thereof in another state or states, such company shall return a statement of its gross receipts for transportation of oil or petroleum over its whole line, together with a statement of its whole length of line and the length of its line in this state; such company shall pay tax to the state at the aforesaid rate upon such proportion of its said gross receipts as the length of its line in this state bears to the whole length of its line; that all other corporations incorporated under the laws of this state and not hereinbefore provided for shall pay a yearly tax of one-tenth of one per centum on all amounts of capital stock issued and outstanding, up to and including the sum of three million dollars; on all sums of capital stock issued and outstanding over three million dollars and not exceeding five million dollars, a yearly tax of one-twentieth of one per centum, and the further sum of fifty dollars per annum per one million dollars, or any part thereof, on all amounts of capital stock issued and outstanding in excess of five million dollars; *provided*, Proviso. that this act shall not apply to railway, canal or banking corporations, or to savings banks, cemeteries or religious corporations, or to purely charitable or educational associations, or manufacturing or mining corporations at least

fifty per centum of whose capital stock issued and outstanding is invested in mining or manufacturing carried on within this state; if any manufacturing or mining company carrying on business in this state shall have less than fifty per centum of its capital stock issued and outstanding invested in business carried on within this state, such company shall pay the tax herein provided for companies not carrying on business in this state, but shall be entitled, in the computation of such tax, to a deduction from the amount of its capital stock of the assessed value of its real and personal estate so used in manufacturing or mining.

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

Approved March 16, 1891.

CHAPTER XCIV.

An Act concerning cities of the first class in this state, and constituting police courts in such cities, and providing for the appointment of police justices of such courts, and defining the jurisdiction, powers and duties of such police justices, and abolishing all other police courts and police justices in such cities.

Police courts in
cities of first
class.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That there shall be constituted in each city of the first class in this state three courts, to be designated police courts of the cities of the first class of this state; and said three police courts shall respectively be designated as the first, second and third police courts of such city.

To be courts of
record.

2. *And be it enacted*, That said courts shall be courts of record, and have official seals, and all persons shall be amenable to punishment for contempt of said courts in the

same manner as in other courts of record of this state having power to punish for contempt of court; and licensed attorneys shall not be necessary in the prosecution or defence of any suit or proceeding in such courts, that the three police justices of the police courts of such cities shall make such rules as may be necessary for the orderly conduct and business and proceedings of their respective police courts; the said rules shall be uniform, and shall be approved by and subject to the revision of the president judge of the court of common pleas of the county in which such city is situated.

Police justices to make rules.

3. *And be it enacted*, That the three police justices of said courts shall be appointed by the governor, and shall continue in office for the fixed term of five years from the date of their said appointment and until their successors are appointed and qualified; that in case of a vacancy in any such office of police justice the governor of the state shall fill such vacancy until the regular appointment to fill the same is made, as hereinbefore provided, and the person so regularly appointed as herein provided shall hold his office for the full term of five years from the date of his said appointment.

As pointed by the governor.

4. *And be it enacted*, That the police courts and police justices hereby constituted and provided to be appointed in such cities of the first class, shall be instead and shall take the place of and be in lieu of any and all other police courts or police justices or special police justices in any such city; and the terms of office of any and all other police justices or special police justices, except those appointed under or recognized by this act, shall be and hereby are terminated and ended upon the expiration of twenty days after this act shall take effect; that each of such police justices herein provided to be appointed shall each receive and be paid by such city an annual salary of twenty-five hundred dollars, to be paid monthly out of any funds of such city not otherwise appropriated; and in case there shall be no fund in said city applicable to and sufficient for all the purposes of this act for the current fiscal year, it shall be lawful for the board having charge of the finances of such city to borrow the deficiency by temporary loans, and to provide for the payment thereof out of the tax levy next thereafter to be made.

To take the place of other police courts and justices.

Salary.

Board of finance to borrow money to pay same if deficiency exists.

5. *And be it enacted*, That each of the police justices herein provided to be appointed in such city shall have, possess and exercise all the powers and authority in criminal matters which are conferred upon justices of the peace in and for the several counties of this state; and for the purpose of recovering the penalty for violating any ordinance or regulation of such city they are respectively hereby empowered, on oath or affirmation, made according to law, that any person or persons has or have been guilty of any violation of any of the ordinances or regulations of such city or of any board of such city, to issue process, at the suit of such city, either in the nature of a summons or warrant as to such police justice may seem most advisable, against the person or persons, corporation or corporations, so violating such ordinance or regulation, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in not less than five nor more than ten entire days; such process shall state what ordinance or regulation of such city, by the defendant or defendants named therein, has been violated, and in what manner the same has been violated; and on the return of such process, or at the time to which such police justice shall have adjourned the same, the said police justice shall proceed to hear testimony and to determine and give judgment in the matter without the filing of any pleadings, and such police justice shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and person of the defendant or defendants; each of the said police justices is further empowered to inflict and impose fines, not exceeding the sum of fifty dollars, on such persons as shall be brought before him and charged with vagrancy, disorderly conduct, breach of the peace, or any other light offence, if found guilty, or, in his discretion, to order such persons committed to the county jail or workhouse, almshouse or penitentiary for any period not exceeding ninety days; *provided*, that in all cases where the fine or penalty shall exceed twenty dollars, or where the punishment shall be imprisonment, there may be a trial by jury, to be conducted as in cases now triable in the courts for trial of small causes, and also an appeal as in all cases

Police justices to have powers of justices of the peace.

To issue process and warrants.

To state ordinance violated.

To give judgment and issue execution.

To impose fines or commit to jail, penitentiary, &c.

Proviso

where an appeal may then be had from judgment in courts for the trial of small causes; in case the person arrested for any offence shall be a minor, such police justice shall have the power in his discretion to inflict, or commute, or wholly remit the penalty prescribed for the offence committed by such minor; and each of such justices is hereby empowered to cause any person or persons who shall be found guilty of a violation of the ordinances or regulations of any board of any such city, and who may refuse or neglect to pay any penalty imposed by reason of the same, and all or any person or persons found guilty of a breach of the peace, or of any other light offence, within the jurisdiction of such justice, to be sent to the jail, workhouse, almshouse or penitentiary of the county wherein such city is situate, for such time as in his discretion may seem meet, and there to perform work in such institution, and to conform to the rules and laws of the same; *provided, however,* that no such person shall be sent to such county jail, workhouse, almshouse or penitentiary to be confined there for a longer time than ninety days for any offence as aforesaid. Proviso.

6. *And be it enacted,* That the officers empowered to serve any process issued by any such police justice shall be, besides the constables elected or appointed within such city, the officers or members of the police force of such city, and the said process shall be returned in the same manner, so far as circumstances may permit, as are similar processes issued out of the courts for the trial of small causes; and that the defendant or defendants shall, if such police justices see fit to adjourn the hearing of the charge and so order, enter into recognizance, as near as may be, in the same manner directed in courts for the trial of small causes, in not less than double the amount of the penalty, with such surety as may be approved by such police justice, unto the mayor and common council, or mayor and aldermen, of such city for appearance on the day to which the said hearing may be adjourned, and in default of appearance the said recognizance may be then collected in the same manner as the same might have been, had the said recognizance been taken in a proceeding in a court for the trial of small causes. Who to serve process. Defendant may enter into recognizance

Convicted persons, how discharged.

7. *And be it enacted*, That in all cases where any person convicted before any such police justice shall have been committed to the county jail, work-house, almshouse or penitentiary in default of the payment of a fine or penalty, the said person may at any time previous to the expiration of the term of imprisonment be discharged upon the payment of the fine or penalty originally imposed less an amount proportionate to the time already served in such public institution.

Proof of ordinances violated.

8. *And be it enacted*, That in any proceeding had before any police justice of any such city for the purpose of recovering the penalty for the violation of any ordinance or regulation of such city, such ordinance may be proved by a copy thereof, certified under seal of the city clerk, or by the introduction in evidence of any bound compilation of the ordinances of such public board of such city, and duly authorized and recognized as the ordinances of the same, and due publication of all ordinances and regulations of any public board of such city shall be presumed to have been made until the contrary is proven.

Rooms and furniture to be provided.

9. *And be it enacted*, That the board of police commissioners of each such city where said police courts are established shall provide suitable rooms for the transaction of the business of such courts, and procure suitable furniture therefor, and such books and stationery as may be necessary, and such board of police commissioners shall designate the place in any such city where each of such police justices shall sit for the transaction of business, and the time when their court shall be opened upon each day, to the end that the administration of justice by such police justices through such city may be facilitated and made convenient; and it is hereby made the official duty of such police justices to be in attendance at the time and place so designated, and said board of police commissioners shall designate and provide the police officers to attend the sittings of such police courts and to preserve order therein.

Police justices to be in attendance at time and place designated for opening courts.

Oath of justices.

10. *And be it enacted*, That each of the police justices herein provided to be appointed, within ten days after their said appointment, shall take and subscribe before an officer duly authorized by the laws of this state to administer oaths, the usual oath or affirmation taken by

officials of such city, and shall file the same with the clerk of such city, and immediately thereupon such police justice shall enter into bond to such city with at least two good and sufficient sureties, being freeholders in the city for which he shall be appointed, in the sum of five thousand dollars, which bond shall be in the form and be approved as hereafter provided, and immediately thereupon the term of office of such police justice shall commence, and he shall be fully qualified to proceed at once to the discharge and performance of the duties of his said office of police justice of such city; that immediately upon the expiration of twenty days after this act shall take effect, the office of all other police justices or special police justices, and all police courts and any officer thereof, other than those provided for or recognized by in this act, in such city, shall cease, determine and end, and the officers of all such persons theretofore holding the office of police justice or special police justice of or in any such city, and all police courts theretofore existing therein, are hereby abolished, and thereafter no other police justice or police court shall exist or be recognized in any such city, except such as is or are provided for or recognized by in this act.

Office of other
police justices in
these cities
vacated.

11. *And be it enacted*, That within twenty days after this act shall take effect, each police justice or special police justice of any such city, whose office is by the provisions of this act abolished or terminated, shall file in the city clerk's office of such city, all books, papers and dockets relating to his said former office of police justice or special police justice of or in such city, and such books, papers and dockets so filed shall there remain as public records, and the same may be used and certified as other records of such city by the clerk of the same.

Former justices to
file books, papers
and dockets for
record.

12. *And be it enacted*, That the bond to be entered into by such police justices and their sureties as herein before provided, with the condition thereof, shall be in the form following, that is to say: "Know all men by these presents, that we, A. B., C. D. and E. F. of the city of _____ in the county of _____ and state of New Jersey, are held and firmly bound unto [the corporate title of such city], in the sum of five thousand dollars to be paid unto the [corporate title of such city],

Form of bond.

to 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 the _____ day of _____ in the year of our Lord one thousand eight hundred and _____; the condition of this obligation is such that if the above bounden A. B. shall well and truly execute the office of police justice of the city of _____ in the county of _____ and state aforesaid, and in all things touching and concerning said office, shall well and truly, faithfully and impartially, execute and perform the same according to law, as well with respect to all persons concerned as the [corporate title of such city], and at the expiration of his said office shall deliver to his successor in office all the books, papers, records and writings remaining in the same, or appertaining thereto, then this obligation to be void, otherwise to remain and be in full force and virtue"; such bond shall be approved of by two judges of the court of common pleas of the county wherein is situate the city for which such police justice shall be appointed, and when so executed and approved of, shall be recorded in the clerk's office of such county and filed in the same, to be by such clerk safely kept among the public papers of his office; and in case any person appointed police justice for such city as aforesaid, before he shall enter into the security aforesaid, shall perform any of the duties required of him by law, in such office, he shall for such offence forfeit and pay, for the use of such city, one hundred dollars, to be sued for and recovered by the mayor of such city in which the offence was committed, in an action of debt, with costs of suit, in the corporate name of such city.

Approval of
bond.

Fees to be paid
over daily.

13. *And be it enacted*, That such police justices of such city shall pay over daily to the comptroller or corresponding chief financial officer of such city, for the use of the city, all fees collected by them, respectively, which they shall receive from any person or persons, or from the county wherein such city is situate, or from the sheriff or county collector or other officer of such county, for any duties or services by them respectively performed or rendered as police justice in any way during all the time they shall

respectively continue in office; and such police justices respectively shall use all lawful means and make all such endeavors to collect with all practical dispatch all such fees; that all fines and penalties, together with the costs of suit for the violation of ordinances whereof complaint is made before either of said police justices shall be paid to the justice before whom said complaint is made, and his receipt therefor shall, on the payment thereof, be a sufficient discharge of the same.

14. *And be it enacted*, That said police justices of any such city shall at every regular monthly meeting of the common council, board of aldermen or other board having charge and control of the finances in such city, make return to such board or body by their respective written statements, what moneys have been received by them as such police justices of such city, during the month preceding, for fines, penalties, costs of suit, when, from whom and for the violation of what ordinance or ordinances received, and what judgments remain unpaid; and when such written statements shall have been audited by the auditor of accounts or corresponding officer of such city, said police justices shall each, without additional delay, pay over to the comptroller or corresponding financial officer of such city, for the use of such city, all moneys thereby appearing to be due such city from such police justices respectively, taking the receipt of such comptroller or financial officer for the amount so paid.

15. *And be it enacted*, That said police justices of such city shall keep a docket (each having his own docket) in which they shall record all suits instituted before them for violation of all ordinances of such city passed or enacted by such city of any board thereof, against whom brought, and when, for the violation of what ordinance, what proceedings were had and what judgment was rendered therein, and state particularly the items of the costs for which judgment shall be given, whether execution was issued on said judgment, and if so, when, whether the amount of the judgment was paid, and when and how, whether upon execution or otherwise; and if said suit was not prosecuted to judgment, when and for what reason, and by whose direction the same was discontinued;

whether any money was received on account of the suit, and if so, what amount, and when and from whom, and if less than the whole amount to which the city would have been entitled had the suit been successfully prosecuted to judgment, by whose authority or direction such less sum was accepted; and such police justices shall also keep a record in their said dockets, respectively, all complaints of a criminal nature which shall be made before them, with a true statement of the parties by whom the same were made, when the same were made, for what offense, what action was taken and services rendered touching said complaints by them respectively, what fees were received by them therein, together with the items making up the amount of said fees; each of such police justices shall keep his said docket at the police court room wherein his court is located and held, and said dockets shall be there at all times open to the inspection of the mayor, police commissioners, chief of police and members of the common council, board of aldermen or the governing body or board of such city, and shall be and remain the sole property of such city, but shall be under the control of the board of police commissioners of such city.

Complaints to be filed and preserved.

16. *And be it enacted*, That such police justices shall also carefully file and preserve, each in his own court room, all complaints and other papers of whatever description, in or relating to any suit instituted before them, during all the time they shall respectively continue in office; and said complaints and other papers shall be and remain the sole property of such city, and each of such police justices shall, on demand, deliver up all said complaints and other papers of whatever description, together with his said docket, to the person who shall at any time be appointed to succeed him as police justice; said police justices shall also respectively keep at the places of holding their said courts a true and complete daily account, in the form of a cash account, of all their receipts for fines, penalties, fees and costs, which accounts shall be at all times open to examination of the mayor, comptroller, auditor and police commissioners and members of the common council, board of aldermen or other governing body or board of such city, and such cash accounts shall be kept in a suitable book or books, which said book or books shall be

Daily cash account to be kept.

and remain the sole property of such city, and shall also be delivered by said police justices to the person appointed to succeed them in office respectively.

17. *And be it enacted*, That any police justices appointed at any joint meeting of the legislature of eighteen hundred and ninety-one, shall hold office for five years from the date of their appointment, and shall be taken and considered as of the police justices appointed under this act. Police justices appointed at joint meeting of 1891 to serve for five years.

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

Approved March 16, 1891.

CHAPTER XCV.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all counties in this state, wherein at the county seat thereof there is now published in the German language a paper, which has been or may be designated by law to publish the laws of this state, it shall be the duty of the officer having charge of the sale of real estate to select and publish all advertisements of sales and adjournments thereof in one such paper. Sale of lands under judicial proceedings to be published in a paper in the German language.

2. *And be it enacted*, That the same fees shall be allowed and paid for the publication under this act as in other cases, and this act shall be deemed a public act and shall take effect immediately. Fees.

Approved March 16, 1891.

CHAPTER XCVI.

An Act to authorize the improvement of roads, streets and highways, in towns, boroughs, villages and municipalities governed by boards of commissioners or improvement commissions, and to provide for the issuing of bonds for the payment of the expenses thereof.

Governing body in any municipality governed by a commission may expend not exceeding \$60,000 for highway improvements when a majority of voters approve.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the governing body of any town, borough or village or of any municipality governed by a board of commissioners or improvement commission within this state, whenever authorized by a majority of the votes cast at an election held for the purpose as herein provided to expend such sum as may be authorized by such vote, not exceeding sixty thousand dollars, for the purpose of paying the cost and expenses of improving the roads, streets and highways within such municipality, either in whole or in part, in such manner as they may deem advisable, and to issue bonds therefor, in the corporate name of such municipality, in the manner hereinafter provided.

Election as to issue of bonds.

2. *And be it enacted*, That whenever in the judgment of the governing body of such town, borough, village or other municipality, it shall be deemed advisable to make any expenditure authorized by this act and to issue bonds therefor, the said governing body may order an election to determine whether bonds shall be issued to procure money for the payment of the cost and expenses of the proposed improvement, and shall designate the time and place for holding such election and appoint judges and inspectors thereof, which election may be at the time and place fixed by law for the election of municipal officers, or may be a special election called for the purpose; *provided*, that when a special election shall have been ordered under the provisions of this act, six calendar months shall elapse before any order for another such special election shall be issued; the polls shall be open at least from two

Proviso.

o'clock until seven o'clock in the afternoon; notice of the said election and of the amount of bonds proposed to be issued, which amount shall not exceed sixty thousand dollars, shall be given by advertisements, set up in at least five public places in said municipality for at least ten days previous to said election and published once a week for two successive weeks in three newspapers circulating therein; on the ballots used at such election shall be printed or written "for the issue of bonds" or "against the issue of bonds," and the said election officers shall return to the governing body of said municipality a true and correct statement in writing under their hands of the result of such election.

3. *And be it enacted*, That if at such election a majority of all the ballots cast shall be "for the issue of bonds," it shall then be lawful for the governing body of such municipality to proceed with the improvement of said roads, streets and highways, said work to be done by contract, and to incur an expense therefor not exceeding the amount mentioned in the notice of such election, and to issue registered or coupon bonds of such municipality for the purpose of providing funds to pay the costs and expenses of such improvements, such bonds to be issued from time to time as occasion may require, but not to exceed in the aggregate the amount mentioned in the notice of such election; the bonds may be made payable at times to be therein specified, not more than twenty years after issuing the same, and shall be so issued that an equal portion of the same shall be made payable in each year from and after five years from date of said bonds, or may be made payable at earlier periods as may be determined by the governing body issuing the same, and shall be disposed of in such manner as the governing body of such municipality may determine, but in no case shall any such bonds be issued or sold at less than the par value thereof, or shall any such municipality issue bonds under this act so that the amount of such bonds outstanding at any one time shall exceed in the aggregate sixty thousand dollars.

If majority decide "for the issue of bonds," governing body to proceed with the improvement.

Time of payment of bonds.

4. *And be it enacted*, That it shall be the duty of the governing body of such municipality to cause to be raised by taxation, in each year, the moneys necessary to pay

Principal and interest to be raised by taxation.

the amount of interest of such bonds, and also the installment of principal falling due the subsequent year, which moneys shall be assessed and collected in the same manner as other taxes are assessed and collected, for the use of such municipality.

'Municipality' to mean corporation governed by a commission.

5. *And be it enacted*, That the word "municipality," whenever used in this act, shall be construed to mean any town, borough, village or any municipal corporation or locality governed by a board of commissioners or by an improvement commission.

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

Approved March 16, 1891.

CHAPTER XCVII.

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

Section to be amended.

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

Abolishes the office of trustees of the deaf mute school and places the management of the school in the State Board of Education.

2. *And be it enacted*, That said institution shall be under the control and management of the state board of education; such board shall have all the powers and perform all the duties of the board of trustees created by the act to which this is a supplement, which board of trustees is hereby abolished.

Section repealed.

2. *And be it enacted*, That section three of the act to which this is a supplement is hereby repealed.

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

Approved March 17, 1891.

CHAPTER XCVIII.

A Supplement to an act entitled "An act to revise and amend 'An act for the taxation of railroad and canal property,'" approved April tenth, one thousand eight hundred and eighty-four, approved March twenty-seventh, one thousand eight hundred and eighty-eight.

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

2. *And be it enacted*, That all property of any railroad and of any canal company used for railroad or canal purposes shall be assessed by a state board of assessors, which shall consist of four members, and shall be appointed by the governor, by and with the advice and consent of the senate; no person shall be qualified or authorized to act as a member of said board unless his appointment shall have been confirmed by the senate; their term of office shall commence on the first Monday of May; the assessors first appointed shall be appointed to hold office respectively for one, two, three and four years, and until the appointment of a successor; all subsequent appointments shall be for a term of four years and until the appointment of a successor; vacancies shall be filled by the governor, subject to the approval of the senate; the said assessors shall be citizens of this state, and shall not, during their term of office, be interested in any railroad or canal company; each assessor shall, before entering upon his duties, file with the secretary of state an oath taken before a justice of the supreme court that he will faithfully discharge the duties of his office, and that he is not interested in any railroad or canal company; they shall each receive an annual salary of twenty-five hundred dollars; three members shall constitute a quorum, and any official act shall be valid which has the sanction of three members; they may employ a secretary, who shall receive an annual compensation as the board State board of assessors, how constituted. Term of office. Vacancies. Oath. Salary. May employ a secretary.

Record and
report.

of assessors may determine, not to exceed twenty-five hundred dollars; they shall keep a record of their proceedings and shall annually report to the legislature.

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

Approved March 17, 1891.

CHAPTER XCIX.

An Act to authorize the election of a city treasurer in cities of the second class for a longer term than two years.

City treasurers in second class cities, when they have been elected for two years, to be hereafter elected for terms of five years.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the second class in this state in which the city treasurer is now elected for the term of two years, the said city treasurer shall hereafter be elected and hold office for the term of five years.

2. *And be it enacted*, That all acts and charter provisions inconsistent herewith be and they hereby are repealed, and that this act shall take effect immediately.

Approved March 17, 1891.

CHAPTER C.

An Act empowering water registrars to appoint their own assistant and assistants in cities where the water registrar is now elected by the people.

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 water registrar in any city of this state that is now elected by the people, to appoint the assistant or assistants to aid him in his lawful duties that are now provided for by law. Water registrars to appoint their own assistants in cities where the water registrar is now elected by the people.

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

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

Approved March 17, 1891.

CHAPTER CI. •

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

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the general supervision and control of public instruction in the state of New Jersey Constitution of board of education.

shall be vested in a state board of education, which shall consist of the trustees of the school fund and eight members, who shall be appointed by the governor, one from each congressional district, by and with the advice and consent of the senate; not more than four of the members so appointed shall be of the same political party; their term of office shall commence on the first day of April, one thousand eight hundred and ninety-one, and they shall hold office for the term of five years and until their successors are appointed.

Term of office.

Board of trustees of the State Normal School abolished.

2. *And be it enacted*, That the board of trustees of the state normal school is hereby abolished; all the duties and offices of such board shall hereafter be exercised and performed by the state board of education provided for in the first section of this act.

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

Approved March 17, 1891.

CHAPTER CII.

An Act concerning the management of the lunatic asylums of this state.

State board of managers of both asylums.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the general management of both the state lunatic asylum at Trenton, and of the state asylum for the insane at Morristown, shall hereafter be vested in a single state board of managers, who shall be instead of and have and exercise all the powers and duties and privileges of the board of managers of the state lunatic asylum at Trenton, and of the board of managers of the state asylum for the insane at Morristown; such state board of managers shall consist of seven persons, who shall hold office for the period of five years;

they shall be appointed by the governor, by and with the advice and consent of the senate.

2. *And be it enacted*, That the board of managers of the state lunatic asylum at Trenton, and the board of managers of the state asylum for the insane at Morristown, as heretofore constituted and provided for, are hereby abolished; the state board of managers created by this act shall have all the powers and perform all the duties heretofore possessed and performed by the boards of managers so abolished.

Former boards abolished.

Powers and duties of new board.

3. *And be it enacted*, That it shall be the duty of the said board of managers to visit each county lunatic asylum in the state, at least once in each year, and to inspect such institutions and their management, and to make in their annual report such recommendations as they shall deem necessary concerning such local institutions.

To make annual report.

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

Approved March 17, 1891.

CHAPTER CIII.

A Supplement to an act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three.

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

Section to be amended.

14. *And be it enacted*, That it shall be the duty of any company incorporated under this act or any company

Railroads to
construct and
keep in repair
bridges and pass-
ages over, under
and across public
roads or streets.

Proviso.

Proviso.

Proviso.

Proviso.

owning, leasing or controlling any right of way for a railroad within this state, which has been graded in whole or in part, but upon which right of way the track or tracks have not been completely laid, to construct and keep in repair good and sufficient bridges and passage over, under and across the said railroad or right of way where any public or other road, street or avenue, now or hereafter laid shall cross the same, so that public travel on the said road shall not be impeded thereby; *and it is further provided*, that such bridges and passages shall be of such width and character as shall be suitable to the locality in which the same are situated; and also where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon ways over, under and across the said railroad, and shall also construct and maintain suitable and proper cattle guards at all road crossings; *provided, always*, that in case any such railroad shall cross any streets or highways in any city it shall be either above or below the grade thereof, at such distance as shall not interfere with the free and uninterrupted use of such streets or highways; *provided, further*, that the common council of any city may grant permission to said company to cross such streets or highways at grade if they shall deem it to be the best interest of said city; *and further provided*, that in the event that such company shall not, within a reasonable time after notification from the common council of the city or committee of the township in which such bridges and passages are to be so constructed or repaired, proceed to construct or repair the same as required by this act, the said common council or committee may, in the name of such city or township, institute proceedings in the court of chancery against such company to compel the specific performance of the duties imposed upon such company by this section of this act, and in case a decree shall be made against such company in said proceedings, commanding it to specifically perform said duties within a reasonable time to be therein fixed, and such company shall neglect or refuse to specifically perform such duties within said period of time, the chancellor, upon proof of such neglect or refusal, may in his

discretion issue the state writ of injunction to restrain said company from the exercise of any franchise or the transaction of any business in this state until said company shall have obeyed the command of said decree, and shall have paid the costs of said proceedings, including a reasonable allowance to the counsel for such city or township, to be fixed by the chancellor; *and further provided*,^{Proviso.} that said council or committee, in the event of the failure of such company to construct or repair such bridges or passages within a reasonable time after notification as aforesaid, may, if they shall deem it advisable so to do, proceed themselves to construct or repair such bridges or passages, and when the cost thereof shall have been ascertained the same may be collected of and from said company by said common council or township committee by an action at law in any court of competent jurisdiction; *provided, further*,^{Proviso.} that the permission of the common council of any city hereinbefore referred to shall not be necessary for the purpose of crossing any street or highway at grade, unless said street or highway at the point where said railroad shall cross or at some point between the crossing of said railroad and the nearest terminus of said street or highway shall be in actual use by and for pedestrians and teams at the time of the acquirement of the right of way of said railroad across such street or highway.

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

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

Approved March 17, 1891.

CHAPTER CIV.

An Act to empower cities to acquire land for public use
by condemnation.

Proceedings for
condemnation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when the proper board or other proper municipal authority of any city of this state shall deem it proper to acquire certain land, whether situate within or without said city, for any lawful public use or purpose, and the said city or its agents cannot agree with the owner or owners of such land as to the price and terms of the purchase thereof, or when by the legal incapacity or absence of such owner or owners, no agreement can be made for the purchase thereof, a description in writing of the land so desired, with the name or names of the occupants, if any there be, and of the owner or owners and other parties interested if known, and their residences, if the same can be ascertained by the said city or its agents, shall be presented to one of the justices of the supreme court of this state, who thereupon shall cause such city to give notice thereof to the persons interested if known and in this state, or if unknown or cannot be found, or if out of this state, to make publication thereof as he shall direct for any period not less than ten days; and to assign a particular time and place for the appointment of commissioners as hereinafter provided; at which time, upon satisfactory evidence to him of the service or publication of such notice, he shall appoint under his hand three impartial and judicious freeholders, residents in the county in which such lands are situated, to examine and appraise the said land 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, not less than ten days; and it shall be the duty of the said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer the

Appointment of
appraisers.

same, faithfully and impartially to examine the matter in question and to make a true report and appraisal as aforesaid in writing according to the best of their skill and understanding) to meet at the time and place appointed and to proceed to view and examine the said land, and to make a just and equitable appraisal and assessment as aforesaid, to be paid by the city; which report shall be made under the hands of the said commissioners, or any two of them, and within fifteen days thereafter, together with the description of the land and the appointment and oaths or affirmations aforesaid, shall be filed in the clerk's office of the county within which such lands are situated, to remain of record therein; and thereupon, and on payment or tender of payment of the amount so awarded to the party or parties entitled thereto, the said city is hereby empowered to enter upon and take possession of the said land; and all title thereto for the purpose for which the same is taken shall upon such payment or tender pass from the said owners and parties interested to the said city; and in case of a dispute between any owners or other parties interested to their respective rights or shares in and to the sum so assessed or ascertained under this act, then the said city is hereby authorized to pay the sum assessed for the said land to the clerk of the county in which said lands are situated, to be paid out and distributed between or among the parties entitled to the same by the order of the circuit court of said county upon the application of any one or more of them, on due notice to the others; and the said justice shall upon the application of either party, or on reasonable notice to the others tax and allow such costs, fees and expenses to the commissioners and other persons performing any legal duty in the premises as he shall think equitable and right, which shall be paid by the said city; and if any or all of the said owners or other parties interested shall be absent from this state or under any legal incapacity that disqualifies them from receiving legal payment of the money awarded him, her or them, then it shall be the duty of the city to pay the amount awarded to such person or persons to the clerk of the county in which

Report to be filed.

Title to pass to city.

Fees, &c., to commissioners.

such lands are situated; and it shall be the duty of the said clerk to receive the same to be paid to the parties entitled thereto by the order of the judge of the circuit court of the said county, upon his, her or their application for the same, and every and all of such payments to the clerk, as to the city, shall be equivalent to payment to the parties entitled thereto and shall operate to transfer the title to said lands to said city as if made directly to the said parties; *provided, always*, that should the city, or the owner or owners feel aggrieved by the report and award of the said commissioners, he, she or they may appeal from the said appraisement and award in respect to her, his or their interest therein to the next circuit court in the county wherein the said lands are situated.

Proviso.

Appeal from appraisement.

2. *And be it enacted*, That every appeal from the appraisement and award of the commissioners shall be made in the form of a petition to the said court, and notice thereof shall be given to the other parties within fifteen days after the filing of the commissioners' report and award, which proceeding shall vest in the circuit court full authority, power and jurisdiction to hear and determine the question of the value of the land and the damages sustained, if any, and thereupon the said court shall direct a proper issue to be framed between the parties for the trial of the said question and order a jury of twelve men to be struck for the trial of the same and a view of the premises to be had by them; and the said issue shall be tried upon the like notice and in the like manner as other issues of fact in said court are tried; and it shall be the duty of the said jury to assess the value of the land in question, and the damages sustained, if any; and the party or parties appealing shall recover costs if he, she, it or they shall succeed at the trial on appeal in changing the valuation or assessment of the land in question and the damages in his, her, their or its favor, and shall pay costs if he, she, it or they shall fail so to do; but no appeal shall prevent the city from taking the land upon filing the commissioners' report and award and payment, or tender to the parties of the amount thereof, as hereinbefore provided, and a party accepting from the city the amount of the award of the commissioners in his favor shall not thereby waive his appeal;

Trial of appeal.

that upon the verdict of the jury fixing the value of the land and damages the court shall enter judgment for the amount thereof, with or without interest and costs, according to the provisions of this act and the principles of law applicable to the trial of similar issues in other cases, and the judgment so entered shall be the sum which the owner or owners and other parties interested are entitled to have from the city for the said land and damages, and may be enforced in manner and form similar to other cases in which judgment is pronounced in said court; and when the commissioners' award is paid by the city into court, as hereinbefore provided, and an appeal is taken and judgment is afterwards pronounced on the verdict, it shall be the duty of the court to order the money so paid into court applied to the payment of the said judgment and the surplus, if any, repaid to the city.

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

Approved March 17, 1891.

CHAPTER CV.

An Act providing for the appointment of a clerk to assist the assessor in certain cities of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of this state in which there is not more than one assessor appointed or elected, and in which the total assessed value of the real and personal property now exceeds, or shall hereafter exceed, the sum of eighteen millions of dollars, the said assessor shall be and hereby is authorized to appoint a clerk, who shall be under the direction and control of such assessor, and shall render such assistance as may be necessary in the assessment of property in such city; the

Clerk to be appointed in cities where only one assessor is elected.

salary of such clerk shall be fixed and paid by the common council of such city, and shall not in any case exceed twelve hundred dollars per annum.

Repealer.

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

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

Approved March 17, 1891.

CHAPTER CVI.

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

Section to be amended.

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

Manufacturing corporations to declare annual dividends.

52. *And be it enacted*, That all manufacturing corporations within this state shall on the first day of August, in each and every year, unless some other specific day for that purpose be fixed in their charter or by-laws, and in that case, then on the day so fixed after reserving over and above their capital stock paid in as a working capital for said corporation, a sum to be specified by their board of directors, and not exceeding the amount of one-half of the capital stock paid or secured to be paid, declare a dividend of the whole of their accumulated profits exceeding the amount so reserved as a working capital, and pass a share or dividend of each stockholder of such profits to the credit of their respective stockholders, and pay the same to such stockholders on demand; *provided, however*, that when such accumulated profits shall consist in part of real property or merchandise necessarily em-

Proviso.

ployed in the business of such corporations, the same shall not be regarded as profits for the purpose of the declaration or payment of such dividend, unless a majority of the board of directors or stockholders shall by resolution declare that all or some part of the accumulated profits which are invested in real estate or merchandise as aforesaid, shall be used as a part of the accumulated profits for the purpose of a dividend.

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

Approved March 17, 1891.

CHAPTER CVII.

An Act authorizing the cities of this state to renew maturing water bonds.

1. BE IT ENACTED *by the Senate and General Assembly of State of New Jersey*, That whenever any water bonds heretofore issued by any board of water commissioners or other competent board, in the corporate name of any city of this state, under the authority of law, shall hereafter mature, and shall be held by any savings institution of this state which is now under the control of the chancellor of this state under and by virtue of an order or decree made under the authority of an act approved April fifth, one thousand eight hundred and seventy-eight, entitled "A supplement to an act entitled 'An act concerning savings banks,' approved April twenty-first, one thousand eight hundred and seventy-six," the board of water commissioners of said city, or any other board of said city, if there be no board of water commissioners, having charge of the finances of said city, may renew the whole amount of said maturing bonds, or any less part thereof, by the issuing in the corporate name of the said city, bonds to be denominated on their face [name of

Board of water commissioners may renew maturing water bonds held by savings institutions.

city] city water bonds, bearing interest at a rate not exceeding five per centum per annum, and the said interest shall be paid semi-annually; and the principal of said debt shall be payable at periods not less than ten nor more than fifty years from date; and the water commissioners, or other competent board as aforesaid, may exchange the same for said maturing bonds upon such terms as the chancellor may direct, which bonds shall be of the denomination of fifty dollars and multiples thereof, and shall be executed under the corporate seal of said city and shall be signed by a majority of the members of the board of water commissioners, or board having charge of the finances of the city, if there be no said board of water commissioners, and shall be countersigned by the mayor of said city; and a record of all bonds issued or disposed of shall be kept by said commissioners, or the board having charge of the finances of the city, if there be no board of water commissioners, and copies of such record shall be made and delivered to the treasurer or other proper financial officer of said city; said bonds shall have coupons attached for every half year's interest until due, or may be registered, or the principal of the coupon bonds may be registered, at the option of the holder.

By exchange for
new bonds.

Registered or
coupon.

Interest and
expenses to be
raised by tax.

2. *And be it enacted*, That in case the revenue received from water supplied shall not in any year be sufficient to pay the interest and all the necessary expenses of the operation of the water works and supply, an amount equal to such deficiency shall be provided for and paid by the said city, and the proper authorities thereof are hereby authorized and required to assess and raise for that purpose, by tax, such amount as may be necessary in addition to the other taxes authorized by law.

Water rents to
be fixed.

3. *And be it enacted*, That the water commissioners of said city, or other board having charge of the water supply, shall fix the water rents or prices for water, with reference to paying from the proceeds thereof the interest and principal of the bonds as they respectively fall due; and such portions of the money received as may remain after paying all expenses for maintaining the works and raising and distributing the water, and salaries, wages and incidental charges, shall be applied first to the

payment of interest upon the bonds issued under authority of this act, and next to the purchase of said bonds if the same can be obtained at reasonable rates, or if that cannot be effected, then to be safely invested and allowed to remain as a sinking fund to be applied to the payment of the bonds at maturity.

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

Approved March 17, 1891.

CHAPTER CVIII.

An Act regulating the maturity of certain commercial paper.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all bills of exchange, drafts and promissory notes made after the passage of this act which would otherwise be payable on any Saturday, shall be deemed to be and shall be payable on the next succeeding secular or business day. Commercial paper falling due on Saturday to be payable on next succeeding business day.

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

Approved March 17, 1891.

CHAPTER CIX.

A Supplement to an act entitled "An act to enable cities and municipalities of this state to create and maintain a paid fire department," approved March first, one thousand eight hundred and eighty-six.

Preamble

WHEREAS, Certain cities of this state have adopted, or may hereafter adopt, according to the terms thereof and by a majority of the popular vote, the provisions of an act entitled "An act to remove the fire and police departments in the cities of this state from political control," approved March second, one thousand eight hundred and eighty-five, and in accordance with the provisions thereof have created or may hereafter create a board of fire commissioners to which has been or may hereafter be committed the control and management of the fire department of such cities; and whereas, in such cities and in other cities that may hereafter adopt the said act, it is or may be desired to create a paid fire department which shall be under the control of the boards of fire commissioners; therefore,

Commissioners
authorized to
create and estab-
lish a paid fire
department by
resolution.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is a supplement be so amended that in all cities which have established or which may hereafter establish a board of fire commissioners created under and by virtue of the act approved May second, one thousand eight hundred and eighty-five, entitled "An act to remove the fire and police departments from political control," the creation and establishment of a paid fire department shall be had and made by resolution of said board of fire commissioners, adopted by a three-fourths vote of said commission, instead of by general ordinance of the common council, board of aldermen or other governing body of said city, as is provided by the act to which this is a supplement.

2. *And be it enacted*, That the said resolution shall be and remain inoperative until assented to and approved

by a majority of the legal voters voting on the subject at the regular charter election to which such resolution shall be referred for adoption by the said board of fire commissioners; *provided*, that public notice shall be given in at least two public newspapers of the said city for at least two weeks before said election of the purpose of said commissioners to submit said question to the people for adoption or rejection, and that assent or dissent shall be expressed upon the regular ballots by the words written or printed, or partly written or partly printed, thereon, "for a paid fire department," or "against a paid fire department."

Resolution to be inoperative until assented to and approved by voters of city.
Proviso.

3. *And be it enacted*, That upon the ratification and adoption of said resolution by the popular vote, it shall be the duty of said boards of fire commissioners to present to the common council, board of aldermen, or other governing body of such city, a detailed statement of the amount of money needed for the purchase of the engines, utensils and apparatus necessary for the effective establishment of the said fire department, and it shall be the duty of the said common council, board of aldermen, or other governing body, and it is hereby required to raise such money by the issue and sale of bonds in the manner provided by the act to which this is a supplement, and to appropriate said money to said boards of fire commissioners for their use and disposition in the purchase of said engines, utensils and apparatus in the method by which the said boards of fire commissioners now make purchases under the act to which this is a supplement.

If ratified and adopted, commissioners to present to governing body a statement of money needed.

4. *And be it enacted*, That for the maintenance and support of the said fire department, the said board of fire commissioners shall have authority, and are required, to make to the common council, board of aldermen or other governing body, the same detailed estimate of expenses that they now have authority and are required to make for the maintenance of the departments now under their control, under and by virtue of the act entitled "An act to remove the fire and police departments in the cities of this state from political control," approved May second, one thousand eight hundred and eighty-five, and the several supplements thereto; *provided*, that in making such estimates the said boards of fire commissioners shall

Board to make annual estimate of expenses.

Proviso.

be limited to the maximum per capita tax, as is provided in the said act.

Repealer.

5. *And be it enacted*, That all acts and 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 March 18, 1891.

CHAPTER CX.

An Act concerning cities of the first class in this state, and regulating official searches of municipal records of such cities respecting municipal liens on real estate situate within the same.

Preamble.

WHEREAS, much litigation, loss, confusion and inconvenience have been caused grantors and grantees of real estate situated in the large cities of the first class of this state, by reason of numerous municipal liens by law attaching to such real estate, for taxes, assessments, water rents, and other municipal liens and charges as well as sales therefor, being wrongly or partially recorded in the numerous records of the many departments of such large cities; *and whereas*, no municipal officer of such large cities heretofore designated or required by any general statute of this state to make and properly certify the requisite official searches of the municipal records of such large cities, could be held legally responsible for the correctness of such official searches regarding municipal liens and charges against real estate situate within the corporate limits of such cities; now, therefore,

Official searches
in cities of the
first class of
records of all

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the official searches of municipal records respecting all municipal liens

and charges against land and real estate situated within the corporate limits of cities of the first class in this state, shall be made, and the correctness of the same duly certified to, by the comptroller or corresponding chief financial officer of such city having charge and control of municipal records respecting municipal liens and charges against land and real estate as aforesaid, and the same shall be made by such officer at his own individual cost and expense in the manner and form hereinafter provided, and for such purpose said municipal officers and their assistants and employees, shall have full and free access to all the municipal records of such city or of any board or department thereof.

municipal liens and charges shall be made and certified to by comptroller or corresponding chief financial officer.

2. *And be it enacted*, That said official searches respecting municipal liens on land or real estate situate within the corporate limits of the same, and to be made and certified by the municipal officer thereof as aforesaid, shall show in detail and be in the form following :

Searches to show.

I. A correct map or diagram of the tract, parcel, lot or piece of land and real estate on which such official search is represented to be made, and shall plainly show the tract, parcel, lot or piece of land and real estate in such city on which such official search is made; the correct dimensions of the same in figures; the name or names of the street, avenue, lane, alley, road or highway on or near which the said land and real estate is located; and the name or names of the nearest cross streets, avenues, lanes, alleys, roads or highways in such city to such land and real estate, and such names shall be plainly marked or written on said map or diagram ;

A correct map or diagram.

Dimensions.

Names of streets, &c.

And nearest cross streets, &c.

II. Such official search shall plainly and correctly state in detail, whether or not at the date thereof there exist any unpaid or uncanceled municipal liens or charges against the land and real estate mentioned and described in such official search for or on account of any municipal tax, assessment, water rent or any other municipal lien or charge whatsoever theretofore levied, assessed or made by or on behalf of such city or by any department thereof, against the said land and real estate ;

State if municipal liens exist.

III. In case there shall exist any municipal lien or liens, charge or charges against the land and real estate mentioned in such official search, then and in that case such official search shall show in detail the several sums

If so, search to show them in detail.

or amounts due to such city or any department thereof, principal, interest, costs and penalties, and for what such lien or liens, or charge or charges on such land and real estate is or are due and owing, and the date when the same became a lien or charge thereon.

Fee for searches.

3. *And be it enacted*, That the comptroller or corresponding chief financial officer of any such city aforesaid shall be and hereby is authorized and empowered to charge, take and receive for his own use and benefit for the individual services and disbursements of himself and his private assistants and employees, in and about the making of each official search regarding municipal liens on lands and real estate as aforesaid, a sum not exceeding eight dollars for a complete search as herein above described against any single lot or parcel of land, and any such comptroller or other corresponding officer as aforesaid by this act authorized to make such official searches regarding municipal liens and charges on land and real estate in such city as aforesaid, and who shall charge therefor a greater amount than the sum of eight dollars, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished for each offense by a fine of not less than five hundred dollars nor more than one thousand dollars, or by imprisonment not exceeding one year, or both, and shall forever thereafter be incapable of holding any office under the government of this state, or of any municipality thereof.

How application for search to be made.

4. *And be it enacted*, That any person desiring to have any official search as aforesaid made by such comptroller or corresponding chief financial officer of such city shall make application therefor to such officer, and such application shall be addressed to such officer and be signed by the person making the same, and shall be a printed or written, or partly written and partly printed application, and shall describe the land and real estate on which the search desired is to be made, together with the name of the reputed owner thereof; and such applicant shall at the time of the delivery of such application aforesaid to such officer of such city deposit in cash with him, taking a receipt therefor, the amount to be charged for such search; and unless such application as aforesaid be made as aforesaid and the said amount to be charged therefor be deposited

Fee to be deposited on making application.

If not deposited, officer to refuse to make search.

therewith as aforesaid, then and in that case said officer of such city shall not make such official search and he shall wholly refuse so to do.

5. *And be it enacted*, That the city comptroller or corresponding chief financial officer of any such city, making and certifying to the correctness of an official search as provided for in act, shall be and is hereby made legally liable and personally responsible to any person or corporation for any damage, loss or injury occasioned by reason of any error, mistake or omission in any official search hereinafter provided to be made and certified by such city comptroller or corresponding financial officer of any city as aforesaid. Officer responsible for correct search.

6. *And be it enacted*, That the said comptroller or corresponding chief financial officer shall enter into bond with good and sufficient sureties for the faithful performance of the duties imposed by this act to the city in its corporate name to the amount of ten thousand dollars, which bond shall be approved by the mayor; and such bond may be prosecuted for the benefit of any person or persons or corporation suffering any loss, damage or injury occasioned by reason of any error, mistake or omission in any official search made and certified by any such comptroller or corresponding chief financial officer at the request of any such person or persons or corporation. To give bond. Bond to be prosecuted if injury is occasioned.

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

Approved March 18, 1891.

CHAPTER CXI.

An Act to authorize the appointment of a board of commissioners to represent the state of New Jersey at the world's columbian exposition, to be held at Chicago in the year one thousand eight hundred and ninety-three.

Appointment of
commission.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be appointed for the state, by the governor, eight persons, who shall be residents of the state, who shall constitute "the New Jersey commission."

Its duty.

2. *And be it enacted*, That it shall be the duty of the New Jersey commission to co-operate with the world's columbian commission and with the board of directors of the world's columbian exposition, in encouraging and forwarding the objects of the international exposition of 1893, authorized by the congress of the United States to be held in the city of Chicago, and especially to organize, prepare, superintend and have the general management of the New Jersey department of the said exposition.

To disseminate
information.

3. *And be it enacted*, That to accomplish the objects stated in the next preceding section, it shall be the duty of the "New Jersey commission" to disseminate throughout this state information regarding said exposition; to

Secure co opera-
tion.

take measures to secure the co-operation of scientific, agricultural, mechanical, manufacturing and other asso-

And appoint co-
operative com-
mittees.

ciations in the several counties; to appoint co-operative committees (where the people of the locality do not appoint), representing the respective industries of the state; to stimulate local action and encourage the production of articles suitable for exhibition, so as to make the New Jersey department of the exposition worthy the state, and to furnish information to the world's columbian commission, to the board of directors of the world's columbian exposition, and to the people of the state on all subjects connected with the success thereof.

4. *And be it enacted*, That the said New Jersey commission shall continue until such time after the close of said exposition as will be necessary to complete and settle the business connected therewith, not later than the first day of January, anno domini one thousand eight hundred and ninety-five. To continue not later than January 1, 1895.

5. *And be it enacted*, That the members of said New Jersey commission shall not receive any compensation for their services. Shall not receive compensation.

6. *And be it enacted*, That to pay the necessary expenses attending and consequent upon the discharge of their duties and to enable the governor of the state to have prepared by the heads of the different state departments exhibits of the agricultural and mineral products of the state, as also its educational system, and for such aid and assistance as shall be necessary to carry out the objects of this act, there be hereby appropriated the sum of twenty thousand dollars, and that out of the same there shall be paid so much as shall be necessary to defray the expenses as aforesaid; to be paid by the treasurer of the state upon the warrant of the comptroller, upon being certified by the president of said New Jersey commission. Appropriation for expenses. To be paid by treasurer upon warrant of comptroller.

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

Approved March 18, 1891.

CHAPTER CXII.

An Act concerning sinking fund commissioners in cities of the first class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners of every sinking fund established by law in and for every city of the first class of this state shall be three suitable persons, and the mayor of said city, who shall also be a commis- Appointment of commissioners.

Vacancies.
Commissioners
to be substituted
for those now in
office.

sioner ex officio, who shall not all be members of the same political party, to be appointed by the mayor thereof for the term of three years; the first appointment shall be one for one year, one for two years, and one for three years from the date of their appointment, and thereafter one each year for three years in place of the one whose term then expires; any vacancy to be filled by the mayor for the unexpired term only; the sinking fund commission herein authorized shall be in place of, and be substituted for, and shall be invested with all the powers and duties of any commissioners of any sinking fund now established or authorized by law in and for any city, and the term of service for any such commissioner or commissioners serving in any city at the time this act goes into effect shall cease on the appointment of the sinking fund commission as herein authorized.

Repealer.

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

Approved March 18, 1891.

CHAPTER CXIII.

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

During the pendency of an appeal in the matter of a contested election, the incumbent, if he be the appellant, may use the fees and emoluments of his office in payment of clerk hire and expenses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That during the pendency of any appeal heretofore taken or hereafter to be taken from the judgment of the circuit court of any county of this state, in the matter of any contested election, for any county, township or city office, to the supreme court or to the court of errors and appeals, upon appeal or writ of error,

from the judgment of the supreme court, the person actually in possession of the said office at the time of the rendering of the judgment of the circuit court, if he shall be the appellant, shall have power during the pendency of the said appeal to the supreme court, or to the court of errors and appeals, as aforesaid, to use and make use of so much and such part and portion of the fees and emoluments of the said office as shall be received by him during the pendency of said appeal or said appeals, in payment of the necessary and proper clerk hire employed by him for the proper and fit management of said office and the necessary expenses of said office during the time that the said appeal or appeals shall be pending before the said supreme court and court of errors and appeals as aforesaid; and that all such moneys so paid out by him shall be allowed to the said incumbent in his final settlement, if any there be, with the contestant for the said office, of the emoluments of the said office received by the said incumbent after the judgment of the circuit court against him, and during and pending the said appeals to the supreme court and to the court of errors and appeals.

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

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

Approved March 19, 1891.

CHAPTER CXIV.

A General Act concerning taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be established a board for the equalization, revision and enforcement of taxation, to be called the state board of taxation, which shall consist of three members, who shall be appointed by State board of taxation, how constituted and appointed.

Term of office.	the governor, by and with the advice and consent of the senate; their term of office shall commence on the first Monday of April next, and shall be for a period of five years, unless sooner removed by the governor; all subsequent appointments shall be for a term of five years, subject to the removal by the governor; said members shall be citizens of this state; each member shall, before entering upon his duties, file with the secretary of state an oath, taken before a justice of the supreme court, that he will faithfully discharge the duties of his office; they shall each receive an annual salary of two thousand and five hundred dollars; two members shall constitute a quorum of said board, and any official act shall be valid which has the sanction of two members; they shall have power to employ such clerical and other assistants as may be necessary to carry out the intents and purposes of this act, and such assistants shall be paid reasonable compensation, to be determined by the board upon the approval of the governor; said board shall keep a full record of their proceedings; said board shall have power to make such rules, orders, regulations and directions as they may deem necessary to a faithful discharge of their own duties, the duties of their assistants, and also to secure the equalization, revision and enforcement of taxation in this state; they shall have the power, in the performance of any duties imposed by this act, of compelling the attendance of witnesses, and to call for and compel the production of books and papers, and they may delegate such power to any member of their board authorized by them to investigate and report; said members, or any one of them, shall have power to administer oaths and affirmations to any person for the purpose of ascertaining any facts proper for them to know, or to enable them properly to perform the duties of their office; and they may reduce the statements of persons sworn to writing, and require such persons to subscribe thereto, and may ex parte, apply for and obtain from any justice of the supreme court an order compelling any person to submit to examination in reference to such matters, and said justice may punish anybody as for contempt who shall disobey any order made by such justice in the premises; said board shall have power on complaint of
Members to be citizens of this state	
To file oath.	
Salary.	
May employ clerical and other assistants, and their compensation.	
Record.	
Rules, orders, &c.	
May compel attendance of witnesses	
Administer oaths	
Reduce statement of persons sworn to writing.	

any owner to decrease the assessment made upon his property, where, in their judgment, injustice has been done or where it is necessary to secure uniform and true valuation; and if for this purpose it becomes necessary to direct an assessor or other taxing officer to make a re-assessment of such property according to the rules which the said board shall establish, it shall do so; and if such assessor or other taxing officer shall fail or refuse to comply with the order so given the board shall have power to appoint some other person to make the new assessment, under the direction of the board; and the assessment so made and affirmed by the board shall be and be deemed to be the assessment of such property for the year.

Decrease assessments.

Direct re assessments.

Appoint assessor if one neglects to serve.

2. *And be it enacted*, That where complaint shall be made to said board in writing, verified by the oath of the complainant, by any person or corporation aggrieved at the assessment of his or its property, said board shall have power to review and correct the action of the local assessors or other taxing officers, and of all boards of tax review by reducing such assessment; such review and reduction may be made of any assessment hereafter to be made, or which shall have been made since the first day of January, one thousand eight hundred and ninety, where the tax in such assessment has not been paid.

Board to review action of local assessors upon complaint.

Review of assessment made since January 1, 1890.

3. *And be it enacted*, That where said board shall deem it necessary in order to obtain a correct assessment of property in any city of this state, they may, by rule, direct that the assessor or other taxing officer shall, from actual view and from the best sources of information within his reach, determine the true value of each lot and tract of real estate in his district, without the buildings and improvements, and shall note the same, and shall determine and note separately the true value of every house and other buildings or structures worth over one hundred dollars, and the whole shall be added and carried out as the value of such lot or tract; in cities where said board shall direct the land and buildings to be so separately valued, the receipt given for the payment of the tax on such property, by the collector or other officer charged with the collection of such tax, shall contain a statement of such separate valuations; said board may, by rule,

Board to order assessors to determine true value of each lot or tract.

Receipt for payment of tax to contain statement of separate valuations.

- Entries in assessors books. direct that each assessor shall enter in his books the number of acres of arable land, the number of acres of meadow and pasture land, the number of acres of woodland, and the number of acres of uncultivated upland and swamp land in each tract as near as may be.
- Description of cemeteries, churches, &c. 4. *And be it enacted*, That the assessor or other taxing officer making the assessment of real estate subject to taxation, shall enter in a separate list a description of all cemeteries, churches and public buildings and other real estate exempt from taxation, together with the name of the person or persons or corporation owning the same, and he shall value such buildings, property, lots and tracts of land at their true value in the same manner as other real estate, and in each case he shall state the ground of exemption; the assessor or other taxing officer shall be entitled to receive the same compensation per name for making such list, and in the same manner as he is now entitled to receive for assessing taxes under the laws of this state.
- Compensation. 5. *And be it enacted*, That lands occupied by a person other than the owner may be assessed to the owner, or as the lands of non-residents, if owned by such; and that unoccupied lands not owned by a person residing in the taxing district shall be denominated lands of non-residents, and shall be assessed as such; and that no tax on real estate shall be void in consequence of any lands being erroneously classed or omitted from classification as the lands of non-residents or as the lands of unknown owners, nor in consequence of any omission of or mistake in the name of the rightful owner, in the assessment list or roll, but in such cases no such tax shall be collected except from the real estate assessed.
- Lands of non-residents. 6. *And be it enacted*, That the tax on visible personal estate shall be assessed in and for the township, ward or taxing district where such property is found; the tax on other personal estate shall be assessed on each inhabitant in the township, ward or taxing district where he resides as of the day prescribed by law for commencing the assessment for each year, and all real estate shall be assessed in the township, ward or taxing district in which the same may be situated; when the line between two taxing districts divides a farm or a lot owned or possessed
- Erroneous classification not to void tax.
- Personal estate.
- Farm or lot in two taxing districts.

by the person taxed, the same shall be taxed, if occupied, in the taxing district in which the occupant resides, and, if unoccupied, each part thereof shall be assessed to the owner thereof, in the taxing district in which the same may be, and this, whether such division line be a township, ward or county line; and personal estate belonging to non-residents may be assessed either to the owner or to the person in possession or charge thereof whenever the owner of personal property in two or more taxing districts is entitled to a deduction for debts in excess of the assessed value of his personal estate in the taxing district where he resides, he shall be entitled to have such further deduction as is or may be allowed by law made from the assessed value of his personal estate in the other taxing districts wherein he may own personal estate; it shall be the duty of the board hereby created to prescribe, by rules, the manner in which such deductions shall be claimed and allowed.

7. *And be it enacted*, That every person shall be assessed for all personal estate in his possession or under his control, as trustee, guardian, executor, administrator or in any other representative or fiduciary capacity, in the same manner as other persons are assessed, and where a person is so assessed as trustee, guardian, executor, administrator or in any other representative or fiduciary capacity, he shall be assessed as such with the addition to his name of his representative character, and such assessment shall be carried out on a separate line from his individual assessment; and in cases where the same property is held by several trustees, guardians, executors, administrators, or other representatives or fiduciaries, only one of them shall be taxed for the same; and such property shall be assessed in the hands of such one of said executors, guardians, trustees, administrators, representatives or fiduciaries, as have actual possession or control of such property, if such person is known to or can on reasonable search be ascertained by the assessor or other taxing officer; otherwise such property may be assessed in the name of any one of such trustees, guardians, executors, administrators, representatives or fiduciaries.

8. *And be it enacted*, That it shall be the duty of the state board of taxation to meet on the first Monday of

July, and from time to time as they shall deem proper, having regard to the tax laws of different localities, of each year, for the purpose of hearing the complaints of any tax payer respecting the taxes assessed against him or it in respect to his or their property, and the complaints of any taxing district or county respecting the action of any county board of equalization, and any tax payer feeling himself or itself aggrieved by the assessment of taxes assessed against him or it, in respect to his or its property, or the action of any board of tax review, or commissioners of appeal, and any taxing district or county feeling itself aggrieved by the action of any board or boards of equalization, may, within such time as said state board shall by rule prescribe, file a petition of appeal to the state board of taxation, setting forth therein his or its cause of complaint, and asking the relief which he or it desires, and the state board of taxation shall proceed summarily to hear and dispose of such complaints; and the said state board of taxation shall make such order respecting the procedure in each case as to them shall seem just; and it shall be the duty of the state board of taxation to hear and determine such complaints, and to revise and correct the taxes assessed against such complaining tax payers, and to revise and correct the determination of such county boards of equalization by fixing the amount each taxing district shall raise, in just proportion according to the true value of the taxable property therein, and the assessment so corrected and determined by said state board of taxation shall be final and conclusive; such corrected rate of assessment shall be certified by said board to the collector of the taxing district where such property is taxable, and shall be collected in the same manner that other taxes in said taxing district are collected.

9. *And be it enacted*, That it shall be lawful for every collector of taxes to make such amendments, corrections and alterations in the description of any land or real estate assessed as shall be useful to better ascertain the location and extent thereof and to identify the same; and the taxes assessed upon such land and real estate shall be and remain a lien upon the same according to the said corrected description of the same, provided that all such

Procedure.

Duty of board.

Corrected rate of assessment.

Collectors to correct descriptions

Taxes on lien.

correction be made before the public notice is given of the sale of such land or real estate.

10. *And be it enacted*, That in case where public notice Notice of sale. for a specified time is required by law to be given before proceedings are had for the public sale of lands for unpaid taxes, no certificate of sale or tax title shall be set aside and holden for naught by reason of any variance between the date of such notice and the actual publication thereof, provided that notice shall have been or shall be actually given for the specified number of days prior to such proceedings for public sale.

11. *And be it enacted*, That nothing in this act contained Real and personal estate subject to taxation under other laws. shall be construed to render any real or personal estate subject to taxation other than such real and personal estate as is now subject to taxation under other laws.

12. *And be it enacted*, That it shall be the duty of such Board to investigate methods of local assessors. board to investigate the methods adopted by local assessors in the assessment of real and personal property in this state, to carefully examine all cases where evasion of proper taxation is alleged, and to ascertain wherein existing tax laws are defective or are improperly or negligently administered; they shall annually report to the legisla- Annual report. ture, particularly specifying any means or practices or devices used for the evasion of proper taxation; they shall And recommendations. annually submit to the legislature such recommendations as they may find necessary to prevent the evasion of just and equal taxation.

13. *And be it enacted*, That if it shall appear to the satis- Proceedings under certiorari. faction of any court wherein any certiorari is or may be brought, that any assessment of taxes removed thereby is at a rate or proportion higher or greater than is authorized or required by law, or that the amount or value of taxable property for which any person therein is assessed is too great, said court shall amend such assessment so removed as aforesaid, and reduce the same to the proper and just amount, and thereupon affirm the same according to such amendment and reduction, and reverse the same as to the excess only; and the court shall have power to adopt Court to adopt rules. such rules and proceedings as may enable them to make the said amendment and carry into effect the true intent and meaning of this act.

Tax warrant not to be set aside for lack of form.

14. *And be it enacted,* That no return of taxes or list of delinquents made by the collector of taxes in any of the municipal divisions of this state, nor the proceedings touching or concerning such return, nor any tax warrant shall be set aside or revised on certiorari or otherwise for any lack of form which does not impair the substantial right of the plaintiff in certiorari.

County Board of equalization to issue subpoenas.

15. *And be it enacted,* That the chairman of every county board of equalization shall have power to issue subpoenas and administer oaths in the discharge of the duties of their office.

Penalty for false swearing.

16. *And be it enacted,* That any person guilty of willful and corrupt false swearing or affirming in taking any oath or affirmation required or authorized by this act shall be deemed to be guilty of perjury and punished accordingly.

Act for taxation of railroad and canal property not repealed.

17. *And be it enacted,* That none of the provisions of this act shall be so construed as in any wise to alter, impair or repeal any of the provisions of an act entitled "An act for the taxation of railroad and canal property," approved April tenth, one thousand eight hundred and eighty-four, or any of the supplements thereto.

Repealer.

18. *And be it enacted,* That all acts and parts of acts, whether general, special or local, inconsistent with this act, or any of the provisions thereof, shall be and the same are hereby repealed, so far as they are inconsistent as aforesaid; but nothing in this act shall be taken to annul any assessments which have been heretofore made, or to affect any proceedings taken for the collection of such assessment, or to affect any penalties or forfeitures incurred by any person or officer in respect thereto; and that this act shall take effect immediately.

Approved March 19, 1891.

CHAPTER CXV.

An Act to amend an act entitled "An act authorizing cities to renew maturing bonds," approved June ninth, one thousand eight hundred and ninety.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of an act entitled "An act authorizing cities to renew maturing bonds," which act was approved June ninth, one thousand eight hundred and ninety, be amended so as to read as follows: Section to be amended.

4. *And be it enacted*, That the board or authority in any such city now having authority by law to issue the bonds of such city whenever the bonds of such city are required or authorized to be issued, may dispose of the bonds by this act authorized at public sale or at private sale in case a more favorable bid can be obtained than shall have been bid publicly therefor, but in no case for less than par, which issues and sales may be made in anticipation of the retirement of said maturing bonds, and all of the moneys received from the sale of said bonds shall be applied and used for the purposes of this act and for no other purpose; *provided*, that no increase in the bonded indebtedness of any such city shall be made under this act. Disposition of bonds. Proviso

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

Approved March 19, 1891.

CHAPTER CXVI.

An Act in relation to the appointment of sergeant-at-arms to the several courts of the counties and fixing the salary of the same.

Salary and term
of office.

1. **BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey, That the justice of the supreme court to whom a judicial district has or may be assigned, is authorized to appoint a suitable person as sergeant-at-arms of the courts within the county having a population within their territorial limits exceeding sixty-nine thousand and under seventy-nine thousand inhabitants, who shall receive and be paid an annual compensation or salary of seven hundred dollars in lieu of any per diem compensation or salary, to be paid monthly by the county collector upon the certificate of the county clerk of such county, said sergeant-at-arms to hold office during the pleasure of said justice, whose duty it shall be to attend daily upon the said courts in the county wherein appointed during the several terms.

Repealer.

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

Approved March 19, 1891.

CHAPTER CXVII.

An Act concerning the tenure of office of city collectors in cities of the first class.

Term of office.

1. **BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey, That the term of office of the city

collector or other officers charged with the collection of taxes and assessments in any city of the first class shall be five years.

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

Approved March 19, 1891.

CHAPTER CXVIII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any corporation which has been heretofore or shall hereafter be created by the legislature, or under any act of legislature, shall for two consecutive years neglect or refuse to pay the state any tax which has been or shall be assessed against it under any law of this state and made payable into the state treasury, the charter of such corporation shall be void, and all powers conferred by law upon such corporation are hereby declared inoperative and void, unless the governor shall, for good cause shown to him, give further time for the payment of such taxes, in which case a certificate thereof shall be filed by the governor in the office of the comptroller stating the reasons therefor.

Revoking the charter of any corporation that fails to pay the state tax for two years, unless the time of payment is extended by the governor.

2. *And be it enacted*, That on or before the first day of May in each year the comptroller shall report to the governor a list of all the corporations which for two years next preceding such report have failed, neglected or refused to pay the taxes assessed against them under any law of this state as above, and the governor shall forthwith issue his proclamation, declaring under this act of

Comptroller to report to governor.

the legislature that the charters of these corporations are repealed.

Proclamation of governor to be filed and published.

3. *And be it enacted*, That the proclamation of the governor shall be filed in the office of the secretary of state, and published in such newspapers and for such length of time as the governor shall designate.

Penalty for exercising powers of charters after proclamation.

4. *And be it enacted*, That any person or persons who shall exercise or attempt to exercise any powers under the charter of any such corporation after the issuing of such proclamation shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment not exceeding one year, or fine not exceeding one thousand dollars, or both, in the discretion of the court.

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

Approved March 20, 1891.

CHAPTER CXIX.

An Act to repeal the charters of all corporations that have heretofore failed to pay state taxes imposed upon them by law.

Revoking the charter of all corporations chartered under special or general laws that fail to pay the state tax for two years, unless the time is extended by the governor.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the charters of all corporations incorporated under any special or general law of this state that have failed to pay the taxes imposed upon them by law, and payable into the state treasury and in arrears therefor, or for any part thereof for the space of two years, be and the same are hereby repealed and declared null and void, unless the governor for good cause shown to him shall give further time for the payment of such taxes, in which case a certificate thereof shall be filed by the governor in the office of the comptroller, stating the reasons therefor.

2. *And be it enacted*, That the comptroller shall on or before the first day of May, one thousand eight hundred and ninety-one, report to the governor a list of all corporations coming within the first section of this act, and the governor shall forthwith issue his proclamation declaring, under this act of the legislature, that the charters of these corporations are repealed.

Comptroller to report to governor

3. *And be it enacted*, That the proclamation of the governor shall be filed in the office of the secretary of state, and published in such newspapers and for such length of time as the governor shall designate.

Proclamation of governor.

4. *And be it enacted*, That any person or persons attempting to exercise any power under the charter of any corporation, after the issuing of such proclamation, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment not exceeding one year, or a fine not exceeding one thousand dollars, or both, in the discretion of the court.

Penalty for executing powers of charters after proclamation.

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

Approved March 20, 1891.

CHAPTER CXX.

An Act providing for the division of certain towns, boroughs, townships and municipal corporations of this state into wards, and fixing the number of members of which the council, committee or governing body thereof shall be composed, and prescribing their terms of office and manner of election.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the council, town committee or governing body, by whatsoever name called, of any town, borough or township having a special charter

Governing bodies of towns having a special charter, containing more than 10,000 inhabitants, may divide towns into wards.

or other municipal corporation existing under and governed by a special act of incorporation, containing now or hereafter more than ten thousand inhabitants, are hereby authorized and empowered by resolution adopted by the votes of two-thirds of all the members thereof, to divide such town, borough, township or municipal corporation into not less than three nor more than five wards, which resolution shall define the boundaries of each ward, and a copy of the same duly certified by the town or municipal clerk shall be forthwith filed in the office of the secretary of state.

Number of mem-
bers of governing
body

2. *And be it enacted*, That from and after such division into wards the council, town committee or governing body of such town, borough, township or municipal corporation shall consist of twice as many members as there shall be wards, and one additional member to be styled "member at large," each of whom shall, except as hereinafter provided, hold office for the term of two years; the legal voters of each ward shall elect two members, and the additional member shall be elected by all the legal voters of such town, borough, township or municipal corporation, and he shall, by virtue of such election, become and be chairman of the council, town committee or governing body of the town, borough, township or municipal corporation in which he is thus elected; *provided, however*, that at the first town or charter election held after such division into wards one member shall be elected from each ward for one year and one for two years, the terms of office to be designated on the ballots used at such election, and thereafter one member shall be elected annually to serve two years; *and provided further*, that all members of such council, town committee or governing body holding office at the time of any division into wards shall serve out the full terms for which they were respectively elected, representing therein the wards in which they shall happen to reside, and no member shall be elected from any ward until its representation therein shall by expiration of term or otherwise become less than two members.

Proviso.

Proviso.

Vacancies.

3. *And be it enacted*, That all vacancies shall be filled by appointment of the council, town committee or governing body aforesaid until the next annual town or charter

election, when the vacancy shall be filled by election for the unexpired portion of the term in the manner hereinbefore provided.

4. *And be it enacted*, That until subdivided into election districts as authorized by law, each ward shall constitute one election district. Election districts.

5. *And be it enacted*, That the board of election in each ward shall canvass and declare the result of the election for members of the council, town committee or governing body as aforesaid to be elected from the ward, and shall furnish a certificate of election to the candidate or candidates declared to be elected; and the returns of election for member-at-large and all other officers shall be canvassed and the result declared by a board of canvassers to be composed of one member of each board of election chosen by each board of election, who shall meet together for that purpose on the Friday succeeding the election, at the usual place of meeting of the council, town committee, or governing body of such town, borough, township or municipal corporation, and who shall furnish a certificate of election to each candidate declared to be elected. Boards of election. And canvassers.

6. *And be it enacted*, That this act shall not affect or apply to any city in this state. Not to affect cities.

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

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

Approved March 20, 1891.

CHAPTER CXXI.

An Act relating to social clubs.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any social club duly incorporated under any law of this state which, at the date of Courts of common pleas may license social clubs to sell liquors.

the application hereinafter provided for, owns or occupies a club house used by it for its own purposes exclusively, and which for six months previous to said application has had continuously an actual adult membership of at least fifty members and no minor members, may be authorized to sell to its members, and to no others, spirituous, vinous, malt or brewed liquors upon obtaining annually a permit therefor from the inferior court of common pleas of the county wherein said club is located, and upon payment of an annual fee, to be fixed by said court, of not less than two hundred and fifty dollars, to be disposed as hereinafter provided.

Applications for license.

2. *And be it enacted*, That such permit shall not be granted to any club which does not possess the characteristics described in the first section of this act, nor to any club possessing such characteristics, except upon its written application setting forth the date of its incorporation, the number of its members for the previous six months, and that all said members are adults, its rules relating to the admission of members, the amount of its initiation fee and annual dues, the location of its club house and, if owned by it, the date and cost of purchase, and, if leased, the duration of its lease and the rental reserved, the number of rooms contained in its club house, and that all said rooms are in actual use and occupation for its own purposes exclusively, and also that said club was formed for social and recreative purposes only and not with a view of evading the laws of the state regulating the sale of liquors; all the statements contained therein shall be attested under the common seal of the said club and verified by the affidavits of its president or other head officer and its secretary or treasurer, and its articles of incorporation shall also be presented to the court with said application; if the court to which such application is made shall have doubts as to the truth of the allegations contained therein, or as to the good faith of said organization, or the honesty of the purpose for which it was formed, it shall require further proof with respect thereto, fixing a day and giving the applicant notice when the same will be heard, and after such hearing, it shall reject said application unless it shall be satisfied that such club was formed in good faith for social and recreative pur-

Court may require proof, &c.

poses only, and not for the purpose of evading any statute of the state relating to the sale of liquors.

3. *And be it enacted*, That the fees herein provided for Disposition of fees. shall be received by the clerk of the court granting the said permit to and for the use of the township, town, borough or city wherein said club is located, and within ten days after the receipt thereof, shall be by said clerk transmitted to the person or body having the legal custody of the funds of said township, town, borough or city, to be by the governing body thereof employed and disbursed in the same manner in which fees from licenses for the sale of spirituous, vinous, malt or brewed liquors are applied in the township, town, borough or city in which said club is located; and said club shall in addition Court and clerks fees. to the said fees, pay to the clerk of said court the court and clerk's fees on granting said permit, and shall not be required to pay any other fee for a permit or license to sell said liquors than is herein provided.

4. *And be it enacted*, That no social club in this state Clubs not to sell without permit. shall sell or dispose of spirituous, vinous, malt or brewed liquors unless it shall have first obtained a permit therefor granted in accordance with the terms of this act; and Penalty. if any such club shall violate this provision, or, having secured such permit, shall sell or give spirituous, vinous, malt or brewed liquors to a minor or an apprentice, or shall sell any such liquors to a person who is not a member thereof, or shall sell any such liquors to one of its members in quantities greater than a quart at a time to be used off the premises, it shall forfeit and pay fifty dollars for each offence, to be sued for and recovered, in an action of debt, in the name of the township, town, borough or city wherein said club is located and for its benefit, and all such complaints shall be cognizable by any court, magistrate, special police justice or other officer having authority to try and determine complaints for violations of the law regulating the sale of spirituous, vinous, malt or brewed liquors, in the township, town, borough or city in which said club is established.

5. *And be it enacted*, That any yacht club duly incorporated under any law of this state, which has owned or Yacht clubs. occupied a club house at least six months prior to the date of the application, hereinafter provided for, which

said club house is used by it for its own purposes exclusively, and which for six months previous to said application, has had continuously an actual adult membership of at least fifty members, and no minor members, may be authorized to sell to its members, and to no others, spirituous, vinous, malt or brewed liquors, upon obtaining annually a permit therefor from the inferior court of common pleas of the county wherein said club is located, upon the payment of such annual fee as said court may direct, and such permit so granted shall entitle such yacht club to all the privileges herein granted in any part of this state, provided that such permit shall only be granted by said court after such club shall have fulfilled all the requirements of section two of this act, and the moneys so paid shall be disposed of as is required by section three of this act.

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

Approved March 20, 1891.

CHAPTER CXXII.

An Act authorizing municipalities governed by commissioners to pave and improve streets and avenues and provide for the payment thereof.

Municipalities
authorized to
pave and improve
streets.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That whenever the governing body of any municipality, by whatever name the same may be known, and however created, governed by commissioners, shall be desirous of causing any street or streets, avenue or avenues, or portion thereof, lying within the limits of such municipality to be paved, macadamized or otherwise improved, it shall be lawful for such body, by a majority vote of all the members thereof,

at any regular meeting thereof, to call an election of the voters of such municipality by a resolution of such body containing the following statements, viz. :

I. The time of holding such election;

Time of election.

II. The object thereof being to obtain the consent of such voters to the paving, macadamizing or improving of a certain street or streets, avenue or avenues (naming it or them), or portion thereof (describing it), and the assessment and collection of one-half of the cost thereof upon all property adjoining and abutting on such improvement;

Object.

III. The amount of money to be expended for such improvements.

Amount to be expended.

2. *And be it enacted*, That such resolution shall be published at least two weeks before the holding of such election by setting up a copy thereof in at least ten public places in each ward of said municipality and publishing said copy for two weeks, at least once a week, in a newspaper published in said municipality, or if said municipality be not divided into wards, then by setting up a copy of such resolution in at least ten public places in said municipality, and publishing the same in manner aforesaid in a newspaper, if there be one published in said municipality.

Resolution to be published and posted.

3. *And be it enacted*, That the election shall be held at the time stated in said resolution, and that the election officers elected at the last municipal election held in said municipality shall serve at said election; vacancies to be filled as they are in general municipal elections in said municipality; and the polling places shall be the polling places used at the said last election, unless said governing body shall in such resolution designate other polling places; the polls shall open and close at the same hours as they do in all municipal elections held in said municipality, and said election shall be conducted in all respects in the same manner as all such municipal elections are conducted in such municipality.

Election officers.

Vacancies.

Polling places.

Opening and closing polls.

4. *And be it enacted*, That all ballots cast at said election shall have the following words printed or written thereon, viz. : "For improving street" (inserting name of street), or "Against improving street" (inserting name of street); each ballot may be in

Form of ballots.

favor of as well as against improving certain streets or avenues named thereon, and that the same may be printed on and voted with the official ballots cast at the municipal election when held on the same day.

If majority against improving, no further election within one year.

5. *And be it enacted*, That if a majority of the ballots cast at such election are against improving the street or avenues named therein the said governing body shall proceed no further, and no other election concerning the street or avenue named in such ballot shall be held within one year from the holding of said election.

If in favor, governing body to advertise for bids.

6. *And be it enacted*, That if a majority of said ballots cast at said election are in favor of improving certain streets or avenues named therein, it shall be lawful for said governing body to proceed at once to advertise for at least two weeks, once in each week, in a newspaper published in said municipality, for bids for making such improvement, and that such work shall be done by written contract by the lowest responsible bidder.

Cost to be ascertained and filed.

7. *And be it enacted*, That an accurate account of the cost of such improvement shall be ascertained by said governing body as soon as possible after the completion thereof, and filed with the clerk of said municipality.

Commissioners to estimate and assess benefits.

8. *And be it enacted*, That when the improvement as aforesaid shall have been completed, and the statement of the cost thereof filed with the clerk of said municipality as prescribed by the seventh section of this act, said governing body shall give notice of the appointment of commissioners to estimate and assess the peculiar benefits conferred by such improvement upon the lands and real estate fronting or bordering on the street or streets or section thereof improved, of the time and place of which appointment notice shall be given by two weeks' publication in two weekly newspapers printed and circulating therein, at which time and place, or at such other time and place as the governing body shall designate, said governing body shall, without unnecessary delay, appoint three commissioners, who shall be freeholders and residents of the municipality to estimate and assess the benefits aforesaid; the said governing body shall have power to remove any commissioner and appoint another in his place, and also to fill any vacancy that may occur in the office of any commissioner from any cause.

Removal of commissioners.

9. *And be it enacted*, That said commissioners, before entering upon the duties required of them by this act, shall take and subscribe before some person duly authorized to administer the same, an oath or affirmation that they will make all assessment and estimates required of them fairly, legally and equitably, according to the best of their skill and understanding, which oath or affirmation shall be attached to the report that they are hereinafter required to make. Oath of commissioners.

10. *And be it enacted*, That the said commissioners having thus qualified shall give notice, under the direction of said governing body, of the time and place when and where they will hear any persons in interest or who may present themselves to be heard, and at such time and place, and at such other times and places to which they may adjourn for that purpose, the said commissioners shall attend, and shall give a public hearing to those persons in interest who may desire to be heard; the said commissioners shall have power to examine witnesses under oath, to be administered by any one of them, and to enter upon and view the lands and real estate fronting or bordering on the street or streets or section thereof improved, and to adjourn from time to time in their discretion, or as directed by said governing body; they shall use diligent efforts to ascertain the names of the owners of the lands fronting or bordering on the street or streets or section thereof improved, and shall state the same in the report hereinafter mentioned; but the failure to ascertain the name of any owner, or to state the same correctly, or the omission of any such name from the report shall not invalidate said assessment nor be a bar to the collection of the same. Notice of meeting.
Power to examine witnesses.
To ascertain names of owners.
Failure to so ascertain not to invalidate assessment.

11. *And be it enacted*, That after having given opportunity as aforesaid for a public hearing of the persons in interest, and having viewed the lands fronting or bordering on the street or streets or section thereof improved as aforesaid, the said commissioners shall make a report, within forty-five days from the time of their appointment in writing, of their estimates and assessments to the said governing body accompanied by a survey and maps prepared under their direction, showing the several tracts or parcels of lands and real estate fronting or bordering on Report.

To state cost
and names and
amount of assess-
ment.

Rate or amount
of assessment.

Objections to
assessments.

said street or streets or section thereof; the said report shall state the cost of the whole work, which may be furnished to the commissioners by the clerk of the municipality from the report filed with him under the requirements of the seventh section of this act, and shall give the names, so far as ascertained, of the owners of the tracts or parcels of land and real estate fronting or bordering on said street or streets or section thereof and the amount of the assessment to the owner or owners of each of said tracts or parcels of land and real estate for the said benefits, which several assessments shall be in proportion, as near as may be, to the peculiar benefits deemed to have been conferred by said improvement upon the respective tracts of lands and real estate aforesaid; in no case shall any tract or parcel of land and real estate or any owner thereof be assessed beyond the amount of benefit actually derived from said improvement, nor shall the aggregate amount of assessments imposed upon the tracts or parcels of land fronting or bordering on such road or section thereof exceed fifty per centum of the total cost of the improvement, nor shall the amount of assessment imposed upon any tract or parcel of land and real estate, or any owner thereof, exceed twenty-five per centum of the whole cost of such improvement in front of such tract or parcel of land and real estate, and shall in no case exceed the special benefit derived from said improvement.

12. *And be it enacted,* That upon the coming in of any such report, signed by the said commissioners, or any two of them, said governing body shall cause such notice to be given as it shall deem proper, of the time and place of hearing any objections that may be made to such assessment, and after hearing any matter that may be alleged against the same, the said governing body by resolution, shall confirm the said report, or shall refer the same to the same commissioners for revision and correction or to new commissioners to be appointed by the said governing body forthwith, to reconsider the subject matter thereof, and the said commissioners to whom such report shall be so referred by the governing body, shall return the same corrected and revised, or a new report to be made by them in the premises, to the said governing body without unnecessary delay, and the same being so returned shall

be confirmed or again referred by the said governing body in the manner aforesaid, as right and justice shall require, and so from time to time until a report shall be made or returned in the premises which said governing body shall confirm; such report, when so confirmed, shall be final and conclusive as well upon the said municipality as upon the owners of any lands and real estate affected thereby; said governing body shall thereupon cause said report to be filed with the clerk, and a certified copy thereof and of the accompanying map and of the resolution confirming the report to be delivered to the collector of taxes of said municipality, in which the assessed lands may lie.

Report to be final and conclusive.

And filed with clerk.

13. *And be it enacted*, That no certiorari shall be allowed by any court to review any of the proceedings in relation to such improvement, nor to in any way affect any assessment made by such commissioners after the lapse of thirty days from the making of the resolution of the governing body confirming such assessment; the governing body shall designate what notice, if any, shall be given, by publication or otherwise, of the confirmation of the report of said commissioners.

Limit of certiorari.

Confirmation of report.

14. *And be it enacted*, That the assessment made by the commissioners shall be and remain a lien upon the lands assessed from the time said report shall have been delivered to the collector of taxes of said municipality, in the same manner and to the same extent that taxes are liens upon the lots or tracts of land in said municipality.

Assessment a lien.

15. *And be it enacted*, That the collector of said municipality shall, as soon as said report is delivered to him, proceed to collect the assessments named in said report, and shall give notice by advertisement in two newspapers printed and published in the municipality for two weeks at least, once each week successively, stating in general terms the lands comprised in such assessment, and requiring the owners of lots and tracts of lands assessed in such report to pay the amount to him within six months from the first publication or giving of such notice.

Collector to collect assessments.

16. *And be it enacted*, That if any assessment upon any lot or tract of land made under the provisions of this act shall not be paid within six months after the time appointed in said notice, the governing body or a majority

Action in case of unpaid assessment.

of them, may, as they shall deem proper, either bring an action on the case in any court of competent jurisdiction, in the corporate name of such municipality, against the owner or owners of such lot or tract of land, for so much money laid out and expended by them for the use of such owner or owners, and declare generally and give special matter in evidence, and either party from any judgment rendered therein may have the same remedy by appeal or otherwise as if said parties were private individuals, or may proceed to collect the said assessment by sale of the lots or tracts of land whereon such assessment has been imposed or may be a lien in the same manner and to the same extent as lands are now sold for unpaid taxes in said municipality, and the purchaser or purchasers at any such sale or sales, and his legal representatives shall hold and enjoy such lots or tracts of land, with the rents, issues and profits thereof, in the same manner and by the same title and tenure as purchasers at the sales of lots or tracts of land for unpaid taxes, can now hold and enjoy the same in said municipality.

Money collected to be applied to payment of notes.

17. *And be it enacted*, That the money so collected shall be applied to the payment of the notes hereinafter mentioned.

License fees to be used in part payment.

18. *And be it enacted*, That the remaining part or portion of the cost of such improvement or improvements shall be paid from the moneys now or that may hereafter be received by or for the use of such municipality from all license fees (except court and clerk's fees) from any and all licenses to sell spirituous, vinous, malt and brewed liquors, granted by the court of common pleas of the different counties of this state, or other licensing board or body, and paid over to the body or person entitled to the legal custody of the funds of any such municipality, which sums of money so received or hereafter received from all such license fees shall be by said governing body set apart as a special fund for such purpose.

Notes to be issued.

19. *And be it enacted*, That the governing body of any municipality may issue notes of said municipality in anticipation of the assessment and collection of the part of the cost of such improvement or improvements upon the property adjoining and abutting on such street or streets, so to be paved, macadamized or otherwise

improved, and in anticipation of the receipt of license fees as provided for by section eighteen of this act, sufficient to pay for the said improvement.

20. *And be it enacted*, That no work on any such proposed improvement or improvements shall be commenced until the governing body of such municipality shall have deposited in such special fund, as provided for by section eighteen of this act, twenty-five per centum of the estimated cost thereof. Improvements not to be commenced until 25 per cent. is deposited.

21. *And be it enacted*, That the powers herein conferred shall be construed as being in addition to, and not in lieu of, any powers to pave, macadamize or otherwise improve streets or avenues, or to issue bonds contained in the provisions of any charter or act creating any municipality. Powers conferred in addition to charter.

22. *And be it enacted*, That all acts and part of acts, general or special, public or private, inconsistent with or repugnant to the provisions of this act be and the same are hereby repealed. Repealer

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

Approved March 20, 1891.

CHAPTER CXXIII.

A Further Supplement to an act entitled "An act to ascertain the rights of the state and of the riparian owners in the lands lying under the waters of the bay of New York and elsewhere in the state," approved April eleventh, one thousand eight hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person or corporation shall dig, dredge or remove any deposits of sand or other License of persons or corporations to dig, dredge, &c.,

from lands of the state under tidal waters.

material from the lands of the state lying under tidal waters without a license so to do first obtained as provided in the second section of this act, and any person or corporation who shall so unlawfully dig, dredge or remove any deposit of sand or other material as aforesaid shall forfeit and pay for each and every such offense the sum of one hundred dollars, to be prosecuted for and recovered by an action on contract by any person or persons in any court of competent jurisdiction with costs of suit, the one-half the amount so recovered to be for the use of the state, and the other half to the use of the person or persons who shall sue for and prosecute the same to effect; *provided, however*, that nothing in this section contained shall prevent the owner of any grant or lease from the state, or the assignee or lessee thereof, from digging, dredging, removing, and taking sand and other material within the lines of, or in front of, such grant or lease, for the purpose of improving lands granted or leased to them, or their grantors or lessors, by the state, nor prevent such owner, assignee or lessee from digging or dredging a channel or channels to the main channels, and removing and taking the material therefrom.

Proviso

Commissioners to license.

2. *And be it enacted*, That the riparian commissioners or a majority of them therein concurring with the approval of the governor, may, under such terms and restrictions as to duration, compensation to be paid, and such other conditions and restrictions as the interests of the state may require, license by an instrument in writing, executed in the same manner as grants of lands under water are required to be executed, any person, persons or corporations to dig, dredge or remove any deposits of sand or other material from the lands of the state under tidal waters; and the moneys received from any such licenses as aforesaid shall be paid to the treasurer of the state for state purposes.

Moneys received for licenses to be paid to state treasurer.

Commissioners may lease lands under water.

3. *And be it enacted*, That the riparian commissioners, with the approval of the governor, may lease or grant the lands of the state below mean high-water mark and immediately adjoining the shore, to any applicant or applicants therefor other than the riparian or shore owner or owners, provided the riparian or shore owner or owners shall have received six months' previous notice of the

intention to take said lease or grant such notice given by the applicant or applicants therefor, and the riparian or shore owner or owners shall have failed or neglected within said period of six months to apply for and complete such lease or grant; the notice herein required shall be in writing and shall describe the lands for which such lease or grant is desired, and it shall be served upon the riparian or shore owner or owners personally; and in the case of a minor it shall be served upon the guardian; in case of a corporation upon any officer performing the duties of president, secretary, treasurer or director, and in the case of a non-resident owner the notice may be by publication for four weeks successively at least once a week in a newspaper or newspapers published in the county or counties wherein the lands are situate, and in case of such publication, a copy of such notice shall be mailed to such non-resident owner (or in case such non-resident owner be a corporation, then to the president of such corporation, directed to him at his post-office address, if the same can be ascertained, with the postage prepaid); but nothing in the provisions of this act contained shall be construed as repealing, altering, abridging, or in any manner limiting the provisions and power conferred upon the riparian commissioners and governor by the act entitled "A further supplement to an act entitled "An act to ascertain the rights of the state and of the riparian owners in the lands lying under the waters of the bay of New York and elsewhere in the state," approved April eleventh, one thousand eight hundred and sixty-four, which supplement was approved February tenth, one thousand eight hundred and ninety-one.

Notice to be served.

Not to repeal act of February 10, 1891.

4. *And be it enacted*, That the riparian commissioners, or a majority of them, together with the governor, shall not hereafter be required to give leases for lands of the state under water, convertible into grants upon payment of the principal sum mentioned therein, but may sell or let any of the lands of the state below mean high-water mark, upon such terms as to purchase money or rental, and under such conditions and restrictions as to time and manner of payment the duration and removal of any lease, the occupation and use of the land sold or leased, and such other conditions and restrictions as the interest

Commissioners may sell lands.

of the state may require, as may be fixed and determined by said riparian commissioners, or a majority of them, together with the governor.

Repealer.

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

Approved March 20, 1891.

CHAPTER CXXIV.

An Act to amend an act entitled "Supplement to an act entitled 'An act to ascertain the rights of the state and of riparian owners in the lands lying under the water of the bay of New York and elsewhere in this state,'" approved April eleventh, one thousand eight hundred and sixty-four, which was approved March thirty-first, one thousand eight hundred and sixty-nine.

Section to be amended.

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

Repealer.

3. *And be it enacted*, That the act entitled "An act to authorize the owners of lands upon tide waters to build wharves in front of the same," approved March eighteenth, one thousand eight hundred and fifty-one, be and the same is hereby repealed as to the tide waters of this state below the line of mean high tide; but said repeal shall not be construed to restore any supposed rights, usage or local common law, founded upon the tacit consent of the state or otherwise to fill in any land under water below mean high tide; and without the grant or permission of said commissioners no person or corporation shall fill in, build

No person or corporation shall fill in, &c., without grant of commissioners.

upon or make any erection on or reclaim any of the lands under the tide waters of this state; and in case any person or corporation so offending shall be guilty of purpresture, which shall be abated at the cost and expense of such person or corporation, on application of the attorney general, under decree of the court of chancery or by indictment in the county in which the same may be, or opposite to or adjoining which said purpresture may be; *provided, however,* that neither this section nor any provision in this act contained shall in any wise repeal or impair any grant of land under water, or right to reclaim made directly by legislative act, or grant or license, power or authority, so made or given, to purchase, fill up, occupy, possess and enjoy lands covered with water fronting and adjoining lands owned or authorized to be owned by the corporation, or grantee or licensee in the legislative act mentioned, its, his or their representatives, grantee or assigns, or to repeal or impair any grant or license, power or authority to erect or build docks, wharves and piers opposite and adjoining lands owned, or authorized to be owned by the corporation, or grantee or licensee in the legislative act mentioned, its, his or their representatives, grantees or assigns heretofore made, or which may be made or granted at the time this act goes into effect, or given directly by legislative acts, whether said acts are or are not repealable, and as to any revocable license given by the board of chosen freeholders of a county before this act goes into effect to build docks, wharves or piers, or to fill in or reclaim any lands under water in this state, the same shall be irrevocable so far as the land under water has been or shall be lawfully reclaimed or built upon under any such license issued prior to July first, eighteen hundred and ninety-one, provided such reclamation or building under such license shall be completed prior to January first, eighteen hundred and ninety-two; but as to the future such revocable license, if the said lands covered by the license have not been wholly or in part lawfully reclaimed or built upon, is hereby revoked, and no occupation or reclamation of land under water without such legislative act or revocable license shall divest the title of the state, or

confer any rights upon the party who has reclaimed or who is in possession of the same.

Repealer

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall take effect on the first day of July next.

Approved March 20, 1891.

CHAPTER CXXV.

An Act for the better protection of persons manufacturing, bottling or selling soda waters, mineral or aerated waters, porter, ale, beer, cider, milk, cream, or other beverages, owning and using bottles or boxes.

Manufacturers, &c., may file and publish a description of names, devices, &c., on bottles or boxes.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That any and all person or persons manufacturing, bottling or selling soda waters, mineral or aerated waters, porter, ale, beer, cider, milk, cream or other beverages, owning and using or having to use bottles or boxes, with his, her or their name or names or other marks or devices branded, stamped, engraved, etched, blown, impressed or otherwise produced upon such bottles or boxes may file in the office of the clerk of the county in which his, her or their business is conducted, or if such person or persons shall manufacture or bottle out of this state, then in any county in this state, a description of the name or names, marks or devices so used by him, her or them, and may cause such description to be published once a week for three weeks successively in a newspaper published in the county in which said description may have been filed as aforesaid.

None but owner to fill bottles.

2. *And be it enacted*, That it shall be unlawful for any person other than the owner thereof, without the written consent of such owner, to fill, for the purpose of sale,

with soda waters, mineral or aerated waters, porter, ale, beer, milk, cider, cream or other beverages, any bottles or boxes with the owner's name or names or other marks or devices branded, stamped, engraved, etched, blown, impressed or otherwise produced thereupon, of which a description shall have been filed and published under the provisions of section one of this act; or to wilfully break, Or break, dispose of or deface them. destroy or otherwise injure the same; or to sell, buy, traffic in or otherwise dispose of the same; or to deface, erase, obliterate, cover up or otherwise remove or make invisible any such name or names or other marks or devices thereon.

3. *And be it enacted,* That any person who shall violate Penalty. any of the provisions of section two of this act shall be liable to the penalty of fifty dollars, to be recovered in an action of debt, with costs, in any court of this state having cognizance thereof; said action to be brought by the Owners to bring action. owner or owners of such bottles or boxes.

4. *And be it enacted,* That violations of the provisions Proof of violation. of section two of this act shall be prima facie established, respectively, by proof of the use by any manufacturer or dealer in or bottler of soda water, mineral or aerated waters, porter, ale, beer, cider or other beverages, or by any dairyman, producer or bottler of milk or cream, of any bottles or boxes of which a description shall have been filed and published under section one of this act, without the written consent of the owner thereof (said bottles or boxes not being the property of such manufacturer, dealer, dairyman, producer or bottler) or by proof that any such manufacturer, bottler, dealer, dairyman or producer or any junk dealer or dealer in bottles had in his possession, without the written consent of such owner, such bottles or boxes, whether whole or broken, or any part or parts of such bottles or boxes, or any such bottles or boxes whereof the name, marks or devices shall have been defaced, erased, obliterated, covered up or otherwise removed or made invisible.

5. *And be it enacted,* That execution against the goods Execution to issue. and chattels and the person of the defendant shall issue for the penalty and costs recovered under section three of this act.

- Penalties to be used for the poor. 6. *And be it enacted*, That all penalties recovered under this act shall be for the use of the poor of the city, town or township wherein such violation shall have been committed, and shall immediately upon receipt thereof be paid to the officer of such city, town or township by law charged with the care of the poor.
- Penalty. 7. *And be it enacted*, That any person who shall violate any of the provisions of section two of this act or who shall have in his possession any bottles or boxes of which a description shall have been filed and published under the provisions of section one of this act, with intent to violate any of the provisions of section two of this act, shall be guilty of a misdemeanor and on conviction thereof shall be punished by fine not exceeding one hundred dollars or by imprisonment not exceeding six months, or both, at the discretion of the court.
- Search warrants. 8. *And be it enacted*, That on probable cause shown by the oath or affirmation of the owner of any bottles or boxes a description of which shall have been filed and published under the provisions of section one of this act, or of his agent thereunto specially authorized, that any person has in his possession any bottles or boxes a description of which shall have been filed and published as aforesaid, having violated any of the provisions of section two of this act or with intent to violate the same, a search warrant shall issue to discover and obtain the said bottles or boxes; said search warrant shall be issued and served or executed by the several officers authorized under the laws of this state to issue, serve or execute search warrants.
- One filing of description or device sufficient. 9. *And be it enacted*, That all persons who have heretofore filed in the office mentioned in section one of this act a description of the name or names, marks or devices upon their property therein mentioned and have caused the same to be published according to the laws existing at the time of such filing and publication, shall not be required to again file and publish such description; but such filing and publication shall be deemed to be a filing and publication within section one of this act.
- Repealer. 10. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

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

Approved March 20, 1891.

CHAPTER CXXVI.

An Act to create county boards of license commissioners, and to define their powers and duties.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon the condition herein-
 board to be known and designated as the "county board of license commissioners" in and for their respective counties; it shall consist of three members, to be appointed by the governor; such board may be appointed in any county upon the application of not less than one hundred citizens, who shall represent to the governor, in writing, that such a board is desired in said county; such commissioners shall hold office for a term of five years and until the appointment of successors; they shall serve without compensation; they may appoint a secretary in each county whose salary shall be fixed by the board of chosen freeholders of such county, but shall not in any case exceed five hundred dollars per annum.

2. *And be it enacted*, That such boards shall have general supervision and control of the wholesale and retail sale of spirituous, vinous, malt and brewed liquors, except where license for the sale thereof has been or may hereafter be granted by a court, in their respective counties; in case complaint shall be made to any board, or it shall otherwise come to their knowledge, that the holder of any license, except when such license has been or may hereafter be granted by a court, for the sale of liquor in the county for which said board was appointed conducts his or her business in a manner violative of law or detri-

mental to the public welfare, it shall be lawful for such board to make a summary investigation of the matter; any member of such board may make such complaint against a licensee; if any such complaint shall be sustained by the votes of a majority of the members of such board, it shall be lawful for such board to revoke any license for the sale of liquor which shall have been granted to the party complained of, or to suspend the rights of the licensee, under his or her license, except when such license has been or may hereafter be granted by a court, for such period as said commissioners shall deem proper; any licensee complained of shall be entitled to a hearing before said board, which hearing shall be had under such rules and regulations as shall be adopted by the board; notice of the decision of the board in each case shall be mailed to the licensee complained of, directed to the address at which his license authorized the sale of liquor; if such decision shall be to revoke the license of the party complained of, such decision shall take effect on the second day after the mailing of such notice; if any licensee whose license shall be revoked by said board shall thereafter sell any of the liquors aforesaid, without a new license for that purpose first had and obtained, he or she shall be guilty of a misdemeanor.

3. *And be it enacted,* That whenever the board shall decide to revoke the license of any liquor dealer as aforesaid, notice shall be given to the commission, board or other authority by whom such license was granted other than a court; the decision of the board created by this act shall be final and shall supersede the action of any authority, other than a court, now authorized to grant a license for the sale of liquor within such county; no other license shall be granted to any licensee whose license shall be revoked by said board within one year from the date of such revocation, without the approval of said board, which shall be expressed by a resolution, certified to the authority to whom application is made for such new license.

4. *And be it enacted,* That if any commissioners, board or other body, other than a court or judge thereof, having the power to grant licenses to sell liquor within this state, shall neglect or refuse to grant a license to any applicant,

To investigate complaints.

Revoke licenses.

Hearing

Notice of decision.

Misdemeanor to sell after license has been revoked

Notice to be given to authority granting the license.

Decision final.

No license to be granted for one year when license is revoked, without the approval of the county board.

Board may grant license where the license has been refused.

he or she may apply to the board hereby created in the county in which such refusal is made, who, in their discretion, may grant such license upon the payment of such fee or fees as would have been paid if the license had been granted by the authority to whom the original application was made; licenses granted by said board may be revoked in the manner and for the causes herein provided for the revocation of other licenses; any licenses granted by said board shall have the same force and effect as is given to licenses which may be granted by any other authority to sell liquor in the locality for which such license is granted.

5. *And be it enacted*, That where complaint shall be made to any such board in writing, signed by one hundred citizens of any county for which such board was appointed, that the maximum fee fixed under any law of this state for a license to sell any kind of liquor is unjust and oppressive, it shall be lawful for such board to reduce such fee to a sum not less than the minimum amount fixed as a license fee by such law for the sale of such liquor.

May reduce fee for license upon complaint.

6. *And be it enacted*, That the provisions of this act shall not extend to or apply to any license granted or refused or that may be hereafter granted or refused by a court.

Not to apply to licenses granted or refused by a court.

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

Repealer.

Approved March 20, 1891.

CHAPTER CXXVII.

A Supplement to an act entitled "A further supplement to an act to regulate elections," which supplement was approved May twenty-eighth, one thousand eight hundred and ninety.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section forty-four of the act entitled "A further supplement to an act to regulate elections," approved May twenty-eighth, one thousand eight hundred and ninety, be and the same is hereby amended so as to read as follows :

Certificates of nomination valid unless objection made within five days after filing.

44. *And be it enacted*, That all certificates of nomination which are in apparent conformity with the provisions of this act shall be deemed to be valid, unless objection thereto shall be duly made in writing and filed with the officer with whom the original certificate was filed within five days after the filing of the said certificate ; in case such objection is made, notice thereof signed by said clerk shall forthwith be mailed to all candidates who may be affected thereby, addressed to them at their respective places of residence as given in the said certificate of nomination ; the said officer with whom the original certificate was filed shall in the first instance pass upon the validity of such objection, unless an order shall be made in the matter by a court of competent jurisdiction, and file his determination in writing in his office at least five days before the election, which determination shall be open for public inspection ; and the justice of the supreme court holding the circuit court in and for the county in which any certificate of nomination shall be filed, on the application or complaint, duly verified, of any candidate setting forth any threatened invasion of his rights under the certificate of nomination filed with any county or municipal clerk, is hereby empowered and required to determine upon said application or complaint in a sum-

When made, notice to be given to all candidates affected.

Officers to pass upon validity of objection unless order made by court.

Justice of supreme court to determine upon complaint.

mary way and make such order thereupon as will protect and enforce the rights of such candidate.

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

Approved March 23, 1891.

CHAPTER CXXVIII.

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

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

2. *And be it enacted*, That said county boards of registration shall cause to be made a complete registration of all the legal voters in their respective counties, and for that purpose they shall, within two weeks after their appointment, meet at the court houses in their several counties and organize by electing one of their number to be chairman and one to be secretary, but the chairman and secretary shall not both belong to the same political party; in case of failure to elect such chairman for three ballots or viva voce votes, then the oldest member (in years) of such board shall be the chairman thereof; and on failure to elect such secretary for three ballots or viva voce votes the member of the board next oldest (in years) to the chairman of such board, and not of the same political party, shall be secretary; within forty, but

Section to be amended.

County boards to cause registration of voters to be made, and when to organize for that purpose.

Officers not to be of the same political party.

Proceedings on failure to elect president or secretary.

When to appoint the boards of registry and election.	not sooner than thirty days after the organization of any of said county boards of registration as aforesaid, such board shall (except as hereinafter provided) appoint, within each and every election district or voting precinct
Qualifications of members of boards of registry and election.	of its respective county, four persons, legal voters and residents within the election district for which they are appointed, to be the "board of registry and election," as hereinafter provided, in and for such election district or voting precinct; not more than two of such appointees
When and by whom nominated	shall belong to the same political party; prior to the expiration of said thirty days in this section mentioned, the chairman of the county committee of either or both of the two political parties in any county that at the last preceding election for members of the general assembly cast the largest and next largest number votes in said county, may, in writing, nominate to said county board of registration two members of his own political party for each election district or voting precinct in his county, and such nominees shall be by said county board of registration appointed members of the board of registry and election in and for the election districts or voting precincts for which they are respectively nominated; the members of such boards of registry and election first appointed under this section shall hold their offices until the first day of June, one thousand eight hundred and ninety-one; within thirty days next succeeding June first, one thousand eight hundred and ninety-one, and yearly thereafter, the successors of said boards of registry and election shall be appointed, so that after the year one thousand eight hundred and ninety-one the terms of the members of such boards of registry and election shall commence in June of one year, and end in June of the next year succeeding; within thirty days next preceding June first, one thousand eight hundred and ninety-one, and of every year thereafter, the chairman of the county committees of the said political parties of any county may, in manner aforesaid, nominate persons to the county board of registration to be members of the boards of registry and election, and such persons so nominated shall be appointed; should any vacancy occur in any of said boards of registry and election, such vacancy shall (subject to the provisions of this section hereinafter con-
Term of office of first appointees.	
When successors appointed.	
When terms to commence and terminate	
When and how members nominated	
How vacancies filled	

tained) be filled by appointment, made pursuant to this act by the board of registration of the county wherein the vacancy occurs, but such appointments shall be for the unexpired term only; each board of registry and election shall appoint two registry or poll clerks, not of the same political party, whose duties shall be as hereinafter prescribed; the terms of office of such registry or poll clerks shall expire with those of the members of the board appointing them; if either of said registry or poll clerks shall die, resign or become incapable of acting, the board of registry and election shall fill such vacancies, but for the unexpired term only; if at the hour for opening the polls on the morning of the day of any election to be held under this act, any one or more of the four members of any board of registry and election of any election district shall be absent from the place where such election is appointed to be held, or shall be disqualified, or being present, shall neglect or refuse to serve as member of such board of registry and election, it shall be lawful for the legal voters then and there present, who shall be entitled to vote at such election in such election 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 at such election in such election district, to fill the place or places in such board of the person or persons so absent, disqualified, neglecting or refusing to act, preserving, however, the non-partisan character of said board of registry and election; and every person so chosen shall be deemed and taken to be, in all respects for that election, a member of such board of registry and election; a note of the election of such person or persons shall be entered on the poll lists, and any member of the board of registry and election may administer to the person or persons so elected the oath required by section three of this act.

2. *And be it enacted*, That section four of said supplemental act, approved May twenty-eighth, one thousand eight hundred and ninety, be and the same is hereby amended so that henceforth said section four shall be and read as follows, to wit:

4. *And be it enacted*, That said boards of registry and election shall meet annually on the Tuesday four weeks

Appointment of registry or poll clerks.

Term of office.

Board to fill vacancies of clerks.

Vacancies in board to be filled by voters on the morning of election.

Persons chosen to be members.

Note of the election to be entered on the poll lists.

Section to be amended.

When boards to meet and organize

next preceding the annual election for members of the general assembly, at ten o'clock in the forenoon, at places within their respective election districts, to be designated by the members of such board or a majority thereof; said boards of registry and election, when met as aforesaid, shall organize by choosing one of their number to be chairman; in case of failure to choose said chairman for three ballots, the oldest member (in years) of such board shall be the chairman thereof; when the chairman shall have been designated, each member of the board shall take and subscribe the oath prescribed in the next preceding section hereof; such oath may be administered by the chairman to the other three members of the board, and any member thereof may then administer the oath to the chairman; said boards of registry and election having taken and subscribed the oath aforesaid, shall, on the same day, proceed to ascertain and truly and accurately enter in canvassing books, to be provided for that purpose, the names and residences and street numbers, if any, of all legal voters residing within their respective election districts entitled to vote therein at the next election, by making actual inquiry at every dwelling house or habitation, or of the head of every family residing therein, and shall continue such enumeration of voters from day to day thereafter, on successive days, until the same be completed; *provided*, that such enumeration shall terminate on or before the Friday next succeeding; the name of every such voter, as aforesaid, whose place of abode shall be in any family or habitation or who may be casually or temporarily absent therefrom when such enumeration is made, shall be entered in said canvassing books; in making such enumeration the said boards of registry and election may divide their election districts into subdivisions, and any two of their number, not of the same political party, designated by the chairman, together and in company may make the enumeration in such subdivisions; no name shall be entered on such canvassing books without the concurrence of both said members, or if said enumeration be made by the entire board, without the concurrence of a majority thereof.

Who to act in case of failure to choose chairman.

Each member to take oath.

Boards to make enumeration of voters.

By inquiry at every dwelling house, etc.

Proviso.

How enumeration may be made.

When names not to be entered.

3. *And be it enacted*, That section five of said supplemental act, approved May twenty-eighth, one thousand eight hundred and ninety, be and the same is hereby amended so that henceforth said section five shall be and read as follows, to wit:

5. *And be it enacted*, That on the Tuesday three weeks next preceding the election for members of the general assembly, said boards of registration and election shall meet at the places in their respective election districts where the next election will be held, at ten o'clock in the morning and continue in session until nine o'clock in evening, but may take a recess from one to two o'clock during said time; said last mentioned meeting shall be attended by the said registry or poll clerks appointed for such election district, who shall take and subscribe the oath hereinbefore prescribed, to be administered by the chairman or any member of the board; when met, as in this section provided, said board of registry and election and said clerks shall proceed to transcribe and make up from said canvassing books two lists or registers, alphabetically, of the names, residences and street numbers, if any, of all persons in their respective election districts entitled to the right of suffrage therein at the next election, or who shall personally appear before them for that purpose, or who shall be shown to the satisfaction of such board of registry and election to have legally voted in that election district at the last preceding election therein for members of the general assembly, or who shall be shown by the affidavit in writing of some voter in that election district to be a legal voter therein; *provided*, that no naturalized citizen shall be registered if his right is challenged, unless he shall, by affidavit or otherwise, prove to the satisfaction of a majority of such board that he is entitled to vote in that election district at the next election therein, or shall produce and exhibit a legal certificate of naturalization entitling him to the right of suffrage, which certificate shall thereupon be endorsed with the date of the exhibition thereof, or shall have been duly registered at a previous election in such election district.

4. *And be it enacted*, That section seven of said supplemental act approved May twenty-eighth, one thousand

Section to be amended.

When boards to make registers of voters.

Registry clerks to attend.

Take oath.

Two registers of voters to be made.

Provido.

Section to be amended.

eight hundred and ninety, be and the same is hereby amended so that henceforth said section seven shall be and read as follows, to wit :

When board to meet and revise registers.

7. *And be it enacted*, That the board of registry and election shall also meet on Tuesday next preceding the day of election for members of the general assembly, at the place of their former meeting, at the hour of one o'clock in the afternoon, and remain in session until nine o'clock in the evening, for the purpose of revising and correcting the original registers, of adding thereto the names of all persons entitled to the right of suffrage in that election district at the next election, who shall appear in person before them or shall be shown by the written affidavit of some voter in such election 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

When registers completed board to announce and certify number of names thereon.

non-residence or otherwise; and upon the final completion of said registers the said board of registry and election shall publicly announce and certify on each register the number of names entered thereon, and on the next succeeding day each of said clerks shall cause a certified copy of the full list of the names on said registers, with residences and street number, if any, to be posted in conspicuous places within said election district; and one of said clerks, to be designated by the chairman of said board of registry and election, shall prepare an additional copy of the names, residences and street numbers, if any, on such completed register, which additional copy, after being certified as aforesaid, shall be by said clerk, within two days after the said last mentioned Tuesday, filed with the clerk of the city, township or other municipality, within which such election precinct may be situate; *and provided, further*, that no name shall be entered on said registers or either of them from said canvassing books, or stricken therefrom without the concurrence of a majority of all the members of said boards of registry and election.

Clerks to post certified copy of list.

Clerk to prepare additional copy and file with clerk of municipality.

Proviso.

Section to be amended.

5. *And be it enacted*, That section nineteen of said supplemental act, approved May twenty-eighth, one thousand eight hundred and ninety, be and the same is hereby amended, so that henceforth said section nineteen shall be and read as follows, to wit :

19. *And be it enacted*, That the boards of registry and election and said registry or poll clerks appointed as hereinbefore provided for, shall, in their respective election districts, hold and conduct the next and all succeeding annual elections to be held on the first Tuesday after the first Monday in November in any year, and also the annual "town meetings" or township elections hereafter to be held throughout this state under and in pursuance of 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, and the act entitled "An act concerning townships and township officers," approved April twenty-first, one thousand eight hundred and seventy-six, and the several supplements to said two acts, or either of them, and the foregoing provisions of this act shall apply to said town meetings or township elections, so far as the same may be applicable; there shall be no new registration for said town meetings or township elections, but the said boards of registry and election shall procure and use at such town meetings or township elections the certified copy of the register of voters filed with the township or other clerk pursuant to section seven of this act; said board of registry and election and said poll clerks shall meet to revise and correct said register in the manner hereinbefore provided on the Tuesday next preceding the town meeting or township election; and each of said registry or poll clerks of each election district shall cause at least three notices of the time and place of such meeting to revise and correct said register to be conspicuously posted in public places within their respective election districts at least one week before such meeting; no copy or copies of such revised and corrected registry need be posted nor any copy thereof transmitted to or filed with any county, township or other clerk.

Boards to conduct general elections and town meetings.

Certified copy of register to be used at town meetings or township election.

When boards to meet and revise register.

Clerks to give notice of meeting.

Copy of list not to be posted.

6. *And be it enacted*, That section twenty of said supplemental act, approved May twenty-eighth, one thousand eight hundred and ninety, be and the same is hereby amended so that henceforth said section twenty shall be and read as follows, to wit:

Section to be amended.

20. *And be it enacted*, That in all the municipalities of this state, wherein elections for public officers other than

Appointment of boards of registry and election in municipalities where elections are held on other than general election days.

To be equally divided politically.

Proviso

Vacancies, how filled.

Section to be amended.

Boards to make registry of voters and conduct elections.

the elections mentioned and referred to in the next preceding section hereof, are or may be held, the governing body of every such municipality, by whatever named called, shall on or before the first day of September in each and every year appoint four persons for each election district or precinct within their several municipalities, who shall be and constitute the boards of registry and election within and for such respective election districts or precincts; in making said appointments of such boards, the members of the political party in the majority in such governing bodies shall appoint two of the members thereof, and the member or members of the political party in the minority in such governing bodies shall appoint the other two members of such boards of registry and election; and in case any of said governing bodies shall be composed unanimously of members of one political party, such governing body shall appoint said four members, but not more than two members of any such board of registry and election shall belong to the same political party; *provided*, that if more than two political parties shall be represented in any such governing body as aforesaid, the political party which shall be next in number of members to the political party in the majority shall appoint the two members of such boards of registry and election which under this section are to be appointed by the members of the political party in the minority: if any vacancy shall occur in any of said boards of registry and election by death, resignation, inability or otherwise, such vacancy shall be filled, in manner aforesaid, by the members of the governing body who made the original appointment.

7. *And be it enacted*, That section twenty-one of said supplemental act, approved May twenty-eighth, one thousand eight hundred and ninety, be and the same is hereby amended so that henceforth said section twenty-one shall be and read as follows, to wit:

21. *And be it enacted*, That it shall be the duty of said boards of registry and election provided for in the next preceding section hereof to make, alter or revise, as the case may require, the registry of voters within and for their respective election districts or precincts, and also to hold and conduct all elections, other than said town meetings and said annual elections for members of the

general assembly as are or may be required by law to be held therein during their term of office; each of said boards shall appoint two registry or poll clerks not of the same political party, who shall perform duties similar to those which are or may be required by law of other registry or poll clerks.

Appoint clerks.

Duties of.

8. *And be it enacted*, That section twenty-four of said supplemental act approved May twenty-eighth, one thousand eight hundred and ninety, be and the same is hereby amended so as henceforth to be and read as follows, to wit:

Section to be amended.

24. *And be it enacted*, That all elections held within any of said municipalities by the boards of registry and election provided for in section twenty hereof shall, except as herein otherwise provided, be held and conducted and the votes cast thereat canvassed and returned as now is or hereafter may be required by law; *provided*, that none of the provisions of sections twenty, twenty-one, twenty-two and twenty-three shall in any manner apply to or affect any such municipality which, by the last preceding census, contained a population of not less than four thousand inhabitants; and in all such excepted municipalities, all elections therein, other than those mentioned and referred to in section nineteen hereof, shall be held and conducted in the same manner as before the passage of said supplemental act, approved May twenty-eighth, one thousand eight hundred and ninety.

How elections conducted in municipalities.

Proviso.

9. *And be it enacted*, That section twenty-eight of said supplemental act, approved May twenty-eighth, one thousand eight hundred and ninety, be and the same is hereby amended so that henceforth said section twenty-eight shall be and read as follows, to wit:

Section to be amended.

28. *And be it enacted*, That besides the nomination of candidates by a convention of delegates or nominating body of a political party, as hereinbefore provided, candidates for public office may also be nominated by "petition" in manner following: such petition shall be addressed to the secretary of state or clerk of such county, city or other municipality as may be proper, pursuant to the requirements of this act hereinafter contained, and shall set forth the name or names and places of residence and post-office addresses of the candidates for the offices

Nominations may also be made by petition.

Petition to be addressed to the secretary of state or clerk.

What to set forth.

to be filed, the office for which each candidate is named, what such candidates are legally qualified to hold such offices, and that the petitioners are legally qualified to vote for such candidates; said petition may also designate, in not more than three words, the title of the party or principle which the candidates therein named represent, and shall be signed by legally qualified voter of the state, residing within the district or political division in and for which the officer or officers nominated are to be elected, equal in number to at least one per centum of the entire vote cast at the last preceding election for members of the general assembly, in the state, county, district or other division in and for which the nominations are made; *provided*, that when the nomination is for an office to be filled by the voters of the entire state, the number of such signatures shall not be less than eight hundred in the aggregate for each candidate nominated in said petition; when the nomination by such petition is for an office to be filled by the voters of a district, county, city, township or other division less than the entire state, the petition shall be signed by qualified voters of such district, county, city, town or other division not less in number than five for every one hundred votes cast in such district, county, city, town or other division at the next preceding election for members of the general assembly; *provided, however*, that not more than two hundred signatures shall be required to any petition for any officers to be elected, save only such as are to be voted for by the voters of the state at large; in case of a first election to be held in a newly-established election district, division, county, city or ward, the number of fifty signatures to a petition shall be sufficient to nominate a candidate to be voted for only in such election district or division, county, city or ward; every voter signing a petition shall add to his signature his place of residence, post-office address and street number, if any; such voter may sign one petition for each officer and no more, but all the names need not be signed to one petition; before any petition shall be filed as hereinafter provided, at least five of the voters signing the same shall make oath before a duly qualified officer that the said petition is made in good faith, that the affiants verily believe all the signatures thereto to be genuine and those

What number of voters must sign petition.

Proviso.

Proviso.

Voter signing petition must add residence, etc.

May sign one petition for each officer.

Before petition filed five voters to make affidavit thereto.

of duly qualified voters, and a certificate that such oath has been taken shall be endorsed upon or annexed to the petition by the officer before whom the same is made.

10. *And be it enacted*, That section thirty-three of said supplemental act, approved May twenty-eighth, one thousand eight hundred and ninety, be and same is hereby so amended that henceforth said section thirty-three shall be and read as follows, to-wit:

Section to be amended.

33. *And be it enacted*, That on the back of each of the said ballots to be provided by the county or municipal clerks shall be printed the words, "official ballot for——," after the word "for" in each case shall follow the designation of the assembly district for which the ballot is prepared, if at such election an assemblyman is to be chosen; if at such election no assemblyman is to be chosen, then after the word "for" shall follow the designation of the township, municipality, ward or other subdivision for which the ballot is prepared; then shall follow the date of the election and a fac-simile of the signature of the county or municipal clerk by whom such ballot shall be prepared; the county or municipal clerk shall provide for each political party, for each election district or voting precinct in his county or municipality, two hundred and fifty ballots for every fifty or fraction of fifty votes cast therein by such party at the last preceding election for members of the general assembly; in cases of independent nominations or of nominations by any party, organization or petitioners, that cast no votes for any candidate or candidates at the last preceding election for members of the general assembly, the number of ballots to be provided and furnished at public expense shall be equal in number to one-half of the total number of votes cast in the election district or precinct at the last preceding election for members of the general assembly; when an election district shall be divided or the boundaries changed or a new district created, the county or municipal clerk shall ascertain as nearly as possible the number of voters in the new district or districts and shall provide therefor a sufficient number of ballots in the above proportion.

What to be printed on back of ballots.

Number of ballots to be provided.

11. *And be it enacted*, That section thirty-four of said supplemental act, approved May twenty-eighth, one

Section to be amended.

thousand eight hundred and ninety, be and the same is hereby amended so that hereafter said section thirty-four shall be and read as follows and not otherwise :

Clerks to provide official envelopes for ballots.

Envelopes to be of same quality of paper, size, etc.

What printed on face

No other mark placed on envelope.

Printing to be in black ink, etc.

Number of envelopes to be provided.

Where distributed.

How envelopes opened and votes counted.

34. *And be it enacted*, That it shall be the duty of said county and municipal clerks, in all cases in which, under this act, they are required to provide and furnish the official ballots as aforesaid for any election, to also provide and furnish for such election official envelopes, of the size, kind and description hereinafter prescribed, wherein the ballots to be voted at such election shall be inclosed and voted, as hereinafter directed; all such envelopes provided by any county or municipal clerk shall be of the same quality of plain white paper, three inches in length by two and one-eighth inches in width, with the flap thereof un gummed; on the face of each of said envelopes shall be printed the words, "official envelope for _____," after the word "for" in each case shall follow the designation of the assembly district for which the ballot is prepared, if at such election an assemblyman is to be chosen; if at such election no assemblyman is to be chosen, then after the word "for" shall follow the designation of the township, municipality, ward or other subdivision for which the ballot is prepared; then shall follow the date of the election and a fac-simile of the signatures of the county or municipal clerk by whom such envelope shall be provided and furnished; there shall be no mark, word, figure or device of any kind placed on said envelopes, except as herein directed; all printing on said envelopes shall be with black ink, in type of the same style and description, so that one envelope cannot be distinguished from another; there shall be provided and furnished for each election district or voting precinct so many official envelopes as will be equal to double the number of all the votes cast in such election district or voting precinct at the last preceding election therein for members of the general assembly; the distribution and use of such official envelopes shall be confined exclusively to the polling room, in the manner hereinafter directed; in counting the votes cast at any election the envelopes containing the ballots shall be opened, and the ballot shall then be removed from the envelope and the names on the ballot counted and recorded as now required by law; the

ballot shall then, before another envelope is opened, be returned to the envelope wherefrom it was taken, and the envelope and ballot shall then be numbered as one ticket and strung as now required by law; if on opening any envelope it shall be found to contain more than one ballot, none of the ballots contained therein shall be counted for any candidate, and all such ballots shall be returned to the envelope wherein they were found, and on the face of such envelope shall be written the words "rejected ballots," and such envelope and ballots shall be strung on the string of rejected ballots, as now provided by law; should any voter to whom any official envelope has been furnished as hereinafter provided, spoil or render the same unfit for use, he may obtain another from the board of election on returning the one so spoiled or unfitted for use; but no more than two official envelopes, one at a time, as herein provided, shall be furnished any voter; at the close of the election all unused and all spoiled and returned official envelopes shall be tied up in one package by the board of election and deposited in the ballot-box and delivered with said ballot-box to the proper custodian thereof; when an election district shall be divided or the boundaries changed or a new district created, the county or municipal clerk shall ascertain, as nearly as possible, the number of voters in the new district or districts, and provide therefor official envelopes on the basis above described.

12. *And be it enacted*, That section fifty of said supplemental act, approved May twenty-eighth, one thousand eight hundred and ninety, be and the same is hereby amended so that henceforth said section fifty shall be and read as follows, and not otherwise, to wit:

50. *And be it enacted*, That none of the provisions of this act from and including section twenty thereof, to and including section forty-nine thereof, shall in any manner apply to or affect any such municipality as by section twenty-four hereof is excepted from the operations and effect of sections twenty, twenty-one, twenty-two and twenty-three of this act; and none of the provisions of this act from and including said section twenty to and including said section forty-nine, shall apply to or affect said town meetings or township elections mentioned or

Ballot and envelope numbered and strung.

What ballots to be rejected

Voter rendering ballot unfit for use may obtain another.

No more than two furnished any voter.

Unused and spoiled envelopes to be deposited in ballot box.

How envelopes provided for new districts.

Section to be amended.

Provisions of act not to apply to municipalities containing a population of less than 4,000.

Or to affect town meetings.

referred to in section nineteen of this act, except as hereinafter in this or some subsequent section of this act provided for said town meetings or township elections; it shall be the duty of the clerks of the several townships of the state at least twenty days before any town meeting to be held within their respective townships to provide and secure in each election district or voting precinct of their respective townships a suitable room in which to hold the town meetings, and immediately after procuring such room said township clerk shall notify the election or poll clerks and the board of registry and election of the precinct or voting district that such room has been procured and where the same is located, and it shall be the duty of such township clerk before election day to arrange said room with booths or compartments and railing in all respects as is required in and by section forty-six hereof; the tickets to be used at such town meetings shall not be official, but shall be furnished or provided by candidates or other interested parties as before the passage of said supplemental act, approved May twenty-eighth, one thousand eight hundred and ninety; such tickets shall be printed with black ink on plain white paper, after the manner and style provided in section thirty-two hereof and if any ballot voted at any town meeting shall have thereon, either on its face or back, any mark, sign, designation or device whereby such ballot can or may be thereafter identified or distinguished, such ballots shall be absolutely void and not canvassed or counted for any name thereon, but it shall and may be lawful for any voter at said town meetings to erase from his ballot any name or names thereon printed, and to write or paste thereon, the name or names of any person or persons for whom he may desire to vote for any office; the ink or lead pencil to be used in writing any name or names upon the ballots to be black in color, and the use of any other colored ink or pencil shall invalidate the entire ballot; all pasters shall be printed with black ink on white paper, and the use of any other style or kind of paster shall invalidate the entire ballot; for said town meetings the township clerk shall provide and furnish, at the expense of the township, official envelopes, of the size and style mentioned in section thirty-four hereof; said envelopes

Duty of township clerks.

Tickets used at town meetings not to be official.

Tickets to be printed with black ink, without means of identification.

Ink or lead pencil used to be black in color or ballot void.

Pasters printed on white paper

Town clerks to furnish envelopes at expense of townships.

shall have indorsed upon the face thereof the words "official ballot for _____ township, _____ county," filling the blanks as the case may require, together with the date of the election and a fac-simile of the signature of the township clerk; the distribution and use of such official envelopes shall be confined exclusively to the polling room in the manner hereinafter directed; the township clerk shall provide, and on the day preceding the town meeting furnish to the chairman or some member of the board of registry and election in each voting precinct in his township, so many official envelopes as will be equal to double the number of all the votes cast in such election district or voting precinct at the last preceding town meeting therein, which envelope so furnished shall be by the officer receiving the same delivered to the board of registry and election on the day of election before the opening of the polls; that the manner of voting at said town meetings shall be, as near as may be, after the manner pointed out and directed in section forty-seven hereof; that each voter on entering the railed inclosure within the polling room shall be furnished by a member of the board of election, to be stationed in close proximity to the entrance of said railed inclosure, with one and only one official envelope; having obtained such envelope, the voter shall, with the same in his possession, without leaving said railed inclosure, retire alone to one of said booths or compartments and enter the same and remain therein (closing the door) such length of time, not exceeding five minutes, until he shall have inclosed in said official envelope the ballot he intends voting, in such manner as to conceal all printing, writing or pasters on said ballot; on leaving the booth or compartment the voter shall forthwith and before leaving said railed inclosure deliver his ballot, inclosed as aforesaid in said envelope, unsealed, but with the flap thereof turned down so as to conceal the ballot therein, to a member of the election board at the ballot box, who shall immediately deposit the same in the ballot box in the presence of the voter, after which the voter shall, without necessary delay, leave the polling room, and no ballot cast at any town meeting shall (except as in this act otherwise provided) be received

What printed on face.

Where distributed.

Number of envelopes to be provided.

Manner of voting at town meetings.

On entering enclosure voter to be furnished with one official envelope by a member of the election board

Voter to retire to booth and enclose the ballot he intends voting in the official envelope so as to conceal printing, etc.

How ballot voted.

No other ballot to be counted.

Candidates or other persons to furnish ballots to election board.

No person permitted to vote until envelope is received.

Voter rendering ballot unfit for use may obtain another.

No more than two furnished any voter.

What ballots to be rejected.

Counting and canvassing votes.

Section to be amended.

Voter afflicted with blindness or other disability may select person to assist in preparing his ballot.

or counted unless the same shall be inclosed in an unsealed official envelope in the manner in this section provided; it shall and may be lawful for any candidate or other person of any town meeting to deliver to the board of registry and election the ballots of any party or faction having candidates to be voted for at such town meeting, which tickets so supplied the board of registry and election shall receive and cause to be furnished to each voter, along with the official envelope, in the manner pointed out in section forty-seven hereof; no person shall be permitted to vote at any town meeting until after he shall have received said official envelope as in this section provided; should any voter to whom an official envelope has been furnished as in this section provided, spoil or render the same unfit for use, he may obtain another from the board of election on returning the one so spoiled or unfitted for use, but no more than two official envelopes, one at a time, shall be furnished any voter at any town meeting; if on the face or back of any envelope inclosing any ballot at any town meeting there shall be any mark, sign, designation or device whatsoever, other than is permitted by this act, whereby such envelope can or may be identified or distinguished from any other official envelope used at such town meeting, the ballot inclosed in such envelope shall be absolutely void and not counted for any candidate named thereon; in counting and canvassing the votes cast at any town meeting, the board of election shall proceed, as near as may be, in the manner pointed out in sections thirty-four and fifty-one hereof; section forty-eight of this act shall apply to town meetings.

13. *And be it enacted*, That section forty-eight of said supplemental act, approved May twenty-eighth, one thousand eight hundred and ninety, be and the same is hereby amended so that henceforth said section forty-eight shall be and read as follows, to wit:

48. *And be it enacted*, That any voter who declares under oath and establishes to the satisfaction of a majority of all the members of the board of election that, by reason of blindness or other physical disability, he is unable to enter and remain in a booth or compartment or to prepare his ballot therein for voting as aforesaid without as-

sistance, shall be permitted to bring with him to such booth or compartment a person of his own selection, who may retire with such disabled voter to the booth or compartment and assist him in the preparation of his ballot and inclosing and folding the same in said envelope as the disabled voter shall direct, in order that it may be cast by such disabled voter as his ballot; the poll clerks shall make a memorandum on the poll lists of every instance when an oath was administered to a voter as herein provided, stating briefly what facts were sworn to and the name of the person or persons who aided the voter in preparing his ballot; no voter shall divulge to anyone within the polling place the name of any candidate for whom he intends to vote, nor shall he ask for and receive the assistance of any person within the polling place in the preparation of his ballot except as prescribed in this section; no person who assists a voter in the preparation of his ballot, as herein provided, shall reveal to another the name of any candidate for whom the voter has voted, or anything that took place while he was assisting such voter in preparing said ballot for voting; this section shall not apply to the case of any person intoxicated or unable to read and write.

Poll clerks to make memorandum on poll list.

No voter to divulge name of candidate for whom he intends to vote, etc.

Person who assists voter in preparing ballot not to reveal name of candidate voted for, etc.

Not to apply to persons intoxicated or unable to read or write.

Section to be amended.

14. *And be it enacted*, That section fifty-seven of said supplemental act, approved May twenty-eighth, one thousand eight hundred and ninety, be and the same is hereby amended that henceforth said section fifty-seven shall be and read as follows, to wit:

57. *And be it enacted*, That for the services and duties required and imposed upon them under and by this act, the members of the boards of registry and election and the election or poll clerks, shall receive the sum of three dollars per day and at that rate for all fractions of days, to be paid as other election expenses are now paid; and in determining the amount of such compensation eight hours shall constitute a day's work.

Compensation of members and clerks of boards of registry and election, how paid

Eight hours a day's work

15. *And be it enacted*, That section sixty-three of said supplemental act, approved May twenty-eighth one thousand eight hundred and ninety, shall be and the same is hereby amended so that henceforth said section sixty-three shall be and read as follows, to wit:

Section to be amended

No person to
electioneer within
polling place or
publicly within
100 feet, &c.

When official bal-
lots are used none
other to be voted.

Official envelopes
to be used at
town meetings.

Penalty.

Penalty for mark-
ing ballot or
official envelope
for identification

63. *And be it enacted*, That no person shall do any electioneering on any election day within any polling place, or publicly within one hundred feet of any polling place; no person shall within the polling room show his ballot after it is prepared for voting to any person in such a way as to reveal the contents, nor shall any person within the polling place or within a hundred feet thereof solicit the voter to show the same; no voter, at any election where official ballots are used, shall knowingly vote or offer to vote any ballot except an official ballot inclosed in an official envelope, as by this act required, nor shall any voter, at any town meeting, vote or offer to vote any ballot except the same be inclosed in an official envelope, as by section fifty hereof required; any person violating any of the foregoing provisions of this section shall incur a penalty of twenty-five dollars for each and every offense, to be recovered by action of tort, before any court of competent jurisdiction, by any person who bona fide shall first bring suit therefor; no voter shall place or permit to be placed any mark upon the face or back of his ballot or official envelope by which the ballot or envelope may afterwards be identified by any other person as the one voted by him; whoever shall violate this last-mentioned provision of this section shall be deemed guilty of a misdemeanor, and on conviction 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.

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

Approved March 23, 1891.

CHAPTER CXXIX.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wherever in the judgment of the board of registry and elections of any county in this state it has been necessary, in the judgment of said board, for the purpose of carrying out the provisions of the act to which this is a supplement, to incur expense by printing and publishing lists of election officers and notices to election officers so appointed and other expenses incident to the registration and election aforesaid, such expenses on certification thereof to the board of freeholders of such county by said board of registry and election shall be paid by said board of freeholders as a part of the election expenses under the act to which this is a supplement.

Where it is deemed necessary by boards of registry and election to have the lists of election officers published, or any other printing incident to registration and election done, the expense shall be paid by the board of freeholders of the county.

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

Repealer.

Approved March 23, 1891.

CHAPTER CXXX.

Supplement to an act entitled "An act to provide for sewage and drainage in incorporated townships in which there is a public water supply," approved April fourteenth, one thousand eight hundred and ninety.

When township committees have issued improvement certificates or promissory notes.

Payment may be provided for by issuing improvement bonds.

Either coupon or registered.

Bonds to be sold and the proceeds used in paying off such notes.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever in strict conformity with the provisions of the act of which this is a supplement, the township committee or other governing body shall have caused to be constructed sewers or drains, or both, and have issued temporary improvement certificates or promissory notes of such corporation in payment of the costs of such improvement; that in order to provide for the payment of such certificates and promissory notes as they shall severally become due it shall and may be lawful for incorporated townships to issue bonds, to run for a period not to exceed ten years and to bear interest not to exceed six per centum per annum, which said bonds shall be styled improvement bonds, shall be issued in such denominations as the township committee or other governing body of such township may determine and be executed under the corporate seal of said township, signed by the chairman of said board or township committee or other governing body of such township, and countersigned by the clerk thereof; coupons signed by the chairman for every half year's interest shall be attached to each bond and numbered to correspond thereto, or the said bonds may be registered, at the option of the holder: they shall be sold for not less than their par value and the proceeds thereof shall be used to take up and pay off such temporary notes or certificates, and the interest thereon, as may have been given in payment of the cost of such sewers or drains as may have been constructed in said township under the provision of the act of which this is a supplement; *provided*, that in order to meet the interest and redeem the said bonds a

maturity it shall be the duty of the township committee or other governing body to order the treasurer of said township to keep and set apart all moneys received in payment of assessments on such improvement into a sinking fund, which said moneys shall be applied from time to time to the payment of the interest and the redemption of all bonds issued in accordance with the provisions of this supplement.

2. *And be it enacted*, That the township committee may by resolution provide that any assessment for either direct or prospective benefit, which have been made and confirmed under the provisions of the act of which this is a supplement, need not be paid in one payment as required under the provisions of said act, but that the same may be paid in equal annual installments, with interest at six per centum per annum thereon; *provided*, that no annual installment is less than one-tenth of the whole amount of an assessment on any piece or parcel of land assessed; *provided, also*, that the first annual installment shall become due and payable within thirty days after the confirmation of the assessment as provided for in the act of which this is a supplement, and in case said installment shall remain unpaid at the expiration of thirty days after the first publication of the notice of the assessment as required in the act of which this is a supplement, the said installment shall draw interest thereupon, from and after that time at the rate of one per centum per month; and the said board of township committee or other governing body of such township shall have the same remedies and rights to enforce the payment of such installment as they have to enforce the collection of taxes in such townships and by like proceedings; *provided*, that nothing in this act shall prevent payment of the whole assessment or any outstanding balance of the installment on any particular lot or parcel of land; *and provided further*, that the provisions of this supplement shall apply only to counties of the first class in this state.

3. *And be it enacted*, That all acts and parts, whether general, public, local or special, inconsistent with this act, be and the same are hereby repealed.

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

Approved March 25, 1891.

CHAPTER CXXXI.

A Further Supplement to an act entitled "An act concerning inns and taverns," approved April seventeenth, one thousand eight hundred and forty-six, and also a supplement to an act entitled "An act to regulate the sale of ale, strong beer, lager, porter, wine and other malt liquors in the state of New Jersey," approved April fourth, one thousand eight hundred and seventy-two.

- Licenses granted by court valid until the first day of the same term in succeeding year.
1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every license heretofore or hereafter granted by the inferior court of common pleas of any county in this state shall remain valid and in full force and effect until the first day of the same term of said court in the year succeeding the granting of said license, anything in said license to the contrary notwithstanding; *provided*, that the person holding said license shall, on or before the expiration of one year from the date thereof, file with the clerk of said court his, her or their application, in proper form, for a license for the same place for another year; *provided further*, that said court shall have the same power and authority to revoke or annul said license as existed prior to the passage of this act.
- Proviso
- Proviso.
- Repealer.
2. *And be it enacted*, That all acts and parts of acts inconsistent to the provisions of this act be and the same are hereby repealed.
3. *And be it enacted*, That this act shall take effect immediately.
- Approved March 25, 1891.

CHAPTER CXXXII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the term "creditors," used in said supplement, approved February twenty-third, one thousand eight hundred and eighty, shall be held to comprise only those creditors who were such at the time of the making of the assignment, and who filed their claims within the time limited by law.

Term 'creditors,' to comprise only those who were such at the time of the making of the assignment.

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

Approved March 27, 1891.

CHAPTER CXXXIII.

An Act to regulate the pay of officers and policemen in cities of the second class of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the second class where the police department now are or hereafter may be governed by a board of police commissioners the pay

Pay or salary of chief, captains, sergeants, roundsmen, patrolmen.

or salaries, payable monthly, of the following named officers and members of the police department shall be as hereinafter specified, viz.: to the chief, the sum of not less than fifteen hundred dollars per annum; to captains or lieutenants, the sum of not less than twelve hundred dollars per annum; to sergeants the sum of not less than ten hundred and fifty dollars per annum; to roundsmen, not less than nine hundred and sixty dollars per annum; and to patrolmen not less than nine hundred dollars per annum; in lieu of all other compensation whatsoever.

Provisions of this act to be assented to by a majority of the legal votes.

Ballots to be provided by clerk of the city.

Form of ballot expressing assent

And opposing.

2. *And be it enacted*, That this act shall take effect immediately, provided that its provisions shall remain inoperative in any city or municipality until assented to by a majority of the legal votes cast for or against an increase of pay at any regular charter or general election to be hereafter held in such city or municipality, when submitted to said voters by the concurrence of the boards hereinafter designated; and the city clerk of such city or municipality shall, on the resolution of the common council, board of aldermen, board of police commissioners or other governing body of such city or municipality, when concurred in by the board having charge of the finances in such city or municipality, provide for each elector voting at such election, ballots to be printed or written, or partly printed or partly written, on which shall be either the words "for increase of pay of police department," or "against increase of pay of police department," and if a majority of those voting shall be in favor of an increase of the pay of the police, then this act shall go into effect immediately, and the pay or salaries of the officers or men of such department shall be as hereinbefore stated; persons entitled to vote at any charter or general election shall express their assent to or rejection of this act by depositing their ballots in the box provided for depositing ballots at such election precincts, districts or wards of any such city, and those who are in favor of the acceptance of this act shall each deposit a ballot, containing the words "for increase of pay of police department," written or printed thereon; and those who are opposed shall each deposit a ballot with the words, "against increase of pay of police department," written

or printed thereon; and this acceptance or rejection may be expressed upon the ballot on which are the names of the ward, city, county or state officers and shall be counted in determining such result; and there shall be a canvass on the return of the votes upon the question of such acceptance or rejection, made by the election officers in the same way and manner as for officers voted for and at such election.

May be voted on ballots containing names of candidates.

Canvass of votes.

3. *And be it enacted*, That in any city in which this act shall become operative in the manner therein provided, the increase of pay or salaries therein made shall go into effect on the first day of the next calendar month thereafter, notwithstanding that there may not be any existing appropriation or fund sufficient to permit such increase, and the board or authority having control of the finances of such city shall borrow a sufficient sum to cover such increase for the remainder of the current fiscal year of such city, or may permit the same to be paid out of any money of said city, and shall put such sum in the next tax levy raised in said city.

If act becomes operative by election, then increase to go into effect on the first of the next calendar month.

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

Approved March 27, 1891.

CHAPTER CXXXIV.

An Act concerning cities of the first class in this state, and constituting municipal boards of street and water commissioners therein, and defining the powers and duties of such municipal boards, and relating to the municipal affairs and departments of such cities, placed under the control and management of such boards, and providing for the maintenance of the same.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in all cities of the first class in this state, the mayors thereof respectively, within ten

Appointment of commissioners.

days after this act shall take effect, or shall become applicable to any city, shall appoint five suitable persons, residents of such city, to be known as street and water commissioners; the first five shall be appointed and their terms of office shall be as follows: one for the term of three years; two for the term of four years, and two for the term of five years, all from the date of their appointment hereunder, and at the expiration of the term of service of each of those commissioners, others shall be appointed in the place of those whose terms expire, in the same manner, for the term of five years, so that the term of service of all such commissioners under this act thereafter appointed shall be five years; any vacancy arising in the office of commissioner of such board shall be filled by appointment by the mayor of such city, for the unexpired term only; that the mayor of such city shall issue a commission to each of such commissioners, in accordance with their said appointment, and each of such commissioners shall devote such time and attention to the faithful performance of the duties of his office as the welfare of the public works and municipal departments and affairs under the government, control and management of such board, and the public interest therein may require, and no such commissioner shall accept or hold any other place of public trust or emolument within the elective franchise, nor any appointment to public office, unless he shall first resign his said office; and if he shall so accept such other office without having resigned his office of such commissioner, upon his acceptance of such place or appointment his office of commissioner shall thereupon become vacant; that the commissioners so appointed as aforesaid shall constitute and be called "the board of street and water commissioners" of—[the name of the city of the first class in and for which they are appointed]; that each of such commissioners within ten days after his said appointment, shall qualify by taking and subscribing, before an officer duly authorized by the laws of this state to administer oaths and affirmations, an oath or affirmation faithfully to discharge the duties of his office to the best of his skill and understanding, and within the time aforesaid shall give bond to such city in the sum of ten thousand dollars each,

Term of office.

Vacancy.

Commissioners to devote sufficient time to duties.

Can hold no other office.

To be called "the board of street and water commissioners."

To take oath and give bond.

to be approved as to sufficiency by the mayor of such city, or the board having charge and control of the finances of the city in which they are appointed, for the faithful discharge of their official duties, which bonds shall be filed in the office of the comptroller of such city; that each of such commissioners shall be paid an annual salary of two thousand dollars, payable monthly; that the said board of street and water commissioners of such city shall have full power, in addition to all other powers granted by law, in their discretion, in the corporate name and on behalf of such city, of making contracts and engagements, all of which shall be binding on such city, in reference to any purpose whatever connected with the exercise of the authority, powers and duties by this act conferred, or contemplated to be conferred, on said board, and of condemning, taking, purchasing, holding and conveying in the corporate name of such city any real estate which in the judgment of such board may become necessary or convenient for the public use or purposes or for the public works or municipal affairs, matters or things whatsoever, which by the provisions of this act are placed under the government, control, management or direction of such board of street and water commissioners, and all the acts and doings of such board within the scope of their authority or duty shall be obligatory upon and be in law considered as done by such city and under and by the corporate authority of the same; that the commissioners first appointed hereunder shall meet as a municipal board immediately after the taking and subscribing of the required oath or affirmation and the execution of their official bonds for the faithful performance of the duties of their office, and they shall immediately select one of their number to act as president of such board for the ensuing year, and thereafter they shall so select a president each year, and in case of a vacancy occurring at any time during the year the board shall fill the office for the rest of the year; that a majority of the whole number of the commissioners of such board shall be necessary to constitute a quorum for the transaction of business, and the acts of three members of such board shall be the acts of the board; that the president shall have the power to call special meetings of such board whenever

Salary.

Power to make contracts.

First meeting and president.

Quorum.

Special meetings.

Power and authority of board.

he shall deem it expedient; that the board shall possess, and shall be deemed and taken to have, at all times, the sole right, power and authority to make, establish, publish, modify, amend, repeal and enforce resolutions and ordinances relating or in anywise appertaining to the public works, or municipal departments or affairs of such city, which by the provisions of this act are placed or intended to be placed under the government, control and management of such board of street and water commissioners and as the public interests therein may from time to time require, in the same manner and form not inconsistent with the provisions of this act, as may be possessed or done or enjoyed by the common council, board of aldermen or other governing body or board of such city at the time of the passage of this act or whenever the same becomes applicable to any such city, it being the intention hereby to require and authorize such board of street and water commissioners to proceed by ordinance or resolution, as the case may be, as may now or hereafter be required in each particular case, according to and by the laws governing such city; that the mayor of such city shall have the right to veto all the ordinances of such board of street and water commissioners, and also to veto all resolutions and actions thereof over which he now has or may hereafter acquire a right of veto by the laws governing such city, and a copy of every such ordinance, action or resolution, duly signed by the president of such board and certified by the clerk thereof, shall be furnished to the mayor of such city, and he shall have ten days in which to consider the same in each case, before signing or returning them to such board with his objections; the mayor shall have the power to veto any item or items contained in any ordinance or resolution appropriating money for any purpose, and to approve of the residue of such ordinance or resolution; any such board may, however, pass any ordinance, action or resolution, or vetoed item, notwithstanding the objections of the mayor, by an affirmative vote of four of the members thereof, at the time and in the manner now or hereafter provided by law in such city; *provided*, that any ordinances or resolutions in force in such city at the time this act shall take effect therein, relating or in anywise appertaining to the public

Right of mayor to veto.

May veto items of appropriations and approve residue.

Board may pass ordinance or resolution over veto by a vote of four members.

Proviso.

works, or the municipal departments, or affairs of such city, which by the provisions of this act are placed or intended to be placed under the control, government and management of such board of street and water commissioners, shall continue in force and be applicable to such board of street and water commissioners until such ordinances and resolutions shall be repealed, modified, re-enacted or superseded by other ordinances or resolutions passed or enacted by such board of street and water commissioners; that the commissioners of such board of street and water commissioners may make, establish, alter, modify or repeal such by-laws, rules and regulations, and pass such resolutions for the government of the proceedings of such board, or of its members, officers and employes, and the transaction of its business, as such board may deem proper and advisable; that immediately after the organization of such board, and the election of a president thereof, as aforesaid, such board, or a majority of the members thereof, may select and employ a regular counsel for such board of street and water commissioners, who shall be a counselor-at-law of this state of at least eight years' standing, and who shall hold his said office for the fixed term of five years, and until his successor is selected and qualified, and such legal counsel shall have full charge and direction of all the legal matters and business of such board, and he shall be paid a fixed compensation or salary of not less than three nor more than six thousand dollars per annum, payable monthly out of any moneys received by such board, or under its control; *provided, however,* Proviso. that in all such cities where there is now a corporation counsel appointed by the mayor, required by law to advise all the departments of such city government, including the water department, or board thereof, then such regular counsel shall not be appointed by the said board of street and water commissioners, but the corporation counsel shall act as counsel for such board; that such board shall be fully authorized and empowered to select, appoint and employ, from time to time, a clerk of the board, a chief engineer, civil and mechanical engineers, superintendents, city or other surveyors, street commissioners or superintendents, inspectors, supervisors, officers, clerks and any

other persons or employes, to aid said board in the execution of this act, and the discharge of the duties of the office of such commissioners, and the carrying out and performance of the work and labor of the public works or municipal departments or affairs of such city, which by the provisions of this act are placed or intended to be placed under the government, control and management of such board, or as may be required by law therein or thereabouts, and as the public interests therein may from time to time require, or as such board may deem necessary and proper; and such board shall fix the compensation or salary to be paid such officers and employes, and the manner of payment thereof, within such limitation as to amount as may be now fixed by law in any such city; and may, in their discretion, require official and satisfactory bonds for the faithful performance of official duties to be made and executed by such officers and employes, or any of them, and they shall, in that case, take and subscribe an oath or affirmation faithfully to discharge the duties of their office; that such counsel, chief engineer, clerk of the board, civil and mechanical engineers, superintendents, city and other surveyors, street commissioners or superintendents, inspectors, supervisors, officers, clerks and any other officers, persons or employes, selected and appointed as aforesaid, shall be in lieu of, and be substituted for, and shall act and be recognized in place of, and shall in each case respectively be fully invested with all the rights, powers, duties, privileges and advantages of any city or corporation counsel, or city or corporation attorney, chief or other civil engineer, general or other superintendent, civil and mechanical engineers, superintendents, city or other surveyors, street or other commissioners, inspectors, clerks, secretaries, treasurers, cashiers, or other municipal officers, agents, servants or employes whatsoever, now or then respectively existing or appointed, employed, or holding office or appointment in such city, or authorized by law to act in any such official capacity or office or employment aforesaid, on behalf of any such city, or in the municipal affairs, or under the corporate authority thereof, or under or by virtue of any general, special, local or private law of this state—in relation or appertaining to the subject matters, public works and

municipal affairs which by the provisions of this act are placed or intended to be placed under the government, control and management of such board of street and water commissioners hereinbefore provided for in such city.

2. *And be it enacted,* That the board of said street and water commissioners herein provided for, in any city aforesaid, shall be substituted for and become vested with and shall perform all the powers, rights, duties and authority as are or may be by law vested in and imposed upon, or exercised by, the board of aldermen, common council, or other governing body or board of such city, or of any public aqueduct or water board or department, or of any department, civil engineer, city surveyor, commissioner, street commissioner, office or officer, clerk, servant or employe or authority of any such city, having power to lay out, open, grade, alter, vacate or change the lines of streets, avenues, lanes, alleys or highways, or to pave, repave, repair, improve or clean streets, avenues, lanes, alleys, highways and sewers or drains, or to make any street, highway or sewer constructions, connections, alterations, repairs or improvements, or having power to control and regulate the use and occupation of the streets, avenues and highways and sidewalks in such city, or having power to remove by contract or otherwise ashes, offal, garbage and other refuse matter and accumulations in dwellings and other buildings and premises in such city, or the control, operation, construction, repair, maintenance of public water works and the public water supply and distribution, sale and use of water, and the collection of water rents and charges of such city, or having power and authority to construct, improve, repair, manage, maintain and control the public parks and places, and the public docks, wharves, bulkheads, bridges, baths, fountains or other structures, or the erection, construction, improvement, repair, maintenance, control and management of all public buildings, or real estate owned, rented, used or occupied by, or under the corporate authority of such city and not used exclusively for city hall, or public markets, hospital or poor and alms and reformatory purposes, and having power and authority to purchase in the corporate name of such city real and personal property for any and all the public purpose or

Board substituted
for and have au-
thority of other
boards, officers,
common council,
&c.

Proviso.

works as aforesaid; *provided, however*, that the construction, furnishing and repairing of public school-houses, police and fire buildings, shall remain under the control of the board or boards now or hereafter entrusted with the same under the laws governing such city; that the office of aqueduct or water commissioner of any such city and the office or position of counsel, superintendent, treasurer, secretary, supervisor, civil or mechanical engineer, inspector and any other office or officer, clerk, servant or employe whatever of such aqueduct or water board or connected with any authority thereof, and any and every office or officer, clerk, agent or employe whatsoever connected with or under the employ of any street department or street commissioner or superintendent's office, or city surveyor or engineer's office or department, or of any department, office, officer or municipal authority whatever then existing in any such city, or in or under the corporate authorities thereof, having in whole or in part the government, control, management, regulation or supervision of streets and highways, sidewalks, crosswalks, sewers, docks, wharves, piers, bridges, public parks, baths, fountains, lamps, lights, or public places—are respectively hereby abolished, and the term or terms of office and employment of all such officials are hereby terminated, and all authority and power of each and every the same shall cease and determine immediately on the organization of such board of street and water commissioners, as hereinbefore provided, but the said board of street and water commissioners may continue in their employment temporarily all or any of the clerks, servants and subordinate employees of the various departments of the city governments by this act transferred to the control of said board, and all books, papers, maps, drawings, profiles, records, property, effects, matters and things whatsoever, used by or theretofore in the custody, charge or under control of any such municipal board, body, department, office, officer, clerk or employe and appertaining to any purpose whatever connected with the exercise of the authority, powers and duties by this act conferred or contemplated to be conferred upon such board of street and water commissioners herein provided for and authorized in such city, shall at once be delivered

to such board of street and water commissioners, or to the person or persons designated by such board to receive the same.

3. *And be it enacted*, That the board of street and water commissioners herein authorized, shall have full power, in their discretion, to repave and improve according to specifications adopted by said board for material for any such repaving, and for the work in each case, any street, avenue, lane, alley, highway or public place already paved in any such city, or any part thereof, a portion of the expense to be assessed in the same manner as now provided by law; on the property benefited in proportion to the benefit received, but in no case for more than one-third of the cost thereof, and in no case beyond the benefit received; *provided*, the owners and their legal representatives, owning or representing a majority of the lineal feet frontage of any such street, avenue, lane, alley, highway or public place, or part thereof, shall petition such board to have the same so repaved and improved; and the said board shall have power to proceed and do such repaving and improving without such petition, by unanimous vote of the commissioners of such board, proceeding in all things as now required by law for like street improvements in any such city except as herein otherwise provided.

4. *And be it enacted*, That the said board of street and water commissioners shall have power, in addition to all other powers granted by law to such board, in their discretion, to change the grade and so establish a new grade in whole or in part for any street, avenue, lane, alley, highway or public place, that is to be repaired or repaved as in this act authorized; and the cost of all such excavating or grading up or down, or filling in, to bring such street, avenue, lane, alley, highway or public place, or any part thereof up to the same grade so established, shall be borne by such city at large; said board shall have full power to adopt maps, grades and specifications for curbs along any such street, avenue, lane, alley, highway or public place, or part thereof, and for sidewalks, and may supply, set and reset such curbs and supply, grade, and lay and relay the sidewalks wherever needed to make them conform to the grade or specifications adopted for curbs or

Board to repave and improve streets.

Proviso.

To change grade.

Cost to be borne by city.

To set curbs and relay sidewalks.

sidewalks in any such street, avenue, lane, alley, highway or public place, and to the new grade established for any such street, avenue, lane, alley, highway or public place, or curbs or sidewalks, if any have been so adopted or established; and the cost of all such improvements for curbs and sidewalks, and laying, setting and relaying or resetting, as the case may be, shall be assessed according to law upon the property benefited, and upon each piece or parcel of land, in proportion to the benefit received; but if the cost shall be more than the benefit received, then the excess of cost over benefit shall be borne by such city at large; and all assessments for improvements authorized by this act shall be made, levied and collected in form and manner as other assessments for similar improvements are made, levied and collected in any such city and with the same penalties for non-payment, and including the right on the part of the city to sell the property for such non-payment, and the said board shall have power to require any property owner or property owners to alter, repair, lay or relay, set or reset, with curbstones or flagstones, or other material, and to supply and lay or set new curb or sidewalk, all in accordance with the specifications adopted for any such curb or sidewalk, in front of the property of any such owner or owners; and if any such property owner or owners shall neglect or refuse to make the repairs required by the board of street and water commissioners, as herein authorized, for four weeks after notice shall have been served upon such owner or owners, or mailed to the last known post office address of such owner or owners, or of his or their known agents in charge of such property, then the board may make such repairs and assess the expense thereof upon such property, to be collected as other assessments are collected in any such city and with the same penalties for non-payment as are authorized by law for any such city in cases of street or sewer improvements and assessments therefor, including the power to sell the property for non-payment; that in order to provide a principal fund in such city to enable said board of street and water commissioners to repair and reset curbstone and sidewalks or flagstone in front of the property of any owner or owners so refusing after notice, the sum of ten

Cost to be assessed.

Excess of cost over benefit to be borne by city.
Manner of assessment and penalty for non payment

If property owners refuse to make repairs, board to do so at their expense.

Appropriation out of license money.

thousand dollars shall be appropriated and set aside within four months from the date of the approval of this act, or after this act becomes applicable, out of the license fees received in such city for permission to sell spirituous and malt liquors in such city by the board having charge and control of the finances in such city; that said fund and all moneys collected by said city from assessments made under this section shall be kept apart and used from time to time by said board of street and water commissioners for the purpose of repairing and resetting curbstones and sidewalks and flagstones in the streets of said city, and for no other purpose.

Such appropriation to be set apart for repairing curbstones and sidewalks.

5. *And be it enacted,* That the board of street and water commissioners herein provided for shall have power, in their discretion, to repave, repair, or improve, at public expense, any part of any street, lane, alley, avenue or public place already paved or that has been paved, to be paid for out of the funds raised by the issue of licenses for the sale of spirituous or malt liquors heretofore appropriated under existing laws for that purpose in such city, or which may hereafter be appropriated for that purpose in any such city under the authority conferred by this act.

Board may repave and repair at public expense.

6. *And be it enacted,* That it shall be lawful for the board having charge and control of the finances in any city of the first class to appropriate and set apart annually, with the consent of the mayor, for the period of six years from the date hereof or from the time this act becomes applicable, out of the license fees received in such city for licenses to sell spirituous or malt liquors, one-half thereof for the paving, repairing and improving of paved streets and public places in such city, and said moneys when so appropriated shall be disbursed, applied and expended for such purposes exclusively by said board of street and water commissioners, and by no other board or authority nor for any other purpose whatever.

Board having control of finances to appropriate annually.

7. *And be it enacted,* That whenever in any such city the board of street and water commissioners provided for in this act, shall make any contract for opening, grading, improving, paving or repairing any street, avenue, lane, alley, highway or public place, or the construction or repair of any sewer or drain, or for the construction or laying of any aqueduct or water main or pipe, or the con-

When contracts are made for opening, grading, improving, paving or repairing.

struction, building or repairing of any reservoir, park, dock, basin, bulkhead, bridge, pump, pumping apparatus, boilers, chimney, building, machinery or other structure, or for the use or occupation of any street or sidewalk, or the cleaning of streets, avenues and highways, sidewalks and public places; or the collection and removal of ashes, offal, garbage and other refuse matter from dwellings, buildings and other premises in such city, or the construction or improvement of any public work, matter or thing, or for the purchase of real or personal property above the sum of five hundred dollars, or for any other purpose, for the faithful execution and performance of which contract or agreement the contractor shall be required by such board to give bond or bonds, such bond or bonds shall first be approved as to sufficiency by the board, and as to form by the counsel of such board of street and water commissioners of such city as provided for in this act, and no contract shall be binding upon such city, or become effective or operative, until such bond or bonds are so approved by such board and counsel; the president of such board shall have power to examine the proposed bondsmen under oath, if he shall so desire, or shall be so instructed by such board, but such board shall not be bound by any statement that may be made by such proposed bondsmen, but shall have full and absolute discretion in the whole matter, and this provision shall be referred to in any advertisement inviting bids for any such public work, and all such contracts or agreements made by such board shall immediately after their execution be filed in the office of the comptroller of such city, and a true copy thereof retained and filed in the office of such board of street and water commissioners.

Or the removal of ashes, garbage, etc.

Contractor to give bond.

President may examine bondsmen under oath.

Commissioners to certify cost or expense of work or improvement

8. *And be it enacted,* That upon the completion of any public work or improvement, the cost or any part of the cost whereof is required to be assessed in whole or in part upon the property or real estate benefited thereby, such board of street and water commissioners of such city shall immediately certify to the board of commissioners of assessment, common council or other board or body to such city, now or hereafter charged by law with the making of such assessment, the cost or expense of such public work or improvement, and shall prepare and

furnish the required maps, specifications and other data pertaining to such public work or improvement, and certify the same to the board or authority so charged, as aforesaid, with the duty of making such assessment, and the latter shall thereupon proceed to make the assessment for the cost and expense of such public work or improvement as now or hereafter required by law in such city.

9. *And be it enacted*, That such board of street and water commissioners, shall have full power and authority, in addition to all other powers granted by law, to fulfill, perform and carry out according to law, any and all contracts, agreements and obligations theretofore lawfully made and entered into by any governing body or board, department or municipal authority of any such city, in the name of such city or of any municipal authority therein or thereof regarding the subject-matters contained in this act, and hereby transferred or transmitted to the government control, management and direction of such board of street and water commissioners; and no suit or proceeding by or against any such city, and no proceeding or application for any public improvement, shall abate or be discontinued by reason of any provision in this act contained, but shall proceed and continue according to law, and not inconsistent with the provisions of this act, the proper amendments being made if necessary.

10. *And be it enacted*, That the said board of street and water commissioners of such city, in addition to all other powers or authority granted by law, and in lieu and place of any common council, board of aldermen, or other governing body or board or corporate authority of such city, shall have, exclusive of all other boards, departments and officers of such city, all the power and authority over the streets, avenues, lanes, alleys, roads, highways and sidewalks or public ways along the same, or in such city, and in all matters and things in any wise appertaining to the use or occupation thereof or of any part of the same now or hereafter possessed by any board, department or officer of such city, and all other matters the power and jurisdiction over which is transferred by this act to said board of street and water commissioners.

Board to carry out all contracts heretofore made.

No suit or proceeding to be abated by reason of this act.

Board to have exclusive power and authority over streets, avenues, &c.

Entire control of
public lighting.

11. *And be it enacted*, That the said board of street and water commissioners, by this act authorized, shall have the entire control and full authority to provide for public lighting, and shall light all streets, avenues, lanes, alleys and public places in any such city, and all appropriations for that purpose shall be made to said board, and any and all appropriations for that purpose now existing in any such city shall be turned over to said board for the current year on the books of the comptroller or other officer having charge of that matter in any such city, and in the matter of public lighting said board of street and water commissioners shall be substituted for and shall be in place of any board or authority in any such city heretofore charged with the duty of lighting the streets, avenues, lanes, alleys and public places in such city, and said board in every such city is hereby invested with the exclusive power and charged with the duty of making such contract or contracts or other arrangements for lighting the streets, avenues, lanes, alleys and public places in such city and for such term or terms not exceeding five years, as in the judgment of said board shall be deemed for the best interests of the city, with the consent of the mayor thereof, and the board or authority in any such city having the power and charged with the duty of making and adopting the annual tax levy or tax ordinance of such city, shall appropriate the amount necessary each year to pay the cost of such lighting or the fulfillment of any such contract or contracts, and any property, matter or thing now in the possession of any board or authority in any such city and used for public lighting or for the repairing or inspection of lamps, shall be by such board or authority immediately turned over to and delivered to the board of street and water commissioners by this act authorized for any such city, on the demand of such board or of any person authorized by such board to demand and receive them.

Power to pass
ordinances.

12. *And be it enacted*, That said board of street and water commissioners of such city shall also have the sole power, in the place and stead of any common council, board of aldermen or other corporate authority of such city to pass, alter or repeal ordinances to take effect within the said city for the following purposes :

I. To regulate and control the running of locomotive engines and railroad cars, through and across the streets and public places ;

To regulate the running of engines and cars.

II. To regulate and control the use of streets and public places by foot passengers, vehicles, railways and engines ;

The use of streets by vehicles, railways, etc.

III. To regulate and control the crossing of the streets of such city at grade or otherwise by steam railroad tracks ;

The crossing of streets by railroad tracks.

IV. To grant franchises and locations to street railway companies for the operation of street railways in such city, subject, however, to all limitations contained in the general laws of the state relative thereto ;

To grant franchises to street railway companies.

V. To regulate and control the use and occupation of the streets and public places by awnings, posts, poles, bay windows, signs, private lamps and similar encroachments ;

To regulate the occupation of streets by awnings, poles, etc.

VI. To prescribe the penalties to be enforced in such city for the violation of any ordinance authorized by this act ; *provided, always*, that each and every ordinance shall be enacted, passed and published in the manner prescribed in such city by its charter or otherwise, for the enactment, passage and publication of ordinances by the common council or board of aldermen thereof, except as otherwise provided in this act.

To prescribe penalties.

Proviso.

13. *And be it enacted*, That every municipal, corporate and official power and duty of every kind in relation to the subject-matters contained in this act, which at the time this act shall take effect in any such city of the first class, is vested or existing, in any board of aldermen, common council or other governing body or board, or in any public aqueduct or water board, or in any office or officer, board, body, department, clerk, employee, or authority in any such city, shall be performed by the board of street and water commissioners in this act provided for, and such board, in the exercise of such powers, authority and duties, shall be substituted for any municipal board, department, office or officer or authority then exercising or performing any such powers, duties or authority in such city, and the powers, duties and authority aforesaid of the latter shall cease, determine and end as herein provided.

Power vested in other boards to be placed in board of street and water commissioners.

All laws in force
to apply to such
board.

14. *And be it enacted*, That all laws or parts of laws, general, special, local or private, in force in any such city of the first class aforesaid, whenever this act may take effect and become operative therein, and relating to the subject-matters contained in or contemplated by the provisions of this act, and consistent with its provisions, shall apply to such board of street and water commissioners of such city, and such board, in such matters, shall be solely vested with all the powers and authority, rights and duties which are or may be at the date of the organization of such board, by law vested in and conferred and imposed upon, or existing in any board of aldermen, common council or other governing board or body, or of any public aqueduct or water board or municipal department, office, officer or authority of any such city, and such law or laws, or parts thereof as aforesaid, hereby are continued in force, and are made applicable to such board of street and water commissioners provided for in this act, except so far as the provisions of the same may conflict with or be not consistent with the provisions and intent of this act; and such board of street and water commissioners hereby intended to be substituted and empowered as aforesaid, shall in general be fully authorized and absolutely empowered to do any other act or thing necessary or convenient for the fulfilling and carrying out and accomplishing the purposes of this act.

Board to do any
act necessary
for carrying out
this act.

Removal from
office.

15. *And be it enacted*, That any commissioner of such board of street and water commissioners, hereinbefore provided for, may be removed from office by the mayor of such city for good cause, and after opportunity to be heard, subject, however, before such removal shall take effect, to the approval of the governor of the state, expressed in writing; the said mayor in any such case shall communicate to the governor, in writing, his reasons for such removal, and no commissioner so removed shall be again appointed to the same office during the period of time for which such commissioner was previously appointed.

Mayor to com-
municate to gov-
ernor his reasons
for removal.

Estimate of ex-
penses to be
made.

16. *And be it enacted*, That between the first day of March and the first of July in each year, the board of street and water commissioners in each city hereinbefore provided for, when requested by the board having charge

of the finances of such city, shall estimate in detail the current or necessary expenses of the various municipal departments, matters and things under the government, control, management and maintenance of such board for the year, as other boards are required in such city, and such board shall transmit such detailed estimate or estimates to the board having charge or control of the finances in such city, and it shall be the duty of such financial board to cause such sums as may in their judgment be necessary for the current and necessary expenses of such board of street and water commissioners for the year for which such estimate is made, to be assessed and raised by making provision therefor in the tax ordinance or budget of the year; *provided, however,* that the total amount so to be appropriated, assessed and raised for such board of street and water commissioners shall in no year be less than the amount devoted to all such purposes in such city for the fiscal year ending next before the passage and approval of this act; nor shall such appropriation ever bear a smaller proportion to the total amount appropriated from all sources for all municipal purposes other than appropriations for interest and sinking fund accounts, in any year than the amount appropriated for all the purposes vested in said board by this act for the fiscal year next before the passage and approval of this act bore to the total amount appropriated from all sources for all municipal purposes except interest and sinking fund accounts in that year; *and provided, further,* that any special appropriation now authorized by law in any such city for the extension of water-mains shall continue to be appropriated and paid over to the said board of street and water commissioners for said purposes over and above the minimum appropriation hereinabove provided for; *and provided, further,* that such board of street and water commissioners shall not make any expenditure or incur any indebtedness exceeding the amount so appropriated and raised, except the amount received by such board from all sources from the various public works, departments, sewers, streets or other sources of public revenue of such city, under the government, control and management of such board as aforesaid, or on account of water rents, charges and penalties, and after first deducting

therefrom the amount of payment, disbursements and expenses required by law to be first paid out of any revenue or receipts received from the sale and distribution of water from the public water-supply of any such city, and by this act transferred and placed under the sole control, management and government of such board of street and water commissioners.

Comptroller or auditor to credit street and water commissioners with amounts of estimates appropriated.

17. *And be it enacted*, That it shall be the duty of the comptroller or auditor, as the case may be, of such city having charge or control of the accounts of such city, to credit the board of street and water commissioners of such city with the amounts of the estimates so appropriated to such board in any tax levy, budget or ordinance, and thereafter the same shall be disbursed and paid by the financial officers of such city in the same manner as the expenses of other subordinate boards are paid in such city.

Appropriations to be under the control of said commissioners

18. *And be it enacted*, That upon the organization of the said board of street and water commissioners herein provided for in any such city, all the unexpended appropriations or moneys theretofore made or received by municipal or corporate authority of such city, or by any board, department or official thereof, and at that time under the control or in the custody of the same, for or on account of or to the credit of such board, department or official on the books of such city or any department or official thereof, for the purposes of constructions, erections, improvements, repairs, or the support, maintenance or expenses of the public works or municipal departments or affairs of such city, by the provisions of this act transferred, committed or placed under the management, control or government of such board of street and water commissioners of such city herein authorized, shall thereupon immediately become subject to the sole and absolute control and power and disbursement of such board of street and water commissioners, and shall thereafter be expended only by authority of such board for the purposes for which such unexpended balances of appropriations or receipts were assessed, collected or received by such city or the municipal authorities thereof, and the same shall be paid out by such city or its municipal authorities upon the warrants of such board of street and

water commissioners in the manner and form hereinbefore provided.

19. *And be it enacted*, That such board of street and water commissioners shall be invested with the same authority and power to negotiate loans and borrow money, and issue the obligations or notes of such street and water commissioners therefor, and with like legal liability for payment on the part of such city, as is or may be now authorized by law and vested in any public aqueduct or water board or board of street and water commissioners of such city; and such board of street and water commissioners herein authorized shall succeed to and exercise all the legal powers and authority in monetary matters in this section mentioned, as are or could then be lawfully exercised by such public aqueduct or water board or board of street and water commissioners of such city as aforesaid, and not otherwise.

Invested with power to borrow money and issue notes.

20. *And be it enacted*, That the said board of street and water commissioners shall keep full and regular books of account, and books for recording the whole of their official proceedings, and of the different departments thereof, and shall cause to be kept full and accurate records of all its transactions; such books and records shall be open to the examination of any person or persons appointed for that purpose by the mayor and common council or governing board or body of such city; and said board of street and water commissioners shall, at the close of each fiscal year of such city, prepare and make a detailed report to the board of aldermen, common council, or the governing board or body of such city, showing the condition of all the public works and property of such city, under the government control and management of such board, and all receipts and expenditures on account of the same or in connection with such board, and give such other information to such board of aldermen, common council, board of finance or governing board or body, or to the mayor of such city, in relation to the municipal affairs under the government, control and management of such board of street and water commissioners, as any such municipal corporate authority shall require.

To keep books of account.

Books open to examination.

Board to make yearly reports.

21. *And be it enacted*, That said board of street and water commissioners shall have power, with the consent

Board to designate newspaper for publication of minutes.

of the mayor, and not otherwise, in case there shall be no official newspapers in such city required by law to be designated for the publication of the minutes and proceedings of the various boards thereof, to designate and determine from time to time which of the newspapers published in such city shall be the official paper or papers of said board, and in the same manner to fix the compensation to be paid by the city for the services rendered by said paper or papers, and thereafter said paper or papers shall publish all the minutes and proceedings of such board, and all the ordinances thereof, and all official notices relative to public improvements, and all other works and matters entrusted to the control and management of said board, and all notices relative to assessments to be made therefor.

Limitation of powers transferred.

22. *And be it enacted*, That whenever there shall now or hereafter exist in any city of the first class any limitation on the powers transferred by this act to said board of street and water commissioners, by requiring a concurrence of any separate board or municipal officer other than said board of common council, board of aldermen, board of street and water commissioners, or street commissioner, that this act shall not be construed as dispensing with such concurrence, but no concurrence of any board of common council, board of aldermen, board of street and water commissioners, or street commissioner, shall be necessary in any case under this act in reference to any of the powers of said boards which are under this act transferred to said board of street and water commissioners; *provided*, that said board of street and water commissioners shall not enter into any contract or agreement for a new or other supply of water for the use of the inhabitants of such city until the same shall have been concurred in by the board having charge and control of the finances of such city, and been approved by the mayor thereof.

Proviso.

One board only in one city.

23. *And be it enacted*, That no more than one board of street and water commissioners shall at any time be established in any city of this state.

One unconstitutional section not to affect other.

24. *And be it enacted*, That in case, for any reason, any section or provision of this act shall be questioned in any court, or shall be held to be unconstitutional or invalid,

the same shall not affect any other section or provision of this act.

25. *And be it enacted*, That whenever there shall be instituted or commenced any action or proceeding, at law or otherwise, to try or determine or affect the title to office or the powers, privileges or rights of any person appointed under the provisions of this act or to try or determine or otherwise affect the duties, rights, powers or privileges under this act of the mayor of any city of the first class in this state, or when any dispute or controversy shall arise concerning the rights or title of any person appointed to an office under the provisions of this act, the chief justice of the supreme court shall upon application being made to him for that purpose by any mayor, appoint a special term of said supreme court to be held within thirty days of such application for the hearing and determining of such action or proceeding or dispute or controversy, and such action or proceeding or dispute or controversy shall be heard and determined at such special term; the fact that any such dispute or controversy exists may be brought to the attention of the chief justice by the petition or complaint of any such mayor.

Special term of supreme court to be held to determine title to office if action is commenced.

26. *And be it enacted*, That the chief justice of the supreme court, upon application being made to him for the appointment of a special term as aforesaid, shall fix the time within which the questions to be decided shall be prepared for submission of said special term, and shall make such orders as may be necessary to bring into court all persons claiming any right, title or interest to or in any office mentioned in this act; all proceedings under this and the preceding section of this act, shall be had in a summary manner, in order that the issues involved shall be determined as early as possible, and all pleadings or papers shall be filed within such time as the chief justice shall prescribe; upon application being made for the appointment of a special term as aforesaid, the chief justice shall direct that any person claiming the right to hold, otherwise than by virtue of an appointment by the mayor of such city, any office which, by the terms of this act, is directed to be filled by appointment by the mayor of such city, shall be made a party to the action or proceeding in which such application is made, and the

Chief justice to fix said term.

Proceedings.

right of such person to such office shall be tried and determined at such special term; at the time of the appointment of such special term, the chief justice shall direct that any person claiming to hold any office in any such city, affected by the provisions of this act, otherwise than by the appointment of the mayor as aforesaid, shall file in such action or proceeding a paper or pleading, setting out his claim of title or right to office, and the court shall determine, at such special term, whether any such person is entitled to hold the office which he claims; the chief justice shall prescribe the manner in which any person or persons may be made parties to any such action or proceeding, and direct the manner and time of service of all rules or orders, or other papers, which service may be by publication or otherwise; upon application being made to him as aforesaid, the chief justice shall make such orders as he may deem proper, concerning the taking of testimony, and shall make such further orders or rules concerning such action or proceeding, the papers and pleadings therein and the conduct thereof, as shall be necessary to have the same heard and determined at the special term of the supreme court appointed as aforesaid.

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

Approved March 28, 1891.

CHAPTER CXXXV.

A Supplement to an act entitled "An act to authorize the formation of gaslight corporations and regulate the same," which said act was approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That gas companies organized under the act to which this is a supplement, and operating in villages, townships and boroughs only, shall have power to mortgage any of their property, real or personal, including their franchises, when necessary to enable said companies to carry on the operations for which said companies are organized. †

Gas companies operating in villages, townships and boroughs only, may mortgage their property and franchises.

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

Approved March 28, 1891.

CHAPTER CXXXVI.

A Further Supplement to an act entitled "An act to remove the fire and police departments in the cities of this state from political control," approved May second, one thousand eight hundred and eighty-five.

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

Section to be amended.

" 9. *And be it enacted*, That each of said commissioners of such fire and police boards shall devote such time and

attention to the duties of his office as the welfare of the department under his control and the public interest therein may require; and each of such commissioners shall receive an annual salary not exceeding two thousand dollars, to be paid quarterly to such commissioners, by such city, and to be fixed and determined by the common council of such city,"

be and the said section hereby is amended to read as follows :

Commissioners to devote sufficient time to duties.

9. *And be it enacted*, That each of such commissioners of such fire and police boards shall devote such time and attention to the duties of his office as the welfare of the department under his control and the public interest therein may require, and their compensation shall be as follows : in cities of the first class each of such commissioners shall receive an annual salary of one thousand dollars ; and in all other cities each of such commissioners shall receive an annual salary not exceeding one thousand dollars, to be fixed and determined by the common council of such city, and such salaries shall be paid monthly to such commissioners by such city.

Compensation of commissioners.

Act to apply to departments of all cities which have heretofore accepted former law.

2. *And be it enacted*, That the provisions of this supplement shall apply to the fire and police departments of all cities which at the time of the passage of this act may have heretofore adopted or accepted the provisions of the act to which this act is a further supplement.

Repealer.

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

Approved March 30, 1891.

CHAPTER CXXXVII.

An Act providing for superintendents of the police and fire departments in cities of the first class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the first class the mayor thereof shall appoint, by writing filed in the office of the city clerk, a superintendent for the police department and a superintendent for the fire department of such city, who shall hold office during good behavior and shall be removable only for cause after trial, in the manner provided for the removal of other officers of such departments.

Mayors of cities of the first class to appoint superintendents of the police and fire departments, who shall hold office during good behavior.

2. *And be it enacted*, That said superintendents shall each receive a salary of three thousand dollars per annum, payable monthly; that the salaries of such superintendents for the balance of the present fiscal year shall be paid out of any available funds, not otherwise appropriated, in such city, and in case there are not sufficient funds applicable for such purpose, the board having charge and control of the finances in such city shall borrow the deficiency and provide for the payment thereof in the tax levy next thereafter made.

To receive \$3,000 per annum.

3. *And be it enacted*, That such superintendents, when appointed, shall under the direction of the police and fire boards of such cities, have charge and command of the police and fire departments respectively of such city, above and superior to all the other officers thereof.

To have charge and command of their respective departments, under the direction of the police and fire boards

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

Repealer.

Approved March 30, 1891.

CHAPTER CXXXIX.

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

It shall not be necessary for more than one of the directors of any water company organized under any law of this state to be an actual inhabitant and resident of this state.
Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be necessary for more than one of the directors of any water company organized under any law of this state, to be an actual inhabitant and resident of this state; *provided*, that this act shall not apply to any company specially organized to procure lands and reservoirs within this state and all water or water rights under contract to any city or municipality in this state.

Repealer.

2. *And be it enacted*, That all acts or parts of acts, so far as they conflict with this supplement, are hereby repealed, and that this act shall take effect immediately.
Approved March 31, 1891.

CHAPTER CXL.

A Further Supplement to the act entitled "An act concerning inns and taverns," approved April seventeenth, one thousand eight hundred and forty-six.

Power to issue licenses for picnic and pleasure grounds and inns and taverns vested in the municipal authorities of the county, township or other municipality

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any corporation duly incorporated under the laws of this state for the purpose of establishing and managing picnic and pleasure grounds, or for the purpose of conducting and carrying on the business of hotel keeping or for keeping an inn and tavern

or inns or taverns, may be granted a license to keep an inn or tavern by the body having authority to grant such licenses within the county, municipality or township where such inn and tavern is proposed to be kept.

within which such inn or tavern is to be kept.

Application for license.

2. *And be it enacted*, That the application of any such corporation for such license shall be made, so far as the same may be applicable, pursuant and conformably to the requirements of law regulating applications of individuals for license to keep an inn and tavern.

Liabilities and penalties.

3. *And be it enacted*, That any corporation keeping or conducting an inn and tavern shall be, in all things and in all respects, subject to the same requirements of law, liabilities, duties, pains and penalties as are individuals engaged in the same business.

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

Approved March 31, 1891.

CHAPTER CXLI.

An Act to amend an act entitled "An act for the protection of mummichog or young sturgeon in the Delaware bay, river and their tributaries," approved March twenty-fourth, one thousand eight hundred and ninety.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "An act for the protection of mummichog or young sturgeon in the Delaware bay, river and their tributaries," be amended to read as follows :

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or persons to cast, draw, set, anchor, drift or stake any gilling net, seine or shore net, or any other device or appliances of any kind whatsoever for the purpose of

Unlawful to catch young sturgeon.

catching fish commonly called or known as mamnose (which are young sturgeon under three feet in length) in the waters of the Delaware bay, river and their tributaries, within the jurisdiction of the state of New Jersey; and any person or persons fishing with gilling nets, drift nets, shore, seine nets, or any kind of nets, devices or appliances whatever in the Delaware bay, river or their tributaries, within the jurisdiction of the above named state, who, on lifting, drawing, taking up, removing or under-running any of said nets, devices or appliances, shall find young sturgeon or mamnose under three feet in length, entangled or caught therein, shall immediately, with care and with the least possible injury to the fish, disentangle and let loose the same and transmit the fish to the water without violence; any person or persons violating any provisions of this section, or having in their possession young sturgeon or mamnose under three feet in length, either for consumption or for sale, or who is known willfully to destroy the same, for so offending shall, on conviction thereof, be punished with a fine of ten dollars for each and every fish so caught, sold or destroyed, and in default of paying such fine on being convicted thereof, to be imprisoned in the county jail for thirty days.

Penalties.

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

Approved April 1, 1891.

CHAPTER CXLII.

A Supplement to an act entitled "An act relative to the supreme and circuit courts" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Law judges to hold county circuit court, when

1. **BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey*, That any law judge of any of the courts of common plaes in this state is hereby required

and empowered to hold any county circuit court when thereunto requested by the justice of the supreme court within whose district the said circuit court shall be, and that while exercising such jurisdiction the said judge of the common pleas shall have and possess all the powers and authority with which in that respect the said justice of the supreme court is by the laws of this state invested.

so requested by
the justice of the
supreme court.

2. *And be it enacted*, That whenever a justice of the supreme court shall desire to make the requisition mentioned in the foregoing section, he shall cause a rule to that effect to be entered in the minutes of the appropriate circuit court; and the judge of the said court of common pleas called in shall, in addition to his salary and emoluments, be entitled to the sum of twenty dollars per diem while so sitting in said circuit court, to be paid by the county to which said latter court appertains.

Justice to cause
a rule to that
effect to be
entered.

Compensation of
law judge

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

Approved April 2, 1891.

CHAPTER CXLIII.

Supplement to an act entitled "An act to consolidate the several acts relating to game and fish in this state."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall not be lawful for any person or persons to capture, kill, or have unlawfully in possession after the same has been taken or killed, any quail, commonly called partridge, or any rabbit, except only between the last day of October and the sixteenth day of December in any year, under a penalty of twenty dollars for each quail or rabbit so taken, killed or had unlawfully in possession.

When quail or
rabbit shall not
be killed.

Penalty.

2. *And be it enacted*, That no person or persons shall take, kill, or have unlawfully in possession after the same

When pheasants
shall not be
killed.

shall have been taken or killed, any ruffed grouse, commonly called pheasant, except only between the last day of September and the sixteenth day of December in any year under a penalty of twenty dollars for each ruffed grouse so taken, killed or had unlawfully in possession.

Penalty.

When woodcock shall not be killed.

3. *And be it enacted*, That no person or persons shall take, kill, or have unlawfully in possession after the same has been taken or killed, any woodcock, except only during the month of July and between the last day of September and the sixteenth day of December in any year, under a penalty of twenty dollars for each bird so taken, killed or had unlawfully in possession.

Penalty.

When plover and gray snipe shall not be killed.

4. *And be it enacted*, That no person or persons shall take, kill, or have unlawfully in possession after the same has been taken or killed, any upland or grass plover, except only between the last day of July and the sixteenth day of December in any year; or any Wilson snipe, commonly called English or gray snipe, except only during the months of March and April, and also between the last day of September and the sixteenth day of December in any year, under a penalty of twenty dollars for each bird so taken, killed or had unlawfully in possession.

Penalty.

When reed and rail birds or marsh hens shall not be killed.

5. *And be it enacted*, That it shall be unlawful to take, kill, or have unlawfully in possession, any reed bird, rail bird or any marsh hen, except only between the twenty-fifth day of August and the sixteenth day of December in any year, under a penalty of five dollars for each and every bird so taken, killed or had unlawfully in possession.

Penalty.

Act not to interfere with any incorporated game protective society capturing quail alive for protecting them. Proviso.

6. *And be it enacted*, That nothing in this act shall prevent any one duly authorized by an incorporated game protective society of this state, from capturing alive any quail for the sole purpose of protecting and preserving them alive during the winter months; *provided*, the birds so taken are released within the borders of this state.

Dealers may dispose of game ten days after above mentioned periods. Proviso.

7. *And be it enacted*, That nothing in this act shall prevent any licensed or established dealer in game to dispose of such game mentioned in this act, ten days after the periods herein mentioned; *provided*, that such

game was killed within the period allowed by this act, or was killed and purchased outside the limits of this state.

8. *And be it enacted*, That all laws now existing relative Repealer. to the preservation of game treated of in this act, be and the same are, so far as the same are inconsistent with this act, hereby repealed.

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

Approved April 2, 1891.

CHAPTER CXLIV.

An Act to enable the board of chosen freeholders of counties of the first class in this state to pay claims of newspapers or newspaper proprietors, for printing the minutes of official proceedings thereof in certain cases.

1. BE IT ENACTED *by the Senate and the General Assembly of the State of New Jersey*, That where in any county of the first class in this state the minutes or official proceedings of the board of chosen freeholders thereof have been published in any newspaper published in such county, under any recommendation of a committee adopted by such board without further action or authority relative thereto, and the bills for publishing the same have not been paid, the board of chosen freeholders of any such county are hereby authorized to pay any reasonable claim for said publication or printing as if the same were only authorized in the first instance, where the same appears to have been done in good faith, upon recommendation as aforesaid; *provided*, that the sum to be paid for any such publication or printing to any newspaper under this act shall not exceed three hundred dollars. Boards of freeholders authorized to pay claims of newspapers for printing minutes or proceedings, under recommendation of committee. Proviso.

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

Approved April 2, 1891.

CHAPTER CXLV.

An Act for the formation and government of boroughs.

Districts of two square miles, with population of 200, may be incorporated as boroughs.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of any district in this state, embracing an area of not more than two square miles and taxable real estate of the amount of not less than one hundred thousand dollars, and within which area resides, during any portion of the year, a population of not less two hundred, may become a body politic and corporate, in fact and in law, whenever at a special election, to be called for the purpose, as hereinafter provided, it may be so decided by a majority of votes of the electors of said proposed borough who are qualified to vote at elections for state and township officers.

Judge of court of common pleas to call a special election on petition to constitute a borough.

2. *And be it enacted*, That it shall be the duty of the law judge of the court of common pleas in and for the county in which said proposed borough is situated, and if such county have no law judge, then it shall be the duty of the justice of the supreme court appointed to hold the circuit court in said county, upon presentation to him of a petition for that purpose, setting forth the name and boundaries of the proposed borough, signed by persons owning at least one-tenth in value of the taxable real estate in the limits of the proposed borough, as the same appears upon the assessors' duplicate, to call a special election, to be held at some convenient place within the said proposed borough, by notice in writing under his hand, which notice shall contain an accurate description of the same and boundaries of the proposed borough as fixed and established by the judge, as provided for in section four of this act, and state the object of the said election to be to vote for or against the incorporation of the said proposed borough under the provisions of this act; which notice shall be set up at least ten days previous to said proposed election in five of the most public places within the said proposed borough limits, and published at least

Posting and publishing notices.

twice in a newspaper printed and published within the said proposed borough limits, if any, or if none so published, then in a newspaper printed and published in the county wherein said proposed borough is situated.

3. *And be it enacted*, That before any such judge make an order for the special election provided for in the preceding section the petitioners or some of them shall prove to the satisfaction of the judge to whom such petition may be presented that public notice has been given of the intention to present such petition by publication for at least two weeks, once in each week, in a newspaper circulating in the limits of the proposed borough, and also by posting in at least ten public places within the same limits a copy of said notice, which notice shall state briefly the time and place when and where the petition is to be presented, and the boundaries of the proposed borough. Proof of posting and publication.

4. *And be it enacted*, That any citizen of the township within the limits of which the proposed borough is to be created, shall be allowed to appear before said judge and object to the making of the order for such special election, or to request that the proposed boundaries be enlarged, diminished or changed, and that the said judge shall on the same day or on some other day to which he may adjourn the hearing of said petition, proceed to hear the whole matter, and shall have the power before ordering the election to amend the petition by enlarging, diminishing or changing the boundaries of the proposed borough within the area provided for in the first section of this act, as to him shall seem best for the public interests; *provided, always*, that it shall appear to him by petition or written consent to be attached to and filed with the original petition that persons owning at least one-tenth in value of the taxable real estate within the limits of the boundaries of that portion of the territory which may be added by the enlargement of or left out by diminishing the boundaries of said proposed borough, have consented or agreed to such change in the boundaries. Appearance for hearing. Proviso.

5. *And be it enacted*, That the said judge shall appoint by writing, under his hand, a clerk and two inspectors of said election, who shall be freeholders and legal voters in the said proposed borough, and who shall hold and conduct the election aforesaid at the time and place specified Appointment of election officers.

Opening and closing of polls. in the said notice; the polls shall open and close at the same hours as at general elections in this state, and the election shall be conducted, as nearly as may be, in like manner as general elections are conducted; the ballots cast shall contain the words "for incorporation" or "against incorporation," as the case may be; at the close of the polls the said clerk and inspectors shall canvass the votes cast, and if the majority of said votes shall be for incorporation they shall forthwith certify the result of said election, and the number of votes cast for and against, under their hands, to the clerk of the county wherein said borough is situated, to be filed in his office, and from the time of filing said certificate in the office of the clerk of the county aforesaid, the inhabitants of said borough shall be a body corporate, in fact and in law, under the name of "the mayor and council of the borough of _____," and by said name shall have perpetual succession, sue and be sued, prosecute and defend in all courts of law and equity in this state, have a common seal and alter the same at pleasure, and purchase, hold and convey real and personal property for the use and benefit of said borough.

Ballots.

Result of election to be certified

Corporate name.

Elections, when and how held.

Persons voting to be qualified voters.

6. *And be it enacted*, That on the second Tuesday next after the filing of the certificate of the result of the election aforesaid in the office of the clerk of the county, the legal voters of said borough shall assemble at the place where the election provided for in the next preceding section was held, at the hour of seven o'clock in the forenoon, and those so assembled may, by a viva voce vote, proceed to elect a judge and two inspectors to conduct the election for the officers hereinafter named, which said judge and inspectors, having first taken and subscribed an oath or affirmation honestly and impartially to hold and conduct said election, shall forthwith open the polls for the election of officers hereinafter mentioned; and the said election shall be by ballot, and shall be conducted in the same manner as elections for members of the legislature are conducted; the persons voting at said election shall be those who are qualified to vote at elections for members of the legislature in the townships wherein said borough is situated; the polls shall remain open until seven o'clock in the evening, and at the closing of the polls the

judge and inspectors holding said election shall canvass the votes cast and certify the result, with the number of votes cast for each candidate, to the clerk of the county wherein said borough is situated, and shall also deliver a copy of said certificate, under their hands, to the clerk of the borough.

Canvassing vote
and certifying
result.

7. *And be it enacted* That there shall be chosen at such election one mayor, who shall be keeper of the borough seal, and hold his office for two years; five members of council, which mayor and members of council shall be one body corporate and politic in deed, fact, name and law, by the name, style and title of the mayor and council of the borough of ———; and also a borough clerk (who shall perform all the duties required by law of the clerks of townships, not inconsistent with the provisions of this act), one assessor, one collector (who shall be borough treasurer), three commissioners of appeal in cases of taxation, one judge and two inspectors of election and one pound-keeper, who shall hold office for such term as is now or shall hereafter be provided for similar officers in townships; *provided*, that at the first meeting of the council after the first election held under this act, the members of council shall divide themselves by lot, into two classes; the term of the first class shall be vacated at the expiration of the first year, the term of the second class at the expiration of the second year, so that two members of council shall be elected annually after the first election, to hold their office for two years; and if vacancies happen, by resignation or otherwise, the person or persons elected to supply such vacancies shall be elected for the unexpired term only.

Officers and
terms of office.

Proviso.

8. *And be it enacted*, That there shall be held annually after such election on the second Tuesday in March, in each and every year, an election in said borough for such of the officers named in the next preceding section whose term of office shall have expired or whose office may have become vacant, and such annual election shall be subject to the laws regulating township elections.

Election to be
held annually

9. *And be it enacted*, That in addition to the officers above provided for, there may be appointed by the council one borough marshal, one surveyor, one solicitor and one superintendent of public roads, and such and so

Officers to be
appointed by
council.

many policemen and other officers as shall be deemed necessary by said council, who shall hold office for such time and perform such duties as are or may be by law or ordinance of said council, not in conflict with law, provided for.

Result of election and certificate of boundaries to be filed.

10. *And be it enacted*, That within twenty days after the first or any subsequent election changing the boundaries or annexing additional territory to the original borough held under this act, the clerk shall publish the result of such election, and shall file an official certification of such election, and the boundaries decided upon, in the offices of the secretary of state and of the clerk of the county in which such borough is situate, which certificate shall be signed by three of the members of council elected.

Officers to take oath.

11. *And be it enacted*, That all officers elected or appointed by virtue of this act, shall, within twenty days after their election or appointment, and before entering upon the discharge of the duties of their offices, take and subscribe, before some person duly authorized by law for such purpose an oath or affirmation faithfully and impartially to discharge the duties of their respective offices, and upon neglecting to do so the said offices shall be deemed and declared vacant; all such oaths or affirmations shall be filed in the office of the clerk.

Officers required to give bonds

12. *And be it enacted*, That such officers as the council shall require, shall, before they enter upon the duties of their offices, give bonds to the borough in its corporate name in such sums and with such sureties as the said council may require and approve for the faithful performance of their duties.

Annual meetings of mayor and council to be held.

13. *And be it enacted*, That the mayor and members of council of such borough shall constitute the council thereof, and shall hold an annual meeting therein on the next Tuesday after the annual election yearly and every year, and such other meetings as they shall by ordinance direct and appoint; the mayor shall preside at such meetings and have a vote only in such cases where there is a tie, and in the absence of the mayor the members of council shall appoint one of their number to preside pro tempore; and when met, said council shall have power to make and adopt such ordinances, rules, by-laws and regulations, and in general to do and perform all such other

To adopt ordinances, &c.

acts as are provided for and warranted by this act; and that three members shall constitute a quorum of said council; and it shall be the duty of the mayor, when necessary, to call special meetings of said council, and in case of his neglect or refusal, then it shall be lawful for any three members of said council, at such time and place in said borough as they may designate, to call any special meeting or meetings by written or printed notices, and in all cases of special meetings notice shall be given to all the members of said council in person or left at their place of residence.

14. *And be it enacted,* That in case of vacancy happening in any office created and made elective by this act, by death, resignation, removal or otherwise, except in officers of election on the day of election, it shall be filled by said council at their next meeting thereafter, and the said appointment shall continue until the next annual election and no longer; and the person or persons appointed to fill such vacancies shall be entitled to the like compensation and be subject to the same responsibilities and penalties as if elected at the annual election as aforesaid.

15. *And be it enacted,* That the borough clerk, judge and inspectors of elections, collector, assessor, commissioners of appeal and pound-keeper, shall respectively possess the powers and perform the duties of like officers in any township of this state, so far as shall be consistent with the provisions of this act; and in addition the said borough clerk shall attend all meetings of the council of said borough, keep accurate minutes of their proceedings, and record the same in a book to be provided for that purpose, and in like manner record all ordinances passed by the council, and shall do and perform all such other duties as the said council may, from time to time, prescribe; and the power and duties of the treasurer of said borough shall be the same as collectors of townships of this state, and such other powers and duties as are provided for in this act, or shall be enjoined by the ordinances of said council.

16. *And be it enacted,* That it shall be the duty of the collector, who shall be borough treasurer, to receive, collect and pay out all moneys due or belonging to said borough, whether for taxes, assessments, arrears of taxes

or otherwise, and safely keep and disburse the same under the direction of the council, and shall pay out the same only upon the warrant of said council, signed by the mayor and countersigned by the clerk, and no warrant on the borough treasurer shall be authorized except in pursuance of an order of said council passed at a stated meeting and entered on their minutes; and such warrant shall be made and numbered payable to the order of the person or persons to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid; the said treasurer shall keep a record of the proceedings affecting the revenue of said borough, and shall make out annually on the first Tuesday in March, or oftener should the council require, and publish in a newspaper printed in the county in which said borough is situate, if any there be, a detailed and true statement of all moneys received into the treasury, and of all moneys disbursed therefrom from the commencement of his official year to the date aforesaid, and file a copy with the borough clerk.

Treasurer to
make and publish
statement annu-
ally

Council author-
ized to pass
ordinances, &c.

Proviso.

17. *And be it enacted*, That the said council shall have power to pass, enforce, alter and repeal ordinances to take effect within said borough for the following purposes, viz., to lay out, open, widen, vacate, alter, grade, fill up, straighten, extend, clean, repair, refill, establish, alter and regulate the grade and grading of all streets, avenues and roads, sides and crosswalks, to ascertain and establish the grade and boundaries of all streets, public alleys, roads and sidewalks in said borough, and to authenticate any and all of said improvements by maps or otherwise; *provided*, that the grade being thus established shall not be altered except by consent of the owners of two-thirds of the frontage affected by such alteration; for the regulating, paving, graveling, cleansing and keeping in repair the streets and roads, highways, alleys and crosswalks in such borough; for regulating the planting and protection of shade trees, for preventing or removing all obstructions, encroachments, cumbrances and nuisances, or any of them, from the streets, roads, highways, sidewalks, alleys, enclosures and lots in such borough; for ascertaining and establishing the boundaries of all streets, alleys and sidewalks in such borough; for causing the territory

embraced within the boundaries of such borough to be accurately surveyed and mapped for roads, streets and avenues; for grading, paving, graveling and laying sidewalks in such borough; for preventing and removing all obstructions, impediments or nuisances on any street or street crossing caused by any railroad company or its agents; for preventing persons from riding and driving or passing over or upon the sidewalks, except when necessary to cross the same with horses, wagons, carts or carriages of any description; for lighting the streets and alleys in said borough; for preventing or regulating the running at large of horses, cattle, goats, geese, dogs and swine; for preventing the immoderate riding or driving through or in any street or alley of such borough; for preventing or suppressing any riots, routs, disturbances, breaches of the peace or disorderly assemblages in any street, alley, house or place in such borough; for the erection of fountains and statues, and for sinking and regulating pumps, wells and cisterns in the streets, parks, squares or enclosures of such borough; for the extinguishing of fires; for regulating fire engines, hose and truck companies; for regulating the keeping of gun powder and other combustible or dangerous material; for the cleansing of chimneys and regulating the same; for appointing policemen, regular or special, watchmen and other subordinate officers, and prescribing their powers, duties and compensation; for establishing and regulating one or more public pounds; for restraining vagrants, mendicants and street beggars; for erecting, repairing and regulating a borough hall, borough jail and such other public buildings as may be necessary; for preserving peace and good order; for preventing and suppressing all gaming and disorderly houses; for regulating or preventing the carrying on of any trade, business or manufacture likely to promote or cause fire, or to endanger the health or well-being of the inhabitants of such borough; for the sewerage or drainage of such borough; for laying down iron, lead, glass, wood or other pipes for the conveyance of water or gas in the streets, highways, alleys and sidewalks of said borough, and for regulating the same; to provide for the erection and maintaining of gas and water-works in such borough;

Proviso. for the suppression of vice and immorality; for the licensing of and regulating butchers, hawkers and hucksters, peddlers and petit hucksters; *provided*, that no ordinance shall be enacted preventing wholesale dealers from selling and delivering their goods to storekeepers or other places of business; for licensing and regulating or prohibiting restaurants, bowling alleys, billiard saloons, oyster houses and cellars; and the said council shall or may enact or pass such and so many other ordinances or by-laws for the peace, good government, order, well-being and convenience of such borough as they may deem necessary, proper and expedient, not repugnant to this act or to the constitution of this state or of the United States.

Mayor to approve all ordinances.

18. *And be it enacted*, That every ordinance and every resolution of the council affecting the interests of the borough, shall, before it takes effect, be presented duly certified to the mayor, and the report of the clerk shall be conclusive evidence that the said ordinance or resolution has been so presented to the mayor; if he approves it he shall sign it, if not, he shall return it with his objections, and file the same with the clerk within five days after he shall have received it, and the said council shall, at its first regular meeting thereafter, order the objections to be entered at large on its journal, and shall proceed to reconsider the same, and if three-fourths of all members shall pass the same it shall take effect as a law, but in every such case the vote shall be taken by ayes and noes and entered on the journal; and if such ordinance or resolution shall not be returned by the mayor within the time above specified, it shall become a law in like manner as if he had signed it; *provided*, that each and every ordinance and resolution so passed as aforesaid, shall be published for the space of two weeks, at least once in each week, in a newspaper printed in the county in which such borough is situate, before said ordinance or resolution shall go into effect; *provided also*, that no ordinance or by-law shall be enacted or passed by the said council, unless the same shall have been introduced before the said council at a previous meeting, and shall have been agreed to by a majority of said council, but said council may, by a three-fourths vote, put any such ordinance or

Proviso.

Proviso.

by-law on its final passage on the same day which the same shall be introduced.

19. *And be it enacted,* That the ordinances of such Ordinances, form of enactment. borough shall begin in the following style, viz.: "Be it enacted by the mayor and council of the borough of—
_____."

20. *And be it enacted,* That it shall and may be lawful for Money for expenses, how raised and collected. the council of any borough incorporated under the act, to order and cause to be assessed and raised by tax every year such sum of money, not exceeding twenty mills on the dollar, as they shall deem expedient for the current expenses of such borough, and for all other objects and purposes authorized by this act, to be assessed and collected in the same manner as the assessors and collectors of townships are or may be law required to assess and collect the state and county taxes, which taxes, when collected, shall be subject to the order of said council; and the said council may, from time to time, borrow such sum or sums of money, not exceeding ten mills on the dollar of the assessed value of the property in the borough in any one year, and then only for the purpose of anticipating the next year's taxes, in the corporate name of the borough, for all purposes for which they are authorized by this act to raise money by tax, as they deem necessary, and secure the payment thereof by bond or other instrument, under the common seal of the borough and signature of the mayor, attested by the clerk, and to provide by tax for the payment thereof within the ensuing year; *provided,* Council may borrow money, &c. Proviso. that no loan shall be made without the concurrence of a majority of all the members of said council.

21. *And be it enacted,* That whenever hereafter a greater Consent of property holders to increase of moneys to be raised. sum of money than the said sum of twenty mills on the dollar shall, in the opinion of said council, be necessary to be raised in any one year for the use of such borough, then and in such case the said council are hereby authorized to give notice to the property holders of the borough by advertisement published in one newspaper, if any there be printed in the county in which said borough is situate, for at least two weeks, once in each week, before acting thereon, and by printed handbills put up in five of the most public places in such borough for a like period, stating the sum of money necessary to be raised and the

purposes and uses for which such money is needed, and upon obtaining the written consent of persons representing one-half or more of the taxable property in said borough, as represented by the duplicates of the borough assessor for the previous year, said members of council may proceed to vote thereon; and every sum of money so voted by any resolution of said council to be raised by tax in said borough shall be assessed and collected the same as other taxes are assessed and collected.

Council to establish ordinances for laying out, opening, &c., streets.

22. *And be it enacted*, That it shall and may be lawful for the said council to make and establish ordinances and regulations for the laying out, extending, opening, altering or widening of any street, road, highway or alley within the borough as they shall judge the public good requires, the same to be done only on the application in writing to the said council of at least ten property holders of such borough; and there shall be three commissioners appointed by the said council immediately after the passage of any ordinance for the purpose aforesaid, who shall be in every case residents of such borough and entirely free from pecuniary interests in any houses or lands to be affected by assessments or awards by reason of any such laying out, opening, extending, altering or widening, and who, in laying out, opening, extending, altering or widening any street, road, highway or alley within such borough, shall perform like duties and be subject to like requirements and penalties as the surveyors of the highways are now required to perform and are subject to by the law of the state concerning roads, and the law of this state is hereby made applicable in all such cases.

Commissioners to be appointed.

Fees or compensation of officers of boroughs.

23. *And be it enacted*, That the council of said borough shall have power by ordinance or resolution to grant or allow such fees or compensation to the several officers of said borough as to them shall seem necessary and proper; *provided*, that the mayor shall not receive a salary exceeding three hundred dollars per annum for the performance of his official duties, other than the fees which appertain to his office as a justice of the peace; that the members of council shall not be paid, directly or indirectly, any compensation for the performance of their official duties; the fees of the assessor and collector to be as now provided by law.

Proviso.

24. *And be it enacted*, That the said council shall and may make and impose fines and penalties against all persons who shall offend against the by-laws and ordinances of said council; and the mayor of said borough is hereby constituted a court of record to take cognizance of all offenses against such by-laws and ordinances and punish all offenders against the same by fine not exceeding fifty dollars or imprisonment not exceeding thirty days in the jail of such borough or in the county jail or both, together with the costs of conviction; and it shall and may be lawful for the said mayor, on complaint made on oath or affirmation of an offense committed against the said by-laws and ordinances, and on conviction thereof to issue his warrant to the marshal or any policeman of said borough, commanding him, in case any offender or offenders be sentenced to imprisonment, to convey him, her or them to the jail aforesaid, there to remain until the term of imprisonment shall have expired and the costs of conviction shall be paid; and in case the offender or offenders shall be adjudged to pay a fine, then it shall and may be lawful for the said mayor to issue an execution to the borough marshal or any policeman of said borough, commanding him to levy and make such fine and costs of goods and chattels of such offender or offenders, and the said borough marshal or policeman is hereby authorized and required to execute the process aforesaid; that the jailer of the county in which such borough is situate shall receive and safely keep all such offenders as shall be committed to the jail of said county by the mayor of said borough for the term of his, her or their imprisonment as expressed in the warrant of commitment, and all the expenses of keeping said offenders in said jail shall be borne and paid by the county.

Council may impose fines and penalties for violation of ordinances.

Mayor constituted a court of record.

25. *And be it enacted*, That the assessor shall assess and the collector collect the taxes in the same manner as the assessors and collectors of townships in this state are required by law to assess and collect; and in case of the non-payment of taxes the said collector shall proceed to enforce the collection thereof as now required by law of township collectors in this state.

Taxes, by whom assessed and collected.

26. *And be it enacted*, That the commissioners of appeal in cases of taxation shall meet annually on the fourth

Meeting of commissioners of appeal.

Notice to be given.

Tuesday of November to hear and determine all complaints of unjust taxation; they shall sit from ten o'clock in the forenoon until five o'clock in the afternoon, or longer if found necessary to dispose of all cases submitted to them for consideration, and shall give public notice of the time and place of such intended meeting in any newspaper printed in the county, if any there be, at least ten days previous to such assembling, and by hand-bills posted in five of the most public places in said borough.

Duties and powers of the mayor.

27. *And be it enacted*, That it shall be the duty of the mayor of such borough to see that the laws of the state and the ordinances of the borough are faithfully executed in such borough, and to recommend to the council such measures as he may deem necessary or expedient for the welfare of the borough; he shall maintain peace and good order in the borough, and shall have power to suppress all riots and tumultuous assemblies, and cause to be arrested on his view, without process or warrant, and to commit for trial all persons violating, or whom he has reason to believe have violated the laws of this state or the ordinances of the borough; he shall have authority, on complaint made to him on oath or affirmation, to cause any person or persons to be brought before him for any breach of the peace or violation of any law of this state committed within said borough, or for disturbing the public tranquillity in the borough, and shall require such offender or offenders to enter into recognizance or commit them to the county jail to answer the charges before the county court; he shall be entitled to the same fees and possess the same power, authority and jurisdiction that is by law vested in justices of the peace of the several counties of this state in both civil and criminal causes; the borough marshal and policemen of said borough shall execute, anywhere in the county in which said borough is situated, all and every process issued by said mayor in pursuance of the authority conferred, and shall have power to arrest and take into custody, without warrant, any offender or offenders against the by-laws and ordinances of said borough, and to confine the said offender or offenders in a place provided by said council until a hearing can be had before the mayor or one of the justices of the peace of said county; *provided*, that such hearing

Proviso.

shall be held within twenty-four hours, unless Sunday should intervene, and in such case within forty-eight hours after the arrest of the offender or offenders; that said borough marshal shall possess the same powers, take the same obligation, perform the same duties be subject to the same penalties, and receive the same fees as any constable of any township in this state.

28. *And be it enacted*, That for the purpose of laying out, grading or improving the streets or sidewalks of any borough incorporated under this act, or for the extinguishment of fires, it shall and may be lawful for the council of said borough, upon obtaining the written consent of persons representing one-half or more of the value of the taxable property in said borough as represented by the duplicate of the borough assessor, to borrow such sum or sums of money, in the name of the borough, as may be necessary to carry out and complete the laying out, grading or improvement of any streets, sidewalk or sidewalks in said borough, or for the extinguishment of fires, and to secure the payment thereof by the issuing of bonds or other instruments, under the common seal of the borough and signature of the mayor, attested by the clerk; said bonds not to run for a longer period than twenty years from the date thereof, and to bear interest at a rate not exceeding the legal rate.

Council to provide by ordinance for grading and improving streets or extinguishment of fires.

Bonds to be issued.

29. *And be it enacted*, That when the council of any borough shall issue bonds as herein provided, it shall and may be lawful for the said council to order and cause to be assessed and raised by tax every year such sum of money, in addition to other moneys to be raised by said borough, as may be requisite to pay the interest on said bonds and so much of the principal thereof as they may deem necessary and expedient, and to provide for the payment of said bonds when due; *provided*, the provisions of this act shall not be operative until the people of such borough shall vote on the issue of such bonds at the next municipal election to be held in such borough, and if a majority of the legal voters therein shall vote against such issue, then no such issue of bonds shall be made.

Expense to be assessed upon property.

Proviso.

30. *And be it enacted*, That the borough council of any borough incorporated under this act may, whenever they shall by ordinance declare it necessary, cause the brush

Council may cause brush to be removed from lots and holes to be filled up.

and wild bushes to be removed from any lot in such borough, and may cause any uncovered hole or pit on any lot in such borough to be filled up, and the cost of such removal and filling shall be a lien upon such lot paramount to any other incumbrance except taxes, and may be collected, with costs of suit, by action of debt against the owner or owners of such lot in any court of competent jurisdiction, or if such owner or owners be non-resident, then by attachment; *provided, always*, that fifteen days notice to the owner or owners of such lot shall be given before such removal or filling as aforesaid, which notice shall be in writing, under the signature of the mayor and seal of the borough, and shall recite such ordinance and request such owner or owners to remove such brush or fill such uncovered hole or pit within fifteen days.

Costs to be a lien on lots, and how collected.

Proviso.

Council to provide by ordinance for grading and graveling of streets.

Expense assessed upon property.

Assessments how made.

31. *And be it enacted*, That the common council of all boroughs incorporated or organized under the provisions of this act shall have power, by ordinance, to provide for the grading and graveling of the streets in said borough in the following manner, viz.: upon the majority of the property owners on any street or avenue, or specified part thereof, making application to the borough council for the grading and graveling of any street or avenue, or specified part thereof, such council may authorize such street or avenue, or specified part thereof, to be graded and graveled in a specified manner and within a specified time; and if, at the end of the time so specified by such council, the owners of the property on such street or avenue, or part thereof, shall have neglected to grade and gravel the same, or any part thereof, it shall be lawful for such borough council to cause the same to be graded and graveled at the expense of such borough, and the costs of such grading and graveling may be assessed by such borough against each property adjoining such grading and graveling to the extent to which each of such properties is severally benefited by such grading and graveling.

32. *And be it enacted*, That the street committee of each such borough shall, upon the completion of any grading and graveling performed by such borough in pursuance of the preceding section, make an assessment of the several amounts which each of such adjoining properties

have been benefited by such street improvement, and file such assessments with the clerk of such borough, whereupon the same shall become a lien upon the land so assessed; and if any such assessment shall remain unpaid by the owners of the land so assessed for the space of thirty days after the same is so filed with said borough clerk, it shall be lawful for such borough council to forthwith cause such lands to be sold for the payment of such assessments, in the same manner as land is now sold by law for taxes.

Lands may be sold for payment of assessments.

33. *And be it enacted*, That the borough councils of all boroughs incorporated, or hereafter to be incorporated, under the provisions of this act, shall have power, by ordinance, to regulate, establish and enforce the observance of building lines in their respective boroughs; *providing*, said act shall in no wise interfere with such building lines as may have heretofore been established.

Building lines to be established by ordinance.

Proviso.

34. *And be it enacted*, That it shall be lawful for the inhabitants of any portion of this state, embracing an area of not more than two square miles and taxable real estate of not less than one hundred thousand dollars, and within which area resides, during any portion of the year, a population of not less than two hundred, and which may now be subject to any existing form of municipal government, to accept of the provisions of this act and become subject to all the rights, privileges, powers and liabilities therein specified, by complying with the provisions and requirements of the first, second, third and fourth sections of this act; *provided*, that this section shall not be construed to permit the division of any existing municipality.

Certain municipalities may accept provisions of this act.

Proviso.

35. *And be it enacted*, That upon the acceptance by the inhabitants of any municipality in this state which now exists or any which has heretofore existed and whose corporate existence has hitherto lapsed or been invalidated by any judicial decision or otherwise, of the provisions of this act, or their incorporation hereunder, the former municipal corporation shall be dissolved, and all the property and rights of property held by the former corporation shall instantly vest in the new corporation so created, and the new corporation so created shall be bound by and subject to all the agreements, contracts, obliga-

Upon acceptance of this act former municipality dissolved.

Property, rights vested, &c.

tions and liabilities of the former corporation, and all taxes and other municipal assessments of such dissolved corporation shall be enforced by such new corporation as if the same had been legally and properly assessed by the said new corporation.

District adjacent
to borough may
become a part of
the borough.

36. *And be it enacted*, That the inhabitants of any district in this state adjacent to and adjoining any borough heretofore created or hereafter to be created under any general law of this state, may become a part of such borough with all the powers and liabilities conferred upon the original corporation, and with the same rights and duties as if it had been included within the boundaries of the borough of which it seeks to become a part when the same was incorporated; *provided*, that the district to be added shall not increase the area of the whole borough beyond the size provided for in the act under which such borough was incorporated; *and provided further*, that the proceedings to annex any district to an existing borough shall be the same as is provided by this act for the incorporation of a borough; and as soon as the result of the special election shall be certified and filed in the clerk's office as provided in this act, the annexed district shall become a part of the original borough, *and provided further*, that nothing in this act shall apply to, affect or include any street, road or highway, that is now or may hereafter be, under the charge, direction, management or control of any county public road board in this state, whether created or organized under or by virtue of any general or special act of the legislature.

Proviso.

Proviso.

Proviso.

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

Approved April 2, 1891.

CHAPTER CXLVI.

An Act to amend an act entitled "An act for the formation of borough commissions," approved March seventh, one thousand eight hundred and eighty-two.

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

4. *And be it enacted*, That the legal voters of the said borough shall make and hold an election in said borough, on the first Tuesday of April hereafter, at which election shall be chosen, by a plurality of the votes cast, seven commissioners, for the term of three years; *provided, however*, that at the first annual borough election in such borough commissions, after the passage of this act, the ticket voted shall designate the name of two members of the board of commissioners of the said borough commission, for the term of one year, two members for the term of two years, and three members for the term of three years, and at each succeeding election the members of said board of commissioners shall be elected for the term of three years, who shall be freeholders and taxpayers on personal property, but a majority of whom shall be freeholders of the said borough, who shall be denominated "the board of commissioners of the borough commission of —," and by that name they and their successors in office may sue and be sued, make contracts and agreements, make regulations and ordinances, and impose penalties, not exceeding fifty dollars in amount for the purpose of carrying out and effecting the object and purposes of this act; *provided*, that nothing in this section shall be so construed as to prevent the election of two of the aforesaid commissioners who may reside beyond the limits of said borough; *and it is further provided*, that nothing in this section shall be so construed as to prevent the first election for said seven borough commissioners being held at any time

within three months after the incorporation of any borough under this act.

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

Approved April 2, 1891.

CHAPTER CXLVIII.

An Act to enable cities of the second class of this state to disband volunteer fire organizations and to substitute therefor a paid department.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the common council or other governing body of any city of the second class of this state, by resolution, by and with the approval of the mayor, to disband any volunteer fire department or organization, sell and dispose of all fire apparatus belonging to the city, and provide by ordinance for the creation of a paid fire department.

2. *And be it enacted*, That should any common council or other governing body of any city of this state of the second class adopt a paid fire department therein as provided by the first section of this act, the powers and duties connected with and incident to a paid fire department shall be vested in a board of commissioners; the said board of commissioners shall consist of five persons, whom it shall be lawful for the mayor of such city to appoint; the said board of commissioners to be known and distinguished as the "board of fire commissioners" of such city; the members of said board of fire commissioners or other than the mayor, shall hold office for the term of one, two, three and four and five years, respectively, from the date of their appointment; the term of each member of said board to be designated by the mayor in his said

Common council in cities of second class may, by resolution, approved by the mayor, disband any volunteer fire department or organization, sell and dispose of all fire apparatus belonging to the city, and provide by ordinance for the creation of a paid fire department.

Board of commissioners.

Number and by whom appointed.

Title of board.

Term of office.

Terms to be designated by the mayor, and com-

appointment, and the mayor of such city shall thereafter fill all vacancies for any unexpired term and appoint a member for a full term of four years within one month of the expiration of any member's term of office, and at the expiration of each term the full term succeeding shall be for five years, and the said commissioners shall receive no pay or compensation for their services; the said board of fire commissioners when appointed as aforesaid shall, within one month after date of said appointment, take an oath, to be administered by the city clerk of any such city, to faithfully and impartially discharge and perform all the duties incumbent on members of such board, and the said board shall enter upon and discharge the duties of said board as vested by this act within one month of date of said appointment and shall proceed to select one of their number to be president of said board, who shall be chosen by a majority thereof, which said board of fire commissioners when appointed as aforesaid, shall have the control and management of the said fire department, under and by virtue of the aforesaid resolution as provided for in section one of said act.

3. *And be it enacted*, That said board of fire commissioners shall have power to elect by majority vote of said board all members and officers of said fire department, and to determine and fix the compensation to be paid to each.

4. *And be it enacted*, That the members of any such fire department, organized under and by virtue of this act, shall severally hold their respective offices and continue in their respective employments as such officers and employees during good behavior, efficiency and residence in such city, except such fire commissioners who shall hold office as provided in the second section of this act; and the term of any such officer or employee shall not be determined or depend upon the pleasure or caprice of any municipal officer, officers or board authorized to make employment or appointment in said fire department; and no person shall be removed from office or employment in such fire department of any such city for political reasons or for any other cause than incapacity, misconduct, non-residence or disobedience of just rules and

Commissioners to serve without compensation.

Commissioners take oath and elect president.

Board to elect members and officers of the fire department, and fix their compensation.

Members to be employed during good behavior.

Term not to depend upon pleasure or caprice of officers or board.

Not to be removed for political reasons.

regulations established or which may be established for the fire department or force of such city.

Members of disbanded fire companies for two years entitled to benefits of exempt firemen.

5. *And be it enacted*, That any person who shall have served two years as a member of any fire company disbanded by virtue of section one of this act shall be entitled to all the exemptions and benefits conferred by the laws of this state upon exempt firemen.

Board of finance or tax commissioners to apportion funds necessary.

6. *And be it enacted*, That when the provisions of this act are accepted by the common council or other governing body of any city of the second class in this state, as provided for in section one of this act, it shall be lawful and it shall be the duty of the board of finance, tax commissioners or other body in such city that has control of the finances or that has the power to regulate, adjust or apportion the annual budget, expenditure or appropriation necessary to conduct the affairs of such city, to forthwith consider and apportion the amount of money or funds necessary to operate a paid fire department, as provided for in this act; *provided, however*, that the said board of finance, tax commissioners or other body in such city as aforesaid, shall be the sole judges as to the amount of money or funds necessary to operate the said paid fire department; and should the said board of fire commissioners or any member thereof vote to exceed the amount of money or funds apportioned by said board of finance, tax commissioners or other body as herein provided, they shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment at hard labor not exceeding three years or a fine not exceeding two thousand dollars, or both.

Proviso.

Repealer

7. *And be it enacted*, That the provisions of this act shall not take effect until May fifth, one thousand eight hundred and ninety-one, and that all acts or parts of acts and charter provisions inconsistent herewith be and they are hereby repealed.

Approved April 2, 1891.

CHAPTER CXLIX.

A Further Supplement to an act entitled "An act to consolidate the several acts relating to game and fish in this state."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of the supplement to an act entitled "An act to consolidate the several acts relating to game and fish in this state," approved April third, one thousand eight hundred and eighty-nine, be amended so as to read as follows: Section to be amended.

4. *And be it enacted*, That it shall be unlawful to take, kill or have unlawfully in possession any reed-bird, rail-bird or any marsh hen, except only between the twenty-fifth day of August and the sixteenth day of December, in any year, under a penalty of five dollars for each and every bird so taken, killed or had unlawfully in possession. When reed bird, rail bird or marsh hen shall not be killed. Penalty.

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

Approved April 2, 1891.

CHAPTER CL.

A Supplement to an act entitled "An act in relation to conveyances of land by married women," approved March fifth, one thousand eight hundred and ninety.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any married woman owning lands situate within this state has sold or shall be Married women may sell lands without concurrence of their husbands in cases of lunacy, &c.

desirous of selling the same, or any part thereof, for the purpose of investing the proceeds thereof in other lands in this state, or has exchanged or shall be desirous of exchanging the same, or any part thereof, for other lands of equal value in this state, but shall not be able to convey her said lands so sold or exchanged, or intended so to be, by reason of the inability of her husband, through lunacy or other mental incapacity, to join with her in the execution of proper deeds of conveyance therefor, it shall and may be lawful for the court of chancery, upon petition filed for that purpose and upon satisfactory proof of the truth of the allegations therein contained, to make an order confirming or authorizing such sale or exchange, and directing that such married woman may convey her lands so sold or exchanged by deed or deeds executed by herself, without the concurrence of her husband, which deed or deeds of conveyance shall convey her said lands free from any claim, estate or right of the husband of such married woman, and shall be an absolute bar to any right of courtesy therein in case he shall survive her.

Court of chancery may make an order confirming or authorizing such sale.

Not necessary for the court to ascertain value, &c.

2. *And be it enacted*, That upon making the order aforesaid it shall not be necessary for said court to "ascertain the actual money value of the estate or interest of the husband in such lands, if any," or to direct any sum to "be paid out of the purchase money of the said lands by the purchaser to the committee or guardian of said lunatic or incapacitated husband," or "to the clerk of the court," as required by the second section of the act to which this is a supplement; but in making such order the court may impose such terms or conditions as it shall deem advisable.

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

Approved April 2, 1891.

CHAPTER CLI.

A Further Supplement to an act entitled "An act to enable certian municipal corporations of this state to erect buildings and structures for municipal uses and purposes," approved April tenth, one thousand eight hundred and eighty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of an act entitled "An act to enable certain municipal corporations of this state to erect buildings and structures for municipal uses and purposes, approved April tenth, one thousand eight hundred and eighty-nine, be and the same is hereby amended so as to read as follows :

Section to be amended.

2. *And be it enacted*, That to defray the cost and expense of any building or buildings, structure or structures to be erected under and pursuance of the first section of this act, such corporation may issue bonds in the corporate name of such corporation in sums of not more than one thousand dollars and not less than one hundred dollars each, to be signed by the mayor or other chief officer, and countersigned by the clerk and sealed with the corporate seal of such corporation, and to have written or printed thereon the words "construction bonds," said bonds to be disposed of at not less than their par value, and to draw interest at a rate not exceeding five per centum per annum, payable semi-annually; and the common council or other governing body of such municipal corporation shall have power to raise the money to pay the principal and interest of said construction bonds as the same mature, in addition to the tax they are now authorized to raise, and in the same manner as other taxes are assessed and raised by such municipal corporations.

Corporation may issue bonds to defray cost and expense of erecting buildings for municipal purposes.

2. *And be it enacted*, That where in any municipality of this state the common council or other governing body of any city, town or municipal corporation of this state incorporated or existing under or by virtue of any

Trustees of fire department to convey real estate to the corporation.

law of this state shall also be ex-officio trustees of the fire department of said city, town or municipal corporation, it shall be lawful for them, as trustees of such fire department, to convey, assign, transfer and set over, upon resolution adopted to that effect, the title to any real estate standing in the name of the trustees of such fire department to said city, town or other municipal corporation of this state incorporated or existing under or by virtue of any law of this state; *provided, however,* that such land or real estate shall be used for the purpose of erecting thereon, in whole or in part, a building or buildings, structure or structures for municipal uses or purposes, pursuant to an act to which this is a supplement.

Proviso.

Repealer.

3. *And be it enacted,* That all acts and parts of acts, general, special or private, inconsistent with this act be and the same is hereby repealed.

Approved April 2, 1891.

CHAPTER CLII.

An Act to determine the tenure of office of city marshal in cities.

Fixes term of city marshals of all cities at three years.

1. **BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey,* That in all cities of this state the term of office of the city marshal now existing or that may hereafter be created shall be three years from the date of his appointment, subject to removal for cause as now provided by law.

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

Approved April 2, 1891.

CHAPTER CLIII.

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

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

39. *And be it enacted*, That the commissioners appointed as aforesaid shall be commissioned by the governor, and hold their offices for five years; but in case any commissioner shall remove out of the township in which he shall reside at the time of his appointment, his commission shall thereupon become void; *and, further*, all commissioners appointed as aforesaid may be removed from office, by impeachment, for malconduct during the time they shall hold the said office; and the said commissioners, and each and every of them, are hereby authorized to demand and receive the same fees as are or shall be allowed by law for like services to other persons for taking the acknowledgment or proof of deeds; and that it shall not be lawful to appoint for any county in this state a greater number of commissioners as aforesaid than six for each township in said county that has been divided into election districts, or of townships having a population of twenty-five hundred, and three for each of the other townships, and a like number as last aforesaid for each of the wards of the different incorporated cities, boroughs and towns of this state; *provided*, that the whole number of commissioners shall not at any time exceed three for each ward. Commissioners to hold office for five years. May be removed by impeachment. May take fees. Number of commissioners. Proviso.

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

Approved April 2, 1891.

CHAPTER CLIV.

A Supplement to an act entitled "An act for the classification of cities in this state for the purposes of municipal legislation in relation thereto," approved March fourth, one thousand eight hundred and eighty-two.

Whenever a census has been or shall be taken it shall be applicable to cities ninety days after the promulgation of the census.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That whenever a census has been or shall be taken by national or state authority, the same shall take effect and be applicable to the cities enumerated in the act to which this is a supplement, ninety days after the official promulgation thereof.

Where a city has become a member of another class, such city shall be governed by the laws applicable thereto.

2. *And be it enacted*, That in all cases in which any city has become, by reason of its population, a member of another class in accordance with the classification above referred to, the laws before that time applicable thereto shall cease to have any effect, and thereafter such city shall only be governed by the laws applicable to the classification in which it is contained; *provided, however*, that nothing herein contained shall affect or make void any contracts or rights or any act heretofore done by such city; or in any manner affect or change the internal structure or arrangement thereof or the laws affecting the same, except the said laws are accepted by ordinance by the board of aldermen, city council, or other governing body of said city.

Proviso.

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

Approved April 2, 1891.

CHAPTER CLV.

An Act to enable certain municipal corporations of this state to regulate the salaries of certain of its officers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the town council or other legislative or governing body of any incorporated town or other municipal corporation within counties of the first class of this state, incorporated or existing under and by virtue of any law of this state, to fix by resolution the annual salaries of the treasurer of such town; *provided*, that the sum so fixed shall not exceed one thousand dollars, and by resolution to fix the annual salary of the clerk of said town; *provided*, that the sum so fixed shall not exceed the sum of one thousand dollars, and by resolution fix the annual salary of the collector of taxes and assessments of said town; *provided*, that the sum so fixed shall not exceed one thousand dollars, and by resolution to fix the annual salary of the recorder of said town; *provided*, that the sum so fixed shall not exceed four hundred dollars, and by resolution to fix the annual salary of the assessor of said town; *provided*, that the sum so fixed shall not exceed five hundred dollars.

2. *And be it enacted*, That this act shall not apply to cities.

3. *And be it enacted*, That all acts and parts of acts, general, special, local or private, inconsistent herewith be and the same are hereby repealed.

4. *And be it enacted*, That this act shall take effect May first, eighteen hundred and ninety-one.

Approved April 2, 1891.

New Jersey State Library

CHAPTER CLVI.

An Act to enable certain municipal corporations to appoint a street commissioner.

Town councils may elect a street commissioner.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the town council or other legislative or governing body of any town or other municipal corporation in this state, incorporated or existing under and by virtue of any special of incorporation, may annually within thirty days after its organization to appoint an officer, who shall be known and designated as a street commissioner, or designate the chairman of the committee on streets and highways to discharge the duties thereof, who shall hold his office during the pleasure of the council or other legislative or governing body of said town and until his successor shall be duly appointed and qualified.

Commissioner to give bond.

2. *And be it enacted*, That every person appointed to such office as aforesaid shall, within ten days after the date of his appointment, enter in bonds to the town by its corporate name, and in such sum and with such sureties as shall be required and approved of by the council or other legislative or governing body conditioned for the faithful performance of all duties required of him as such officer by law, and in case he shall neglect so to do, the council or other legislative or governing body may rescind and vacate such appointment, and make a new appointment to said office.

Council may prescribe his duties and compensation. Proviso.

3. *And be it enacted*, That the council or other legislative or governing body may by ordinance prescribe the duties and the compensation of such officer; *providing*, that the compensation shall be fixed and the duties prescribed previous to the appointment of said officer.

Not to affect cities.

4. *And be it enacted*, That this act shall not affect cities.

Repealer.

5. *And be it enacted*, That all acts and parts of acts, general, special, local, public or private, inconsistent herewith be and the same are hereby repealed.

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

Approved April 2, 1891.

CHAPTER CLVII.

An Act relating to depositing of refuse from chemical factories near residences.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,* That it shall be unlawful for any manufacturer of chemicals in this state to deposit, or cause to be deposited, on any vacant lot within one hundred feet of any human habitation any refuse or proceeds from such manufacture, and that any person or persons who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall be liable to a fine of twenty-five dollars for each offence. Unlawful to deposit refuse from chemical factories near human habitation under a penalty of \$25 fine for each offence.

2. *And be it enacted,* That if any manufacturer of chemicals who may have already deposited, or caused to be deposited, any such refuse within one hundred feet of any residence at the time of the passage of this act, and who shall within thirty days after notice given to him or such chemical company at its office by any citizen living within one hundred feet of such refuse, or by the owner of any residence which is within one hundred feet of same, shall refuse or neglect to remove such refuse he shall be deemed guilty of a misdemeanor, and subject to a fine of ten dollars for each day that such refuse shall be allowed to remain after such notice. Penalty for refusing or neglecting to remove such refuse upon notice.

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

Approved April 2, 1891.

CHAPTER CLVIII.

An Act providing for the vacation of roads and parts of roads in townships which have been laid out by surveyors appointed by the court, to open which no appropriation has been made for a period of four years after they were laid out.

Court of common
pleas may vacate
roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever no legal appropriation has been made for the opening of any road or part of a road laid out by surveyors appointed by the court in any township in this state, for the period of four years after such road or part of road has been laid out, it shall be lawful for the court of common pleas of the county in which such road or part of road lies, wholly or in part, upon the application of ten or more freeholders of such township, and upon proof of the aforesaid facts made or presented by them to the said court to its satisfaction after four weeks' notice of such application to the court for that purpose, published in at least two of the newspapers of the county in which such application is made, if there be that number published in that county, otherwise in one only, to make an order or decree declaring such road or part of road to be vacated upon such terms as the court may deem just, and thereupon the same shall be vacated and cease to exist the same as if it had never been laid out.

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

Approved April 2, 1891.

CHAPTER CLIX.

An Act regulating the renewal of excise licenses in cities of the fourth class.

WHEREAS, It is deemed best that uniformity should exist Preamble.
in the cities of the same class as to the manner of granting renewals of licenses therein for the keeping of inns and taverns, saloons or victualing-houses; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in all cities of the fourth class in this state (whether such licenses are now granted by a board of excise or by commissioners of excise or by the governing board of such city or its city councils), that after a license has once been granted in any such city to keep an inn and tavern, or a license to sell ale, beer and wine, or a license to keep a victualing-house with privilege of retailing spirituous liquors, within such city, to any person or persons at any place in such license designated according to the terms of the charter of such city or cities as they now exist, it shall not be requisite in order to give such board of excise, or commissioners of excise, or city council, or other governing body jurisdiction to grant renewals of such licenses that a new application recommended by freeholders shall be first signed and presented to such board; but that the filing with the board or body authorized to grant and renew licenses in any such city of a petition for renewal, signed by the applicant, accompanied by a new bond of the same tenor as accompanied the first application, shall confer full power upon such board to renew such licenses for the term of one year; *provided, always*, that the freeholders who may have recommended the former application shall not be eligible as signers for any new application for the term of one year from the granting of such renewal; *and provided, further*, that this act shall in no wise affect applications for new inns and taverns, or saloons or victualing-houses, in such cities.

Excise licenses in cities of the fourth class may be renewed without a recommendation by freeholders.

And by filing a petition and bond.

Proviso.

Proviso.

Repealer.

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

Approved April 2, 1891.

CHAPTER CLX.

An Act to amend an act entitled "A further supplement to an act entitled 'An act respecting bridges,' approved April tenth, one thousand eight hundred and forty-six," approved March twenty-fourth, one thousand eight hundred and seventy-four.

Section to be amended.

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

When bridges over navigable streams are being repaired, public authorities or corporations shall not be liable for damages for obstructing navigation.

Proviso.

Proviso.

Proviso.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it shall be necessary to repair or rebuild any bridge or viaduct in this state over any navigable river or water, the public authorities, corporation or person so repairing or rebuilding such bridge or viaduct shall not be liable for damages occasioned by obstructing or stopping navigation thereby; *provided*, the said repairs or rebuilding and obstructing or stopping of navigation be done between the fifteenth day of January and the fifteenth day of February; *and provided, further*, that said repairs or rebuilding be prosecuted with all practical dispatch; *and provided, further*, that notice of such intended repairs or rebuilding be given at least three weeks prior to commencing the same by publishing a notice thereof in some newspaper circulating in the county adjacent to such bridge or viaduct; *provided*,

however, that nothing in this act contained shall apply to the county of Monmouth.

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

Approved April 3, 1891.

CHAPTER CLXI.

An Act to amend an act entitled "A supplement to the act entitled 'An act declaring when the death of persons absenting themselves may be presumed,'" approved March seventh, one thousand seven hundred and ninety-seven, which supplement was approved February fifteenth, one thousand eight hundred and forty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Section to be amended.} *the State of New Jersey*, That the first section of the act of which this is amendatory, and which is in the words following, to wit:

"1. BE IT ENACTED *by the Senate and General Assembly of* ^{Section recited.} *the State of New Jersey*, That in case the heirs or devisees of any person who is or may be presumed to be dead, pursuant to the provisions of the act to which this is a supplement, shall desire to sell any land or real estate to which said person would be entitled if living, it shall be lawful for said heirs or devisees to present a petition to the court of chancery; and thereupon the said court, upon being satisfied of the truth of the facts, that it will be just and equitable, and upon proper security being given, by bond, to the state of New Jersey, for double the value of said land or real estate, that the proceeds of the sale shall be paid on demand, with interest, to the said person presumed to be dead, or to his or her lawful issue, in case he, she or they shall appear and claim the same, to

order the said land or real estate to be sold, as the court may deem advisable ; and that the said person so presumed to be dead, and his or her lawful issue, if he, she or they shall prove to be living, shall be forever thereafter barred from any claim or title to said land or real estate, and entitled only to the proceeds thereof; and in such case the purchaser shall hold and be seized of as good and perfect estate in the said land or real estate, as if the said person presumed to be dead had conveyed the same," be and the same is hereby amended to be and read in the words following, to wit :

Proceedings in
case of supposed
death.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case the heirs or devisees of any person who is or may be presumed to be dead, pursuant to the provisions of the act to which this is a supplement, or any purchaser mediately or immediately from such heirs or devisees shall desire to sell any land or real estate to which said person would be entitled, if living, it shall be lawful for said heirs or devisees, or said purchaser from them, to present a petition to the court of chancery; and thereupon the said court, upon being satisfied of the truth of the facts, that it will be just and equitable, and upon proper security being given, by bond, to the state of New Jersey, for double the value of said land or real estate, that the proceeds of the sale shall be paid on demand, with interest, to the said person presumed to be dead, or to his or her lawful issue, in case he, she or they shall appear and claim the same, to order the said land or real estate to be sold, as the court may deem advisable; and that the said person so presumed to be dead, and his or her lawful issue, if he, she or they shall prove to be living, shall be forever thereafter barred from any claim or title to said land or real estate, and entitled only to the proceeds thereof; and in such case the purchaser shall hold and be seized of as good and perfect estate in the said land or real estate as if the said person presumed to be dead had conveyed the same.

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

Approved April 3, 1891.

CHAPTER CLXII.

An Act to authorize the appointment of special policemen for state institutions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state is hereby authorized to appoint and commission under his hand so many special policemen as he may think necessary for any of the state institutions, whose powers shall be for the time limited within the territory prescribed, the same as the constables of the county or the police of the cities in criminal cases; such appointments to be made upon the written application of the president of the board of trustees or managers of the said institutions; the special duties of said special policemen shall be to preserve order in and about such institutions, with power to arrest and hold any offender against the public peace within the limits of their commissions; *provided*, that such special policemen shall entail no expense for their services upon the state.

Policemen for
state institutions
is may be appointed
by the governor.

Proviso.

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

Approved April 3, 1891.

CHAPTER CXLIII.

An Act to amend an act entitled "A further supplement to an act entitled 'An act for the instruction and maintenance of indigent deaf and dumb, blind and feeble minded persons, inhabitants of this state,'" approved March twelfth, one thousand eight hundred and seventy-three, which said act hereby intended to be amended was approved March eighth, one thousand eight hundred and eighty-eight.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the said act mentioned in the title hereof and approved March eighth, one thousand eight hundred and eighty-eight, be and the same is hereby amended so that henceforth said section one shall be and read as follows and not otherwise, to-wit :

Governor may send indigent and feeble minded females to suitable home.

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

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

Approved April 3, 1891.

CHAPTER CLXIV.

An Act to authorize cities of the fourth class to issue bonds in excess of the amount of indebtedness allowed to be created by their respective charters.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any city of the fourth class in this state whose charter or supplement limit the amount of the bonded indebtedness of such city when it has already issued bonds in the aggregate amount equal to the indebtedness allowed to be created by its charter and supplements thereto, to issue bonds not to exceed in the aggregate the sum of fifty thousand dollars in excess of the amount of indebtedness allowed to be created by its charter and supplements thereto, the said bonds to be executed in the manner provided by its charter, and dispose of and sell the same, and the proceeds arising from the sale thereof shall be expended for the benefit of the said city by the city council or other governing body thereof.

Cities of the fourth class may issue bonds in excess of the amount of indebtedness allowed by charters.

2. *And be it enacted*, That any such city shall by ordinance create, establish, maintain and regulate a sinking fund for the redemption of the bonds created by this act, and define the powers and duties of the board or committee in charge thereof.

Sinking fund to be created.

3. *And be it enacted*, That the city council or other governing body of any such city may by resolution, or the mayor of any city may by proclamation, submit the question of the acceptance or rejection of this act to the voters of such city at any general charter or special election to be held therein, whereof at least two weeks' notice shall be given by public advertisement in two newspapers circulating in such cities; and if a majority of those whom shall vote for the acceptance or rejection thereof shall be in favor of the acceptance of this act, then this act shall go into effect immediately, and the grant of the power herein made to any such city shall be deemed to be

Acceptance or rejection of act to be submitted to vote of the people.

If accepted, to go into effect immediately.

accepted by such city, and such city shall be bound by the terms of this act; persons entitled to vote at any charter or municipal election where this question is submitted to them shall express their assent or rejection of this act by depositing their ballots in the box provided for depositing ballots at such election in such city, and those who are in favor of the acceptance of this act, and the grants and powers therein contained, shall each deposit a ballot containing the words "new bond act accepted" written or printed thereon, and those who are opposed shall deposit a ballot with the words "new bond act rejected" written or printed thereon; and this acceptance or rejection may be expressed upon the ballots on which are the names of the state, city or county officers, and no separate ballot shall be required for the purpose of this vote; and if a majority of the ballots on which there shall be the words "new bond act accepted" or "new bond act rejected" shall be found to be for the acceptance of this act, it shall then, but not otherwise, go into effect and be binding upon such city wherein such vote shall have been taken.

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

Approved April 3, 1891.

Persons entitled to vote and form of ballots.

Ballots used in election of officers may be used.

Majority of votes to decide.

Repealer.

CHAPTER CLXV.

An Act to amend the first section of an act entitled "A supplement to an act entitled 'An act to establish a system of public instruction' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four," which act was approved April twenty-first, one thousand eight hundred and eighty-seven.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on or before the fifteenth day of September in each year, it shall be the duty of all township collectors, city treasurers, and other persons who may be the custodians of moneys belonging to the several school districts in this state, to pay to the county collectors of their respective counties all balances derived from moneys apportioned to said districts by the county superintendents, which may then be in their hands to the credit of said districts, and to report forthwith to the county superintendents of their respective counties the amounts thus paid over ; and it shall be the duty of each county collector, on or before the first day of October in each year, to report to the county superintendent of his county the amount of money received by him by virtue of the provisions of this act, and the county superintendent shall thereupon re-apportion such amount among all the school districts in his county, except as hereinafter provided, and the sums thus re-apportioned shall immediately be returned to the several township collectors, city treasurers, and other persons entitled to the custody of the school moneys, on the orders of the county superintendent, and shall be available for the then current school

Section to be amended.

Custodians of school moneys of districts to pay to county collectors all balances.

County collector to report to county superintendent.

County superintendent to re-apportion amount of money.

year; and the sum thus re-apportioned to any district shall be in addition to and in excess of the sum apportioned to such district by the county superintendent for said school year; *provided*, that the county superintendent may, for good cause shown, allow the balance due any school district to remain in the hands of the custodian of the school funds of such district, to the credit of such district, and such balance shall thereafter be used and expended by the trustees of such school district for the purpose of paying teachers' salaries and fuel bills, or, by and with the written consent of the county superintendent, in the improvement of the school-house and grounds, the purchase of school furniture or apparatus, or for any other purpose connected with the schools of such district; *and provided, also*, that in case the county superintendent shall allow any district to retain any such balance, the said district shall not be included in any such re-apportionment nor entitled to any of the proceeds thereof.

Proviso.

Proviso.

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

Approved April 3, 1891.

CHAPTER CLXVI.

A Supplement to an act entitled "An act to incorporate trustees of religious societies," approved April ninth, one thousand eight hundred and seventy-five.

Rector, wardens and vestrymen of any protestant episcopal church not to sell real church property without written consent of the bishop and a majority of the standing committee.

1. BE IT ENACTED *by the Senate and General Assembly of State of New Jersey*, That it shall not be lawful for the rector, wardens and vestrymen of any protestant episcopal church, or in case the church be without a minister or rector, then for the said wardens and vestrymen, or for the wardens and vestrymen for the time being, of any protestant episcopal church who are trustees of the same,

to alien, grant, assign, demise, let or mortgage any real church property, without the previous written consent of the bishop and a majority of the standing committee of the diocese within which such real church property may be situated, or in case of a vacancy in the office of bishop, or of his absence from said diocese, then of a majority of the standing committee thereof; which consent shall be acknowledged or proved and recorded with the deed, lease, mortgage or instrument of conveyance, and without such consent the alienation, grant, assignment, demise, lease or mortgage shall be null and void.

Consent to be
filed with deed,
&c.

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

Approved April 4, 1891.

CHAPTER CLXVII.

A Supplement to the act entitled "A further supplement to an act entitled 'An act concerning corporations'" (Revision), approved April seventh, one thousand eight hundred and seventy-five, which further supplement was approved April first, one thousand eight hundred and eighty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the first and second sections of the act to which this act is a supplement, entitled "A further supplement to an act entitled 'An act concerning corporations'" (Revision), approved April seventh, one thousand eight hundred and seventy-five, which said further supplement was approved April first, one thousand eight hundred and eighty-seven, be so amended and supplemented that the same shall respectively read as follows:

Sections to be
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That where one or more of the

Who to fill vacancies caused by death of incorporators of corporations.

persons heretofore or hereafter authorized to organize or incorporate any corporation heretofore or hereafter authorized to be created by or under any general or special act shall have died before such corporation shall have been completely organized pursuant to law, it shall and may be lawful for the survivor or a majority of the survivors to heretofore or hereafter designate in writing other persons who may take the place and act instead of those deceased in the organization, and any organization heretofore or hereafter affected by the aid of any such persons so heretofore or hereafter designated shall be as valid and effectual in law as if the organization had been effected by all the persons so authorized to organize or incorporate any corporation as aforesaid; *always provided*, that the provisions of this act shall not in any manner apply to, affect or impair the rights or liabilities of any parties in any suit or suits that may be pending at the time of its passage.

Proviso.

Repealer.

2. *And be it enacted*, That all acts and parts of acts, general, special, public, private, local or otherwise in any manner inconsistent with or repugnant to any of the provisions of this act, be and the same hereby are repealed.

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

Approved April 4, 1891.

CHAPTER CLXVIII.

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

Appropriation for the erection of buildings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the yearly appropriation for the support of the New Jersey home

for disabled soldiers, now provided for under existing laws, there should be, and there is hereby appropriated the sum of twenty thousand dollars for the erection of a building, or buildings additional to, and to be a part of the New Jersey home for disabled soldiers, the construction and erection of such building or buildings to be under the control and direction of the board of managers of said institution, which sum of twenty thousand dollars shall be paid by the state treasurer on the warrant of the comptroller to the managers of the New Jersey home for disabled soldiers, in whole or in part, as the same may be required for the use and purpose herein provided.

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

Approved April 4, 1891.

CHAPTER CLXIX.

A Supplement to the act entitled "An act to compel the determination of claims to real estate in certain cases and to quiet the title to the same," approved March second, one thousand eight hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any person or corporation shall have heretofore been or shall hereafter be in peaceable possession of lands in this state, claiming to own the same, and shall have heretofore caused or shall hereafter cause a map to be made and filed according to law, dividing the said lands into lots and laying out and dedicating streets upon said lands, and shall have heretofore sold and conveyed or shall hereafter sell and convey said lots, or any of them, then and in such case, and to avoid a multiplicity of suits, it shall be lawful for such grantor as aforesaid, in his or its own name, to bring and maintain the suit in chancery authorized and prescribed

Claimants of lands to bring suit in chancery to prove their title.

in the act to which this is a supplement, notwithstanding such conveyance or conveyances; and no suit in chancery which has heretofore been brought or shall hereafter be brought by any such grantor as aforesaid shall be dismissed for the cause that the complainant in such suit had aliened the said lots of land or any of them before bringing such suit; but, for the purposes of such suit, the title and possession of the grantees of the said lots shall be deemed and taken to be the title and possession of the complainant in such suit.

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

Approved April 4, 1891.

CHAPTER CLXX.

An Act to provide for the care and preservation of the monuments marking the boundary lines of this state.

Riparian com-
missioners to
cause an inspec-
tion of the monu-
ments marking
the boundary
lines of the state
every three years
and make report
to the legislature.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the riparian commissioners of this state are hereby authorized and directed during the year one thousand eight hundred and ninety-three, and every third year thereafter, to cause to be made an examination and inspection of all the said monuments upon the state boundary lines and to make a detailed report thereof to the legislature, and if any of such monuments be found injured, displaced or removed, the said commissioners are hereby authorized and directed, in co-operation with persons duly authorized by the adjoining state, to repair, restore or replace the same and to cause suitable stone monuments to be set wherever such are now wanting at the points where said state boundary is intersected by the boundary of any towns or counties of this state, or by any highway, and for the purpose of carrying out the provisions of this act the said

commissioners are authorized to expend such reasonable sum or sums of money as may be necessary to defray the expenses of such examination, repair or restoration of said monuments, with the incidental expenses connected therewith, payable to said commissioners by the treasurer of this state on their certificate of said expenses when approved by the governor and state comptroller.

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

Approved April 4, 1891.

CHAPTER CLXXI.

An Act providing for the establishment in the state of New Jersey of fish and shell-fish cultural and biological stations.

WHEREAS, provided there shall be established within the state of New Jersey, fish and shell-fish cultural and biological stations, with such laboratory facilities of a scientific and biological character as will enable investigators to prosecute the necessary scientific and biological inquiries in connection therewith; therefore,

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the real property devoted to such purposes shall be exempt from taxation, and that, furthermore, the authorities in charge of such stations shall have the right to fish unmolested, in any of the public waters of the state with dredging apparatus, seines, nets, trawls, surface trawls, et cetera, for the sole purpose of obtaining the materials needed in prosecuting the purposes and necessary investigations in the direction of the scientific objects for which such stations are or may be established.

2. *And be it enacted*, That all existing laws in conflict with the provisions of this act be and are hereby repealed.

Approved April 4, 1891.

CHAPTER CLXXII.

An Act to appropriate twelve hundred dollars for the purpose of putting an apparatus for generating gas in the state industrial school for girls.

Preamble.

WHEREAS, The state industrial school for girls is located on the suburbs of the city of Trenton, and beyond the point to connect with the gas mains of the gas companies of said city; and whereas, the only means of illumination in the institution are oil lamps, which are hazardous to the property, and especially dangerous since the buildings are not within the reach of the fire department of said city; therefore,

Appropriates \$1,200 for the purpose of putting an apparatus for generating gas in the state industrial school for girls.

1. BE IT ENACTED, by the Senate and General Assembly of the State of New Jersey, That the sum of twelve hundred dollars be and the same is hereby appropriated from the treasury of the state for the purpose of putting an apparatus for generating gas in the state industrial school for girls, and for making the necessary connections thereto of pipes and burners throughout the building.

Trustees to carry out the measures prescribed by the first section and report to the governor.

2. *And be it enacted*, That the trustees of said school are hereby authorized and directed to carry out the measures prescribed by the first section of this act, and to report their action to the governor of the state, and the comptroller of the state is hereby authorized, upon the completion of the work, to draw a warrant on the treasurer of the state, upon the order of the governor so to do, for the said sum of twelve hundred dollars in favor of the treasurer of the board of trustees of said school.

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

Approved April 4, 1891.

CHAPTER CLXXIII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the thirty-fifth section of the act regulating proceedings in criminal cases is hereby amended to read as follows: Section to be amended.

35. *And be it enacted*, That pleas and recognizances taken and verdicts rendered before the presiding judge only of the court of oyer and terminer and general jail delivery, or the law judge only of the court of general quarter sessions of the peace, shall be valid equally as if taken before said judge and one of the other judges of either of said courts. When verdict valid.

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

Approved April 4, 1891.

CHAPTER CLXXIV.

An Act providing for the appointment of clerks to police justices in cities of the first class and defining their duties.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the justices holding the police courts existing in any city of the first class in this state shall have power and are hereby authorized to Justices of police courts in cities of the first class authorized to appoint clerks.

appoint in and for each of the police courts of said city a clerk, whose duty it shall be to attend the sessions of the court to which he may be appointed or assigned and to the examinations, trials and proceedings had therein before whatever justice or judge may hold or sit in the same; such clerk shall under the direction of the court keep a brief record of all matters which shall come before the same; he shall, unless otherwise expressly directed by law, receive all fees and penalties imposed in the court to which he shall act and shall account for and pay the same over to the proper officers or authorities within forty-eight hours after his receipt thereof; he shall keep a record of all such fines and penalties and of the disposition thereof in books to be provided for that purpose by the board hereinafter named, and shall perform such other duties and services as the court or the justice or judge aforesaid may require; he shall receive a salary of fifteen hundred dollars per annum, to be paid as shall be fixed by the board of police commissioners of such city; he shall be required to enter into a bond to the said city in its corporate name in the sum of three thousand dollars, with at least two sufficient sureties, to be approved of by the board or body of such city having control of the finances thereof, conditioned for the faithful performance of his duties, which bond shall be renewed annually; every such clerk appointed as aforesaid shall hold office during good behavior and shall be removed for cause only after opportunity to be heard respecting the cause assigned for removal.

2. And be it enacted, That if when this act shall go into effect in any such city there be not sufficient money on hand out of which to pay any expense rendered necessary hereby, the board or body thereof having control of the finances shall borrow sufficient money therefor, by means of a temporary loan or otherwise, in anticipation of the tax levy next to be made in such city, and shall therein make provision for the payment thereof.

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

Approved April 6, 1891.

CHAPTER CLXXV.

An Act to authorize corporations formed for the purpose of constructing or repairing either railroads, water, gas, or electric works, tunnels, bridges, viaducts, canals, hotels, wharves, piers, or any or all such works of internal improvement or public use or utility, to subscribe for, take, pay for in property, materials or services, hold, use and dispose of stock or bonds in any corporation formed for the purpose of constructing, maintaining and operating any such public works.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where corporations have heretofore been or are hereafter incorporated under the provisions of an act entitled "An Act concerning corporations," approved April seventh, one thousand eight hundred and seventy-five, having for their general object or purpose the building, constructing or repairing of railroads, water, gas, or electric works, tunnels, bridges, viaducts, canals, hotels, wharves, piers or any or all such works of internal improvement or public use or utility, it shall and may be lawful for such corporations to subscribe for, take, pay for, hold, use and dispose of stock or bonds in any corporation or corporations formed for the purpose of constructing, maintaining and operating any such public works, with the same rights and privileges as individuals would be entitled to in like case; and it shall and may be lawful for the directors of any such corporation formed for the purpose of constructing maintaining and operating any public work or works of the character and description aforesaid to accept in payment of any such subscription or purchase, property real or personal necessary for the purposes of such corporation or work, labor and services performed or materials furnished to or for such corporation for the uses and purposes thereof to the amount of the value thereof,

Lawful for corporations to subscribe and pay for stock.

and from time to time to issue upon any such subscription or purchase in such installments or proportions as such directors may agree upon, full paid stock in full or partial performance of the whole or any part of such subscription or purchase, and the stock so issued shall be declared and taken to be full paid stock and not liable to any further call, neither shall the holder thereof be liable for any further payments under any of the provisions of any act and said stock shall have legibly stamped upon the face thereof "issued for property purchased," and in all statements and reports of the company to be published this stock shall not be stated or reported as being issued for cash paid into the company but shall be reported in this respect according to the fact.

Repealer.

2. *And be it enacted*, That all acts and parts of acts, whether general, special, local or otherwise in any manner inconsistent with or repugnant to the provisions of this act be and the same hereby are repealed.

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

Approved April 6, 1891.

CHAPTER CLXXVI.

A Further Supplement to an act entitled "An act to provide for the assessment and payment of the costs and expenses incurred in constructing sewers and making other improvements in townships and villages," approved March twelfth, one thousand eight hundred and seventy-eight.

Commissioners
to assess benefits.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That where any sewer which has heretofore or may hereafter be constructed under the provisions of this act, forming a trunk line into which

lateral sewers may discharge, or through which the surface drainage and sewage of a district may be carried to tide-water or other receptacle, it shall and may be lawful, in assessing the benefits which may have been or may be conferred upon the property by the construction of said trunk-line of sewers, for the commissioners appointed to assess such benefits to assess the same as follows: such assessments shall be made upon all the property benefited and to be benefited within the entire drainage district of such trunk sewer; where an immediate or direct benefit may be or is secured, the assessment, when finally confirmed, shall be collectible at once; and where the benefit is prospective, and depends upon the construction of lateral and connecting sewers not yet built, then the assessment made upon such property, in every such case shall constitute a first lien thereon, at and from the time when the lateral sewer is constructed connecting the property so assessed with such trunk line, and shall be collectible at the same time the benefits assessed thereon for the construction of such connecting lateral sewer is or may be by law collectible; and such assessments shall draw interest only from the time the assessment for benefits made upon property along the line of such lateral sewers, for the construction thereof, may draw interest, and at the same rate.

Assessment to be made upon all the property benefited.

In case of direct benefit, assessment to be collectible at once.

When benefit is prospective, assessment to constitute a first lien.

Assessment to draw interest.

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

Repealer.

Approved April 6, 1891.

CHAPTER CLXXVII.

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

Corporation to
authorize the
increase of its
capital stock.

Proviso.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any corporation of this state has authorized or may hereafter authorize the increase of its capital stock, it shall be lawful for such increase to be made, and the shares issued from time to time, in such sums and in such manner as the board of directors, or trustees or managers of the corporation may determine; *provided*, that no issue of stock so increased, whether authorized by the original charter or certificate of organization or a supplemental certificate, shall be made until a certificate, under the seal of the corporation, setting forth the amount and date of such increase, as also the statute and the certificate authorizing it, and the total amount of stock issued including the increase, shall have been filed in the department of state.

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

Approved April 6, 1891.

CHAPTER CLXXVIII.

An Amendment to an act entitled "An amendment to an act entitled 'An act to enable boards of chosen freeholders to acquire, improve and maintain public roads,'" approved March nineteenth, one thousand eight hundred and eighty-nine, which said amendatory act was approved March eighteenth, one thousand eight hundred and ninety.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "An amendment to an act entitled 'An act to enable boards of chosen freeholders to acquire, improve and maintain public roads,'" approved March nineteenth, one thousand eight hundred and eighty-nine, which said amendatory act was approved March eighteenth, one thousand eight hundred and ninety, be and the same is hereby amended so as to read as follows, viz. :

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of any county in this state, by the votes of a majority of all the members thereof, to acquire, improve, maintain and assume full and exclusive control of any public road or roads, or parts thereof, in their county, so far as may be necessary for the purpose of improving and maintaining the same as a road or roads for carriages or other vehicles, but for no other purpose, except such roads or avenues as are now under the control of any county road board; that in order to acquire and assume control in any county, with power to improve and maintain the same, the said board shall cause a map to be made, or adopt a map already made, on which the principal public roads or highways of the county shall be or are laid down, and shall cause the roads or parts of roads which the said board intend to acquire and assume such control of to be plainly indicated

Section to be amended.

Boards of chosen freeholders empowered to acquire, improve and maintain public roads.

thereon, and shall file the said map, when so marked, in the office of the clerk of the county, whereupon the roads or parts of roads so marked or indicated on the said map shall become and be known as county roads, and shall thereafter be improved, maintained and kept in a safe and convenient condition for public use as aforesaid exclusively in the manner provided in this act; and it shall be lawful for the said boards to relinquish control of any road or part of any road so acquired and marked, and to acquire and assume control of other roads or parts of roads in the county from time to time, with the same power to improve and maintain the same; in either of which cases the said map shall be changed accordingly; in acquiring or assuming control of any public road or relinquishing the same the said board shall accurately describe such road in a written resolution, and file a copy thereof, certified by the clerk of the board, in the office of the county clerk, who shall record the same in a book to be provided and kept for that purpose; the term road, as used in this act, shall be construed to include street, avenue or other public highway; *provided*, that any and all roads heretofore acquired by any board of chosen freeholders in this state, by the passage of a resolution and filing of a map or maps, as provided in the act to which this is an amendment, may be improved and the money for that purpose raised as if this section of this amendment had not been passed.

Proviso.

Repealer.

When act to take effect.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect May first, one thousand eight hundred and ninety-one.

Approved April 6, 1891.

CHAPTER CLXXIX.

A Further Supplement to an act entitled "An act for the support of the government of this state and to fix the salaries of public officers," approved April fourth, one thousand eight hundred and forty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in each county of this state ^{Pay of crier of courts in counties of over 68,000 inhabitants.} having a population within their senatorial limits exceeding sixty-eight thousand inhabitants and under one hundred and fifty thousand inhabitants, the crier of the circuit and court of common pleas, court of general quarter sessions of the peace, and orphans' court, shall receive and be paid an annual salary of nine hundred dollars in lieu of the per diem compensation now provided by law, and such compensation shall be paid monthly to said crier by the county collector of such county upon the certificate of the county clerk; *provided*, that no person ^{Proviso.} who shall hold the position of sergeant-at-arms and crier of the courts of such county shall receive any compensation for his services as sergeant-at-arms.

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

Approved April 7, 1891.

CHAPTER CLXXX.

An Act to authorize turnpike compaines to straighten portions of their turnpike roads.

Turnpike companies authorized to straighten portions of their roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the board of directors of any turnpike company of this state, organized by virtue of any general or special act of incorporation, shall desire to alter any portion of its turnpike road by having such portion not exceeding one thousand yards in length, vacated, and relaying it in any other place, in order to straighten the same, it shall be lawful for such board of directors to make such alteration, provided the owners of the lands on both sides of the portion vacated, and the owners of the lands on which it is proposed to relay such portion shall consent to such alteration; *and provided further*, that the portion shall be built in the manner prescribed for the building of the original turnpike road of such company by the act under which the company may be incorporated.

Proviso.

Company to file consent of owners of lands and a description of the portion vacated.

2. *And be it enacted*, That when such alteration shall have been made, it shall be the duty of the said turnpike company to file in the office of the clerk or register of deeds of the county in which such turnpike road may be situate the consent of the owners of lands hereinbefore mentioned, duly acknowledged or proven as in the case of deeds of conveyance of lands, and a certificate of the board of directors of the turnpike company setting forth a description of the portion of such turnpike road vacated and where the same has been relaid, which certificate shall be executed under the common seal of the turnpike company and the hand of its president attested by its secretary and be proven as in the case of deeds of conveyance of lands by corporations.

Consent to run through a public park to be executed by the mayor of the city.

3. *And be it enacted*, That in any case where a turnpike road may run through a public park belonging to any city, the consent hereinbefore mentioned shall, on behalf

of said city and upon request by resolution of the common council or other governing body of such city, be executed by the mayor thereof under the common seal of the city.

4. *And be it enacted*, That the certificate and consent, when filed as aforesaid, shall be recorded by the clerk or register of the county in the book containing the record of public roads, and from the date of such record the portion of turnpike road described in such record as being vacated shall forthwith become vacated, and as to the new portion of said road described in such record the said turnpike company shall forthwith become vested with all the rights, privileges and franchises, and subject to all the duties and obligations granted and imposed by the act under which it is incorporated.

Certificate and consent to be filed with county clerk.

5. *And be it enacted*, That the said certificate and consent, and the record thereof, or a copy of such record certified under the hand and official seal of the clerk or register of the county, shall be received in all courts as evidence of the facts therein set forth.

Certificate and consent received as evidence.

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

Approved April 7, 1891.

CHAPTER CLXXXI.

A Further Supplement to the act entitled "An act to regulate elections," approved the sixteenth day of April, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of electing members of the house of representatives of the United States, this state shall be divided into eight districts, as follows, viz.:

Congressional districts.

1. The counties of Camden, Cumberland, Cape May, Gloucester and Salem shall constitute and be called the first district.

2. The counties of Atlantic, Mercer, Burlington and Ocean shall constitute and be called the second district.

3. The counties of Somerset, Middlesex and Monmouth shall constitute and be called the third district.

4. The counties of Sussex, Warren, Hunterdon, Morris, and the following townships of the county of Essex, viz., Belville, Bloomfield, Caldwell, East Orange, Franklin, Montclair and Livingston shall constitute and be called the fourth district.

5. The counties of Bergen and Passaic, and the following towns, townships and cities of the county of Hudson, viz., the townships of Guttenberg, North Bergen, Union, Weehawken, West Hoboken, and the town of Union shall constitute and be called the fifth district.

6. The city of Newark, in the county of Essex, shall constitute and be called the sixth district.

7. The city of Jersey City, the city of Hoboken, and the townships of Harrison and Kearney, all in the county of Hudson, shall constitute and be called the seventh district.

8. The county of Union and also the city of Orange, and the townships of Clinton, South Orange, West Orange and Milburn, all of the county of Essex, and the city of Bayonne of the county of Hudson, shall constitute and be called the eighth district.

Time of election
of representatives
in congress.

2. *And be it enacted*, That each of said districts shall elect one person to represent this State in the house of representatives of the United States, which election shall be held on the Tuesday next after the first Monday in November in the year eighteen hundred and ninety-two, and on the Tuesday next after the first Monday in November on each second year thereafter until Congress shall otherwise provide.

Construction of
certain references
in this act.

3. *And be it enacted*, That in the interpretation of this act all references to counties, cities, townships, wards and other municipal divisions shall be taken to refer to such counties, cities, townships, wards and other municipal divisions as they exist at the time of the passage of this act.

Approved April 14, 1891.

CHAPTER CLXXXII.

An Act to re-apportion the several assembly districts of the state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of electing members of the general assembly of this state, the several counties shall be formed into assembly districts, equal in number to the number of members of the general assembly that said counties are to elect respectively, that is to say:

The county of Atlantic shall constitute one assembly district. Atlantic.

2. *And be it enacted*, That the county of Bergen shall constitute two assembly districts, to be composed as follows: Bergen.

The first district to be composed of the townships of Ridgefield, Englewood, Palisade, Harrington, Washington, Orvil and Hohokus; First district.

The second district shall be composed of the townships of Franklin, Ridgewood, Saddle River, Midland, New Barbadoes, Lodi, Boiling Springs and Union, and the borough of Rutherford. Second district.

3. *And be it enacted*, That the county of Burlington shall constitute two assembly districts, to be composed as follows: Burlington

The first district to be composed of the townships of Delran, Beverly, Willingborough, Burlington, Florence, Mansfield, Springfield and Eastamton, the city of Burlington and Beverly city; First district.

The second district shall be composed of all that part of the county of Burlington not included within the limits of the first assembly district thereof as above described. Second district.

4. *And be it enacted*, That the county of Camden shall constitute three assembly districts, to be composed as follows: Camden.

First district

The first district to be composed of the first, third, fourth, seventh and eighth wards of the city of Camden; the first, third and fourth precincts of second ward of the city of Camden; all that portion of the fifth ward of the city of Camden comprised within the following limits: beginning at a point in the center of Third street where the same intersects with Line street; thence along middle line of Third street south to center of Line ditch; thence along middle line of Line ditch west to Delaware river; thence along Delaware river north to a point opposite to the center of Line street; thence along middle line of Line street east to place of beginning; all that portion of the sixth ward of the city of Camden comprised within the following limits: beginning at a point in the center line of Railroad avenue where the same intersects with Chestnut street; thence along the middle line of Railroad avenue south to center of Line ditch; thence along the middle line of Line ditch west to center of Broadway; thence along the middle line of Broadway north to center of Chestnut street; thence along the middle line of Chestnut street east to place of beginning; all that portion of the ninth ward of the city of Camden comprised within the following limits; beginning at a point in the center line of Sixth street, where the same intersects with Line street, thence along middle line of Sixth street north to center of Royden street; thence along middle line of Royden street east to center of Railroad avenue; thence along the middle line of Railroad avenue north to center of Benson street; thence along the middle line of Benson street to center of Haddon avenue; thence along the middle line of Haddon avenue northerly to center of Federal street; thence along the middle line of Federal street west to center of Broadway; thence along the middle of Broadway south to center of Line street; thence along the middle line of Line street east to place of beginning; the first precinct of the township of Stockton, and also all that portion of the territory of the township of Stockton comprised within the following limits: beginning at a point in the center of Toll-gate road where the same intersects with the Camden and Amboy railroad; thence along the middle line of Toll-gate road southeasterly to center of Moorestown road or Federal street; thence

along the center line of Federal street in a westerly direction to center line of Cooper avenue; thence along the middle of Cooper avenue to center of Camden and Amboy railroad; thence along the middle line of Camden and Amboy railroad northerly to place of beginning; the borough of Merchantville, the townships of Delaware, Haddon, Waterford and Winslow, and the second precinct of the township of Centre;

The second district to be composed of all that portion ^{Second district.} of the fifth ward of the city of Camden comprised within the following limits: beginning at a point in the center of Line street, at the intersection of third street, thence along the middle line of Line street east to the center of Fourth street; thence along the middle line of Fourth street, south, to the center of Line ditch; thence along the middle line of Line ditch, west, to a point opposite the center of Third street; thence along the middle line of Third street to the place of beginning, and all that portion of the sixth ward in the city of Camden described as follows: beginning at a point in the center of Fourth street, where the same intersects with Line street, thence along the middle line of Fourth street to center of Line ditch; thence along the middle line of Line ditch, east, to center of Broadway; thence along the middle line of Broadway, north, to center of Chestnut street; thence along the middle line of Chestnut street to center of Railroad avenue; thence along middle line of Railroad avenue to the center of Line street; thence along the middle line of Line street, west, to place of beginning; and all that portion of the ninth ward of the city of Camden comprised within the following limits: beginning at a point in the center of Newton avenue, where the same intersects with Line street, thence along the middle line of Newton avenue, northeasterly, to the center of Federal street; thence along the middle line of Federal street, west, to the center line of Haddon avenue; thence along the middle line of Haddon avenue, southeasterly, to the center line of Benson street; thence along the middle line of Benson street to the center of the West Jersey railroad; thence along the middle line of the West Jersey railroad to the center of Royden street; thence along the middle line of Royden street to the center of Sixth street;

thence along the middle line of Sixth street, south, to the center line of Line street; thence along the middle line of Line street, east, to place of beginning; and all that portion of the second ward in the city of Camden comprised within the following limits: beginning at a point in Cooper's creek, opposite the center of Federal street, thence along the middle of Federal street, west, to the center line of Seventh street; thence along the middle line of Seventh street, north, to the center line of Penn street; thence along center line of Penn street, east, to center line of Eleventh street; thence along the center line of Eleventh street, north, to center line of Linden street; thence along middle line of Linden street, east, to Cooper's creek; thence along Cooper's creek, south, to place of beginning; and all that portion of the township of Stockton beginning at a point in the Delaware river opposite the center of Toll-gate road; thence along the middle line of Toll-gate road, east, to center of Camden and Amboy railroad; thence along middle line of Camden and Amboy railroad, south, to center of Cooper avenue; thence along the middle line of Cooper avenue, southeasterly, to center of Federal street; thence along middle line of Federal street, easterly, to center of boundary line of Merchantville borough; thence along center of said boundary line, south, to center of Browning road; then along middle line of Browning road, west, to Cooper's creek; thence along Cooper's creek, northwesterly, to Delaware river; thence along the Delaware river to place of beginning;

Third district. The third district to be composed of Gloucester city, the first precinct of the township of Centre and the township of Gloucester.

Cape May. 5. *And be it enacted*, That the county of Cape May shall constitute one assembly district.

Cumberland. 6. *And be it enacted*, That the county of Cumberland shall constitute two assembly districts, to be composed as follows:

First district. The first district to be composed of the city of Bridgeton, the townships of Deerfield, Downe, Lawrence, Stoe Creek, Hopewell and the third ward of the city of Millville;

The second district to be composed of the first, second Second district. and fourth wards of the city of Millville, and the townships of Fairfield, Greenwich, Commercial, Maurice River and Landis.

7. *And be it enacted,* That the county of Essex shall Essex. constitute eleven assembly districts, to be composed as follows:

The first district being all that part of the county of First district. Essex which is comprised within the present limits of the city of Newark, and embraced within the following boundary lines to wit: beginning at a point in the line of the Passaic river opposite the northeasterly terminus of the center of Jackson street; thence easterly and southerly along the Passaic river, following the several courses thereof, to the boundary line between the tenth and twelfth wards of the city of Newark; thence westerly and northwesterly along the several courses of the present boundary line between the tenth and twelfth wards of the city of Newark, to a point therein in the middle of Elm street opposite the center of Adams street; thence northeasterly, along the middle of Adams street, to the center of Ferry street; thence southeasterly, along the center of Ferry street, to a point opposite the middle of Jackson street; thence easterly and northeasterly, along the center of Jackson street, to the terminus thereof, and thence to the Passaic river and the place of beginning;

The second district being all that part of the county of Second district. Essex which is now comprised within the tenth ward of the city of Newark together with the territory embraced within the following described boundary lines, to wit: beginning at a point in the middle of the Passaic river, at a point therein opposite the northeasterly terminus of the center of Jackson street; thence northwesterly, along the Passaic river to a point opposite the easterly terminus of the present boundary line between the fifth and twelfth wards of the city of Newark; thence southwesterly to and along the present boundary line between the fifth and twelfth wards of the city of Newark to the southwesterly terminus thereof, at a point in the middle of Elm street opposite the center of Madison street; thence southeasterly, along the middle of Elm street, to a point therein opposite the center of Adams street; thence

northeasterly, along the center of Adams street, to a point in the middle of Ferry street; thence southeasterly, along the middle of Ferry street, to a point therein opposite the center of Jackson street; thence easterly and northeasterly, along the center of Jackson street, to the terminus thereof, and thence to the Passaic river and place of beginning:

Third district. The third district being all that part of the county of Essex now comprised within the boundary lines of the fourth and fifth wards of the city of Newark;

Fourth district. The fourth district being all that part of the county of Essex now comprised within the boundary lines of the first and second wards of the city of Newark, together with the territory now embraced within the following described boundary lines and now constituting the second election district of the seventh ward of the city of Newark, to wit: beginning in the middle of High street where the same is intersected by the center line of Warren street; thence westerly along the center of Warren street to a point therein where the same is intersected by the center line of Norfolk street; thence northerly, along the center line of Norfolk street, to a point therein where the same is intersected by the center line of Central avenue; thence easterly, along the center line of Central avenue, to a point therein where the same is intersected by the center line of High street, and thence southerly along the center of High street to a point where the same is intersected by the center line of Warren street and place of beginning;

Fifth district. The fifth district being all that part of the county of Essex now comprised within the boundary lines of the eighth ward of the city of Newark, together with that portion of the territory of the eleventh ward of the city of Newark now known as the first and second election districts of the eleventh ward, and lying northerly and westerly of a line beginning in the center of Orange street, where the same is intersected by the westerly terminus of the center line of Eighth avenue, and in the boundary line between the eighth and fifteenth wards of the city of Newark; thence westerly, along the middle of Orange street, to a point in the middle of Morris canal; thence southerly, along the middle of the Morris

canal, to a point therein where the same is intersected by the northerly terminus of the center line of Morris avenue; thence, still southerly, along the center of Morris avenue, to a point therein where the same is intersected by the center line of Central avenue, and thence westerly, along the center line of Central avenue, to a point where the same intersects the easterly boundary line of the township of East Orange;

The sixth district being all that part of the county of ^{Sixth district.} Essex now comprised within the boundary lines of the fifteenth ward of the city of Newark, together with that portion of the territory of the seventh ward of the city of Newark now embraced within the first and third election districts of said seventh ward;

The seventh district being all that part of the county ^{Seventh district.} of Essex now comprised within the boundary lines of the sixth ward of the city of Newark, together with that portion of the eleventh ward of the said city of Newark now embraced within the third and fourth election districts of said eleventh ward of said city of Newark;

The eighth district being all that part of the county of ^{Eighth district.} Essex which is comprised within the city of Newark and embraced within the following described boundary lines: beginning in the middle of Springfield avenue where the same is intersected by the center line of High street; thence westerly, along the center of Springfield avenue, to where the same intersects the line of Clinton township; thence southwesterly and easterly, along the courses of the Clinton township line, until the said line strikes the westerly boundary line of the fourteenth ward of the city of Newark, at or near Chadwick avenue; thence northerly, along said boundary line, to a point in the center of Avon avenue; thence easterly, along the middle of Avon avenue, or the present boundary line between the thirteenth and fourteenth wards of the city of Newark, to a point therein opposite the center of Somerset street; thence northerly, along the middle of Somerset street, to a point therein where the same is intersected by the center line of Montgomery street; thence easterly, along the middle of Montgomery street, to a point in the center of High street opposite the easterly terminus of the center line of Montgomery street; thence northerly along the

middle of High street to where the same intersects the center of Springfield avenue and place of beginning;

Ninth district. The ninth district being all that part of the county of Essex which is now comprised within the boundaries of the third, ninth and fourteenth wards of the city of Newark, together with that portion of the territory now embraced within the thirteenth ward of said city of Newark, and within the following described lines, to-wit: beginning at a point in the middle of High street, opposite the easterly terminus of the center of Montgomery street, thence westerly, along the middle of Montgomery street, to a point therein opposite the center of Somerset street; thence southerly, along the middle of Somerset street, to a point in the middle of Avon avenue; thence easterly, along the middle of Avon avenue, to a point in the middle of Clinton avenue opposite the easterly terminus of the center line of Avon avenue; thence northeasterly, along the middle of Clinton avenue, to a point therein opposite the center of High street; thence northerly, along the middle of High street, to a point therein opposite the center of Montgomery street and the place of beginning, together with the township of Clinton in said county of Essex;

Tenth district. The tenth district being all that part of the county of Essex which is now comprised within the boundary lines of the city of Orange and the townships of South Orange and West Orange;

Eleventh district. The eleventh district being all that part of the county of Essex which is now comprised within the boundary lines of the townships of East Orange, Bloomfield, Belleville, Franklin, Montclair, Caldwell, Livingston and Millburn.

Gloucester. 8. *And be it enacted*, That the county of Gloucester shall constitute one assembly district.

Hudson. 9. *And be it enacted*, That the county of Hudson shall constitute eleven assembly districts, to be composed as follows:

First district. The first district to be composed of all that part of Jersey City, beginning at a point where the center line of the Newark and New York railroad intersects the westerly boundary line of Jersey City; thence easterly, along the center line of the said Newark and New York

railroad, to the center line of Ocean avenue; thence southerly, along the center line of Ocean avenue, to the center line of Myrtle avenue; thence easterly, along the center line of Myrtle avenue, to the center line of Garfield avenue; thence northerly, along the center line of Garfield avenue, to the center line of Caven Point road; thence easterly, along the center line of Caven Point road, to the center line of the Central railroad of New Jersey; thence easterly, along the center line of Caven Point road, extended in a straight line, to the easterly boundary line of Jersey City; thence southerly, along said easterly boundary line, to the southerly boundary line of said city; thence along said southerly boundary line to the westerly boundary line of said city; thence northerly, along said westerly boundary line, to the center line of the Newark and New York railroad, the point or place of beginning, and also so much of the county of Hudson as is comprised within the limits of the city of Bayonne;

The second district to be composed of all that part of Second district. Jersey City, beginning at a point where the center line of the Newark and New York railroad intersects the westerly boundary line of Jersey City; thence easterly, along the center line of the said Newark and New York railroad, to the center line of Ocean avenue; thence southerly, along the center line of Ocean avenue, to the center line of Myrtle avenue; thence easterly, along the center line of Myrtle avenue, to the center line of Garfield avenue; thence northerly, along the center line of Garfield avenue, to the center line of Caven Point road; thence easterly, along the center line of Caven Point road, to the center line of the Central railroad of New Jersey; thence easterly, along the center line of Caven Point road, extended in a straight line, to the center line of Jersey avenue, if continued southerly; thence northerly, along the center line of Jersey avenue, if continued, to the center line of the Morris canal; thence westerly and southerly, along the center line of the Morris canal, to the center line of Communipaw avenue; thence westerly, along the center line of Communipaw avenue, to the center line of Summit avenue; thence northerly, along the center line of Summit avenue, to the center

line of Fairmount avenue; thence westerly, along the center line of Fairmount avenue, to the center line of Storm avenue; thence northerly, along the center line of Storm avenue, to the center line of Bergen avenue; thence northerly, along the center line of Bergen avenue, to the center line of Church street; thence easterly, along the center line of Church street, to the center line of Summit avenue; thence northerly, along the center line of Summit avenue, to the center line of Wayne street; thence easterly, along the center line of Wayne street, to the center line of Cornelison avenue; thence northerly, along the center line of Cornelison avenue, and of Cornelison avenue if continued, to the center line of the old right-of-way of the Pennsylvania railroad; thence northerly, along the center line of said old right-of-way to the center line of Baldwin avenue; thence northerly, along the center line Baldwin avenue, to the center line of Pavonia avenue; thence easterly, along the center line of Pavonia avenue, to the center line of Chestnut avenue; thence northerly, along the center line of Chestnut avenue, to the center line of Newark avenue; thence westerly, along the center line of Newark avenue, to the center line of Oakland avenue; thence northerly, along the center line of Oakland avenue, to the center line of Hoboken avenue; thence westerly, along the center line of Hoboken avenue, to the center line of Newark avenue; thence westerly, along the center line of Newark avenue, to the center line of West Side avenue; thence southerly, along the center line of West Side avenue, to the center line of Duncan avenue; thence westerly, along the center line of Duncan avenue, and Duncan avenue continued, to the westerly boundary line of Jersey City; thence southerly, along the westerly boundary line of Jersey City, to the center line of the Newark and New York railroad, the point or place of beginning;

Third district.

The third district to be composed of all that part of Jersey City, beginning at a point where the center line of Barrow street would intersect the center line of the Morris canal; thence westerly and southerly, along the center line of the Morris canal, to the center line of Communipaw avenue; thence westerly, along the center line of Communipaw avenue, to the center line of Summit

avenue; thence northerly, along the center line of Summit avenue, to the center line of Fairmount avenue; thence westerly, along the center line of Fairmount avenue, to the center line of Storm avenue, thence northerly, along the center line of Storm avenue, to the center line of Bergen avenue; thence northerly, along the center line of Bergen avenue, to the center line of Church street; thence easterly, along the center line of Church street, to the center line of Summit avenue; thence northerly, along the center line of Summit avenue, to the center line of Wayne street; thence easterly, along the center line of Wayne street, to the center line of Cornelison avenue; thence northerly, along the center line of Cornelison avenue and Cornelison avenue continued, to the center line of the old right-of-way of the Pennsylvania railroad; thence northeasterly, along the center line of Waldo avenue, to the center line of Newark avenue; thence southeasterly, along the center line of Newark avenue, to the center line of Coles street; thence southerly, along the center line of Coles street, to the center line of Railroad avenue; thence easterly, along the center line of Railroad avenue, to the center line of Barrow street; thence southerly, along the center line of Barrow street, to the center line of the Morris canal, the point or place of beginning;

The fourth district is to be composed of all that part of ^{Fourth district.} Jersey City beginning at a point in the easterly boundary line of Jersey City where the center line of Caven Point road, if continued easterly, would intersect said easterly boundary line; thence westerly, along the center line of Caven Point road, if continued as aforesaid, to the center line of Jersey avenue if continued southerly; thence northerly, along the center line of Jersey avenue, if continued, to the center line of the Morris canal; thence easterly, along the center line of the Morris canal, to the center line of Barrow street; thence northerly, along the center line of Barrow street to the center line of Newark avenue; thence easterly, along the center line of Newark avenue, to the center line of Railroad avenue; thence easterly, along the center line of Railroad avenue, to the center line of Warren street; thence northerly, along the center line of Warren street, to the center line of Pearl

street; thence easterly, along the center line of Pearl street and Pearl street if continued to the easterly boundary line to Jersey City; thence southerly, along the easterly boundary line of Jersey City, to the center line of Caven Point road if continued, the point or place of beginning;

Fifth district.

The fifth district to be composed of all that part of Jersey City beginning at a point in the easterly boundary line of Jersey City where the same is intersected by the center line of Pearl street if produced easterly; thence westerly, along the center line of Pearl street, to the center line of Warren street; thence southerly, along the center line of Warren street, to the center line of Railroad avenue; thence westerly, along the center line of Railroad avenue, to the center line of Newark avenue; thence westerly, along the center line of Newark avenue, to the center line of Barrow street; thence southerly, along the center line of Barrow street, to the center line of Railroad avenue; thence westerly, along the center line of Railroad avenue, to the center line of Coles street; thence northerly, along the center line of Coles street, to the center line of Newark avenue; thence northwesterly, along the center line of Newark avenue, to the center line of Waldo avenue; thence southerly, along the center line of Waldo avenue, to the center line of the old right-of-way of the Pennsylvania railroad; thence northerly, along the center line of said old right-of-way, to the center line of Baldwin avenue; thence northerly, along the center line of Baldwin avenue, to the center line of Pavonia avenue; thence easterly, along the center line of Pavonia avenue, to the center line of Chestnut avenue; thence northerly, along the center line of Chestnut avenue, to the center line of Newark avenue; thence westerly, along the center line of Newark avenue, to the center line of Oakland avenue; thence northerly, along the center line of Oakland avenue, to the center line of Hoboken avenue; thence easterly and northeasterly, along the center line of Hoboken avenue, to the center line of Jersey avenue; thence southerly, along the center line of Jersey avenue, to the center line of Ninth street; thence westerly, along the center line of Ninth street, to the center line of Monmouth street; thence southerly, along the center line of Monmouth street, to the center

line of Seventh street; thence easterly, along the center line of Seventh street, to the center line of Grove street; thence northerly, along the center line of Grove street, to the center line of Pavonia avenue; thence easterly, along the center line of Pavonia avenue, to the center line of Henderson street; thence southerly, through the center line of Henderson street, to the center line of Sixth street; thence easterly, along the center line of Sixth street and Sixth street continued, to the easterly boundary line of Jersey City; thence southerly, along said easterly boundary line, to a point where the same is intersected by the center line of Pearl street, if continued, and to the point or place of beginning;

The sixth district to be composed of all that part of Sixth district. Jersey City beginning at a point formed by the intersection of the easterly boundary line of Jersey City, with the northerly boundary line of said city, said northerly boundary line being also the dividing line between Jersey City and the city of Hoboken; thence westerly and northerly, along said northerly boundary line, to the center line of Hoboken avenue; thence westerly, along the center line of Hoboken avenue, to the center line of Jersey avenue; thence southerly, along the center line of Jersey avenue, to the center line of Ninth street; thence westerly, along the center line of Ninth street, to the center line of Monmouth street; thence southerly, along the center line of Monmouth street, to the center line of Seventh street; thence easterly, along the center line of Seventh street, to the center line of Grove street; thence northerly, along the center line of Grove street, to the center line of Pavonia avenue; thence easterly, along the center line of Pavonia avenue, to the center line of Henderson street; thence southerly, along the center line of Henderson street, to the center line of Sixth street; thence easterly, along the center line of Sixth street and Sixth street continued, to the easterly boundary of the city; thence northerly, along the easterly boundary of the city, to the intersection of the boundary line of Jersey City and Hoboken at the place of beginning;

The seventh district to be composed of all that part of Seventh district. Jersey City beginning at a point formed by the intersection of the center line of Hoboken avenue with the cen-

ter line of Oakland avenue; thence northerly, along the center line of Oakland avenue, to the center line of Jefferson avenue; thence westerly, along the center line of Jefferson avenue, to the center line of Central avenue; thence northerly, along the center line of Central avenue, to the center line of Manhattan avenue; thence westerly, along the center line of Manhattan avenue and Manhattan avenue continued, to the westerly boundary of Jersey City, in the center of Pen Horn creek; thence southwesterly and southerly, along the westerly boundary line of Jersey City, in the center of Pen Horn creek and the Hackensack river, to the center line of Duncan avenue continued; thence easterly, along the center line of Duncan avenue, to the center line of West Side avenue; thence northerly, along the center line of West Side avenue, to the center line of Newark avenue; thence easterly, along the center line of Newark avenue, to the center line of Hoboken avenue; thence easterly, along the center line of Hoboken avenue, to the center line of Oakland avenue, the point or place of beginning; and, also, so much of the county of Hudson as is now comprised within the limits of Kearney township and the town of Harrison;

Eighth district.

The eighth district to be composed of all that part of Jersey City beginning at a point in the westerly boundary line of Jersey City, in the center of Pen Horn creek, where said boundary would intersect the center line of Manhattan avenue if continued; thence easterly, along the center line of Manhattan avenue, to the center line of Central avenue; thence southerly, along the center line of Central avenue, to the center line of Jefferson avenue; thence easterly, along the center line of Jefferson avenue, to the center line of Oakland avenue; thence southerly, along the center line of Oakland avenue, to the center line of Hoboken avenue; thence easterly and northeasterly, along the center line of Hoboken avenue, to the westerly boundary line of the city of Hoboken; thence northerly, northeasterly, northwesterly and southwesterly, along the several boundary lines of the city of Jersey City, to a point in the center of Pen Horn creek where the westerly boundary of Jersey City would intersect the center line of Manhattan avenue continued, the point or place of beginning;

The ninth district to be composed of all that portion of ^{Ninth district.} the city of Hoboken beginning at the center line of the Hudson river where it intersects the southerly boundary line of said city; thence westerly and along the southerly boundary line of said city to the westerly boundary line of said city; thence northerly and along the said westerly boundary line to where it intersects the center line of Third street in said city; thence easterly and along the center line of Third street to the center line of Park avenue; thence northerly and along the center line of Park avenue to the center line of Sixth street; thence easterly and along the center line of Sixth street extended to the center of the Hudson river; thence southerly along the center of the Hudson river to the place of beginning;

The tenth district to be composed of that portion of the ^{Tenth district.} city of Hoboken, and also of the township of Weehawken, as lie within the following boundaries: beginning at the center of the Hudson river where it is intersected by the continuation of the center line of Sixth street in the city of Hoboken; thence westerly, along the center line of Sixth street, to the center line of Park avenue; thence southerly along the center line of Park avenue, to the center line of Third street; thence westerly, along the center line of Third street, to the westerly boundary line of said city; thence northerly, along the said westerly boundary line to its intersection with the southerly boundary line of the township of Weehawken at the center of Jefferson street in said city; thence westerly, and along the said southerly boundary, to the center of Amelia street; thence northerly, along the center line of Amelia street, to the center of the Hackensack turnpike; thence northerly, along the center of the Hackensack turnpike, to a point opposite the southerly end of "Highwood park" or "King estate;" thence easterly, and at right angles to the said Hackensack turnpike, to the intersection of the southerly line of the "Highwood park" or "King estate" with the easterly line of Bull's ferry branch road; thence easterly, and along the southerly line of said "Highwood park" and the "King estate," extended to the westerly line of the property of the Delaware and Hudson canal company; thence southerly and easterly, along the boundary line of the said Dalaware

and Hudson canal company's property, to the center of the Hudson river; thence southerly, along the center of the Hudson river, to the place of beginning.

Eleventh district. The eleventh district to be composed of all that portion of Hudson county now included within the limits of the townships of Weehawken, North Bergen and Union, and the towns of West Hoboken, Guttenberg and Union, except that portion of the township of Weehawken which lies south of the following boundary line: beginning at the intersection of the westerly boundary line of the city of Hoboken with the southerly boundary line of the township of Weehawken, at or near the center of Jefferson street in said city; thence westerly, and along the said southerly boundary, to the center of Amelia street; thence northerly, along the center line of Amelia street, to the center of the Hackensack turnpike; thence northerly, along the center of the Hackensack turnpike, to a point opposite the southerly end of "Highwood park" or "King estate"; thence easterly, and at right angles to the said Hackensack turnpike, to the intersection of the southerly line of the "Highwood park" or "King estate" with the easterly line of the Bull's ferry branch road; thence easterly, and along the southerly line of said "Highwood park" and the "King estate" extended, to the westerly line of the property of the Delaware and Hudson canal company; thence southerly and easterly, along the boundary line of the said Delaware and Hudson canal company's property to the center of the Hudson river; and that said eleventh district shall also embrace all those portions of the county of Hudson not included within the limits of the other ten districts as above described.

Hunterdon. 10. *And be it enacted*, That the county of Hunterdon shall constitute two assembly districts, to be composed as follows:

First district. The first district to be composed of the townships of Delaware, Kingwood, Franklin, Raritan, East Amwell, West Amwell, and the borough of Frenchtown and the city of Lambertville;

Second district. The second district to be composed of the townships of Alexandria, Holland, Bethlehem, Lebanon, Tewks-

bury, High Bridge, Union, Clinton, and Readington and Clinton borough.

11. *And be it enacted*, That the county of Mercer shall ^{Mercer.} constitute three assembly districts, to be composed as follows:

The first district to be composed of the townships of ^{First district.} Hopewell, Princeton, Lawrence, West Windsor, East Windsor, Washington, Hamilton and Ewing, the first and tenth wards of the city of Trenton, and so much of the ninth ward of the city of Trenton as lies within the following boundaries, to-wit: beginning at the intersection of the center line of the Assunpink creek and the Delaware and Raritan canal; thence southerly, along the center line of the said canal, to a point where the center line of Elmer street, if produced, would intersect the center line of the said canal; thence easterly, in a straight line to and along the center line of Elmer street, to the center of Prospect street; thence northerly, along the center line of Prospect street, to the center line of Hamilton avenue; thence westerly, along the center line of Hamilton avenue, to the center line of Hudson street; thence northerly, along the center line of Hudson street, and continuing the same course to the middle of the Assunpink creek; thence westerly, along the middle of the said creek to the place of beginning; and the fourth precinct of the seventh ward of the city of Trenton as now constituted;

The second district to be composed of the second, fifth ^{Second district.} and eighth wards of the city of Trenton, and all of the first, second, third and fifth precincts of the seventh ward of the city of Trenton as now constituted;

The third district to be composed of the third, fourth, ^{Third district.} sixth and eleventh wards of the city of Trenton, and so much of the ninth ward of the city of Trenton as lies within the following boundaries, to-wit: beginning at a point in the Delaware and Raritan canal where the center line of Elmer street, if produced, would intersect the center line of said canal; thence easterly, in a straight line to and along the center line of Elmer street, to the center line of Prospect street; thence southerly, along the center line of Prospect street, to the center line of Cummings avenue; thence westerly, along the center line of Cum-

mings avenue, to the center line of Coleman street; thence southwesterly, along the center line of Coleman street, to the center line of Broad street; thence northwesterly, along the center line of Broad street, to the center line of Cass street; thence westerly, along the center line of Cass street, to the center line of the Delaware and Raritan canal; thence northerly, along the center line of the said canal, to the place of beginning.

Middlesex. 12. *And be it enacted*, That the county of Middlesex shall constitute three assembly districts, to be composed as follows:

First district. The first district to be composed of the townships of Raritan, Piscataway and Woodbridge, and the city of Perth Amboy;

Second district. The second district to be composed of the city of New Brunswick;

Third district. The third district to be composed of the townships of North Brunswick, South Brunswick, East Brunswick, Cranbury, Monroe, Madison, Sayreville and South Amboy.

Monmouth. 13. *And be it enacted*, That the county of Monmouth shall constitute three assembly districts, to be composed as follows:

First district. The first district to be composed of the townships of Upper Freehold, Millstone, Manalapan, Freehold, Howell and all that portion of the territory of the township of Shrewsbury within the following limits, that is to say: beginning at a point in the center of the Eatontown and Tinton Falls turnpike, where the boundary line of the townships of Eatontown and Shrewsbury intersect; thence running westerly, along the center of said turnpike to where it turns to the northerly and is intersected by the public road from Pine Brook; thence still westerly, along the center of the public road, the several courses thereof, to a point in the eastern boundary line of the township of Atlantic at or near Cook's mill pond; thence southerly, following the several courses of the easterly boundary line of the township of Atlantic and the western boundary line of the township of Shrewsbury, to the northern boundary line of the township of Wall; thence easterly, along the northerly boundary line of the township of Wall and the southerly

boundary line of the township of Shrewsbury, to where the same is intersected by the westerly boundary line of the township of Neptune; thence northerly, along the easterly boundary line of the township of Shrewsbury and the westerly boundary lines of the townships of Neptune, Ocean and Eatontown, to the place of beginning.

The second district to be composed of the townships ^{Second district.} of Atlantic, Eatontown, Marlboro, Matawan, Neptune, Ocean and Wall.

The third district to be composed of the townships of ^{Third district.} Holmdel, Middletown, Raritan and all that portion of the township of Shrewsbury north of the Eatontown and Tinton Falls turnpike, and the road leading from the said turnpike to the eastern boundary line of the township of Atlantic, at or near Cook's mill pond, and being all the remaining portion of the territory of the township of Shrewsbury which is not comprised within the limits of the first assembly district.

14. *And be it enacted,* That the county of Morris shall ^{Morris.} constitute two assembly districts, to be composed as follows :

The first district to be composed of the townships of ^{First district.} Chatham, Morris, Passaic, Mendham, Raudolph, Roxbury, Chester, Mount Olive and Washington ;

The second district to be composed of the townships of ^{Second district.} Hanover, Boonton, Montville, Pequannock, Rockaway and Jefferson.

15. *And be it enacted,* That the county of Ocean shall ^{Ocean.} constitute one assembly district, composed of the several townships therein.

16. *And be it enacted,* That the county of Passaic shall ^{Passaic.} constitute four assembly districts, to be composed as follows :

The first district to be composed of the townships of ^{First district.} West Milford, Pompton, Wayne, Manchester, and the first and sixth wards of the city of Paterson, and all that portion of the territory of the second ward of the city of Paterson comprised within the following limits, that is to say : beginning at the point of intersection of the center lines of the Passaic river, Main and North Main streets; running thence northwesterly, along the center line of North Main street, to the center line of Temple street ;

thence northwesterly, along the same to the present division line between the city of Paterson and the township of Manchester; thence southwesterly and northwesterly, along the same to where the center line of Hamburg avenue intersects the center line of Marion street; thence southeasterly along the center line of Marion street, in a straight line, to the center line of the Passaic river; thence along the same the several courses thereof to the point or place of beginning;

Second district. The second district to be composed of the township of Little Falls, the seventh ward of the city of Paterson, and also all that portion of the territory of the second ward of the city of Paterson comprised within the following limits, that is to say: beginning at a point in the center line of the Passic river where Marion street, if extended, would intersect the same; thence running northwesterly, along the center line of Marion street, to the present division line between the city of Paterson and the township of Manchester; thence southwesterly and southeasterly, along the same to the center line of the Passic river; thence along the same, the several courses thereof, to the point or place of beginning;

Third district. The third district to be composed of the fifth and eighth wards of the city of Paterson;

Fourth district. The fourth district to be composed of the third and fourth wards of the city of Paterson, the township of Acquackanonck, and the city of Passaic.

Salem. 17. *And be it enacted*, That the county of Salem shall constitute one assembly district.

Somerset. 18. *And be it enacted*, That the county of Somerset shall constitute one assembly district.

Sussex. 19. *And be it enacted*, That the county of Sussex shall constitute one assembly district.

Union. 20. *And be it enacted*, That the county of Union shall constitute three assembly districts, to be composed as follows:

First district. The first district shall be composed of the first, second, third, fourth, fifth, sixth, tenth and eleventh wards of the city of Elizabeth;

Second district. The second assembly district shall be composed of the seventh, eighth, ninth and twelfth wards of the city of

Elizabeth, and the townships of Union, Springfield, Summit, Cranford and New Providence;

The third district shall consist of the city of Rahway,^{Third district.} the city of Plainfield, the townships of Clark, Fanwood, Westfield and Linden.

21. *And be it enacted,* That the county of Warren shall^{Warren.} constitute two assembly districts, to be composed as follows:

The first district to be composed of the townships of^{First district.} Greenwich, Franklin, Washington, Mansfield, Independence, Allamuchy, Frelinghuysen, Blairstown and Hardwick, the second voting precinct of Oxford township, and the town of Hackettstown, and the borough of Washington;

The second district to be composed of the townships of^{Second district.} Pahaquarry, Knowlton, Hope, Harmony, Lopatcong, Pohatcong, and the first voting district of the township of Oxford, and the towns of Belvidere and Phillipsburg.

22. *And be it enacted,* That in the interpretation of this^{Construction of certain references in this act.} act all references to counties, cities, townships, wards and other municipal divisions, shall be taken to refer to such counties, cities, townships, wards and other municipal divisions as they exist at the time of the passage of this act.

23. *And be it enacted,* That all acts and parts of acts,^{Repealer.} inconsistent with the provisions of this act, be and the same are hereby repealed.

Approved April 14, 1891.

CHAPTER CLXXXIII.

An Act to defray the expenses of the contested election case of Stuhr against McDonald.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the sum of two thousand nine hundred and thirty-three dollars and twenty-four^{Appropriating money to pay the bill of Knight & Guitchel in the Stuhr election contest.}

cents be and the same is hereby appropriated to the firm of Knight and Gnichtel, stenographers, for services performed and testimony delivered to the senate committee on elections, in the contest of Stuhr against McDonald, session of one thousand eight hundred and ninety.

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

Approved April 14, 1891.

CHAPTER CLXXXIV.

An Act concerning the laying out and opening of streets in cities.

Plan for opening streets where land required is in dispute.

1. **BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey*, That whenever the board of aldermen, common council or any other municipal authority in any city of this state shall be required by any law, general or special, to endeavor to agree with the owner or owners for the purchase of any lands necessary to be taken for use as a public street before proceeding to condemn the same by the exercise of the power of eminent domain, it shall be lawful, in case the ownership of any such lands shall be in dispute between two or more persons, for the municipal authorities of such city to proceed, with respect to such lands, in the same manner as where no agreement can be made by reason of the legal incapacity of any owner of lands necessary to be taken as aforesaid.

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

Approved April 14, 1891.

CHAPTER CLXXXV.

An Act to extend and fix the term of office of city treasurers in cities nominated by the mayor and confirmed by the city council or governing board of any city so that the same shall expire with that of the comptroller or other corresponding financial officer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities in which the city treasurer is nominated by the mayor and confirmed by the city council or other governing board of such city, the term of office of the city treasurer therein shall be and it is hereby extended and fixed so that the same shall expire at the same time as that of the term of office of the comptroller or other corresponding financial officer therein, whose term shall expire subsequent to the passage of this act.

Term of treasurers in certain cities to expire at same time as comptrollers.

2. *And be it enacted*, That all acts and charter provisions inconsistent herewith be and they are hereby repealed, and that this act shall take effect immediately.

Repealer.

Approved April 14, 1891.

CHAPTER CLXXXVI.

A Supplement to an act entitled "An act to provide for the better protection of the fishing interests of this state," approved April fifth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall not be lawful for any person or persons to put, place and keep,

Prohibits fishing with eel pots or baskets in certain streams in certain periods.

either by night or by day, in the Cohansey river, the Maurice river, Dividing creek, Nantuxet creek, Back creek, or Okonoke creek, all in the county of Cumberland, for the purpose of catching eels, any eel pot, basket or baskets, of whatever material the same may be constructed, between the first days of September and March in each and every year.

Penalty.

2. *And be it enacted*, That any person or persons who shall offend against the provisions of this act shall, upon conviction thereof before any justice of the peace of said county, or in any county in which the offender resides or may be found, be punished by imprisonment in the county jail where the conviction is had for the term of ten days, or by a fine of twenty dollars and costs for each and every offense, one third of said fine to be paid by said justice into the treasury of the state, one-third to the fish warden making the complaint, and the balance to the person or persons furnishing material evidence towards conviction, and when a fine is imposed the offender or offenders to stand committed until such fine and costs are paid.

Repealer.

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

Approved April 14, 1891.

CHAPTER CLXXXVII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders of any county in this state wherein the result of an election held or to be held upon the question whether a public road shall be laid out, opened, constructed, improved and maintained as provided for in the act to which this is a supplement, shall have been or shall be in favor of said public road, is hereby authorized and empowered without any other or further election to lay out, open, construct, improve and maintain, in accordance with the provisions of the act to which this is a supplement, one or more roads which shall connect the road provided for by the act to which this is a supplement, with each of the sites which shall have been or which shall hereafter be acquired and improved for park purposes in such county, in pursuance of an act entitled, "An act to authorize and enable counties in this state to acquire and improve lands for public parks and to maintain and regulate the same," approved March thirteenth, one thousand eight hundred and eighty-eight, and the supplement thereto; such connecting roads may be laid out, opened, constructed and improved, either upon a direct line from said road to said parks, or upon the line of streets, roads or avenues, already in existence or partly upon both or otherwise, or by means of a road which shall leave said public road at any point to be determined by said board of chosen freeholders, and after reaching said public park or parks and running through or along the same or any part thereof,

Authorizes
boards of free-
holders to con-
struct roads
which connect
with public
parks.

shall be extended along such line as said board of chosen freeholders may determine and shall again intersect said public road at such other point as said board of chosen freeholders may determine; *provided*, that where any portion of the road or roads authorized by the act shall be laid out wholly within any of said public parks, the same shall be laid out, opened, constructed, improved and maintained as to lines and grades in conformity with the general plans for the improvement of said parks as opened by the park commissioners; *provided*, said connecting roads shall be laid out, opened, constructed, improved and maintained in all other respects, and the money necessary therefor shall be raised in the manner provided for in said act to which this is a supplement; *and provided further*, that the entire costs of laying out, opening, constructing and improving all of such connecting roads in any county of this state shall not exceed (including awards for lands taken and damage thereto) the sum of two hundred and fifty thousand dollars, and that the issue of bonds to raise money to pay the costs, charges and expenses in laying out, opening, constructing and improving all of such connecting roads shall not exceed the sum of two hundred and fifty thousand dollars.

Board may acquire lands.

2. *And be it enacted*, That the board of chosen freeholders shall have power to acquire lands, or interests, or rights in lands for the purposes of the public roads provided for by the act to which this is a supplement, and by this supplement, by gift, grant, or for a nominal consideration therefor, and without the proceedings to condemn, provided for in the act to which this is a supplement.

Board of freeholders may make crossings under contract with owners.

3. *And be it enacted*, That in acquiring the right of way for the public road provided for in the act to which this is a supplement, and the roads provided for by this supplement, in case it shall be necessary to cross over any property either upon, above or below the surface thereof, and the said board of chosen freeholders shall deem it desirable so to do, it shall be lawful for said board to make such crossings under a contract to be entered into between said board and the owner or owners of said lands upon such terms as shall be agreed upon between the said board and the owner or owners of said lands;

provided, that no such contract shall be entered into which shall require the payment by the said board of chosen freeholders of any money to said land owner or land owners. Proviso.

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

Approved April 14, 1891.

CHAPTER CLXXXVIII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any borough incorporated under the provisions of the act to which this is a supplement, may extend its corporate boundaries in the following manner: upon a petition being presented to the borough council of such borough, setting forth the boundaries of the land so to be included within the limits of such borough, and signed by persons owning at least nine-tenths of the land described in said petition, and petitioning the borough council to extend the limits of said borough so as to include said land, the borough council may pass an ordinance enacting and ordaining that the boundaries of the borough shall be extended so that the land described in said petition may be included therein, which ordinance shall set forth specifically the boundaries of the land so to be added to said borough. Boroughs authorized to extend their limits.

2. *And be it enacted*, That whenever any borough incorporated as aforesaid shall now be or become possessed of any land lying adjacent to said borough territory by grant, purchase or devise, the borough council may pass an ordinance enacting and ordaining that the boundaries of said borough may be extended so that the land so Borough council to pass an ordinance to extend boundaries.

To pass ordinance establishing boundaries after becoming possessed of adjacent land.

acquired shall be and become a part of such borough, which ordinance shall fully set forth the boundaries of the land so to be added thereto.

Ordinances to be filed in offices of county clerk and secretary of state.

3. *And be it enacted*, That after any such said ordinance shall have been passed, approved by the mayor of said borough, and advertised according to law, a copy of the same shall be forthwith transmitted by the borough clerk of such borough to the county clerk of the county in which such borough is situated, and also a copy of the same transmitted to the secretary of state, and upon said copies of said ordinance being filed in said offices of said county clerk and secretary of state, the land so set forth in said petition and ordinance shall form a part of said borough and become subject to all the laws and ordinances regulating and governing the same; *provided, however*, that nothing herein shall be construed to authorize any borough to include within or annex to its territorial limits any part or portion of any other city, town or borough.

Proviso.

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

Approved April 14, 1891.

CHAPTER CLXXXIX.

An Act to enable the governing bodies of cities of the third class and of all boroughs, towns and villages in the state having power to license and regulate the sale of beer, ale and intoxicating liquors, and to license and regulate billiard saloons and ball-alleys therein, to authorize the transfer of such licenses from person to person and from place to place within the corporate limits of such municipal corporation.

Licenses to sell liquors in cities of the third class may be transferred from per

1. **BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey, That the mayor, recorder, aldermen and common councilmen or other governing body

of cities of the third class and of all towns, boroughs and villages in this state having power to license, regulate and control the sale of beer, ale and other intoxicating liquors and to license, regulate and control billiard saloons and ball-alleys within the corporate limits of such municipal corporations, shall have the power by ordinance to authorize, regulate and control the transfer of any and all such licenses granted, authorized or issued by them from person to person or from place to place within the limits of such municipal corporation; *provided*, that in case of transfer, the license so transferred shall only be good or effective for the unexpired term thereof.

son to person and
place to place.

Proviso.

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

Approved April 14, 1891.

CHAPTER CXC.

An Act to authorize the courts of common pleas to transfer licenses, and to authorize the executor or administrator of a licensee to continue the business under the same license.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inferior courts of common pleas in and for the several counties of this state shall be and hereby are authorized and empowered, in their discretion, to transfer any license granted by them to any person or persons to keep an inn or tavern, and any license granted by them to any person to sell ale, strong beer, lager beer, porter, wine or other malt liquors; and in case of transfer, the license so transferred shall only be good or effective for the unexpired term thereof.

Courts of com-
mon pleas author-
ized to transfer
licenses.

2. *And be it enacted*, That the applicant for such transfer shall, if the transfer sought is from one person to another person, at the time of said application, present to

Applicant to
present petition.

the court a petition signed by at least twelve freeholders of the city, town, township or borough in which the original license was granted, requesting the court to grant such transfer, which petition shall set forth that the person to whom such transfer is requested is a person of good repute for honesty and temperance.

Petition to set forth that applicant has two spare beds, if the license is for an inn and tavern.

3. *And be it enacted*, That if said license is to keep an inn or tavern, the petition shall further set forth that the person to whom such license is sought to be transferred is known to the freeholders requesting the transfer to have at least two spare beds more than are necessary for his family use, and that the place licensed is well provided with house-room, stabling and provender.

It to sell ale and beer, affidavit to be submitted that applicant will keep a quiet and orderly house.

4. *And be it enacted*, That if said application is for the transfer of a license to sell ale, strong beer, lager beer, porter, wine or other malt liquors, said petition shall be followed by an affidavit of the person to whom such transfer is to be made that the persons recommending him are freeholders in the city, town, township or borough wherein he proposes to sell, and that he will keep a quiet and orderly house according to the requirements of the law.

Notice of application to be filed.

5. *And be it enacted*, That notice of such proposed application shall be filed with the clerk of said court at least ten days before presenting the same.

Term of license transferred.

6. *And be it enacted*, That the license so transferred shall be good for the unexpired term thereof and no longer.

Executors or administrators of licensee may continue business under same license.

7. *And be it enacted*, That in case of the death of any person licensed by the said court to keep an inn or tavern, or to sell ale, strong beer, lager beer, porter, wine or other malt liquors, his executor or administrator shall be and hereby is authorized to continue the business of the decedent under the same license for the unexpired term thereof, and may transfer the same in the manner hereinbefore provided, to the same extent as the decedent could have done.

Repealer.

8. *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.

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

Approved April 14, 1891.

CHAPTER CXCI.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all school districts where there are more than one school house it shall be lawful to receive from the state treasury, as in said bill directed, the sum prescribed to be paid to each school house, and that such district shall have power to consolidate and establish a library in one place in said district as may be designated by the board of education or such other power as has control of the public schools in said district.

Board of education may establish a library in school districts where there is more than one school house.

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

Approved April 14, 1891.

CHAPTER CXCII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the chosen freeholders shall meet to lay out, alter or change any by-road, pursuant to the provisions of section thirty-six of an act

Freeholders may open obstructed by road.

entitled "An act concerning roads," approved March twenty-seventh, one thousand eight hundred and seventy-four [Revision, page one thousand and two], as amended by supplement approved May ninth, one thousand eight hundred and eighty-four [Supplement to Revision, page eight hundred and seventy-four, section thirteenth], the said freeholders so met shall have power, and it shall be their duty to determine whether a by-road heretofore used as such shall have there existed, whether the same shall have been shut up or rendered impassable, whereby the inhabitants may be put to immediate inconvenience or difficulty as aforesaid; and to that end shall have power as well to take testimony as to proceed upon their own view and knowledge as to the existence, use and obstruction of said by-road; and it shall be their duty to make a report of their proceedings, which report shall fully set forth the application, the time and place of hearing, the names of witnesses by them examined, if any, their final determination of the matter, and all proceedings by them had; which said report shall be by them filed within ten days, in the office of the clerk of the court of common pleas of the county, and by him recorded.

To take testimony.

To make report of their proceedings.

To be recorded by county clerk.

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

Approved April 14, 1891.

CHAPTER CXCIH.

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

When squirrels shall not be killed.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall not be lawful for any person or persons to capture, kill or have

unlawfully in possession after the same has been taken or killed, any gray or black squirrel, except only between the fourteenth day of September and the sixteenth day of December in any year, under a penalty of ^{Penalty} twenty dollars for each gray or black squirrel so taken, killed or had unlawfully in possession.

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

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

Approved April 14, 1891.

CHAPTER CXCIV.

A Supplement to an act entitled "An act to re-organize the board of chosen freeholders in counties of the first class in this state," approved April third, one thousand eight hundred and eighty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders provided for in the act to which this is a supplement shall hereafter in the election or appointment of a clerk therefor, as provided for by law, have power to elect or appoint such clerk for a term not exceeding three years, which term shall be fixed or expressed by said board at the time the choice or appointment of such clerk is had. ^{Board of freeholders in counties of the first class to appoint a clerk.} and he shall hold office for the term designated and until his successor shall be duly chosen and qualified to act; any person who may be by such board chosen to fill any vacancy which may occur by death, resignation or otherwise, in the office of any such clerk whose term shall have been designated as aforesaid, shall be appointed only for the unexpired term which may remain. ^{Term of office.}

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

Approved April 14, 1891.

CHAPTER CXCV.

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

Overseer to present itemized bill

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of the township committee of any township within this state shall not pay any moneys to any overseer of roads of such township, unless the said overseer of roads shall present an itemized bill, stating where, when and by whom the work charged for had been done, together with the cost of tools, materials, &c., the said bill and work having been first approved by the said township committee and such approval endorsed thereon.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act shall be and the same are hereby repealed, and that this act shall take effect immediately.
Approved April 14, 1891.

CHAPTER CXCVI.

Ad act to provide for the employment of a stenographer in suits commenced in the court of common pleas, and in trials of indictments in the court of oyer and terminer and the court of general quarter sessions of the peace in the several counties of this state.

Authorizes the employment of a stenographer in the court of common pleas and quarter sessions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the presiding judge of the court of common pleas, of oyer and terminer and general

quarter sessions of the peace, in and for the several counties of this state, shall upon request of an attorney at law employed in any suit originally begun in said court of common pleas, or the prosecutor of the pleas or the attorney of any defendant in any indictment in the said court of oyer and terminer and quarter sessions of the peace, call upon the stenographer of the circuit court to attend either in person or by proxy, whose duty it shall be to attend upon any such trial in said court of common pleas, court of oyer and terminer or said general quarter sessions of the peace, and exactly and truly take notes and record verbatim all the evidence and proceedings of such trials, except the arguments of counsel, and, when requested, to make and furnish true reports thereof to the judge and to each party in said cause; *provided*, such request be made to said judge and filed with the clerk of such court at least three days previous to the day fixed for the trial of such suit or indictment. Proviso.

2. *And be it enacted*, That the compensation of such stenographer shall not exceed ten dollars per day, which sum, in cases originally commenced in the court of common pleas shall be paid by the board of chosen freeholders of the county wherein he is employed, upon the certificate of the presiding judge, and in the trial of indictments said sum shall be deposited by the defendant with the clerk of the court of common pleas at the time of filing his request for a stenographer, and in the event of the conviction of such defendant said sum shall be paid by the clerk to the stenographer; but upon the acquittal of said defendant said sum shall be returned by the clerk to said defendant, and said fee shall be paid to such stenographers by the board of chosen freeholders of the county wherein he is employed upon the certificate of the presiding judge. Compensation.

3. *And be it enacted*, That said reporter, before he enters upon his duties as reporter, shall be sworn in open court faithfully and honorably to perform all the duties required by this act; and no stenographer employed under the provisions of this act shall receive compensation except when actually engaged in the trial of causes. Stenographer to be sworn.

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

Approved April 14, 1891.

CHAPTER CXCVII.

A Supplement to the Act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine.

Lieutenants of gun detachments of five years' service entitled to same promotion as other staff officers of like rank.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a first lieutenant commanding a gun detachment shall have served five years as such, he shall be entitled to the same promotion that is now accorded to other staff officers of like rank.

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

Approved April 14, 1891.

CHAPTER CXCVIII.

An Act respecting the office of treasurer in certain towns, boroughs and townships.

Borough and township treasurers may be appointed from outside of the council or governing body.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall not be necessary in any town or borough, or township existing under and governed by a charter or other special act of incorporation, for the treasurer of such town, borough or township to be chosen from among the members of the council, committee or other governing body thereof, and it shall be lawful to appoint or elect any legal voter of such town, borough or township to be the treasurer thereof.

2. *And be it enacted*, That all acts and parts of acts, ^{Repealer.} general, special, local, public or private, inconsistent with the provisions of this act be and the same are hereby repealed.

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

Approved April 14, 1891.

CHAPTER CXCIX.

An Act to enable cities of the second class in this state to reconstruct old school houses and purchase additional land and construct new school houses thereon.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be lawful ^{Second-class cities may reconstruct school-houses.} for the common council, board of aldermen or other governing body of any city of the second class in this state in which a public school house shall be in a dilapidated, unsanitary, unsafe or unsatisfactory condition for school purposes, to purchase additional ground, either adjoining such school house or elsewhere as may seem best for school purposes, and reconstruct such school house on a larger scale and with better and more modern appointments, at an expense not to exceed one hundred thousand dollars.

2. *And be it enacted*, That for the purpose aforesaid it ^{May issue bonds} shall be lawful for said common council, board of aldermen or other governing body to issue bond of such city for the payment of such expenditure, not to exceed the said sum of one hundred thousand dollars, payable in not less than twenty years, at a rate not to exceed five per centum, pledging the faith and credit of such city for the payment thereof, which bonds shall be sold to the highest bidder, after having first advertised the same for sale in two newspapers of the county for at least two weeks.

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

Approved April 14, 1891.

CHAPTER CC.

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

Testator or-intestate having made agreement for sale of land, application may be made for the fulfillment of agreement.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any testator or intestate shall in his or her lifetime, have made any agreement for the sale or conveyance of any lands, tenements or hereditaments within this state, and the purchase price shall have been paid therefor by the purchaser and the said purchaser shall have been placed in the possession of such lands, tenements or hereditaments by such testator or intestate, the executor or administrator of such testator or intestate, or the purchaser or his or her legal representatives, may apply to the orphans' court of the county in which such lands lie for the fulfillment of such contract; *provided*, such application be made within five years from the date of such contract.

Proviso.

Notice of such application.

2. *And be it enacted*, That notice of the application to the court for the fulfillment of such contract shall be given for at least two months prior to such application by advertisements set up and published in the same manner as advertisements for the sale of lands by a sheriff under execution are or may be by law required to be set up and published, and the court, upon proof of such publi-

cation and of the facts set forth in the first section hereof, shall cause proclamation to be made in open court of the purport of such application and that any person having cause to show why the same should not be granted may appear for that purpose before the said court, at a certain day to be fixed by the said court, not less than ten days thereafter; and at the said day, or at such subsequent ^{Hearing.} time to which the hearing shall then be adjourned, the court shall hear the allegations and objections, if any, of parties interested, and if such facts as are set forth in the first section hereof shall be duly proved to the satisfaction of the court, and no sufficient cause to the contrary shall appear, it shall be lawful for the court to decree the fulfillment of such contract, which decree, together with a copy of the evidence and a copy of the papers produced in evidence, shall be filed in the office of the clerk of the said court, and the said decree shall be entered of record in the minutes of the court, and the court shall thereupon order the executor or executors, administrator or administrators, or the survivor or survivors of them, or administrator or administrators pendente lite, or the legal representatives of the deceased, or his, her or their guardian or guardians, to make a good and sufficient deed of conveyance to the purchaser or his legal representatives, and any deed made and executed by virtue of such order of the court shall convey the lands directed to be conveyed as fully as if the testator or intestate had executed the same in his or her lifetime; *provided*, the order of the ^{Proviso.} court directing such conveyance be signed by the president judge of the said court.

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

Approved April 14, 1891.

CHAPTER CCL.

An Act to provide for the more permanent improvement of the public roads of this state.

Preamble.

WHEREAS, Public roads in this state have heretofore been built and maintained solely at the expense of the respective townships in which they are located; and whereas, such roads are for the convenience of the citizens of the counties in which they are located, and of the entire state, as well as of said townships; and whereas, the expense of constructing permanently improved roads may be reasonably imposed, in due proportions, upon the state and upon the counties in which they are located; therefore,

Freeholders may make macadamized roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the board of chosen freeholders of any county in this state shall, by resolution, have declared their intention to cause any particular public road or section thereof within such county to be improved under the provisions of this act, such board shall cause all necessary surveys to be made and specifications to be prepared; the specifications shall require the construction of a macadamized road, or a telford or other stone road, that will at all seasons of the year be firm, smooth and convenient for travel; shall be so prepared as to call for bids from which an approximate estimate of the cost can be ascertained, and shall state the amount of security that will be required of the bidder; after said specifications shall have been prepared, they shall be submitted to the board of chosen freeholders, and if such board shall approve them they shall then be submitted to the state commissioner of agriculture, and if he shall approve them it shall then be the duty of the director of the board of chosen freeholders to advertise in at least two daily newspapers, printed and circulating in the county for the period of two weeks, or, if there be not two daily newspapers printed and circulating in such

county, then in at least two weekly newspapers printed and circulating therein, for at least four weeks, for bids to do the work according to the specifications prepared; such advertisements shall state where bidders may find the specifications and shall name a time and place where the board of chosen freeholders, or a committee of five members thereof, of whom the director shall be one, will meet to receive bids; every such bid shall be accompanied with the bidder's bond in a sum of one thousand dollars, with security satisfactory to the board, conditioned that if the contract shall be awarded to him he will, when required by the board, execute an agreement in writing to perform the work according to the specifications; no bids shall be received by the board or any member thereof, or by said committee or any member thereof except at such meeting, and all bids then received shall be immediately publicly read; if the bids shall be received by a committee of the board, they shall be reported to the board at the next meeting thereof with the recommendations of the committee; the board may reject all bids if, in their opinion, good cause exist therefor, but otherwise they shall award the contract to the lowest bidder who shall give satisfactory evidence of his ability to perform the contract; *provided, however,* that the estimated amount of contracts awarded in any one year by any board of chosen freeholders shall not exceed one-half of one per centum of the ratables of the county as reported to the state comptroller for the last preceding year; the bidder to whom the contract may be awarded shall, in addition to executing the agreement to perform the work according to the specifications, also execute to the board of chosen freeholders a bond conditioned for the faithful performance of the contract, in the sum specified in the advertisement for bids and with such sureties as the board may approve; the contract shall, on behalf of the board of chosen freeholders, be executed by the director thereof, and when executed by the bidder and said director a copy of the contract, with the estimated cost of the work shall be forthwith filed with the state commissioner of agriculture.

2. *And be it enacted,* That after a copy of the contract shall be filed with the state commissioner of agriculture

Bids to do the work.

Proviso.

Governor to appoint supervisor of the construction of the work.

Duties and pay,
and pay of con-
tract.

Proviso.

Itemized state-
ment of cost.

One-third of the
cost to be paid
by the state, pro-
vided not more
than \$20,000 per
year is expended
by the state.

as aforesaid, the governor shall as soon as practicable appoint a supervisor of the construction of the work under such contract, who shall receive for his services under this act five dollars per day, to be paid out of the county treasury; he shall supervise all work done under the contract, shall give his whole time thereto, shall require the provisions of the contract to be strictly adhered to by the contractor, and where the contract provides for partial payments during the progress of the work shall, as each payment becomes due and before payment shall be made, present to the board his certificate, and also the certificate of the surveyor or engineer, if any there be, stating as near as may be the total amount of work done, and that such work has been done in all respects as required by the contract; the board shall thereupon direct payment to be made by the county collector; *provided*, that no partial payment made during the progress of the work shall exceed eighty per centum of the estimated value of the work done; the board shall have power to borrow on temporary loans on the credit of the county such sums of money for the purpose of carrying on such work as may from time to time become necessary; and when the work shall be fully completed and such fact certified to the board, and to their satisfaction, by the supervisor and surveyor or engineer, if any there be, payment in full shall be made.

3. *And be it enacted*, That when the work under any contract shall be fully completed it shall be the duty of the supervisor to prepare a detailed and itemized statement, in duplicate, of the cost of the improvement, one copy whereof shall be filed with the board of chosen freeholders and one with the state commissioner of agriculture.

4. *And be it enacted*, That one-third of the cost of all roads constructed in this state under this act shall be paid for out of the state treasury, provided that the amount so paid shall not in any one year exceed the sum of twenty thousand dollars; if one-third of such cost shall exceed said sum, the said twenty thousand dollars shall be apportioned by the governor and the state commissioner of agriculture amongst the counties of the state in proportion to the cost of roads constructed therein

for such year, as shown by the statements of costs filed in the office of the state commissioner of agriculture; the governor and said commissioner shall, between December fifteenth and thirty-first in each year, certify to the state comptroller the amount to be paid to each county for such year, and the state comptroller shall thereupon draw his warrants in favor of the respective county collectors for the sums certified as aforesaid upon the state treasurer, who shall pay the same out of any moneys in the state treasury not otherwise appropriated.

5. *And be it enacted*, That on or before August first in each and every year, it shall be the duty of the board of chosen freeholders to certify to the county board of assessors, either in the annual tax budget or separately, two-thirds of the estimated cost of all work for which contracts shall have been awarded under this act during such year; and the county board of assessors shall include the sum so certified in the county taxes assessed for such year, and the same shall be assessed, collected and paid over to the county in the same manner and within the same time that other county taxes are assessed, collected and paid over; if a deficiency shall exist in consequence of the cost exceeding the estimate, or in consequence of the receipt of less than one-third of the cost from the state treasury, the board of chosen freeholders shall have authority to borrow on temporary loans to the amount of such deficiency until the next annual taxes shall be assessed, collected and paid over to the county; and if there be a surplus in consequence of the cost being less than the estimate, such surplus shall be retained and used in the construction of other roads under this act, or in repairs to roads constructed under this act.

6. *And be it enacted*, That any road constructed under the provisions of this act shall forever thereafter be a county road, and the duty of keeping the same in repair shall devolve upon the county officers as hereinafter mentioned; after the first road shall have been constructed under this act in any county, it shall be the duty of the board of chosen freeholders of any county not having a public road board to appoint a county supervisor of roads, who shall hold his office for three years and until

Apportion amount to each county.

Freeholders to certify to county board of assessors.

To borrow in case of deficiency.

Road constructed to be a county road.

his successor is appointed, shall give bond to the board of chosen freeholders in the sum of one thousand dollars conditioned for the faithful performance of the duties of his office, with such sureties as the board may approve, and shall receive such salary or allowance as the board may fix; the board of chosen freeholders shall provide all moneys necessary to keep in a proper state of repair the roads constructed under this act, and may, if there be no moneys on hand that can be lawfully used for such repairs, borrow therefor on temporary loans until the next annual taxes shall have been assessed, collected and paid over to the county; it shall be the duty of the supervisor to expend the moneys raised for such repairs in such manner and upon such portions of the roads as will tend to keep them in the best possible state of repair; no part of said moneys shall be paid into the hands of the supervisor, but all expenses of repairs shall be paid by the county collector on the orders of the board of chosen freeholders, granted only on the presentation of bills verified by affidavit as now required by law in the case of other claims against the county; in any county having a public road board the supervision of said repairs shall be vested in such board; if the board of chosen freeholders shall neglect or refuse to make appropriations sufficient to keep any such road as aforesaid in good repair, any citizen of the county may apply to the supreme court for a writ of mandamus to compel said board to make an appropriation as aforesaid; and when any such application is made the court, upon a rule to show cause, or upon affidavits taken on due notice, or otherwise, in such manner as the court shall prescribe, shall ascertain and determine whether such road as aforesaid is in a proper state of repair, and what sum of money, if any, shall be raised for repairs, and may also, in its discretion, allow to the attorney of the applicant a reasonable counsel fee to be paid by the county; in case the board of chosen freeholders shall not have on hand sufficient moneys out of which to make the appropriation commanded to be made by any writ of mandamus granted as aforesaid, they shall borrow such sum or sums as may be necessary herefor, on temporary loans on the credit of the county, and shall require the amount so borrowed to be

Freeholders to keep road in repair.

Duty of supervisor.

Where public road board exists said board to have supervision. If freeholders neglect or refuse to make sufficient appropriation, supreme court to be applied to.

If money ordered by supreme court not on hand, freeholders to borrow.

raised by taxation with the next assessment of county taxes.

7. *And be it enacted*, That whenever there shall be presented to the board of chosen freeholders of any county a petition signed by the owners of at least two-thirds of the lands and real estate fronting or bordering on any public road or section of road in such county, not being less than one mile in length, praying the board to cause such road or section to be improved under this act, and setting forth that they are willing that the peculiar benefits conferred on the lands fronting or bordering on said road or section shall be assessed thereon, in proportion to the benefits conferred, to an amount not exceeding ten per centum of the entire cost of the improvement, it shall be the duty of the board to cause such improvement to be made; *provided*, that the estimated cost of all improvements made under this act in any county in any one year shall not exceed one-half of one per centum of the rates of such county for the last preceding year; it shall not be necessary for the board in such case to declare by resolution their intention to cause such improvement to be made, but they shall forthwith cause all necessary surveys of such road or section to be made, and specifications for a macadam, telford or other equally good stone road to be prepared, and shall then proceed in the same manner as is hereinbefore required in cases where such intention has been declared; if the specifications shall not be approved by the board, or by the state commissioner of agriculture, or if all the bids for the work shall be rejected, it shall be the duty of the board to cause other specifications to be prepared or re-advertisements for bids to be made, as often as may be necessary, and until a contract shall be awarded, to the end that the improvement prayed for may be completed with reasonable speed, provided, however, that no re-advertisement need be made where the lowest bids submitted show that the improvement prayed for cannot be made within the limit of expenditure hereinabove mentioned; in every case where a contract shall be awarded after the presentation of such petition as aforesaid the board of chosen freeholders instead of certifying to the county board of assessors two-thirds of the estimated cost

Duty of board when petition is presented for improving road.

Proviso.

of the work, as prescribed by the fifth section of this act, shall certify two-thirds of said estimated cost less one-tenth of said estimated cost, which sum the county board of assessors shall include in their assessment of county taxes.

Commissioner to estimate and assess benefits.

8. *And be it enacted*, That when the improvement prayed for as aforesaid shall have been completed, and the statement of the cost thereof filed with the board of chosen freeholders, as prescribed by the third section of this act, said board shall apply to the circuit court of the county for the appointment of commissioners to estimate and assess the peculiar benefits conferred by such improvement upon the lands and real estate fronting or bordering on the road or section thereof improved, of the time and place of which application notice shall be given by ten days' publication in two daily newspapers printed and circulating in the county, and in case there are not two such papers therein, then by two weeks' publication in two weekly newspapers printed and circulating therein, at which time and place, or at such other time and place as the court shall designate, said court shall, without unnecessary delay, appoint three commissioners, who shall be freeholders and residents of the county in which the application is made, to estimate and assess the benefits aforesaid; the said court shall have power to remove any commissioner and appoint another in his place, and also to fill any vacancy that may occur in the office of any commissioner from any cause.

Court may remove commissioners

Commissioners to take oath.

9. *And be it enacted*, That said commissioners, before entering upon the duties required of them by this act, shall take and subscribe before some person duly authorized to administer the same, an oath or affirmation that they will make all assessments and estimates required of them, fairly, legally and equitably, according to the best of their skill and understanding, which oath or affirmation shall be attached to the report that they are hereinafter required to make.

Notice of hearing by commissioners.

10. *And be it enacted*, That the said commissioners, having thus qualified shall give notice, under the direction of said court, of the time and place when and where they will hear any persons in interest or who may present themselves to be heard, and at such time and place,

and at such other times and places to which they may adjourn for that purpose, the said commissioners shall attend, and shall give a public hearing to those persons in interest who may desire to be heard; the said commissioners shall have power to examine witnesses under oath, to be administered by any one of them, and to enter upon and view the lands and real estate fronting or bordering on the road or section thereof improved, and to adjourn from time to time in their discretion, or as directed by said court; they shall use diligent efforts to ascertain the names of the owners of the lands fronting or bordering on the road or section thereof improved, and shall state the same in the report hereinafter mentioned; but the failure to ascertain the name of any owner, or to state the same correctly, or the omission of any such name from the report shall not invalidate said assessment nor be a bar to the collection of the same.

Shall ascertain names of owners of lands.

2. *And be it enacted,* That after having given opportunity as aforesaid for a public hearing of the persons in interest and having viewed the lands fronting or bordering on the road or section thereof improved as aforesaid, the said commissioners shall make a report in writing of their estimates and assessments to the said court, accompanied by a survey and maps prepared under their direction, showing the several tracts or parcels of lands and real estate fronting or bordering on said road or section thereof; the said report shall state the cost of the whole work, which may be furnished to the commissioners by the board of chosen freeholders from the report of the supervisor of construction filed with said board under the requirements of the third section of this act, and shall give the names, so far as ascertained, of the owners of the tracts or parcels of lands and real estate fronting or bordering on said road or section thereof, the township in which each tract or parcel of land is situate, and the amount of the assessment to the owner or owners of each of said tracts or parcels of land and real estate for the said benefits, which several assessments shall be in proportion, as near as may be, to the peculiar benefits deemed to have been conferred by said improvement upon the respective tracts of lands and real estate aforesaid; if any tract of land shall be located in more than one township it shall

Commissioners to report to court.

Land located in more than one township.

be stated in said report as being in the township in which there is the greatest frontage on the road or section thereof improved; in no case shall any tract or parcel of land and real estate or any owner thereof be assessed beyond the amount of benefit actually derived from said improvement, nor shall the aggregate amount of assessments imposed upon the tracts or parcels of land fronting or bordering on such road or section thereof exceed ten per centum of the total cost of the improvement.

Court to hear objections.

12. *And be it enacted,* That upon the coming in of any such report, signed by the said commissioners, or any two of them, said court shall cause such notice to be given as it shall deem proper of the time and place of hearing any objections that may be made to such assessment, and after hearing any matter that may be alleged against the same, the said court, either by rule or order, shall confirm the said report, or shall refer the same to the same commissioners for revision and correction, or to new commissioners to be appointed by the said court forthwith, to reconsider the subject matter thereof, and the said commissioners to whom such report shall be so referred by the court, shall return the same corrected and revised, or a new report to be made by them in the premises, to the said court, without unnecessary delay, and the same being so returned shall be confirmed or again referred by the said court in the manner aforesaid, as right and justice shall require, and so from time to time until a report shall be made or returned in the premises which said court shall confirm; such report, when so confirmed, shall be final and conclusive as well upon the said board of chosen freeholders and the townships in which said lands may be situate, as upon the owners of any lands and real estate affected thereby; said court shall thereupon cause said report to be filed with the county clerk, and certified copies thereof and of the accompanying map and of the rule or order confirming the report to be delivered to the county collector, one for said county collector and one for each township in which the assessed lands may lie; the county collector shall retain one of said copies for his own use and shall give one to the collector of taxes in each of the townships in which the assessed lands may lie; each township whose collector of taxes shall receive

Report to be filed when confirmed.

such certified copy shall pay, by its proper disbursing officer, within six months after said collector of taxes shall receive such certified copy, the amount of assessments appearing by said report to have been assessed upon the lands situate in such township.

13. *And be it enacted,* That no certiorari shall be allowed by any court to review any of the proceedings in relation to such improvement, nor to in any way affect any assessment made by such commissioners, after the lapse of thirty days from the making of the order of the court confirming such assessment; the court shall designate what notice, if any, shall be given, by publication or otherwise, of the confirmation of the report of said commissioners. Limit for certiorari.

14. *And be it enacted,* That the assessment made by said commissioners shall be and remain a lien upon the lands assessed, from the time said report shall have been delivered to the collector of said township, in the same manner and to the same extent that taxes are liens upon lots or tracts of land in said township. Assessment a lien.

15. *And be it enacted,* That the collector of said township shall, as soon as said report is delivered to him, proceed to collect the assessments named in said report, and shall give notice by advertisement in two newspapers printed and published in the county wherein such township is situated for two weeks at least, once each week successively, stating in general terms the lands comprised in such assessment, and requiring the owners of lots and tracts of lands assessed in such report to pay the amount to him within six months from the first publication or giving of such notice. Collector to collect assessments.

16. *And be it enacted,* That if any assessment upon any lot or tract of land made under the provisions of this act shall not be paid within six months after the time appointed in said notice, the township committee, or a majority of them, may, as they shall deem proper, either bring an action on the case in any court of competent jurisdiction, in the corporate name of such township, against the owner or owners of such lot or tract of land for so much money laid out and expended by them for the use of such owner or owners, and declare generally and give the special matter in evidence, and either party Action to be brought if assessment is not paid.

from any judgment rendered therein may have the same remedy by appeal or otherwise as if said parties were private individuals, or may proceed to collect the said assessment by sale of the lots or tracts of land whereon such assessment has been imposed or may be a lien in the same manner and to the same extent as lands are now sold for unpaid taxes in said township, and the purchaser or purchasers at any such sale or sales and his legal representatives shall hold and enjoy such lots or tracts of land, with the rents, issues and profits thereof, in the same manner and by the same title and tenure as purchasers at the sales of lots or tracts of land for unpaid taxes can now hold and enjoy the same in said township.

Property owners
may improve
road at their
expense.

17. *And be it enacted,* That if the property owners or owner along any road in any county of this state, which has not been improved or is not undergoing improvement under the previous sections of this act, shall desire any section of the road in such county improved, and are willing to contribute the whole expense of such improvement, the supervisor of roads of such county shall upon the written request of such owners or owner, make a plan of such section of road so to be improved, in which shall be given the levels, and distances, and also a specification which shall state the materials that can be used, and the manner of using them, and a copy of such plan, specification and bids shall then be submitted by such owners or owner to the board of chosen freeholders, and if such board shall approve them, it shall then be lawful for such owners or owner to accept a bid or bids from among the bidders and proceed to build such section of road according to the plan and specifications and have control of the expenditure of money used to make such improvement, subject to the approval and supervision of the supervisor of such county, and upon the completion of the improvement to the satisfaction of the said supervisor and upon the submission to him of receipts, showing full payment for materials furnished and work done, under the specifications, the said supervisor shall file a certificate with the clerk of the board of freeholders of such county, which certificate shall state the completion of the improvement and the cost thereof, and thereafter such section of road so im-

proved shall be a county road; and the said supervisor shall be paid by the aforesaid owners or owner, the sum of ten dollars for making the plan, the sum of five dollars for drawing the specifications, the sum of five dollars for the final supervision and the making and filing of the certificate of the completion of the work, in addition to the compensation allowed by the provisions of this act, and in case such supervisor is not a civil engineer, and an actual survey is necessary, then such owners or owner at their or his expense shall procure a survey which shall be subject to the approval of such supervisor, which survey shall take the place of the plan before mentioned.

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

Approved April 14, 1891.

CHAPTER CCII.

An Act to authorize boroughs to order and regulate the construction of sidewalks and to provide for the payment of the expenses of the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the incorporated boroughs of this state shall have power through their several appropriate legislative bodies to pass an ordinance for the regulation, construction and repairs of sidewalks, and thereby to fix and determine the method in which sidewalks in such boroughs shall be constructed, repaired and maintained from material out of which the same shall be constructed; and also to provide for the payment of the cost of such construction, repair and maintenance; *provided, however*, that the property owners may construct, at their own expense, sidewalks of any material that may be allowed by general ordinance of such borough.

Ordinances to prescribe in what cases sidewalks may be constructed and repaired.

Notices, how served and published.

If property owners do not comply with requirements, work to be done at their expense and cost to be a lien.

Assessments to be placed in tax bills

2. *And be it enacted*, That any such borough may prescribe by general ordinance in what cases such sidewalks shall be constructed, repaired and maintained at the expense of the abutting land owners; whenever in any borough it shall hereafter become the duty of any owner of abutting lands under the ordinance of a borough to construct or alter or repair any sidewalks or section thereof, the authorities of such borough having charge of the street affairs of the borough may cause a notice in writing to be served upon the owner or occupant of said lands requiring the necessary specified work to said sidewalks to be done by said owner or occupant within a period of not less than twenty days from the date of service of such notice; whenever any lands are unoccupied and the owner cannot be found within the borough the same may be mailed, postage prepaid, to his or her post-office address, if the same can be ascertained; in case such owner is a non-resident of the borough and his or her post office address cannot be ascertained, then the notice may be inserted for four weeks, once a week, in some newspaper of such borough; in case the owner or occupant of such lands shall not comply with the requirements of such notice it shall be lawful for the street department of the borough to cause the required work to be done and paid for out of the moneys of the borough to the credit of the street department; the cost of such work shall be certified by the person or persons having charge thereof to the person having charge of the collection of taxes and assessments in such borough; upon filing said certificate with the collector of taxes of said borough the amount of the cost of such work shall be and become a lien upon the said abutting lands in the front of or on the side of which such work was done; and it shall and may be lawful for the authorities in such borough to place the assessments made against any property improved in the manner specified in this act in the annual tax bills rendered to the owner or owners of such property, and the same may be collected in the same manner and by the same officers as taxes are or may be collected in such boroughs; in addition thereto the borough may have an action upon contract to recover the said amount against the owner of said lands

in any court having obtained jurisdiction thereof; the certified copy of the aforesaid certificate shall in such an action be prima facie evidence of the existence of a debt due from the said owner to the borough.

3. *And be it enacted*, That all moneys recovered or paid to the borough under the provisions of the last preceding section shall be credited to the account out of which the cost of such work was paid. Moneys to be credited to the account out of which the cost of work was paid.

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

Approved April 14, 1891.

CHAPTER CCIII.

An Act to amend the act entitled "An act empowering executors and trustees under certain circumstances to sell or mortgage real estate," approved March thirty-first, one thousand eight hundred and ninety.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever by any last will or testament lands and real estate are devised to, or whenever by any deed lands are conveyed to or held by any executor or executors, trustee or trustees, in trust for any person or persons for life or until the happening of some event in such will or deed named, and said lands so devised or conveyed shall at the time of the taking effect of such devise or conveyance be encumbered with any mortgage, or charged with the payment of any legacy, or subject to any judgment, tax or assessment, or shall thereafter become chargeable with or subject to any Executors and trustees empowered to sell or mortgage real estate under certain circumstances.

judgment, tax or assessment, for the payment of which mortgage, legacy, judgment, tax or assessment and interest thereon no adequate provision is made in such will, or afforded by the estate of the testator or provided for in such deed, except out of the income from said lands and real estate; and the same have been sold for such tax or assessment by virtue of any laws of this state, or shall be liable to be sold to raise, pay, satisfy and discharge such mortgage, legacy, judgment, tax or assessment, or interest thereon, whereby the interest of the cestuis que trust, or of the owners or owner of the particular estate, or of the estate in remainder or reversion in said lands may be injured or impaired, it shall be lawful for the court of chancery, upon application made to it by petition by the executors or executor, trustees or trustee named in said will or deed, or the survivors or survivor of them, or any duly appointed or otherwise legally authorized person standing and acting in their place, or by any cestui que trust, or by any one of the owners aforesaid, and upon consideration of the circumstances of the case and notice to all the parties in interest, to order and decree said executors or executor, trustees or trustee, or the survivors or survivor of them, or any duly appointed or otherwise legally authorized person standing and acting in their place, to sell and convey or mortgage said lands, or a part thereof, whichever, under the circumstances of the case, shall appear to said court to be most beneficial to the parties in interest, for the purpose of raising money to pay, satisfy and discharge said mortgage, legacy, judgment, tax or assessment and interest thereon, together with the costs and expenses attending said sale or the procurements of said mortgage loan; and whenever such decree shall be made, the said executors or executor, trustees or trustee, or the survivors or survivor of them, or duly appointed or otherwise legally authorized person standing and acting in their place, may sell and convey or mortgage said lands, or such part thereof as may be necessary for the purpose aforesaid, for such price or in such an amount as said court shall in and by said decree direct; and such sale or mortgage of said lands shall be free, clear and discharged of any interest of said cestuis que trust and of said owners

therein; and the surplus arising therefrom, in case of a sale, after paying said mortgage, legacy, judgment, tax or assessment, and accrued interest thereon, together with the costs and expenses attending said sale, shall be held by said executors or executor, trustees or trustee, subject to the provisions of said will or deed relating to said lands, in such manner as the chancellor shall direct.

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

Approved April 14, 1891.

CHAPTER CCIV.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this act is a supplement be and the same are here by extended to include all cases where any tax assessment or water rate shall have been levied or imposed, or attempted to be levied or imposed, on any land in any city of this state subsequent to the passage of the act to which this act is a supplement, and where such tax assessment or water rate shall remain unpaid and in arrears for the period of one year.

Taxes and assessments levied and imposed subsequent to the act of 1886, and remaining unpaid for one year, to be governed by provisions of said act.

New Jersey State Library

Repealer.

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

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

Approved April 14, 1891.

CHAPTER CCV.

An Act enabling cities to return taxes, assessments and water rents paid in error.

Amount of tax,
&c., paid in error
to be returned.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board having charge and control of the finances of any city in this state, to return, without interest, the amount of any tax, assessment or water rent paid or to be paid in error by any person upon any real estate situate therein, and to cancel the record of such payment; *provided*, that no transfer, mortgage or encumbrance shall have been placed upon record against said property since the date of such payment in error.

Proviso.

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

Approved April 14, 1891.

CHAPTER CCVI.

A Supplement to an act entitled "An act to establish a bureau of statistics upon the subject of labor considered in all its relations to the growth and development of state industries." Approved March twenty-seventh, one thousand eight hundred and seventy-eight.

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

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

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

Approved April 14, 1891.

CHAPTER CCVII.

An Act amendatory of and supplementary to the act entitled "An act to enable cities in this state to furnish suitable accommodations for the transaction of public business and an armory for the use of the national guard of the state therein organized," approved April fifteenth, one thousand eight hundred and eighty-seven, and the supplement thereto approved May twenty-eighth, one thousand eight hundred and ninety, and to amend the title of said act and supplement.

Title of act amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title to said act approved April fifteenth, one thousand eight hundred and eighty-seven, be amended so as to read as follows: "An act to enable cities in this state to furnish suitable accommodations for the transaction of public business."

Title of supplement amended.

2. *And be it enacted*, That the title to said supplement, approved May twenty-eighth, one thousand eight hundred and ninety, be amended so as to read as follows: "A supplement to an act entitled 'An act to enable cities in this state to furnish suitable accommodations for the transaction of public business,' approved April fifteenth, one thousand eight hundred and eighty-seven."

Section to be amended.

3. *And be it enacted*, That section one of said act of April fifteenth, one thousand eight hundred and eighty-seven, be amended so as to read as follows; *provided*, that the total expenditure therefor shall not exceed two hundred thousand dollars in addition to any amount not exceeding fifty thousand dollars derived from the sale of buildings and grounds, as provided in this act.

Proviso.

Cities authorized to erect buildings and to purchase lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city in this state in which there are not buildings, the property of the city, suitable and sufficient to accommodate the different officers and departments of the city government, such city is

hereby authorized to erect such buildings upon property now owned by such city and to purchase other land on which to erect such buildings for a city hall and the accommodation of the different officers and departments of the city government, in the manner hereinafter provided.

4. *And be it enacted*, That section three of said act of April fifteenth, one thousand eight hundred and eighty-seven, be amended so as to read as follows:

3. *And be it enacted*, That for the purposes of this act the commissioners herein authorized shall have power to sell at public auction, after due advertisement for at least two weeks in the official papers of any such city, such public grounds or buildings therein, with the ground whereon the same may stand or connected therewith, the property of such city, as such commissioners and any public board of such city government having charge of such ground or buildings shall determine may safely be spared or not needed for public use, and the mayor and aldermen shall, in case of such sale, give a good and sufficient title therefor, or such title as the city may possess, and with the proceeds of such sale or sales and of the bonds hereinafter authorized the commissioners herein authorized shall erect the city hall building and purchase the lands as authorized by the second section of this act for the accommodation of the various officers and departments of the city government thereof.

5. *And be it enacted*, That section five of said supplement, approved May twenty-eighth, one thousand eight hundred and ninety, be and the same is hereby repealed.

6. *And be it enacted*, That no bonds shall be issued under the provisions of this act beyond the amount of two hundred thousand dollars; that said bonds shall be issued at a rate of interest not exceeding five per cent. per annum; the said bonds shall not be sold for less than par and accrued interest; said bonds shall be issued and made payable in such manner that said bonds, to the amount of ten thousand dollars, shall fall due each year from and after three years from the date of the appointment of said commissioners; that there shall be included in the tax levy and raised by taxation in such city each year a sum equal to the interest upon such bonds and the principal of such bonds falling due within the year.

Section to be amended.

Commissioners authorized to sell public buildings and grounds.

City to give title.

Proceeds of sale, how applied.

Section repealed

Bonds issued not to exceed \$200,000.

To be sold for par and accrued interest.

Interest and principal to be raised by taxation.

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

Approved April 14, 1891.

CHAPTER CCVIII:

An Act to amend an act entitled " An act to provide for the reconstruction of main outlet sewer heretofore constructed at the joint expense of two cities," approved March eighteenth, one thousand eight hundred and ninety.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of the act entitled " An act to provide for the reconstruction of main outlet sewers heretofore constructed at the joint expense of two cities," approved March eighteenth, one thousand eight hundred and ninety, be and the same is amended so as to read as follows :

Commissioners to issue requisitions on city to be drained.

4. *And be it enacted*, That the said commissioners shall issue requisitions on the board having charge and control of the finances of the city to be drained by such sewer for such sums and for such amounts as the said commissioners may require for the performance of the said work, the acquiring of lands and easements, the payments of incidental expenses and the carrying out of all necessary contracts with the purposes for which the same is to be used ; that said board having charge of the finances of such city so drained, shall thereupon be authorized to direct the payment of the amount so required to the contractor or contractors for the performance of work upon said sewer, or to such other person or persons for the purposes aforesaid as said commissioners shall direct, and in order to raise the moneys required for such payment, said financial board shall have the right from time to

time to borrow money in anticipation of the collection of the assessment for such sewer and to issue the bonds of the city therefor under the seal of the city, signed by the mayor and attested by the city clerk, which bonds shall run for any period not exceeding ten years, and shall bear interest at not exceeding five per cent. per annum, and be sold at not less than par and accrued interest, and the proceeds of such bonds shall only be used for the purposes of this act, and all assessments collected upon such improvement shall be pledged to the redemption and payment of said bonds; *provided, however*, that no payments shall be made by said board having charge and control of the finances of such city upon any contract for work upon said sewer, until said board shall have approved of the same.

To borrow
money on bonds.

Proviso.

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

Section to be
amended.

7. *And be it enacted*, That the said justice of the supreme court shall allow to each of said commissioners such compensation as he may consider equitable and just for their services upon the confirmation of said assessment; that said commissioners shall have power to appoint a clerk whose compensation shall also be fixed by said justice; that the corporation counsel of such city so drained shall act as the counsel to said commissioners without extra compensation.

Compensation of
commissioners
and clerk to be
allowed by jus-
tice of supreme
court.

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

Repealer.

Approved April 14, 1891.

CHAPTER CCLIX.

A Supplement to an act entitled "An act to provide for the reconstruction of main outlet sewer heretofore constructed at the joint expense of two cities," approved March eighteenth, one thousand eight hundred and ninety.

Commissioners
authorized to
enter upon lands
by agreement
with owners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if it should be necessary in the judgment of said commissioners to enter and take private lands for the purpose of continuing and constructing said sewer, the said commissioners shall have power to do so by agreement with the owner or owners of such lands so required for the use or purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners, or the inability of said commissioners to agree for the purchase of said lands, no such agreement can be made, a particular description of the land so required for the use of the said commissioners in the construction of the said sewer shall be given in writing, under the oath or affirmation of some surveyor of the commissioners, 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 be ascertained, to one of the justices of the supreme court of this state, who shall cause the said commissioners to give notice thereof to the persons interested, if known and in this state, or if unknown or out of the state to make publication thereof as the said justice shall direct, for any term not less than six days, and to assign a particular time and place for the appointment of the commissioners hereinbefore named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint three disinterested, impartial and judicious freeholders commissioners to examine and appraise the said lands and to assess the damages, upon such notice to be given to the

persons interested as shall be directed by the said justice, to be expressed therein, not less than six days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation, 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 proceed to view and examine the said lands, and to make a just and equitable estimate or appraisal of the value of the same, and an assessment of damages to be paid for such lands and damages aforesaid, which report shall be made in writing and submitted to the said supreme court justice for confirmation, under the hands and seals of the said commissioners, or any two of them. after five days' public notice in two newspapers printed in such city, of such application for confirmation, and said report shall be filed immediately after confirmation, together with the aforesaid description of the lands and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county of Hudson, to remain of record therein; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of the city drained by such sewer to hold and use the said land, or of the said owner or owners to recover the amount of the said valuation, with interest and cost, in an action of debt against such city drained by said sewer, in any court of competent jurisdiction; and the said justice of the supreme court shall, on such application for confirmation, tax and allow such costs, fees and expenses to said commissioners, clerk and other persons performing any of the duties prescribed in this section as they or he shall think equitable and right, which shall be included by the said commissioners in their said report.

2. *And be it enacted*, That after the confirmation of said report by such justice of the supreme court, the said commissioners appointed under the act to which this is a supplement shall issue a requisition on the board of aldermen, board of finance, or other governing body having control or the finances of such city drained by such sewer, for the amount of money necessary to pay for such lands so condemned as aforesaid, as shown by the said

Duty of freeholders appointed as commissioners to examine and appraise lands.

Report to be filed and considered as evidence.

Commissioners to issue requisition on city drained.

Requisition to be honored by temporary loan if necessary.

report of the said condemnation commissioners, which requisition shall be immediately honored and paid by said board of aldermen, board of finance, or other body having charge of the finances of such city drained by said sewer, and said board of aldermen, board of finance, or other body as aforesaid, are hereby directed, empowered and authorized to pay the same out of the most available fund then in hand, and if necessary, to make temporary loan for the purpose of meeting such requisition.

Repealer.

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

Approved April 14, 1891.

CHAPTER CCX.

A Supplement to an act entitled "An act to prevent the adulteration and to regulate the sale of milk," approved March fourteenth, one thousand eight hundred and eighty-two.

Inspector taking sample of milk for analysis shall divide it into two parts, one of which he shall deliver to vender.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That when any inspector or his deputy acting under the act to which this is a supplement shall take any sample of milk for analysis, he shall divide said sample into two parts, shall duly seal each part in a suitable can, vessel or package, shall tender, and if accepted deliver, at the time of such taking one part to the vender of said milk or to the person having the custody of the same, with a statement in writing of the cause of the sample having been taken.

Defendants may produce evidence at trial to show the percentage of milk solids contained in the sample delivered to him.

2. *And be it enacted*, That in all prosecutions under the act to which this is a supplement, the defendant may at the trial produce competent evidence to show the percentage of milk solids contained in the sample delivered

to him, or to his agent or servant, as provided in section one thereof.

3. *And be it enacted*, That in all prosecutions under the act to which this is a supplement, where the violation charged is the addition of water or any other substance or thing, the defendant may at the trial produce competent evidence to show that the same has not been altered or adulterated. May produce evidence to show that milk has not been adulterated.

4. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed. Repealer.
Approved April 14, 1891.

CHAPTER CCXI.

An Act relative to the salaries of mayors in cities of the second class in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the second class in this state in which the mayor of such cities is elected for the period of two years at a compensation of one thousand dollars per annum, the salary of such mayor shall hereafter be a sum not exceeding two thousand dollars per annum, as shall be fixed by a majority of the common council or other governing board of such city; this act shall not be taken to permit an increase in the salary of any mayor now in office, during his present term. Increasing salary of mayor.

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

Approved April 14, 1891.

CHAPTER CCXII.

Supplement to an act entitled "An act for the better securing of wages to workmen and laborers in the state of New Jersey," approved March ninth, one thousand eight hundred and seventy-seven.

Corporation not to require workmen to sign a written consent for said corporation to retain any part of their wages for a relief fund.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That it shall not be lawful for any corporation doing business in this state to require workmen, laborers or other employees, in their contract of employment, or prior or subsequent thereto, to sign a written consent for said corporation to retain or keep back any part of their wages when due, under pretense of investing the same or establishing a fund for the relief or assistance of such workmen, laborers or other employees when sick or otherwise disabled.

Not to retain or keep back any part of wages without consent of workmen.

2. And be it enacted, That it shall not be lawful for any corporation of this state, or any corporation doing business in this state, to retain or keep back any part of the wages due their workmen, laborers or other employees, without the free and voluntary consent of such workmen, laborers or employees, under pretense of assisting, relieving or maintaining said employees when sick or otherwise disabled.

Such diversion of wages declared to be against public policy.

3. And be it enacted, That all such diversions of the wages of the employees without the free and voluntary consent of such workmen, laborers or employees of corporations aforesaid when due from the use, possession or control of said employees, to the control or possession of said corporation for the pretended use or benefit of said employees, shall be adjudged by the courts of this state to be against public policy.

Penalty for violations of above sections.

4. And be it enacted, That all violations of the first or second sections of this act by the directors or managing officials of any corporation of this state or corporation doing business in this state shall be deemed a misdemeanor, and shall subject them or any of them to an

indictment for misdemeanor in any county in this state where said corporation does business, and upon conviction thereof he, she or they shall be punished by fine or imprisonment in the county jail, said fine not to exceed two hundred dollars and said imprisonment not to exceed six months, or both, in the discretion of the court.

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

Approved April 14, 1891.

CHAPTER CCXIII.

An Act to provide for the revoking and annulling of licenses of inns, and taverns, and saloons, as to the place licensed, where the licensee is a tenant and shall remove from and vacate the licensed premises before the expiration of such license and shall refuse to consent to a transfer of such license by the court or other licensing body which granted the same, and fixing the fees for transferring such license should the same be transferred.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person, being a tenant, to whom any license to keep an inn and tavern or saloon in this state shall be granted, shall remove from and vacate the building and premises named in and for which such license shall be granted, before the expiration of the time for which such license shall be granted, by reason of the expiration of his tenancy or from other causes, his said license shall immediately become null and void as to said licensed premises, unless he shall immediately consent, in writing, directed to the court or other body which granted said license, requesting said court or licensing body to transfer such license for the remainder

Licenses, where licensee as tenant vacates licensed premises before expiration of license, to be revoked and annulled, unless a transfer is requested.

of the unexpired term thereof to the incoming tenant of such premises or to such person or persons as the said court or licensing body may deem a fit and proper person for that purpose at the request of the owner of such premises, upon the payment to him of a portion of the costs and expenses of obtaining such license, proportionate to the time for which said license has yet to run, to be fixed and determined by the said court or licensing body which shall transfer such license; all costs and expenses of obtaining such transfer to be paid by the person to whom such transfer of license is granted; *provided, however,* that nothing herein contained shall prevent any court or other licensing body of this state from transferring any license from one building to another, or from one person to another under and by virtue of the laws of this state.

Proviso.

Owner or occupant may apply for a license.

2. *And be it enacted,* That whenever any tenant to whom a license to keep an inn and tavern in this state shall be granted shall remove from and vacate the premises for which such license shall be granted before the expiration of such license without first having procured the transfer of such license to another place by the court or other licensing body which granted the same, or without consenting in writing to the transfer of such license to another person by said court or licensing body as provided in the first section of this act, it shall be lawful for the owner, occupant or person having the management and control of said premises to apply for a license for an inn and tavern or saloon for said premises to the court or licensing body of the county or municipality in which said premises are situate, in the same manner and at the time provided by law for applying for licenses for inns and taverns or saloons in such county or municipality, notwithstanding the license granted by said court or licensing body for said premises has not expired.

Court to revoke and annul license where licensee refuses to consent to a transfer and grant a new license.

3. *And be it enacted,* That whenever the owner, occupant or person having the control and management of any premises in this state for which a license for an inn and tavern or saloon shall be granted, shall prove by affidavit to the court or other body authorized by law to grant licenses for inns, taverns and saloons in the county or municipality where such premises are situate, that the

former tenant of said premises to whom a license had been granted as aforesaid has vacated and removed from such premises and has not procured such license to be transferred to another place by the court or body which granted the same and refuses to consent to the transfer of such license by the court or body which granted the same for the unexpired term thereof as provided in the first section of this act, it shall be lawful for said court or licensing body to revoke and annul such license as to said premises and in their discretion and upon proper application made according to law to grant a new license for said premises to another person, provided that two days' notice in writing of such intended proof and application to said court or licensing body has been served upon the former tenant or his legal representatives if residing within the county where such license was granted.

4. *And be it enacted*, That the person to whom a transfer of license is granted as provided in this act shall pay for such transfer of license the same court and clerk fees and in the same manner as applicants obtaining original licenses for inns, taverns and saloons shall pay, and in addition thereto shall pay to the court or other licensing body for fixing and determining the amount to be paid by him for such transfer the same fees as are now fixed by law for the courts of common pleas of the different counties of this state for hearing and determining appeal cases in said court. Fee for license.

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

Approved April 14, 1891.

CHAPTER CCXIV.

An Act confirming, validating, and legalizing deeds of conveyance of or for lands, tenements, hereditaments, or real estate heretofore made and delivered by any administrators or administrator with the will annexed, or by any administrators or administrator de bonis non with the will annexed, or by the survivors or survivor, or successors or successor of them, him or her, and making the record of said deeds admissible in evidence.

Legalizing deeds of conveyance made by administrators or their successors or survivors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any deed or deeds of conveyance, heretofore made and delivered by any administrators or administrator with the will annexed, or by any administrators or administrator de bonis non with the will annexed, or by the survivors or survivor, or successors or successor of them, him or her, of or for any lands, tenements, hereditaments, or real estate sold pursuant to the power, permission or direction in the said will annexed, given to or vested in the executors or executor named in the said will annexed, is and are hereby confirmed, validated, legalized and declared to be, and is, and are, and shall be as good, legal, valid and effectual, and the record thereof admissible in evidence, and fully and completely as if the said deed or deeds of conveyance had been, or was, or were made and delivered by the executors or executor named in the said will (although the terms of the said sale have not been submitted to the orphans' court of the county in which the said lands or real estate lie, or have not been approved by said court, or the second section of the act entitled "A supplement to an act entitled 'An act concerning executors and administrators of intestates' estates" [Revision] approved March twenty-seventh, one thousand eight hundred and seventy-four, regulating the sale of lands by administrators with the will annexed, or by administrators de bonis

non with the will annexed, and defining their powers," approved April sixth, one thousand eight hundred and eighty-eight, or any part of said second section has not been complied with), except where said will has expressly confided the exercise of said power of sale to some other persons or person named therein other than the executors or executor named in said will. Except, &c.

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

Approved April 14, 1891.

CHAPTER CCXV.

An Act to amend an act entitled "An act to authorize the construction, curbing and paving of sidewalks and crosswalks in townships," approved May ninth, anno domini one thousand eight hundred and eighty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of an act entitled "An act to authorize the construction, curbing and paving of sidewalks and crosswalks in townships," approved May ninth, anno domini one thousand eight hundred and eighty-four, be and the same is hereby amended to read as follows: Section to be amended.

2. *And be it enacted*, That after the passage of any ordinance as aforesaid, it shall be the duty of the township committee to cause a notice signed by the chairman of such committee to be published in a daily newspaper printed and circulated in said township, for five consecutive days (Sundays excepted), or in a weekly newspaper printed and circulated in such township for three consecutive weeks, or if none be printed in such township, in a daily newspaper printed in the county and circulated in said township, for five consecutive days (Sundays excepted), or in a weekly newspaper printed in the county Township committee to cause notice to be published requiring owners of lots to construct sidewalks.

and circulated in said township for three consecutive weeks, which notice shall require the owner or owners of each lot in front of which or bordering which the sidewalk shall by said ordinance be directed to be constructed, curbed and paved, to construct, curb and pave the same in the manner prescribed in such ordinance, within such time as the township committee shall direct, not being less than thirty days after the last day of such publication as aforesaid.

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

Approved April 14, 1891.

CHAPTER CCXVI.

Supplement to an act entitled "An act for the preservation of fish in the Hackensack river and its tributaries or branches, within the counties of Bergen and Hudson," approved February twenty-first, one thousand eight hundred and eighty-eight.

Unlawful to fish
except with hook
and line or scroll
spoon between
June 15 and
December 1.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall not be lawful for any person or persons to use any seine, net, gill, drift, purse net or nets, anchor or sink nets, fixed nets, trap, pot, pound, fike, weir or other apparatus or tackling, except hook and line, commonly called angling, or scroll spoon commonly called trolling, in the Hackensack river and its tributaries between the fifteenth day of June and the first day of December in any year, under the pain, penalties and forfeitures provided for in and by said act to which this is a supplement.

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

Approved April 14, 1891.

CHAPTER CCXVII.

An Act concerning bonds given by municipal officers or employees for the proper performance of official duty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter all bonds now or hereafter required to be given by any municipal officer or employe for the proper performance of official duty, whether given directly to a municipality or to some officer or department thereof, shall be recorded in the office of the clerk of the county in which any such municipality may be situated, provided that the governing body of such municipality shall so direct, and copies of said bonds duly certified by said clerk, under the seal of office, shall be received as evidence in any court of this state, and be as good and available in law as if the original bonds were then and there produced.

County clerks to record all bonds given by municipal officers.

Proviso.

2. *And be it enacted*, That upon application made in writing to the justice of the supreme court who shall hold the circuit court in any county wherein any such municipality is situated, by or on behalf of any such municipality, or by or on behalf of any citizen and taxpayer thereof, alleging that the condition of the bond of any officer or employee of such municipality has been broken, said justice shall make such investigation touching the truth of such allegation as he shall think proper, and, in his discretion, may order suit to be brought upon said bond for the benefit of such municipality or of the officer or department thereof for whose benefit the bond is given.

Justice of supreme court to order suit to be brought upon application.

3. *And be it enacted*, That nothing herein contained shall invalidate bonds not recorded as herein provided, and application for an order for the prosecution of any such bond may be made in the same manner as if the same were recorded.

Bonds not recorded not invalidated by this act.

4. *And be it enacted*, That any bond given by any officer or employee of any municipality in this state for the

Bonds may be prosecuted without application to a justice of the supreme court.

proper performance of official duty, whether given directly to a municipality or to some officer or department thereof, and whether recorded or not, may be prosecuted as heretofore without application to a justice of the supreme court.

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

Approved April 14, 1891.

CHAPTER CCXVIII.

An Act to validate certain sales of lands made by virtue of legal proceedings.

Sales not invalidated by omission of publication.

Proviso.

Proviso.

Proviso.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That no sale of lands heretofore made shall be invalidated by reason of the omission to publish in two newspapers of the county wherein such lands lie, an advertisement thereof for four weeks next preceding the time appointed for selling the same; *provided*, there shall have been an advertisement thereof published for four weeks previous to such sale in two newspapers published in the county where such lands lie, one of which papers shall be a newspaper printed and published in the county seat of said county; *and provided, also*, notice thereof shall have been set up in five or more public places of the county, one whereof shall be in the township where such lands lie; *and further provided*, that said sale has been or hereafter shall be confirmed by the court under whose authority such sale was made.

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

Approved April 14, 1891.

CHAPTER CCXIX.

An Act to provide for the appointment of commissioners for the promotion of uniformity of legislation in the United States.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state shall, within thirty days after this act shall become a law, appoint three counselors at law of this state, who shall constitute a board of commissioners with power to examine, consider and report how far it is wise or practicable to assimilate the legislation of the various states on the subjects of marriage and divorce, insolvency, the form of notarial certificates, or other subjects in which uniformity or assimilation may seem to them to be wise, practicable or desirable, with power in their discretion to confer with such commissioners or officers of other states as have or shall have like power, and especially the commissioners lately appointed by the state of New York for the same purpose, and to make report to this or any subsequent legislature of this state, whether any and what action should be taken.

Governor to appoint commissioners to examine and report upon the practicability of the various states adopting uniform marriage and divorce laws, insolvency and forms of notarial certificates.

2. *And be it enacted*, That said commissioners shall hold office for two years, and shall serve without compensation; and any vacancy in said board shall be filled by the governor.

Term of office. Commissioners to serve without compensation. Vacancy, how filled.

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

Approved April 14, 1891.

CHAPTER CCXX.

An Act relative to the payment of arrears of taxes and assessments and the interest thereon in incorporated cities.

When arrears of taxes may be paid.

Upon payment of tax shall cease to be a lien.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at any time within one year after the passage of this act, any person or persons may pay to the collector of taxes, or other person authorized to receive the same in any incorporated city in this state, the amount of any tax or assessment due upon any real property belonging to any such person or persons, laid or imposed prior to the year one thousand eight hundred and ninety, and now remaining unpaid, together with interest thereon at seven per centum per annum, to be calculated from the time interest is properly chargeable thereon to the time of such payment, together with the actual expenses theretofore incurred by any such city for the enforcement and payment of said taxes or assessments; and the collector of taxes, or person authorized to receive the same, shall make and deliver to the person or persons making such payment a receipt therefor, and shall forthwith cancel the record of such tax or assessment; upon such payment such tax or assessment shall cease to be a lien upon the real estate or property, and shall be deemed and taken to be fully paid, satisfied and discharged, and there shall be no right to any further interest or penalty by reason of such tax or assessment not having been paid within the time heretofore required by law, or by reason of any statute passed requiring the payment heretofore of any penalty or interest over seven per centum upon any unpaid tax or assessment; *provided, however*, 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 lands and real estate have been sold for taxes or assessments, and bought in by any other person than the

city in which said taxes and assessments are laid, or some officer for the use of such city; nor shall any lien upon real estate for such 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 by anything in this act contained; *and provided, further*, that the provisions of this act shall not become operative in any incorporated city until the common council or other governing body having charge and control of the finances of such city shall, by resolution, authorize the collector of taxes, or other person authorized to receive taxes, to receive and receipt for the same under the provisions of this act.

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

Approved April 14, 1891.

CHAPTER CCXXI.

An Act enabling township clerks to take affidavits in township business.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it may and shall be lawful for the township clerks of the several townships in this state to take affidavits in all cases concerning township business.

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

Approved April 14, 1891.

CHAPTER CCXXIII.

An Act to regulate the price of legal advertising.

Fees for advertising legal notices in daily papers in cities of the first and second class.

Proviso.

Proviso.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for all officers and boards of any county or municipality of this state to pay for official advertising in the daily newspapers published in cities of the first and second class at the rate of ten cents per line for the first insertion and five cents per line for each subsequent insertion and no more; *provided*, said daily newspapers shall be duly authorized to publish the said advertisement; *and provided further*, that nothing herein contained shall apply to the publication of the session laws of this state; *and provided further*, that nothing herein contained shall be construed as requiring or authorizing the inserting of any advertisement in any newspaper not now or hereafter authorized by law to publish the same.

2. *And be it enacted*, That all acts and parts of acts, public or private, that conflict with the provisions of this act, shall be and are hereby repealed.

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

Approved April 14, 1891.

CHAPTER CCXXIV.

An Act respecting the election and terms of office of the clerk, and collector or receiver of taxes in certain towns, boroughs and townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all towns and boroughs, and in all townships having a population of ten thousand inhabitants or over according to the last census, the terms of office of the clerk, and collector or receiver of taxes hereafter elected or appointed therein shall be the period of two years, and all persons who shall be hereafter elected or appointed to said offices or any of them shall hold office for two years, and until their successors in office shall have been duly elected or appointed and shall have duly qualified; and any legal voter of any such town, borough or township shall be eligible to the said offices of clerk or collector or receiver of taxes.

Term of office of clerks and collectors or receivers of taxes.

Any legal voter eligible to offices.

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

Repealer.

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

Approved April 14, 1891.

CHAPTER CCXXV.

An act to secure the payment of laborers, mechanics, merchants, traders and persons employed upon or furnishing materials toward the performing of any work in public improvement in cities of this state.

Mechanics and others working on public improvements or furnishing material for public improvements in cities shall have a lien upon public moneys thereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person or persons who shall hereafter as laborer, mechanic, merchant or trader, in pursuance of, or in conformity with the terms of any contract for any public improvement made between any person or persons and any city in this state authorized by law to make contracts for the making of any public improvement, perform any labor or furnish any material toward the performance or completion of any such contract made with said city, on complying with the second section of this act, shall have a lien for the value of such labor or materials or either, upon the moneys in the control of the said city, due or to grow due under said contract with said city to the full value of such claim or demand, and these liens may be filed and become an absolute lien to the full and par value of all such work and materials, to the extent of the amount due or to grow due under said contract, in favor of every person or persons who shall be employed or furnish materials to the person or persons with whom the said contract with said city is made, or the sub-contractors of said person or persons, their assigns or legal representatives; *provided* that no city shall be required to pay a greater amount than the contract price or value of the work and materials furnished, when no specific contract is made in the performance of said work by the contractor.

Proviso.

Notices to be filed by claimants.

2. *And be it enacted*, That at any time before the whole work to be performed by the contractor for the city is completed or accepted by the city, and within fifteen days after the same is so completed or accepted, any claimant may file with the chairman or head of the de-

partment, council, board or bureau having charge of said work, and with the financial officer of said city, notices stating the residence of the claimant, verified by his oath or affirmation, stating the amount claimed, from whom due, and if not due, when it will be due, giving the amount of the demand after deducting all just credits and offsets, with the name of the person by whom employed, or to whom the materials were furnished; also a statement of the terms, time given, conditions of his contract, and also that the labor was performed or materials were furnished to the said contractor, and were actually performed or used in the execution and completion of the said contract with said city, but no variance as to the name of the contractor shall affect the validity of the said claim or lien. And terms and conditions of contracts

3. *And be it enacted*, That the financial officer of said city shall enter the claims in a book kept for that purpose by him, called the "lien book;" such entry shall contain the name and residence of claimant, the name of the contractor, the amount and date of the filing and a brief designation of the contract upon which the claim is made. "Lien book." Entries in.

4. *And be it enacted*, That no lien provided for in this act shall be binding upon the property therein described, unless an action be commenced within ninety days from the filing of the same, and a notice of pendency of said action be filed with the financial officer of the city. Action to be commenced.

5. *And be it enacted*, That the lien shall attach from the time of filing thereof to the extent of the liability of the contractor for the claim preferred upon any funds which may be due or to grow due to said contractor from said city, under the contract against which the lien is filed. Lien to attach from time of filing.

6. *And be it enacted*, That any claimant who has filed the notice mentioned in the second section of this act, may enforce his claim against the said fund therein designated and against the person or persons liable to the debt by a civil action; actions to determine or terminate said liens may be commenced by the contractor or said city in any court of competent jurisdiction. Actions to enforce claims.

7. *And be it enacted*, That the plaintiff must make all parties who have filed claims, the contractor and the said city, parties defendant, and as to all parties against whom Who are defendants.

- no personal claim is made, the plaintiff may, with the summons, serve a notice stating briefly the object of action, and that no personal claim is made; but all parties who have filed claims under this act may, by answer in such action, set forth the same, and the court in which the action is brought may decide as to the extent, justice and priority of the claims of all parties to the action.
- Court to decide on priority of claims.
- To render judgment. 8. *And be it enacted*, That the court in which the action is brought shall determine the validity of the lien, the amount due from the debtor to the contractor, under his contract, and from the contractor to the respective claimants, and shall render judgment, directing that the said city shall pay over to the claimants for the work done and the materials furnished in the execution of said contract or contracts, whose claims or liens it shall hold to be valid and just, in the order of their priority as determined by said court to the extent of the sum found due to said claimants from their contractor, so much of said funds or money which may be due from the said city to the contractor, under his contract, against which the lien is filed, as will satisfy their liens or claims, with interest and costs, to the extent of the amount due from said city to said contractor; the judgments rendered under this act may be enforced by execution and an appeal may be taken therefrom in the same time and manner as in civil actions.
- To be enforced by execution.
- How rights and priorities to be determined. 9. *And be it enacted*, That in case of successive liens or a number of liens in favor of different persons, their rights and priorities shall be determined as follows: persons standing in equal degrees as co-laborers, or various persons furnishing materials, shall have priority according to the date of the filing of their liens; when several lien notices are filed for the same demand, the judgment shall provide for the proper payments according to priority, so that under liens filed, double payments shall not be required.
- Separate actions may be consolidated. 10. *And be it enacted*, That when separate actions are commenced, the court in which the first action was brought may upon the application of said city consolidate them.
- Costs in action. 11. *And be it enacted*, That costs in all actions shall rest in the discretion of the court and shall be awarded to or

against the plaintiff or defendants, or any or either of them, as may be just.

12. *And be it enacted*, That nothing contained in this act shall be construed to impair or affect the right of any person to whom any debt may be due for work done or materials furnished, to maintain a personal action to recover such debt against the person liable therefor. Personal action may be maintained.

13. *And be it enacted*, That the lien may be discharged as follows: first, by filing a certificate of the claimant or his successor in interest, duly acknowledged and proved, stating that the lien is discharged; second, by lapse of time, when ninety days have elapsed since the filing of the claim and no action shall have been commenced to enforce the claim; third, by satisfaction of any judgment that may be rendered in actions to foreclose said liens or claims. How lien may be discharged.

14. *And be it enacted*, That the term "contractor" as used in this act, shall be construed as meaning the person with whom the contract with the said city is made, his assigns or legal representatives. Construction of term "contractor."

15. *And be it enacted*, That this act shall take effect immediately; but nothing herein contained shall affect the validity of any claims or liens upon moneys due or to grow due under contracts made by cities prior to its passage; all acts and parts of acts inconsistent with the terms of this act are hereby repealed. Act not to affect validity of claims or liens prior to its passage. Repealer.

Approved April 14, 1891.

CHAPTER CCXXVI.

An Act to provide for the repaving, repairing and improvement of paved streets in cities of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful in any city of this state for the board having charge and control of One half of license fees in cities to be set apart to repave and repair paved streets.

the finances thereof to appropriate and set apart annually, with the consent of the mayor, for the period of six years from the date hereof, out of the license fees received in such city for licenses to sell spirituous or malt liquors, one-half thereof for the repaving, repairing and improving of paved streets in such city, and said moneys so appropriated shall be disbursed, applied and expended for such purposes exclusively by the board or department of such city charged with the duty of paving and repairing streets, and by no other board or authority nor for any other purpose whatever.

Repealer.

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

Approved April 14, 1891.

CHAPTER CCXXVII.

An Act to amend section one of the act entitled "A supplement to an act entitled 'An act for the settlement and relief of the poor,'" approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved June twentieth, one thousand eight hundred and ninety.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "A supplement to an act entitled 'An act for the settlement and relief of the poor,'" approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved June twentieth, one thousand eight hundred and ninety, be and the same is hereby amended so as to read as follows:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person or persons who have or who shall have last resided in any township of this state for the period of ten consecutive years, shall be considered as legally settled in said township; *provided*, that this act shall not be so construed as to give a legal settlement to any person or persons inmates of any home for feeble-minded, home for old people or home for the homeless, nor to any person who may be or may have been maintained by the overseer of the poor of any township, city or borough during said ten consecutive years.

Person legally settled when he has resided in a township ten years.

Proviso.

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

Approved April 14, 1891.

CHAPTER CCXXIX.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all proceedings now or hereafter pending for the partition of lands where all or any of the undivided shares whereof is or are limited over in the manner specified in section twenty-five of the act (Revision) to which this is a supplement, a sale thereof may be made upon an order or decree of the court of chancery, whenever it shall be made to appear to the court that the tract or tracts of land or real estate in question are so circumstanced that a partition thereof cannot be made without great prejudice to the owners or persons interested in the same.

Sale of land where proceedings are pending for petition to be made.

Proceeds of sale,
how invested.

2. *And be it enacted*, That in all partition proceedings wherein the sale of lands limited over shall hereafter be decreed by the court of chancery, and there shall be an executor, trustee or administrator cum testamento annexo appointed by any last will and testament or by virtue of the order or decree of any court and by the terms of such will, such executor, trustee or administrator cum testamento annexo has authority to collect and receive the rents and issues of all or any part of such lands during the lives of any person or persons named in such will, but has no power to make sale of said lands or any interest therein upon such executor, trustee or administrator cum testamento annexo giving bonds to the ordinary (in the same manner as now required upon the granting of letters of administration) in the offices of the clerk of the court wherein said will was proved, or from which he received his appointment as such trustee or administrator, then it shall be lawful for the chancellor to decree that the proceeds of sale of any lands or interest in any lands to which said executor, trustee or administrator cum testamento annexo was entitled to the rents and profits shall be paid over to said executor, trustee or administrator cum testamento annexo, to be by him held and invested according to the law concerning other trust funds and the income thereof, paid and applied by him to the persons entitled to the rents and profits of said lands which said moneys represent; and upon the death of the person so entitled to such income, to pay said principal sum to the persons entitled to the same under the provisions of said will.

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

Approved April 14, 1891.

CHAPTER CCXXX.

An Act to provide means to increase the fish production of the waters of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of continuing the work of stocking the waters of this state with food fishes, there is hereby appropriated the sum of five thousand dollars, which, or any portion thereof necessary, shall be paid by the state treasurer, on the warrant of the comptroller, with the assent of the governor, to the commissioners of fisheries of this state upon their requisition, to be by them expended in defraying the cost of leasing and maintaining a hatchery, and of procuring, hatching and distributing valuable food fishes to stock the rivers, streams, lakes and ponds of this state, and for such other purposes as they may deem advisable to restore and increase the fish production of the waters of this state; *provided*, that one thousand dollars of this appropriation be expended for the propagation of shad in the Delaware river; *and provided*, that for all moneys expended by said commissioners vouchers shall be filed with the comptroller, verified as said comptroller shall direct.

Appropriates \$5,000 for stocking the waters of this state with food fishes.

Proviso.

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

Approved April 16, 1891.

CHAPTER CCXXXI.

A Further Supplement to an act entitled "An act relative to the court of pardons," approved January eighteenth, one thousand eight hundred and fifty-three.

Court of pardons may license convicts to be at large.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the court of pardons to grant to any convict now or hereafter undergoing imprisonment in any of the penal institutions of this state, a license to be at large, upon such security, terms, conditions and limitations, in all respects, as to the said court shall seem proper, which said terms, conditions and limitations shall be endorsed upon or annexed to such license; such convict shall continue to be legally in custody after the granting of such license, and shall be liable to be taken at any time and returned to the place of punishment to which he or she was originally sentenced, as hereinafter provided.

Convict to continue in legal custody.

License to be signed by governor and attested by clerk of the court.

Certified copy to be deposited with keeper of prison or penal institution

2. *And be it enacted*, That such license shall be signed by the governor, or person administering the government, and attested by the clerk of said court; a duly certified copy thereof shall be deposited with the keeper of the prison or other penal institution in which such convict is confined, and shall be a sufficient warrant to the keeper for permitting such convict to go at large.

License may be revoked at any time.

For violation of the terms, conditions or limitations thereof.

3. *And be it enacted*, That the court of pardons, or the governor, or person administering the government, when said court is not in session, shall have authority, at any time, in his or their discretion, to revoke any license granted under this act; and it shall be the duty of said court, or of the governor, or person administering the government, when the said court is not in session, to revoke any such license whenever it shall come to his or their knowledge that the person holding the same has violated any of the terms, conditions or limitations thereof, or any penal law of this state, or of any other state, or of the United States.

4. *And be it enacted*, That such revocation shall be made by an order in writing, which shall state the reason therefor, and shall be signed by the governor, or person administering the government, and filed with the clerk of said court; upon the filing of such revocation, the governor, or person administering the government, shall issue his warrant for the arrest of the holder of such license, and his or her return to the place of confinement from which he or she was released thereunder; said warrant may be served by any person authorized to serve criminal process in any county in this state; the holder of such license when returned to the place of confinement from which he or she was released thereunder shall be detained therein according to the terms of his or her original sentence; and in computing the period of such confinement, the time between his or her release upon such license and return to said place of confinement shall not be taken to be any part of the term of sentence; if the person for whose arrest such warrant is issued is confined in any prison or penal institution of this state, the officer to whom said warrant shall have been delivered shall deliver the same to the warden or keeper of such institution or prison, and the said warden or keeper shall, upon the expiration of said present term of imprisonment in that institution, return him to the institution from which he was discharged on license, or if the discharge on license was from the same institution, then shall detain him therein according to the terms of his original sentence as aforesaid.

Manner of revoking license.

When revoked governor to issue warrant for arrest of holder.

How warrant to be served.

Holder, when returned to be detained according to original sentence.

Time between release and return not taken as part of term of sentence.

If holder is confined in any prison or penal institution in this state, warrant shall be delivered to the keeper thereof, who will return the person to the institution from which he was discharged.

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

Approved April 16, 1891.

CHAPTER CCXXXII.

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

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act entitled "An act to provide for the incorporation of associations for the erection and maintenance of hospitals, infirmaries, orphanages, asylums, and other charitable institutions," approved March ninth, one thousand eight hundred and seventy-seven, be and the same is hereby amended so as to read as follows:

Number of persons who may make certificate of association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any three or more persons of full age, a majority of whom shall be citizens of and residents within this state, who shall desire to associate themselves together for the purpose of the care, cure, nurture or maintenance of sick, injured, infirm, aged, indigent, deaf, dumb, blind, idiotic, or insane persons, or of orphans, half-orphans or destitute children, or for the training, education, instruction or preparation of persons, male or female, to act as nurses, or for any two or more of such purposes combined, may make, record and file a certificate in writing, in manner hereinafter mentioned.

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

Approved April 16, 1891.

CHAPTER CCXXXIII.

A Supplement to an act entitled "An act for the construction, maintenance and operation of systems of sewerage in cities, towns and boroughs," approved June thirteenth, one thousand eight hundred and ninety.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of the act of which this is amendatory be amended to read as follows; *provided, however*, that the provisions of this supplement shall apply only to cities of the third class in this state:

2. *And be it enacted*, That such persons desirous of forming a company for such purposes, 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 borough in and for which such sewerage system is 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, and the terms and condition or conditions upon which the consent has been granted by the corporate authorities, if any, of the city, town or borough in which such sewerage system is to be constructed.

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

Approved April 16, 1891.

CHAPTER CCXXXIV.

An Act enlarging and extending the powers of incorporated towns in this state governed by boards of commissioners and of certain officers thereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the police justice of any incorporated town in this state governed by a board of commissioners shall hold his office for two years, and shall have jurisdiction to, and is hereby empowered, on oath, affirmation or affidavit, made according to law, that any person or persons has or have been guilty of a violation of any of the ordinances of the town, to issue process, either in the nature of a summons or warrant, as to him may seem most advisable, against the person or persons violating such ordinance, which process shall, when of the nature of a warrant, be returnable forthwith, and when in the nature of a summons be returnable in not less than three nor more than five days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, and in what manner the same has been violated, and then, on return of such process, or at the time to which the police justice shall have adjourned the same, the said police justice shall proceed to hear testimony and to determine and give judgment in the matter without the filing of any pleadings, and the said police justice shall, if judgment be rendered for the plaintiffs, forthwith issue execution against the goods and chattels, and against the body of the defendant or defendants; and the said police justice shall be further empowered to inflict fines, not exceeding the sum of twenty dollars, on such persons as shall be convicted before him of vagrancy, disorderly conduct, breach of the peace, or, in his discretion, to order such persons to be committed to the county jail or town lock-up for any period not exceeding thirty days; *provided*, that in all cases when the fine or penalty shall exceed ten

Police justices empowered to issue process for violation of town ordinances.

Process to state what ordinance has been violated and justice to hear testimony and give judgment.

To inflict fines or commit to jail or lock-up.

Prov'iso.

dollars, or where the punishment shall be imprisonment, there may be a trial by jury, to be conducted as in cases now triable in courts for the trial of small causes; police justices shall also have power to cause any person or persons who shall be found guilty of a violation of the ordinances of the town, and who may refuse or neglect to pay any penalty imposed, to be committed to the county jail for any period not exceeding thirty days; and the police justice shall be present at the station-house, or other place provided for him by the board of commissioners, at such hours every day as the board shall designate; and the police justice shall have the same powers in criminal matters, within the territorial limits of the town, as are possessed and exercised by justices of the peace of this state; all fines, penalties and license fees collected by him shall be paid to the town treasurer.

2. *And be it enacted*, That any member of the board of commissioners during his term of office, and any marshal or assistant marshal, and any policeman of said town, shall have the power, on witnessing any breach of the peace or any violation of a town ordinance, to forthwith arrest and take into custody, without warrant, the offender or offenders, and to take said offender or offenders before the police justice of the town for a hearing.

Offenders may be arrested without warrant where officers witness the breach or violation.

3. *And be it enacted*, That every conviction for violating a town ordinance had before the police justice, either with or without a jury trial, may be reviewed by appeal to the courts of common pleas of the county in the same manner and upon the same terms as appeals are or may be taken from courts for the trial of small causes, and in case the judgment appealed from shall be imprisonment, the said police justice or any judge of the court of common pleas, may admit to bail the party appealing during the pendency of his appeal: but no judgment for the violation of any ordinance shall be reversed for any imperfection, omission, defect in or lack of form, nor for any error except such as shall or may have prejudiced the defendant in maintaining his defence upon the merits.

Appeal to courts of common pleas.

Judgment not to be reversed for imperfection or omission.

4. *And be it enacted*, That the officers empowered to serve process issued by the police justice shall be, besides

Who to serve process.

the constables elected or appointed within the town, the marshal, assistant marshals, and the policemen of the town, and that said process shall be returned in the same manner, so far as circumstances may permit, as warrants in courts for the trial of small causes are returned, and the defendant or defendants named therein shall, if the police justice sees fit to adjourn the hearing of the charge made, and so orders, enter into recognizance, as nearly as may be, in the manner directed in the courts for the trial of small causes, in the amount of the penalty named, in the process or in any proceedings brought for the recovery of the same, with such surety as may be approved by the police justice, unto the town, by its corporate name, for his or their appearance on the day to which said hearing may be adjourned, and in default of such appearance, the said recognizance may be prosecuted and collected in the same manner as the same might have been if the said recognizance had been taken in a proceeding in courts for the trial of small causes.

5. *And be it enacted*, That the board of commissioners may by the title "The board of commissioners of the town of _____," pass, adopt, alter, modify and repeal ordinances to take effect within the town for the following purposes: To manage, regulate, protect and control the finances and property of the town; to make and adopt an assessment map or maps whereby to describe lands assessed for taxes or improvements; to ascertain and establish the boundaries of all streets, highways, public lanes and alleys in the town; to regulate, clean and keep in repair the streets, highways, lanes and alleys in the town, and to prevent and remove all encroachments, obstructions and encumbrances in and upon all streets, highways, lanes and alleys, sewers, drains and water courses; to prescribe the manner in which corporations or individuals shall exercise any privileges granted to them in the use of any street, highway or alley, or in digging up any street, highway or alley for any purpose whatsoever; to direct and regulate the planting, rearing, trimming and preserving of ornamental shade trees in the streets, parks and public places of the town, and to authorize or prohibit the removal or destruction of such

Trial and recognizance.

Commissioners may pass ordinances.

To manage and control finances and property.

Adopt assessment maps.

Establish boundaries of streets.

Clean and repair streets.

To prescribe privileges of corporations and individuals in use of streets.

To regulate planting of trees in streets and parks.

shade trees; to name and number the streets, houses and lots in the town; to provide for and enforce the removal of snow and ice from the sidewalks and gutters of the streets by the owners of lands by the owner of any lot of land fronting on a public or highway to fronting thereon, and to provide that in case of neglect or refusal of or remove snow or ice from the sidewalks and gutters in front of his lands, that the board of commissioners may cause the same to be done at the expense of such owner, and that the cost and expense thereof with interest thereon shall be added to and shall form part of the taxes next to be levied and assessed upon such lands, and shall be and remain a lien upon such lands until paid; to regulate the use of streets, highways and public places by individuals, vehicles, railways and engines of every kind; to prevent and punish horse racing and immoderate driving or riding in any street, and to regulate the speed and running of locomotives, engines and railroad cars through the town; to require and regulate the establishment of gates or flagmen at any or all railway crossings within the corporate limits of the town; to regulate and control the passage through the streets and public places of buildings and other large structures; to prevent animals of all kinds from running at large in the streets or public places of the town, and for the impounding, sale or destruction of the same, and to regulate and prevent the driving of cattle or other animals in droves in or through any of the streets of the town; to prevent and prohibit any practice having a tendency to frighten animals or persons standing or passing in the streets of the town; to license, regulate or prohibit all public performances and exhibitions for money; to prevent and suppress vice and immorality; to restrain or punish tramps, vagrants, mendicants and street beggars; to preserve the public peace; to prevent and quell riots, disturbances and disorderly assemblages; to restrain and suppress disorderly and gaming houses, and houses of ill fame; to establish and regulate one or more public pounds, and to provide for the sale of animals impounded, and to fix the fees to be paid persons impounding animals, and the redemption fees to be paid; to regulate and prevent and to provide for the

To name streets and number houses

To remove snow and ice.

To regulate the use of streets.

To prevent horse racing and fast driving, and regulate running of locomotives and cars

To require gates or flagmen at railroad crossings.

To regulate passage of buildings through streets.

To prevent animals from running at large and regulate driving of cattle in droves.

To prevent frightening of animals or persons.

To license public performances.

To suppress vice.

Punish tramps.

Preserve the peace.

Quell riots.

Suppress gambling and houses of ill-fame.

Regulate pounds

Prevent dogs from running at large. To regulate swimming. Destroy buildings dangerous to life. To regulate erection of buildings. To prohibit the carrying on of dangerous manufactures. Prohibit sale and storage of explosive materials. Demolish buildings to prevent extension of conflagration. Regulate use of firearms. To erect town buildings. Provide penalty for second conviction. License cartmen, porters, hack-drivers, etc. License auctioneers, pawnbrokers, etc. Peddlers and hucksters. Fix penalty when not provided for by law.

destruction of dogs running at large; to regulate or prohibit swimming or bathing in the waters of or bounding the town; to provide for the destruction of buildings that are dangerous to life; to regulate the erection and construction of all buildings and to prescribe the material of which they shall be constructed; to regulate or prohibit the carrying on of manufactures dangerous in causing or promoting fires; to regulate or prohibit the manufacture, sale, keeping, storage or use of fireworks, gunpowder, camphene, kerosene, burning fluid, nitroglycerine, dynamite, or other inflammable or explosive materials; to raze and demolish any building or erection when necessary to prevent the extension of a conflagration, and to provide for the ascertainment and payment of just damages and compensation to owners of property destroyed in such cases; to regulate or prohibit the use of firearms and the carrying of weapons of any kind; to erect, provide, repair and control a town hall, police and station houses, fire engines, and such other buildings as may be necessary; to provide that the penalty for a second conviction within six months of a violation of any such ordinance shall be a fine not exceeding one hundred dollars or imprisonment in the county jail or town lock-up, not exceeding three months; to license and regulate cartmen, porters, hack, cab, omnibus, stage and truck owners and drivers, carriages and vehicles used for the transportation of passengers and merchandise, goods or articles of any kind, and to require the owners to mark vehicles in such manner as the board of commissioners shall designate; and to license and regulate auctioneers, common criers, pawnbrokers, junkshop keepers, sweeps and scavengers, and to prohibit unlicensed persons from acting in such capacities; to license and regulate peddlers, hawkers and hucksters; and no license granted for any of the aforesaid purposes by any other authority shall be valid, except license granted by the governor to hawkers and peddlers; to fix the penalty where the same is not fixed or provided for by this act for the violation of any ordinance by this act authorized to be passed, which penalty shall be a fine not exceeding twenty dollars, and, in case of non-payment thereof imprisonment in the county jail not exceeding thirty days; to provide for,

establish, regulate and control a fire department, and to establish rules for the government thereof (whose members shall be exempt from militia duty in time of peace. and from serving as jurors in courts for the trial of small causes), and to provide engines and other fire apparatus, and to designate the manner of appointing and removing members of the fire department; to provide for the government of the fire department and the care and repair of the engines and other fire apparatus, and for the purchase of necessary supplies by a board of fire commissioners, consisting of five members, to be appointed by the board of commissioners who shall hold office for one year, and who shall receive no salary; and to further provide for the payment of the lawful debts contracted or incurred by such fire commissioners; *provided*, that the enumeration of powers made in this section shall not have the effect of excluding or repealing any other powers that may have been already conferred upon any board of commissioners, either by virtue of the act under which said board of commissioners originally derived their powers or any supplement thereto, or by virtue of any public act thereto, or by virtue of any public act heretofore passed, and not in this section specified or mentioned; *and provided further*, that nothing herein contained shall in any wise conflict with any of the provisions of an act entitled "An act respecting licenses in cities, townships, incorporated towns, incorporated boroughs, or police, sanitary and improvement commissions, and incorporated camp meeting associations, and seaside resorts," approved March thirty-first, one thousand eight hundred and ninety.

Establish and regulate a fire department.

And provide for its government.

And pay debts of fire commissioners.

Proviso.

Proviso.

6. *And be it enacted*, That the board of commissioners shall have power by resolution to appropriate and raise by taxation moneys for the following purposes :

To raise money by resolution for

- For lighting the streets of the town; Lighting streets.
- For the support of the police department; Support of the police and fire departments.
- For the maintenance of the fire department; Repairing streets
- For regulating, cleaning and keeping in repair streets and highways;
- For repairs of public buildings; Public buildings.
- For relief of the poor; Relief of the poor.
- For water for the extinguishment of fires; For water for extinguishment of fires.

- Interest upon debt. For the payment of interest upon the debt of the town and such part of the principal as shall from time to time become due and payable;
- Sinking fund Expenses. For the sinking fund required to be raised; For the general and incidental expenses of the town, including the printing and publication of the minutes of the board of ordinances, and such other matters required by law to be published;
- Public schools. For the support of public schools; And for no other expenses except by a majority vote at annual town election. and no appropriation shall be made or ordered for any other purpose, except by a majority of the voters of the town voting at an annual town election, or some special election called in the manner provided in the act incorporating such town, or some supplement thereto.
- Assessor and collector. 7. *And be it enacted*, That the board of commissioners may appoint two discreet and suitable persons, one to act as town assessor, and the other to act as town collector, who shall hold their offices for one year, and until their successors are appointed, provided that such appointment shall not be made in towns where such officers are elected by the people.
- Assessor shall assess and collector collect taxes. 8. *And be it enacted*, That the assessor shall assess, and the collector collect the taxes in the same manner as the assessors and collectors of townships in this state are required by law to assess and collect; and in case of non-payment of taxes, the said collector shall proceed to enforce the collection thereof as now required by law of township collectors in this state, in the act entitled "An act concerning taxes, approved April fourteenth, one thousand eight hundred and forty-six," and the various supplements thereto; the powers of the collector under this section shall apply as well in cases where taxes have been already assessed as in cases where assessments are made after this act takes effect, and no tax heretofore assessed shall be deemed illegal or uncollectible because no certain method for its collection shall have been provided before the passage of this act; and it shall be lawful for the collector, in making out his list of delinquents, under the provisions of section three of the act entitled "A further supplement to an act entitled an act concerning taxes [Revision], approved April fourteenth, one thousand eight hundred and forty-six," which supple-
- Duty of collector.
- To make list of delinquents.

ment was approved April seventeenth, one thousand eight hundred and seventy-six, to include all past due taxes upon any mortgage or mortgages, or the debt or debts secured thereby, which shall have remained due more than sixty days, whether the same shall have been assessed in one or more years or not, and if, for any reason, any mortgage or mortgages shall not have been included in any such list, a supplementary list may be issued, which shall have all the effect of an original list.

9. *And be it enacted*, That in case of vacancies happening in any elective office, including the board of commissioners, by reason of death, removal, resignation, refusal to serve, or other cause, except in the case of election officers, on the day of election, it shall be filled by the board of commissioners at their next meeting thereafter, and such appointment shall continue until the next annual election, and no longer, and no such appointment shall be made by any retiring board of commissioners, any provision in any act, incorporating any town embraced under this act, or any supplement thereto notwithstanding.

Vacancies in
elective offices,
how filled.

10. *And be it enacted*, That the board of commissioners may, by ordinance or resolution, require the owners or occupants of lands fronting on any street to lay sidewalks, or set curbing and gutters, or either, in front of the same, or to repair, or re-lay, or re-set any sidewalk already laid, or curbing and gutter, or either, already set, and if the same shall not be done within thirty days after written or printed notice so to do, served on any such owner or occupant, such board of commissioners may cause the same to be done, and the expense thereof, with interest and costs, may be recovered by such board of commissioners, by suit in their corporate name, or in the name of the town treasurer, against such owner or owners as for so much money due for labor performed and materials furnished by said board for such owner or owners or occupant at his or their request, or may be assessed as a tax on such lands, and shall be a lien thereon prior to any mortgage or other lien or incumbrance thereon, and be collected as other taxes are collected.

Sidewalks, curb-
ings and gutters.

11. *And be it enacted*, That the board of commissioners shall have power to borrow money temporarily in their

Commissioners
may borrow
money.

corporate name, or in the name of the town, in anticipation of appropriated revenues, not exceeding in amount one-half of such anticipated revenues.

Order election to fill vacancy in their body.

12. *And be it enacted,* That the board of commissioners shall have power at any time to direct a special election to fill any vacancy that may occur in their body.

Commissioners of assessments, appointment and term of office.

To make assessments for improvements.

Proviso.

13. *And be it enacted,* That the board of commissioners shall appoint three discreet persons, residents and freeholders of the town, to be commissioners of assessment, and who shall hold their offices for three years; the said commissioners shall make all assessments for improvements of every kind under this act; *provided,* that if any of such commissioners of assessment shall be interested in the matter of any such assessments, the board of commissioners shall appoint some discreet and impartial freeholder or freeholders, resident in said town, to act in regard to such assessment in lieu of such commissioner or commissioners of assessment interested therein as aforesaid; and every report of assessments made by commissioners of assessments shall be accompanied by the oath or affirmation of each commissioner making the same that he is not interested, directly or indirectly, in the matter of assessment, and that he has performed his duties in relation thereto honestly, faithfully and impartially to the best of his ability, skill and understanding, which oath or affirmation the clerk of said town is hereby authorized to administer; and the first commissioners appointed under this act shall determine among themselves by lot which of them shall serve for one, two and three years respectively, and thereafter annually one commissioner shall be appointed to serve for the full term of three years.

Commissioners to lay out streets.

Change grade.

14. *And be it enacted,* That the board of commissioners shall have power and they are hereby authorized by ordinance to lay out, open, straighten, widen and extend any street, avenue or highway or any part or section thereof, and to make and appropriate for such purpose any necessary lands and real estate upon making compensation to the owners thereof as hereinafter provided; to provide for grading and altering the grade of streets and avenues in the town, and filling, macadamizing, guttering, curbing, bridging, plauking, graveling, paving

and repairing the same; to make and adopt a general plan of sewerage and drainage for such town or any section thereof, conformably to which all sewers, drains, receiving basins and all other appurtenances of public drainage shall be made; to provide for the building and constructing of public sewers and drains, and for taking land and real estate for building the same.

15. *And be it enacted*, That streets shall be laid out, opened, straightened, extended, widened or otherwise changed as to their boundaries, in the following manner, and not otherwise: a petition in writing, signed by ten or more freeholders, resident in the town, and owning land in the vicinity of the improvement desired, shall be presented to the board of commissioners, setting forth accurately the improvement desired; and the petitioners shall deposit with the treasurer such sum of money as the board shall direct, being sufficient to cover the expense incurred in case such improvement shall not be ordered; if the board shall favor the petition, the same shall be referred to the commissioners of assessment, and a surveyor not interested in such improvement, who shall thereupon make a map of such improvement, showing the real estate to be taken therefor, and all the property which, in the judgment of said commissioners of assessment will be specially benefited thereby, designating each lot and parcel on said map by a number; said commissioners of assessment shall also ascertain, so far as practicable, the name of the owners of such real estate to be taken and property to be benefited, and the interest of each of the owners of real estate to be taken, and when such names or estates are not known they shall so report; they shall also appraise the value of the interest of each known owner of real estate to be taken, and the damage to be done to such owner by taking the same; and where the estates in any plot of land are unknown, they shall appraise the value of, or the damage done to the fee simple; said commissioners of assessment shall also estimate all other expenses likely, in their judgment, to attend to completion of the improvement; said commissioners of assessment shall also estimate the amount likely to be realized from the sale of any buildings, or parts of buildings, required to be taken on account of such im-

Adopt a plan of sewerage.

And build sewers and drains.

How streets to be changed.

By petition.

Deposit of money.

Map to be made.

Owners to be ascertained.

Value to be appraised.

Expenses to be estimated.

Amount from sale of buildings.

Then assessment
to be made.

To file report.

Clerk to publish
notice of filing.

And to post
them.

Board to consider
objections.

If objections are
overruled, com-
missioners to pass
an ordinance
ordering im-
provements to be
made.

provement, and shall so determine the probable net cost of making the improvement; this probable net cost they shall then assess upon the land to be specially benefited in proportion to the benefit to be received; thereupon they shall, under their hands, make a report of the facts ascertained, and of the appraisements, estimates, determinations and assessments made by them concerning such improvement, and shall file such report and their map with the clerk of the town within thirty days after the reference to them, or within such further time as the board of commissioners shall grant; thereupon the said clerk shall cause a notice of the filing of the said map and report to be printed in the official newspaper of the town, or, if there be none, in a newspaper published in the county and circulating in the town, for the period of two weeks, which notice shall contain a general description of the improvement intended, of the land to be taken, and of the land to be assessed therefor, and shall state the time and place when and where the board of commissioners will meet to hear and consider any objections to said report or to the improvement, which may be presented in writing; said clerk shall also, within said period, cause notices to the same effect to be posted at points not over three hundred feet apart, the whole line of said improvement, the time appointed for hearing such objections being not less than ten days after the expiration of said period of two weeks, and shall also, within the said period, serve a copy of such notice upon resident owners of real estate affected thereby; but the omission of the clerk to serve such notice shall not invalidate any of such proceedings; and all objections at such time and place presented in writing the said board of commissioners shall consider and adjudicate upon, and the awards of assessments made in such report may be corrected accordingly, a copy of which corrections, signed by the chairman of the board of commissioners, shall be filed with the said clerk within twenty days after the expiration of said period of two weeks; if such board of commissioners shall then determine to make such improvement, notwithstanding any objections to the same, the said board shall confirm such awards, with the corrections, if any, and pass an ordinance ordering said improvement to be made

and completed in such manner as the board of commissioners may direct, under the supervision of said commissioners of assessment; *provided*, the said board of commissioners shall not proceed to make such improvement if the owners of the property subject to more than one-half of the assessment for the improvement shall remonstrate against the same being made; the board of commissioners shall also pass a resolution directing the several sums awarded to be paid to the persons to whom the awards are made for real estate taken and damages sustained in making such improvement, and upon the passage of such resolution the fee simple of such real estate to be taken shall be vested in the town; *provided*, that where the commissioners of assessment shall have reported the names or estates of the owners of any plot as unknown the said resolution shall direct the sum of the award on account of such plot to be paid to the owners thereof, when and as their interest may appear; and any such owner or person interested in such lands may, by bill in chancery, according to the practice of that court, have the said sum distributed, or in whole or in part paid over to him as law and justice may require; after the completion of such improvement such commissioners of assessment shall ascertain and determine the actual net cost thereof, and shall assess, as hereinafter provided, such actual net cost upon the lands specially benefited in proportion to the benefit received.

16. *And be it enacted*, That whenever, by the report and map of said commissioners of assessment, collected as aforesaid, it shall appear that an award has been made to any person for property taken or damages sustained, and that such person is also assessed for benefits received on account of the same improvement, then if the assessment equal or exceed the award, no payment shall be made on account of such award; and if the award exceed the assessment, only so much of the award as is in excess shall be paid, and the resolution of the board of commissioners ordering the awards to be paid shall be framed accordingly; and when the amount to be assessed shall be finally determined, such amount shall be set off against the amount of the award unpaid; and if the amount of the award unpaid be in excess, the assessment

shall be canceled, and such excess only shall be paid to the person to whom the award is made; and if the amount of the assessment be in excess, the award unpaid shall be canceled, and such excess only shall be a lien upon the property assessed, the rest of the award or assessment, as the case may be, being also canceled.

Streets to be
graded, etc.

By petition.

Publishing and
posting notices.

Proviso.

17. *And be it enacted*, That any street or section of a street may be graded, flagged, macadamized, paved, curbed, guttered or otherwise improved as hereinbefore provided, in the following manner, viz.: on the petition in writing to the board of commissioners by the owners of one-third of the land fronting on the street proposed to be improved, the board of commissioners shall by resolution direct the town clerk to advertise such application or petition and the notice hereinafter provided for, for at least two weeks, once in each week successively, in the official paper in the town, or if there be none, in one or more newspapers published in the county and circulating in the town, and to post copies of the said petition and notice in five public places in the town, designated by the board of commissioners, at least ten days prior to the time fixed for the hearing of objections to such improvement; the clerk shall also publish and post as aforesaid with the petition, a notice signed by him, stating that objections in writing to said proposed improvement shall be filed with him, and designating the time and place when and where the board of commissioners will meet to consider such objections, which time shall not be less than ten days after the date of the first publication of such petition and notice as aforesaid; the clerk shall also serve like notice on the owners of property residing along the street or section of street so proposed to be improved, at least five days before the time designated in such notice; *provided, however*, that no assessment shall be set aside or affected by reason of failure of said clerk to serve such notice; and at or before the time named in such notice, the said clerk shall file in his office affidavits showing that such petition and notice have been published and posted as herein required; at the time named in such notice, the board of commissioners shall proceed to consider such objections as have been presented, and if it appear that the owners of a majority of

the land fronting on such proposed improvement have objected thereto, such improvement shall not be made, and all costs and expenses incurred in such proceedings shall be paid by the petitioners, to secure which the said board of commissioners shall in all cases require a deposit of twenty dollars before receiving any petition; and in case the owners of a majority of the lands fronting on the proposed improvement, have not objected thereto, the board of commissioners may, in their discretion, determine not to make such improvement, in which case the deposit made by the petitioner or petitioners shall be returned to him or them; and the defeat of any ordinance for such improvement, introduced before the board of commissioners, shall be conclusive to the determination of the board of commissioners not to make such improvement; at any time after the time named in said notice for objections, the board of commissioners may proceed to pass an ordinance for such improvement, and such ordinance shall be valid if it describes in general language the improvement required to be made and done, and it shall not be necessary to state therein any other matter or thing connected with said improvement; the town clerk shall publish and post up such ordinance in the same manner, and for the same time he is required to publish and post the petition for the improvement described therein, and he shall file in his office an affidavit showing that such ordinance has been duly published and posted; at any time after the passage of such ordinance, the board of commissioners may require the clerk to advertise for proposals for doing the work of and furnishing the materials necessary for such improvement, in the official paper of the town, and in such other newspaper as shall be designated by the board of commissioners; which proposals shall be presented in such form and manner and under such regulations as the board of commissioners shall prescribe; upon the coming in of such proposals the board of commissioners may enter into contract with the lowest responsible bidders on the terms of their proposals; *provided, however,* that the board of commissioners may Proviso. reject all bids if they deem it for the interests of the town to do so, in which case they shall again advertise for proposals and proceed in all things as if no proposals had

been offered; and the board of commissioners shall require the person or persons so entering into contract with the town to give bonds with ample freehold security for the due performance thereof.

Proceedings for
constructing
sewers.

18. *And be it enacted*, That sewers may be built and constructed in any of the streets and avenues of the town on the petition of owners of one-third of the lands adjoining proposed route of the sewer; and the proceedings, after receiving such petition, shall be, in all respects, the same as are hereinbefore set forth for flagging and grading of streets, and all the provisions of this act relative to flagging and grading of streets shall be applicable to proceedings for the construction of sewers, except as modified in and by this section.

Inspector and
compensation.

19. *And be it enacted*, That the board of commissioners may appoint an inspector over the work and materials on any sewer or street improvement, any may fix his compensation; the amount of such compensation shall be included in and from part of the cost of the improvement.

Action in case of
objection to pay-
ment for work.

20. *And be it enacted*, That before the board of commissioners accept any work on any sewer or street improvement, or any final payment be made to the contractor, the board of commissioners shall publish as aforesaid a notice, stating when the board of commissioners shall meet to receive and consider objections in writing, the work and materials done and used in such improvement, and if any such objections shall appear to be well founded, the board of commissioners shall take such action thereon as in their judgment the interests of the town shall require.

To take private
property.

21. *And be it enacted*, That where it shall be necessary, in the construction of any public sewer, to take or use private property for that purpose, the board of commissioners shall have power to provide in the ordinance for the building or constructing of any such sewer for the taking of any such property as is necessary; for that purpose the damages and awards to be made for lands so taken shall be determined and made by the commissioners of assessments, who shall report the same to the board of commissioners, and thereafter the proceedings shall be the same, in all respects, as are hereinbefore provided for the opening of streets.

Damages and
awards.

22. *And be it enacted*, That the board of commissioners shall have power to issue improvement certificates, payable within one year or less, with interest, to the amount of seventy per centum of the work done upon any street, sewer, or other public improvement, when certified as correct by the engineer or other officer in charge of the work; and when the contract is fully completed, and the work fully accepted by the board of commissioners, they may issue a certificate for an additional twenty per centum of said work done, and in not less than three, nor more than six months after the date of the acceptance of the work, may issue a final certificate for the balance due, unless some error or defect in the work shall have appeared, in which case the certificate shall be withheld until the defect or error is rectified to the satisfaction of the board of commissioners.

23. *And be it enacted*, That the costs and expenses of opening, extending or widening any street, and after the completion thereof the whole cost and expense of any street, sewer, or other public improvement shall be ascertained and determined by the commissioners of assessments, and such cost and expense shall, so far as the same can be, be assessed upon the land and real estate specially benefited by the improvement in proportion to the benefit received, and no lot or parcel of land shall be assessed more than it is so specially benefited, and if the total assessable benefits exceed the total cost, the excess shall be borne and paid by the town at large; the commissioners of assessments shall make and file with the town clerk a map showing what lots and parcels of land are specially benefited by the improvement, the amount assessed as special benefits upon each lot or parcel of land, the amount of such assessment, the names of the owners of the several lots or parcels assessed, so far as the commissioners of assessments can ascertain the same, and the amount, if any, of the excess of the cost of the improvement over the total amount assessed; no assessment shall be deemed defective by reason of any mistake in the names of the owners of lands assessed, or omitting the said names or any of them; the clerk shall publish and post a notice in the same way and manner as he published and posted the petition for improvement, stating

that the map and report of the commissioners of assessments have been filed in his office, and that the board of commissioners will consider any objections to said assessment presented in writing on or before a day named in said notice, to be fixed by the board of commissioners, which day shall be at least five days after the expiration of such period on which the board of commissioners will meet to consider such objections; in case the objections to the assessments are not sustained, the board of commissioners may confirm such assessment, or if they refuse to confirm the same, they may return it to the commissioners of assessments for such amendment as may to the commissioners of assessments seem necessary, and the board of commissioners may thereafter, without any further notice, confirm the assessment, and upon such confirmation, such assessment shall constitute a lien upon the property assessed; and if any assessment shall remain unpaid for two years thereafter, the board of commissioners may proceed to enforce the lien of such assessment in the manner provided for in this act.

Certiorari or injunction.

24. *And be it enacted*, That no certiorari, injunction or other writ or process shall be allowed or granted to set aside any ordinance for any improvement after the contract therefor shall have been awarded by the board of commissioners; and no certiorari, injunction or other writ or process shall be allowed or granted to set aside any assessment made for any sewer or street improvement of any kind after thirty days shall have elapsed from the date of the confirmation of such assessment by the board of commissioners.

License moneys to be paid into incidental fund.

25. *And be it enacted*, That all moneys received for licenses, and all other moneys received, and not specifically appropriated, shall be paid into the incidental fund.

Taxes and assessments a lien.

26. *And be it enacted*, That all taxes and all assessments heretofore or hereafter levied, assessed or made upon any lands, tenements or real estate, situate in such town, shall be and remain a lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereon; and if the full amount of any such tax or assessment shall not be paid and satisfied within such time as shall be limited and appointed by the board of commissioners for the payment thereof, it shall and may

be lawful for the board of commissioners to cause such lands, tenements or real estate to be sold at public auction for the shortest term for which any person will agree to take the same and pay such tax or assessment, or the balance due thereof remaining unpaid, with the interest thereon, and all costs, charges and expenses, and to execute under the common seal of said town, a declaration of such sale, to be signed by the chairman of the board of commissioners and the town clerk, and to deliver the same to the purchaser; and such purchaser, his executors, administrators or assigns shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements or real estate for his or their own proper use against the owner or owners thereof, and all persons claiming under him or them, until said term shall be completed and ended; *provided*, the said board of commissioners shall first have caused such sale to be advertised for at least two months in its official paper, or if none then in at least one public newspaper published in the county and circulating in such town, and also by advertisement put up in at least five public places in such town, which advertisement shall describe such lands, tenements or real estate and specify the amount of assessment of tax; and the recitals of such declaration of sale shall be evidence of the assessment, advertising and sale; *and provided, also*, that the purchaser shall not be entitled to possession of lands so purchased until the period herein limited for redemption shall have expired; *and provided, also*, that the lands, tenements or real estate so sold may be redeemed by the owner, mortgagee, occupant or person interested therein, or by any other person, or in behalf of the owner, mortgagee or claimant of such lands, tenements or real estate, at any time within two years after the sale for either taxes or assessments, or for both, by paying to the treasurer of the town for the use of such purchaser the purchase money, together with any other sum paid for tax or assessment which the said purchaser may have paid, chargeable on such lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon at the rate of fifteen per centum per annum in addition thereto; and the certificate of the treasurer of the town stating the payments and showing what

lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption; any mortgagee shall have power to redeem at any time until the expiration of the six months' notice therein specified; no mortgagee whose mortgage shall have been duly recorded before sale for any tax or assessment, shall be affected by such sale until six months' notice, in writing, shall have been given to him, either personally, or if not to be found in such town, then such notice shall be deposited in the post office in such town, directed to him at his last known place of residence (or at the post office nearest thereto), but nothing therein contained shall be so construed as to impair the lien created by such tax, assessment or sale; *and provided*, the same term of time for which any lands, tenements or real estate so sold as aforesaid, shall not commence, nor shall such purchaser, or those claiming under him, have a right of possession to said lands, tenements or real estate until the two years limited for the redemption of the same shall have expired; and the said purchaser, or those claiming under him, shall, at the expiration of the time limited in such declaration of sale, quit and surrender the said lands, tenements or real estate, in as good state and condition as when he entered thereon, natural wear and accidents excepted; *provided, also*, that such sale may be adjourned or postponed from time to time, or suspended, as the board of commissioners, or their committee appointed to attend such sale, may direct; *and provided*, that if at any sale of lands, tenements or real estate, for the assessment of taxes, the whole or any part thereof shall remain unsold for want of buyers, then it shall be lawful for such board of commissioners, or such committee to adjourn sale not less than thirty days, nor more than sixty days; twenty days' notice at least by publication for two weeks and posting shall be given as aforesaid of such adjourned sale, and if at such 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 treasurer of such town to purchase such lands, tenements or real estate for any term not exceeding one hundred years, for the benefit of the town, subject to the same redemption herein provided for; *provided, also*, that all money paid

Proviso.

Proviso.

Proviso.

for the redemption of such lands, tenements or real estate as aforesaid, together with all taxes and assessments paid by any mortgagee or judgment creditor, shall be a lien upon such lands, tenements or real estate for the amount so paid, with interest at the rate of seven per centum per annum, and such lien shall have precedence over all other liens on such lands, tenements and real estate; *provided*, Proviso. *further*, that a complete record of all taxes and assessments shall be kept in the town clerk's office, which record shall contain the time when such assessment and taxes were laid, the time when they were paid (and if the property has been sold therefor), the time of such sale and to whom sold, and if redeemed, when and by whom; it shall be the duty of the town clerk to enter in a book to be called "record of sales," a minute of all declarations of sales, and to give certificates of search in relation to liens to any person or persons applying for the same, and to cancel such declarations when the property for which they were given shall be redeemed, on the certificate of the town treasurer of such redemption, and to file such certificate in such clerk's office; it shall be the duty of the treasurer to make out two certificates of all property redeemed, one for the person redeeming and one to be filed in such clerk's office; it shall be lawful for the board of commissioners to sell, assign and transfer any declaration of sale or any term in lands purchased for the benefit of such town as aforesaid, or any portion of a term, for such price as the board of commissioners shall or may think proper.

27. *And be it enacted*, That the assessor shall complete his assessment and present his books to the board of commissioners for examination by the third Monday in September, annually, and the board shall complete their examination of the same by the first Monday in October; immediately thereafter the collector shall give notice as required by section ten of the tax act, and within thirty days thereafter the collector shall make the demand and give the notice as required by section eleven of the tax act, and the day fixed by him for the payment thereof shall not be later than December twentieth.

28. *And be it enacted*, That all general laws and statutes of this state heretofore passed relating to incorporated towns made ap-

applicable to towns
embraced under
this act.

Proviso.

towns shall be and they are hereby made applicable to any town embraced under this act, except in so far as the same may be inconsistent with or repugnant to the provisions of this act; *provided*, that nothing in this act shall apply to, affect or include any street, road or highway that is now or may hereafter be under the charge, direction, management or control of any county public road board in this state, whether created or organized under or by virtue of any general or special act of the legislature.

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

Approved April 16, 1891.

CHAPTER CCXXXV.

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

Section to be
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section five of an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes and assessments and water rates or water rents in cities of this state and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages, and to enforce the payment thereof, and to provide for the sale of lands subject to future taxation and assessment," passed March thirtieth, one thousand

eight hundred and eighty-six, be and the same is hereby amended so that it shall be and read as follows :

5. *And be it enacted*, That the comptroller or other collecting officer shall on the receipt of the purchase money on any sale or of bonds in lieu thereof, as provided by this act, execute and deliver to the purchaser a certificate of such sale, which shall contain a covenant on the part of the city to refund the amount paid for said lands in cash, where cash was received, and to return the bonds or obligations, where bonds or obligations were received, without interest, in case the title conveyed by said sale shall prove invalid ; upon surrender of the said certificate of sale and proof of service of the notice thereof as hereinafter provided, upon the owners and mortgagees of the said lands and premises, the comptroller or other collecting officer shall, after the expiration of six months from the date of such service, execute and deliver to the purchaser at such sale, his heirs, devisees and assigns, a deed for said lands and premises, which shall be sealed and attested by the clerk of the city and proved in the usual manner ; and such purchaser, his heirs, legal representatives or assigns shall take a good and sufficient title to the property sold in fee simple absolute, free of all encumbrances (except taxes, assessments, water rates levied after the confirmation of said report, and except sewer assessments made and levied under the provisions of an act entitled "An act to authorize cities to construct sewers and drains and to provide for the payment of the cost thereof," approved March eighth, one thousand eight hundred and eighty-two, when the sewer assessment on the land sold was not included in the report of the commissioners), of which the said deed shall be presumptive evidence in all courts and places, and in any proceedings or actions to be by such purchasers, his heirs, legal representatives or assigns, taken, prosecuted or defended for the recovery of the possession of the property so sold as aforesaid or in the establishment or defence of his or their title, shown as aforesaid by such deed, the title shall not fail or be defeated by reason of any irregularity or formal defect in the procedure taken under this act, upon which the sale shall have been made or the title conveyed as aforesaid, or by reason of any illegality in fixing and

Certificate of sale to be given, to contain covenant.

Deed given to purchaser.

Purchaser takes title in fee.

Title not to fail from irregularity or formal defect in proceedings.

Proviso.

adjusting the tax, assessment and lien to enforce which said sale was made or in the proceeding for collecting the same; *provided*, the property sold was liable, at time such tax, assessment and lien was fixed and adjusted, to the imposition of a tax, assessment or lien in respect of the purposes for which such tax, assessment and lien was fixed and imposed, and it does not appear that any substantial injury was done to the owner of the property by reason of the irregular or illegal manner or method of fixing, imposing or collecting said tax, assessment and lien; the city may be a purchaser at any sale of lands under the provisions of this act, with the same right, title and effect as any other purchaser, and the certificate of sale to the city shall be delivered to the mayor, who shall on behalf of the city cause notice of the sale to be served on the owners and mortgagees of the lands so purchased, as provided in this act; upon proof of service of the notice and expiration of the period for redemption, the city shall be entitled to a deed for the property the same as any other purchaser; in all cases where any lands shall be bought by the city as aforesaid under this act, it shall be lawful for the common council or legislative body of the city, with the consent of the board or body having charge or control of its finances, to sell and assign the certificates of sale or to sell and convey such lands, or any part thereof, by a good and sufficient deed, to any person or persons, and accept either money or bonds or obligations of the city in payment therefor, on such terms as may be agreed upon and with or without warranty; *provided*, that if sold at private sale, the price for the land shall not be less than the amount due the city thereon when purchased.

Section to be amended.

2. *And be it enacted*, That the second section of the supplement to said act, approved April eighteenth, one thousand eight hundred and eighty-nine, be and the same is hereby amended so as to read as follows:

Common council may increase salaries of surveyor and city counsel.

2. *And be it enacted*, That the common council, board of aldermen or other body having control and management of the finances in any such city, may, by a majority vote, with the approval of the mayor, increase the salaries of the city surveyor and the city counsel, or either of them, to an amount not exceeding one thousand dollars each

per annum above that already paid to such officers, such increase to take effect from the time of the passage of any such resolution, and to continue so long as such officers perform duties under the said act.

3. *And be it enacted*, That the said commissioners of adjustment appointed under said act of which this is a supplement, if they have not heretofore included in their reports the assessments for sewer improvements made and levied under an act entitled "An act to authorize cities to construct sewers and drains, and to provide for the payment of the cost thereof," approved March eighth, one thousand eight hundred and eighty-two, and the supplements thereto, upon the lands mentioned in their reports, shall make separate report or reports of all such sewer assessments due prior to January first, one thousand eight hundred and ninety, and of the lands on which they are due and unpaid; and such assessments when reported by the said commissioners, and their report or reports confirmed by the court, shall be collected in the same manner, and the conveyance of the lands on which they are due and unpaid have the same force and effect, as the other taxes and assessments are collected and lands sold therefor under the said act of which this is a supplement; the said commissioners shall include in their report of such sewer assessments the original amount and interest thereon, and may also subdivide any such assessment and correct all errors and irregularities in any original assessment; all such reports shall be filed and the same proceedings had to confirm the same as for reports of taxes and other assessments under said act.

Commissioners to make report of estimates and assessments for sewer improvements.

Assessments, how collected.

4. *And be it enacted*, That the provisions of the act extending the powers of the commissioners so appointed to assessments made since the passage of the act to which it is a supplement, shall not be operative and in force in any city of the state until the provisions of this act have been accepted by the common council or other governing body of such city by a formal resolution approved by the mayor of such city and passed by a vote of not less than two-thirds of such legislative body.

Provisions of this act to be accepted by common council.

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

Repealer.

Approved April 16, 1891.

CHAPTER CCXXXVI.

An Act to amend an act entitled "An supplement to an act entitled 'An act for the formation and government of boroughs,'" approved March twelfth, one thousand eight hundred and ninety, which supplement was approved June thirteenth, one thousand eight hundred and ninety.

Section to be amended.

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

Marshal, surveyor, solicitor and superintendent of public roads, policemen and other officers to be appointed by council.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the offices provided for in the act entitled "An act for the formation and government of boroughs." there may be appointed by the council one borough marshal, one surveyor, one solicitor and one superintendent of public roads, and such and so many policemen and other officers as shall be deemed necessary by said council, who shall hold office for such time and perform such duties as are or may be by law or ordinance of said council, not in conflict with law, provided for.

Repealer.

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

Approved April 16, 1891.

CHAPTER CCXXXVII.

An Act to authorize street railway companies incorporated by or under the laws of this state to merge and consolidate their corporate franchises and other property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any horse or other street railway incorporated by or under the laws of this state to merge and consolidate its corporate franchises and other property with the corporate franchises and other property of any other horse or other street railway company in the same county incorporated by or under the laws of this state, which merger and consolidation may be effected in the same manner provided by the statutes of this state for the merger and consolidation of horse railroad companies.

Street railway companies authorized to consolidate their corporate franchises and other property.

2. *And be it enacted*, That such consolidated company and all its real estate, franchises and other property shall be subject to taxation and shall be assessed in the manner provided by law from time to time for the taxation and assessment of the real estate, franchises and other property of horse or other street railway companies in this state.

Subject to same taxation and assessed in same manner as provided by law.

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

Approved April 16, 1891.

CHAPTER CCXXXVIII.

An Act concerning consolidated cities and towns and annexed townships, and regulating the manner of such annexation and consolidation.

- When annexation or consolidation of cities, towns and townships, charters and ordinances of city to be in force and effect.
1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever one or more townships or any part thereof shall be annexed to or consolidated with any city or town by or pursuant to any general or special law, immediately upon such annexation or consolidation taking effect the charter of the city or town to which such township or townships shall be annexed or added and the supplements thereto, and all general laws affecting the same, and the ordinances and regulations of such city or town shall extend to and have the same force and effect within the territory of the township or townships so annexed to or consolidated with such city or town as the same shall have therefore had within the original limits of such city or town; and the charter or charters of any township or townships, the entire territory of which shall be annexed to or consolidated with the territory of such city or town and the supplements thereto, shall be deemed and taken and are hereby declared to be repealed immediately upon such annexation or consolidation taking effect; *provided*, that such repeal shall not operate to affect any right which any such annexed township or any person shall have acquired under or by virtue of the law or laws so repealed; *and provided further*, that all ordinances and regulations of such annexed township or townships, so far as the same may be consistent with the charter and ordinances of such city or town, shall continue in full force and effect until the same shall be lawfully repealed, rescinded or altered by the proper municipal authority of such city or town.
- Charter of townships repealed.
- Proviso.
- Proviso.
- Persons resident within limits vested with prop-
2. *And be it enacted*, That the persons resident within the territorial limits of such city or town and of the terri-

tory of the township or townships annexed to or consolidated therewith and their successors upon such annexation or consolidation taking effect, shall be, as a municipal corporation, under and by the corporate name of such city or town, and they are hereby declared so to be absolutely and completely vested with all the lands, tenements, hereditaments, property, rights, causes of action and estate whatsoever, both at law and in equity, in possession, reversion and remainder, which at the time such annexation or consolidation shall take effect shall be vested in or of right belong to such city or town and to such annexed township or townships; *provided*, that nothing in this act contained shall affect any suit or suits which shall be pending at the time of such annexation or consolidation in the name of such city or town or of any such annexed township; and the collection of all taxes and assessments of all such annexed townships standing at the time of such annexation or consolidation, shall be effected in the manner prescribed by the respective charters, ordinances and regulations of such annexed township or townships.

erty and rights of such city, town and township.

Proviso.

3. *And be it enacted*, That such city or town to which such township or townships shall be annexed shall be liable to pay the bonded and other indebtedness of every township so annexed thereto, which indebtedness shall be ascertained in the manner hereinafter provided; all paupers chargeable to any township, the whole territory of which shall be annexed to or consolidated with such city or town, shall be chargeable to and shall be supported by such city or town.

City or town liable to pay indebtedness of annexed township.

Paupers chargeable to city or town.

4. *And be it enacted*, That on the Monday after any such annexation or consolidation shall take effect a committee of three to be appointed by the board of aldermen, common council, town council or other governing body or board of such city or town, and a committee of three to be appointed by the township committee of the township or townships which shall be annexed to or consolidated with such city or town, shall meet at the city hall or town hall of such city or town, at ten o'clock in the forenoon of said day, and shall then and there, or as soon thereafter as may be, proceed to state an account of all the property, real and personal, all debts, dues and de-

Committees to make a statement of valuations and debts.

mauds, all judgments, recognizances and claims, and all liens, actions and rights of actions belonging to any township so annexed or consolidated, and to state the fair value of the same to the city or town council, common council, board of aldermen or other governing body or board of such city or town; and also to state an account in like manner of all the debts outstanding of any township or townships annexed or consolidated with such city or town, all which property and debts shall thereafter become and be the debt of the whole city or town as consolidated, and for the final payment thereof the faith of the city or town thereby consolidated and the property thereof, as well as all the property of the township or townships annexed or consolidated, shall stand pledged; if any member of any committee so appointed as heretofore provided, shall neglect or refuse to attend such meeting, then those members of such committee so assembled may act as fully as if all were present; *provided*, it shall be lawful for a majority of the whole number of such joint committees to adjourn such meeting from time to time, not exceeding one week.

If any member of committee absent, members present to act.

Proviso.

Officers to continue to hold office until expiration of terms, and police officers until successors are regularly appointed.

5. *And be it enacted*, That all commissioners of deeds, justices of the peace and constables resident within the territory of the township or townships annexed to such city or town shall continue to hold their respective offices until the expiration of their respective terms, and all police officers of any such township so annexed and consolidated with such city or town shall continue to hold their offices and to exercise the functions and powers thereof as provided by the ordinances, rules and regulations of such city or town, and under the marshal or chief of police thereof, until their successors shall be regularly appointed by the proper municipal authorities of such city or town; until their successors shall be chosen, and while they shall remain in such positions they shall receive from such city or town the same pay that they shall have received from the township of which they were officers before such annexation or consolidation.

Pay of officers.

Petition for dividing annexed townships into wards.

6. *And be it enacted*, That upon the presentation to the common council, town council, board of aldermen or other governing board or body of such city or town to which such township or townships shall be annexed and

consolidated, of a petition signed by twenty-five or more qualified electors, resident within the township annexed to or consolidated with such city or town, setting forth the fact of such annexation or consolidation and praying that the territory so annexed or consolidated with such city may be divided into wards, such common council, town council, board of aldermen or other governing body or board aforesaid shall appoint a time not less than ten nor more than twenty days from the date of the presentation of said petition to such municipal body as aforesaid, and a place within such city or town when and where said municipal body will meet and sit to hear and consider such petition, notice of which hearing and the time and place thereof shall be published at least six times in at least one daily newspaper published or circulating in such city or town, and such notice shall be posted in at least ten of the most public places of the township or townships so annexed or consolidated with such city or town; at the place and time so appointed, or at a time to which such hearing shall be adjourned, the said common council, town council, board of aldermen or other governing board or body of such city or town, upon being satisfied of the truth of the matters contained in such petition, shall by resolution appoint from the qualified voters being resident freeholders within the enlarged boundaries of such city or town five commissioners to divide the territory of the township or townships so annexed or consolidated with such city or town into wards and to perform the other duties required of them by the provisions of this act; before acting the said commissioners shall take and subscribe to an oath or affirmation to well, truly and impartially perform their duties as such commissioners, which oath shall be taken before and filed with the clerk of the city or town aforesaid; the said commissioners shall at once proceed to divide the territory of the township or townships so annexed or consolidated with such city or town into wards in as fair a manner as may be, and shall make such divisions with reference to population and territory as to them shall seem best, and shall complete such divisions within ten days after their appointment; *provided*, if the commissioners shall neglect or fail to make such division

Commissioners
for making the
division.

Commissioners
to take oath.

Division to be
completed within
ten days.

Proviso

within ten days after their appointment, it shall be the duty of the common council, town council, board of aldermen or other governing board or body of the city or town to which such township or townships shall be annexed or consolidated forthwith to make such divisions ; when the boundary lines of the wards of the territory of the township or townships so annexed or consolidated with such city or town shall have been settled and defined by the commissioners, or by the common council, town council, board of aldermen or other governing board or body of the city or town as aforesaid, such commissioners, common council, town council, board of aldermen or other governing board or body of the city or town shall prepare triplicate written descriptions of said boundary lines and shall annex to each description a map of the said boundary lines, a majority of whom shall sign their names thereto, and shall file one of said copies and maps in the office of the said clerk of such city or town, another of such copies and maps in the office of the clerk of the county in which such city or town shall be situated, and the third of the said copies and maps in the office of the secretary of state, and a map of the said ward lines shall be recorded in the city or town atlas of such city or town ; and from and after the date of filing such descriptions and maps in the said offices, the boundaries of the wards of the territory so annexed or consolidated with such city or town shall be described and delineated in said descriptions and maps ; if any of the said commissioners shall fail or refuse to qualify or act, or shall die or become ineligible, the fact shall be certified by any of the acting commissioners to the common council, town council, board of aldermen or other governing board or body of the city or town to which such township or townships shall be annexed and consolidated, and the said common council, town council, board of aldermen or other governing board or body or its successor or successors shall appoint a proper person to fill such vacancy ; in acting under the provisions of this act the common council, town council, board of aldermen or other governing board or body may adjourn its sittings from time to time and the commissioners may adjourn their sessions from time to time, but no such adjournments of the com-

missioners shall be for a longer period than one week ; the said commissioners, while actually in session, shall each receive the sum of five dollars for each day, which said moneys shall be paid to them out of the treasury of such city or town.

7. *And be it enacted*, That as soon as may be after the division of the territory so annexed or consolidated with such city or town into wards as aforesaid, the officers or body who so divided said territory into wards shall divide each of said wards of said city into at least two election districts, and shall designate a polling place in each of said districts, and shall appoint for each district a judge, two inspectors and a clerk of election to conduct the special election hereinafter provided for ; and they shall thereupon file with the clerk of the city or town a writing signed by themselves or a majority thereof, which writing shall describe the boundaries of the several election districts within the territory so annexed or consolidated with such city or town, and shall state the names of the election officers so appointed by them for each of such districts and the offices to which they shall have been severally appointed ; as soon as the paper shall have been filed in his office, the clerk of such city or town shall give notice of a special election to be held in the territory so annexed or consolidated with such city or town at least ten and not more than twenty days after the publication of such notice for the election of officers ; and he shall publish with such notice a description of the boundary lines of the election districts of the city or town and the names of the election officers in each district ; such notice shall be published at least five times in two or more of the daily newspapers published in said city or town, and shall be posted for at least five days before the election in five of the most public places in each ward within the territory so annexed or consolidated with such city or town.

Division of ward into election districts and designation of polling places and election officers.

Description of boundaries and names of election officers to be filed.

Notice of special election.

Boundaries to be published.

Publishing and posting notices.

8. *And be it enacted*, That the said election shall be conducted under the pains and penalties, and according to the provisions (so far as the same may be applicable thereto), of an act entitled " An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six (Revision), and the supplements thereto ;

Manner of conducting elections.

- Proviso. *provided*, that no registration of voters shall be required for such election.
- Councilmen, aldermen, school trustees and election officers to be elected.
- Terms of aldermen, councilmen and school trustees.
- Offices heretofore existing vacated and abolished upon election.
9. *And be it enacted*, That on the day appointed for such election there shall be elected in each of the wards within the territory so annexed or consolidated with such city or town, as many members of the board of aldermen, common council, town council or other governing body, and as many members of the board of school trustees or board of education as may be elected from the other wards of said city or town ; then shall also be elected one judge of election, two inspectors and one clerk of election for each election district in said ward ; the members of the board of aldermen, common council, town council or other governing body, and the members of the board of school trustees or board of education shall be elected, one of each, until his successors shall be chosen at the next election of said city or town ; another till his successor shall be chosen at the following election thereafter, and the time for which each of said officers is to be elected to serve shall be written or printed under his name upon the ballot to be cast, and any ballot which shall not designate such term of service shall be rejected as to such officers.
10. *And be it enacted*, That upon the election of such officers the offices held by the members of the heretofore existing board of township committee, town council or other governing body of the territory so annexed or consolidated with such city or town, and the former election officers shall and the same are hereby declared to be forthwith vacated and abolished.
11. *And be it enacted*, That this act shall take effect immediately.
- Approved April 16, 1891.

CHAPTER CCXXXIX.

An Act in reference to cities of the fourth class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities in this state of the fourth class that it shall be lawful for the city council, or board of aldermen or other governing body having charge and maintenance of streets in such cities, to provide by ordinance for the paving, trunking or otherwise improving any of its streets.

Governing boards of fourth class cities to provide for paving its streets.

2. *And be it enacted*, That it shall be lawful for such governing body to assess and collect from property owners a proportionate part of the cost of paving streets fronting their property, not to exceed one-half of such expense, when two-thirds of the property on any street or block shall have been represented in petition to council asking for such improvement, and said council or governing body may apply to the circuit judge for the county in which such city is situated for the appointment of three commissioners to determine and assess the benefits upon the real estate peculiarly benefited by such improvement, and said judge is hereby empowered to appoint such commissioners under such rules as he shall prescribe in an order to be by him made; said commissioners shall be sworn and shall determine and report under an order of said judge the benefits assessed upon each parcel or lot of real estate peculiarly benefited by such improvement, and the amount so fixed and assessed by them against each lot or parcel so benefited shall be and remain a lien thereon until paid to the extent of the proportionate amount thereof, which according to the ordinance providing for said improvement is to be borne and paid by the owners of the real estate peculiarly benefited by said improvement, when said proportion is paid the lien shall be canceled.

To assess the cost of paving streets.

3. *And be it enacted*, That it shall be lawful for council for the purpose of securing proper drainage to cause to be made such changes in existing street grades as may be

May change grades.

found necessary, and to compel property owners to conform to such grades, and all grade lines shall be given by a city surveyor and known as a permanent grade, and when so established and paved no property owner shall be liable for further expense that may be caused by any change of grade.

May issue bonds. 4. *And be it enacted*, That it shall be lawful for such governing body for the purpose of defraying expenses incurred in such street improvements, to issue bonds payable in not less than one or more than twenty years, in any sum or sums not exceeding two hundred thousand dollars.

And levy a special tax. 5. *And be it enacted*, That it shall be lawful for such governing body to cause to be levied annually a special tax not to exceed ten cents per hundred of assessed valuation, which amount so received shall constitute a sinking fund to be used only for the purchase or payment of said bonds.

No provision of limitation or indebtedness in charters shall interfere with this act. 6. *And be it enacted*, That no provision of limitation or indebtedness contained in the charter of any city shall in any way interfere with any of the provisions of this act.

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

Approved April 16, 1891.

CHAPTER CCXL.

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

Notice of intention to change boundary lines of township to be published in a 1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That for the passage of any bill providing for any alteration or change in the boundary

lines of any township or townships in this state, or of the territory of any township, the notice required by the first section of the act to which this is a supplement shall be published in a daily newspaper published in the city of Trenton, for at least three consecutive days prior to the introduction of such bill. Trenton daily newspaper.

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

Approved April 16, 1891.

CHAPTER CCXLI.

A Supplement to an act entitled "An act to provide for the incorporation of street railway companies, and to regulate the same," approved April sixth, one thousand eight hundred and eighty-six, and the several acts amendatory and supplementary thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any street railway company, incorporated under any general law of this state, may apply to the board of aldermen or governing body of any city for location of the tracks of its railway therein conformably to the route designated in their articles of incorporation, and with the assent of such board or governing body, shall have power to lay and operate such railway in any of the streets or avenues of said city with such permission; *provided*, such railway is more than half a mile in length, notwithstanding a street railway may be then constructed and operated within a thousand feet or less of said proposed railway, and notwithstanding that such proposed railway shall be parallel with a street railway within or less than two blocks therefrom, and it shall not be necessary for such company to obtain the written Authorized to lay and operate railway with assent of governing body. Proviso.

consent of the company then operating such railway within such thousand feet or within two blocks thereof; *provided*, the terminus of said proposed railway at each end is not within one-half mile of the terminus of any street railway at each end, then constructed and being operated; *and provided, further*, that not more than one-sixth of said proposed railway shall be constructed parallel to any road already constructed, and then being operated, and not more than one-sixth of any such proposed road shall be allowed to be constructed within less than two blocks of any road then constructed and operated, and in no case shall such proposed road be allowed upon any portion of a street or avenue where a road is now constructed and operated.

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

Approved April 16, 1891.

CHAPTER CCXLII.

An Act relating to the compensation of the city clerk of any city in this state.

Board of aldermen authorized to fix compensation of city clerk.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of aldermen of any city of this state having the appointment of a city clerk for said city shall have power and it shall be its duty to fix the compensation of such city clerk, and the board of finance or board having control of the custody and finances of such city shall provide the moneys necessary to pay said compensation.

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

Approved April 16, 1891.

CHAPTER CCXLIII.

An Act to amend a supplement to an act passed April twenty-eighth, one thousand eight hundred and ninety, which supplement is entitled "A supplement to an act entitled 'An act for the preservation of clams and oysters,'" approved April fourteenth, anno domini one thousand eight hundred and forty-six, and the supplements thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That sections one, three and five of said supplement shall be amended so as to read as follows:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person or persons, citizens of this state, now using or occupying any grounds lying under tide-waters of this state for the planting or cultivation of oysters thereon, said grounds not being natural clam grounds or natural oyster-seed beds, and the same shall have been so used and occupied since January first, one thousand eight hundred and eighty, shall be confirmed in their right to use such grounds for the purpose of planting and cultivating oysters, and the oysters planted and grown thereon shall be the personal property of the person or persons using or occupying the grounds aforesaid; *provided*, the said grounds shall have been marked by proper stakes, buoys or suitable monuments during the time aforesaid, and oysters shall have been actually planted upon the grounds so marked; that nothing in this section shall apply to any of the waters of Ocean county.

3. *And be it enacted*, That no grounds used by the public for clamming purposes shall be occupied and used for the purpose of planting and cultivating oysters; *provided*, that this section shall not apply to any of the waters of the county of Ocean.

When persons
deemed tres-
passers.

5. *And be it enacted*, That any person or persons who shall plant oysters upon any of the natural beds lying under the waters aforesaid shall be deemed trespassers, and such planted oysters shall be forfeited to the public, who shall have the right and privilege of going upon said beds and taking said planted oysters, and converting the same to their own use at any time when it is now lawful to take oysters from said natural beds and clams from clam grounds; *provided*, that this section shall not apply to the waters of Ocean county.

Proviso.

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

Approved April 16, 1891.

CHAPTER CCXLIV.

An Act relative to the retirement of chiefs of the police force in cities of this state upon pension.

Chiefs of police
in cities may be
retired by police
boards, upon half
pay, after twenty
years' service

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That whenever the chief of police of any city shall have served at least twenty years continually as chief and shall be dismissed or retired by the board having the power of appointment of chief of police, he shall be retired on a pension, not to exceed one-half of the compensation of the chief; *provided*, that he shall, until he reaches the age of sixty years, perform such special services (if any) as the said board may direct. Provision for the payment of such salary or compensation shall be made in the annual tax levy of the city in which an officer shall be retired as aforesaid.

Proviso.

Provision for
payment shall be
made in annual
tax levy.

Repealer.

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

Approved April 16, 1891.

CHAPTER CCXLV.

An Act relating to police justices.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of this state where the common council have by law the authority to appoint police justices, the said common council may fix the term of their said offices at any period not exceeding three years, and also prescribe their duties and the time and place for holding police courts in said cities.

Common council may fix terms of police justices at three years.

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

Repealer.

Approved April 16, 1891.

CHAPTER CCXLVI.

A Supplement to an act entitled "An act to re-organize the board of chosen freeholders in the counties of the first class in this state," approved April third, one thousand eight hundred and eighty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That members of the boards of chosen freeholders in the counties of the first class in this state, except the director at large thereof, shall be elected by assembly districts at the time or times of holding the charter, city, town, village and township elections, to be held in the year one thousand eight hundred and ninety-two, and every second year thereafter; but such election

Members of boards of freeholders to be elected by assembly districts.

When municipal elections are being held. of members of said boards shall be confined to those election or assembly districts in which such municipal elections are being held; the director at large of said boards shall be elected as heretofore.

Director at large. Term of office. 2. *And be it enacted*, That the term of office of such members, except such director, shall begin on the second Wednesday of May next after every such election and shall continue for two years and until others shall be chosen and legally qualified in their stead, and the term of office of such director at large shall begin and continue as heretofore.

Term of present members extended. 3. *And be it enacted*, That the term of office of the members of the present boards of chosen freeholders in said counties, except the director at large, be and is hereby extended until the second Wednesday of May, in the year one thousand eight hundred and ninety-two, and until their successors may be elected and qualified.

Director at large to have no vote after December 1, 1891. 4. *And be it enacted*, That the director at large of such boards shall be deemed to have been and to be a member thereof, but shall, from and after the first day of December next after the passage of this act, have no vote therein, except in case of a tie; every resolution or act of said board shall, however, from and after the said first day of December before it takes effect, be approved in writing by said director, and if he fails or refuses to approve of any such resolution or act within ten days the clerk or acting clerk of said board shall announce such fact to the board at its next regular meeting after the expiration of said ten days, and said board shall proceed to reconsider the same, and if a majority of all the members thereof, except the director or director pro tem., shall then pass the resolution it shall take effect as a law, but the votes in such case shall be taken by yeas and nays and entered on the minutes; in case there be a vacancy caused by death, resignation or otherwise in the office of director, the board may choose from its own number a director at large, who shall continue to perform the duties of director at large until there shall be a director at large duly elected and qualified; if the director at large be absent from the state or incapacitated by sickness at the time of holding any regular or special meeting, the said board may likewise choose from its own members a director pro

After that date to approve resolutions or acts.

Vacancies in director at large.

Incapacity of director at large.

tem., who shall be vested with the power of director at large until such absence or incapacity cease.

5. *And be it enacted*, That the boards of registry and election in counting, canvassing, certifying and returning the votes cast at any election for chosen freeholders and director at large, as provided for or mentioned in this act, shall proceed as now required by law.

Canvassing and certifying returns of elections.

6. *And be it enacted*, That each of the said election boards who may hold such election shall appoint one of their number to attend the meeting of the board of canvassers for such election in the county wherein the election district may be situated as a member thereof; the clerk of the county shall be the clerk of such board, which shall be composed of the members appointed as aforesaid, whether such board be composed of members appointed from all the election districts in said county or from a smaller number of such districts in case the charter, city, town, village and township elections should not all be held on the same day throughout the county; such board shall meet on the Friday next after such election at twelve o'clock noon, at the court house in such county, and shall in all things proceed, as nearly as practicable in the manner in which the board of county canvassers is now or may hereafter be required to proceed, and shall be liable to all the penalties imposed upon the members of said last named board for any neglect or failure to perform the duties imposed upon them or any of them; in all other respects, in the election of members of said board of chosen freeholders, the laws which govern the election of members of the general assembly shall, so far as practicable, be applied to and govern all elections held under and pursuant to this act.

Members of county board of canvassers.

County clerk to be clerk of board of canvassers

Meeting of board of canvassers.

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

Approved April 16, 1891.

CHAPTER CCXLVII.

Supplement to an act entitled "An act to authorize the construction, curbing and paving of sidewalks and crosswalks in townships," approved May ninth, one thousand eight hundred and eighty-four.

Lawful for township committee to order that assessments for flagging or curbing may be paid in yearly installments.

Proviso.

If installment not paid for thirty days after it has become due, the whole assessment to draw interest.

Assessments to be a paramount lien.

Application of collections of assessments.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,* That it shall be lawful for the township committee of any incorporated township of this state, by resolution passed at one of the regular meetings of said committee, to order that the owners of lands upon which assessments for flagging or curbing, or both, have been placed in compliance with the provisions of the act and the supplements and amendments thereto of which this is a further supplement, may pay such assessments in such equal yearly installments, not exceeding ten, with legal interest thereon, as the said township committee shall determine; *provided,* that any party assessed shall have the privilege of paying the whole of any assessment or any balance of installments, with accrued interest thereon, at one time.

2. *And be it enacted,* That in case any installment of any assessment mentioned in the previous section shall remain unpaid for thirty days from and after the time when the same shall have become due and payable, the whole assessment shall become and be immediately due and payable, shall draw interest at the rate of one per centum per month, and shall be collected in the same manner as is provided by the act of which this is a supplement for other past due assessments.

3. *And be it enacted,* That every assessment made as hereinbefore provided shall be and remain a first and paramount lien upon the lot of land described in such assessment until the same, and all installments of the same with the accrued interest thereon, shall have been paid and satisfied.

4. *And be it enacted,* That all collections on account of said assessments or the interest thereon shall be applied

to the payment of the township obligations issued by the said township committee, in payment of the cost of the improvements for which said assessments were made, and for no other purpose whatever.

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

Approved April 16, 1891.

CHAPTER CCXLVIII.

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

WHEREAS, Certain commissioners of deeds in and for Preamble.
this state in some instances have, through inadvertence or mistake continued to take acknowledgments and proofs of deeds, mortgages and other writings after their term of office had expired, and innocent persons may be subject to loss or injury thereby; therefore,

That all acknowledgments and proofs of deeds, mortgages and other writings and the certificates thereof, Validating ac-
knowledgments
of deeds made
after term of office
of commissioners
had expired.
heretofore taken or made before or by any commissioner of deeds in and for this state, whose term of office had expired or whose office had been vacated or whose commission had become void at the time of taking such acknowledgment or proof, and the records of such deeds, mortgages and other writings are hereby confirmed and made valid and legal and effectual to the extent that the same would have been valid, legal and effectual if the term of office of the commissioner taking such acknowledgment or proof had not expired nor his office been vacated, nor his commission become void as aforesaid.

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

Approved April 16, 1891.

CHAPTER CCXLIX.

An Act to authorize cities of the second class having a paid fire department to appoint chief and assistant engineers of such department to hold office during good behavior.

Board of aldermen or common council in cities of the second class having a paid fire department may appoint a chief and assistant engineers and fix their salaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all cities of the second class in this state having a paid fire department, the board of aldermen or the common council of any such city may appoint such chief or one or more assistant engineers, or either of them, to serve during good behavior; and that at the time of such appointment the said board of aldermen or common council may by resolution fix and determine the annual salary of each such appointees, and such board or council shall adopt such rules and regulations relative to the duties, conduct and department of such appointees as may be necessary.

Chief and assistants to hold office until the expiration of their terms.

2. *And be it enacted*, That no chief or assistant engineer of any fire department in any such city now in office shall be removed by an appointee under this act, but shall continue until the expiration of their respective terms of office unless the same become sooner vacant by resignation, death or removal for cause.

Repealer.

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

Approved April 16, 1891.

CHAPTER CCL.

A Supplement to the act entitled "An act for the relief of creditors against absconding and absent debtors" [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 in all cases arising under the act to which this is a supplement, and in which there are applying creditors and a sale by an auditor appointed by the court out of which the attachment issued, there shall be allowed to the attorney of the plaintiff in attachment a reasonable compensation and fee, to be determined, taxed and paid in the same way as an auditor's fees are now taxed and paid. Compensation of attorney of plaintiff.

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

Approved April 16, 1891.

CHAPTER CCLI.

An Act concerning cities of the first class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of this state of the first class, the charter of which provides for a special election to fill a vacancy in the office of alderman, it shall not be necessary hereafter, if a vacancy in said office of alderman shall occur from any cause whatever to hold a special election to fill such vacancy, but the mayor of said city shall appoint a resident voter of the ward in which Mayors of cities of the first class may appoint an alderman whenever a vacancy occurs without holding a special election therefor.

such vacancy occurs to hold said office until the election and qualification of a successor to such appointee, at the next succeeding charter election, and such appointee to fill a vacancy shall have and enjoy said office and be possessed of all the powers and liable to perform all the duties to the same extent as any other alderman of said city.

Repealer.

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

Approved April 16, 1891.

CHAPTER CCLII.

A further supplement to the act entitled "An act for the better enforcement in Maurice river cove and Delaware bay, of the act entitled 'An act for the preservation of clams and oysters,' " approved April fourteenth, one thousand eight hundred and forty-six, and of the supplements thereto.

When and how
oysters are to be
taken.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall not be unlawful to take oysters in any manner except by dredging from the natural oyster beds in Maurice river cove and Delaware bay, known severally as the East Point beds, Andrews' ditch beds, the Pepper beds, the Ballast beds, the beds at the mouth of Dividing creek and Oranoke creek, and in the creeks where there is a natural growth of oysters, and the beds that fall bare, and from any of the creeks or rivers in the county of Cumberland, for any purpose whatever, except during the months of June, July and August; *provided*, that the provisions of this act shall not extend nor apply to non-residents of the state of New Jersey, and any non-resident offending against the

Proviso.

provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for every such offense be punished by a fine not exceeding one hundred dollars or by imprisonment for any term not exceeding one year, or both, at the discretion of the court.

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

Approved April 16, 1891.

CHAPTER CCLIII.

A Supplement to an act entitled "An act to regulate the practice of courts of law," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when the plaintiff is ignorant of the name or part of the name of a defendant, he may designate that defendant in the summons and in other process or proceedings in the action by a fictitious name or by as much of the name as is known, adding a description identifying or tending to identify such defendant, and the person intended shall be thereupon regarded as a defendant in the action, and as sufficiently described therein, for all purposes, including service of the summons as hereafter prescribed.

If plaintiff is ignorant of name of defendant, he may designate him in the summons by a fictitious name.

2. *And be it enacted*, That when the name or the remainder of the name of the person becomes known, an order must be made by the court upon such notice and such terms as it prescribes, that the proceedings already taken be deemed amended by the insertion of the true name in place of the fictitious name or part of a name, and that all subsequent proceedings be taken under the true name.

When name becomes known, proceedings already taken to be amended.

Summons, how served, and publication.

3. *And be it enacted*, That the summons in such case may be served as prescribed in sections forty-nine and fifty of the act to which this is a supplement, or, in case of defendant's residence not being known, by publication of a copy of the summons in some newspaper published at or near the place where the cause is triable, at least once a week, for the space of three weeks consecutively, and upon due proof being made to the court of said publication, the defendant therein intended to be designated shall be considered to be in court; the costs of said publication to be reckoned in the taxed bill of costs in the cause.

To extend to practice in courts for trial of small causes.

4. *And be it enacted*, That the provisions of this supplement shall extend to the practice of the courts for the trial of small causes.

Repealer.

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

Approved April 16, 1891.

CHAPTER CCLIV.

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

Proceedings to be had before police courts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state having police courts or a recorder's court, or in any city which may hereafter have either of them, all proceedings that are directed or authorized by the act to which this is a supplement, or the supplements thereto, to be had by or before a justice of the peace shall be had in such courts;

and that then the justice or judge of said court shall have the same power to take action in the matter, and to hear, try and determine the case, that any justice or two justices may now have. Police justice to have authority of justice or two justices.

2. *And be it enacted*, That in such cities no justice of the peace shall, after the passage of this act, have any jurisdiction over cases arising under the act to which this is a supplement. Repealer

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

Approved April 16, 1891.

CHAPTER CCLV.

An Act concerning the tenure of office of wardens or chief keepers of penitentiaries in counties of the first class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the term of office of the warden or chief keeper of penitentiaries in counties of the first class shall be five years from the date of his appointment and until the election of his successor. Term of office of keepers of penitentiaries in counties of the first class may be made five years, the board of freeholders to fix salary, not to exceed \$2,500 per annum.

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

Approved April 16, 1891.

CHAPTER CCLVI.

An Act relating to the cost of improving sidewalks in cities of this state.

Cost of improving sidewalks in cities of the third class to be a lien upon lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the cost heretofore or hereafter incurred by any city of the third class of this state for improving sidewalks, shall be a lien upon the abutting lands in front of which such work is done, and the same may be collected in the same manner and by the same officers as taxes are or may be collected in such cities.

Repealer.

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

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

Approved April 16, 1891.

CHAPTER CCLVII.

An Act in relation to milk cans.

Illegal to use, sell, dispose of or traffic in any milk cans belonging to dealers or shippers, or to erase or deface the markings thereon.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it is hereby declared to be unlawful for any person or persons, without the consent of the owner or owners, or shipper or shippers, or his, her or their agent, to use or sell, dispose of, buy or traffic in any milk or cream can or cans belonging to any dealer or dealers, shipper or shippers of milk or cream, residing in the State of New Jersey or elsewhere, who may ship milk or cream to any city, town or place within this

state, having the name or initials of the owner or owners of such dealer or dealers, or shipper or shippers stamped, marked or fastened on such can or cans, or to willfully mar, erase or change by re-marking or otherwise said name or initials of any such owner or owners, or dealer or dealers, or shipper or shippers, so stamped, marked or fastened upon said can or cans.

2. *And be it enacted*, That the fact of any person or persons without the consent of the owner, dealer or dealers, or shipper or shippers thereof, or his, her or their agent, either using, selling, disposing of, buying, trafficking in, or having in his, her or their possession, or under his, her or their control, any such milk or cream can or cans, shall be presumptive evidence of the unlawful use, purchase of or traffic in such can or cans. Evidence of unlawful use or traffic

3. *And be it enacted*, That such can or cans, full or partly full of milk or cream used in violation of this act, may be emptied into the street or elsewhere of their contents by owner or owners, dealer or dealers, shipper or shippers, or his, her or their agent, and taken possession of by any of said several parties who shall not be liable for damages therefor; *provided*, that any of said several parties entitled to the possession of such can or cans, shall first give notice to the party or parties having the possession of such can or cans to empty the same. Cans to be emptied. Proviso.

4. *And be it enacted*, That any person or persons who shall in violation of this act, either use, sell, dispose of, buy, traffic in, or have in his, her or their possession, any such can or cans, or who shall willfully mar, erase or change by re-marking or otherwise the said name or initials of any such owner or owners, dealer or dealers, shipper or shippers so stamped, marked or fastened upon said can or cans as in this act provided, shall be liable to a penalty of fifty dollars for any such can either so used sold, disposed of, bought trafficked in, or found in his, her or their possession; such penalties may be recovered by action in the supreme court of this state, with costs and disbursements, and the place of trial of such actions may be in the county in which the owner or owners, dealer or dealers, shipper or shippers of any such cans may reside at the commencement of such action. Persons illegally using or having in possession milk cans belonging to another, or erasing or defacing the markings thereon, liable to a penalty of \$50 for each can. Penalty, how recovered.

Agents may sue
in their own
names.

5. *And be it enacted*, That the agent of such owner or owners, dealer or dealers or shipper or shippers shall have full power and authority to sue in his name and take any proceedings authorized by this act without joining the real party or parties in interest that he represents, and may join in persons as shall jointly or severally have violated any of the provisions of this act, notwithstanding that the cause of action is separate and distinct as to each and every one of such plaintiffs and defendants, and may recover against any one or more of such person or persons.

Owners to make
complaints and

6. *And be it enacted*, That if any such owner or owners, dealer or dealers, shipper or shippers, his, her or their agent has reason to believe and does believe that any of such can or cans so stamped or marked has or have been unlawfully used as aforesaid, by any person or persons, or that any person or persons has any of such can or cans secreted in or upon his, her or their premises or any other place or places, any such owner or owners, dealer or dealers, shipper or shippers, or his, her or their agent may go before any justice of the peace or magistrate having civil jurisdiction in the city, town or place, or any part thereof, wherein such offences may be or have been committed and make complaint thereof under oath, which complaint may be wholly upon information and belief, whereupon said justice of the peace or magistrate before whom such complaint shall have been made shall issue a process in the nature of a search warrant, directed to any constable, marshal or other executive officer, of any city, town or place which shall recite the complaint or the substance thereof, and shall command the said constable, marshal or other executive officer to immediately search the premises, place or places mentioned in said complaint, be found, to bring the same, together with the body of the person or persons in whose possession they may be found, before such justice of the peace or magistrate, and such proceedings shall be had as are now had in cases wherein search warrants are issued.

Justice to issue
process.

Repealer.

7. *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 16, 1891.

CHAPTER CCLVIII.

An Act relative to the salary of assessors in certain 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 council or township committee of any town or township of this state, containing more than ten thousand inhabitants, in which the duties of the office of assessor of taxes are performed by one officer only, to annually fix by ordinance the salary and compensation to be paid to the assessor of taxes; *provided, however,* that the amount so fixed shall not exceed one thousand dollars.

Township committees in townships having 10,000 inhabitants may fix salary of assessors.

Proviso.

2. *And be it enacted*, That all acts and parts of acts, general, special, local, public or private, 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 16, 1891.

CHAPTER CCLIX.

A Further Supplement to an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary and the orphans' court and surrogate," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any will shall have been admitted to probate in any state or kingdom without the United States, and any person shall desire to have

Surrogates or ordinary to grant letters testamentary on wills admitted to probate in a state or king-

dom without the United States, without the production of the original will the said will admitted to probate in this state for any purpose, it shall be lawful for the surrogate of any county in this state, or for the ordinary, upon a copy of such will being filed in his office, certified and attested as a true copy, by the person or persons, officer or court admitting the same to probate, to admit the same to probate without production of the original will, upon proof taken under commission, if necessary, or in any other manner provided for by law, of the due execution of said will, in accordance with the laws of this state, which proof may be taken in the same manner as if the original will had been produced before him, and to record such will and file the said copy in his office and issue letters testamentary thereon if necessary; but the person or persons to whom such letters may be issued shall not be obliged to file an inventory or account unless the orphans' court of the county in which probate may be granted, or the ordinary, shall so order, and any such will being so proved and recorded shall have the same force and effect as if the original will had been produced and admitted to probate, and letters testamentary or of administration with the will annexed issued thereon, and all conveyances of real estate heretofore or hereafter made by any executor or executors, or administrator or administrators, with the will annexed, or the survivor or survivors of them, or by any trustee or trustees, or the survivor of them, or by any devisee or devisees, shall be as valid as if said will had been originally admitted to probate and letters testamentary or of administration with the will annexed had been thereon issued in this state; and such record, or a certified copy of said will shall be received in evidence in all courts of this state; the person or persons desiring to have any such will admitted to probate may apply by petition to any surrogate of this state in which any real estate devised or affected by said will, or passing thereunder, may be situate, or in which any personal property may be found at the death of the testator, or subsequently, and may annex thereto said copy of said will certified and attested as aforesaid; *provided*, that there be a certificate appended to said copy by a consular agent of the United States in such foreign state or kingdom, under his seal, that the person or persons, officer or offi-

dom without the United States, without the production of the original will

Administrators not obliged to file inventory.

Record or certified copy to be evidence.

Proceedings to make probate.

Proviso

cers certifying as aforesaid are such person or persons, officer or officers, as by his or their certificate he or they purport to be; on such petition being verified by the oath or affirmation of the petitioner, who shall be sworn or affirmed as to the truth of the facts set out in such petition according to the best of his knowledge, information and belief, the said surrogate or ordinary shall be empowered to take proof and proceed as aforesaid.

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

Approved April 16, 1891.

CHAPTER CCLX.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That any board of chosen free-holders which shall have improved and maintained any roads under the act to which this is a supplement, or under any act supplementary thereto, may cause any or all roads over which it shall have acquired and assumed control in the manner provided by law to be suitably lighted for the accommodation of the traveling public, beginning nearest the county court house and extending not more than four miles therefrom; which lighting shall be done by contract and awarded to the lowest responsible bidder.

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

Approved April 16, 1891.

CHAPTER CCLXII.

An Act relative to the salary of aldermen or members of the common council in certain cities.

Hereafter aldermen in cities of the first class shall serve without compensation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where in any city of the first class the general legislative authority is now or hereafter may be vested in a board of aldermen or common council, the members of such board of aldermen or common council shall serve without compensation; *provided, however*, that this act shall only apply to members of such board of aldermen or common council hereafter to be elected.

Repealer.

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

Approved April 16, 1891.

CHAPTER CCLXIII.

An Act to authorize cities to issue bonds for the funding of water debts and to provide for their payment.

Cities authorized to issue bonds for the funding of water debts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever in any city of this state, owning and controlling water works for the supply of the inhabitants thereof, the board having charge and control of such water works shall have heretofore expended a part of the income derived by way of water rents in the extension of water mains and the construction of permanent improvements in connection with such

water works, so that the income derived from such water works shall have proved insufficient to meet all expenditures made by said board, and said deficiency shall have been met by temporary loans made to said water department, it shall be lawful for the board having charge and control of the finances of such city, with the approval of the mayor of such city, to fund such temporary indebtedness or any part thereof by the issuing of water bonds of said city to take up the same, to an amount not exceeding three hundred and fifty thousand dollars.

2. *And be it enacted*, That the bonds to be issued under the provisions of this act shall be made payable at periods not to exceed thirty years from the date of issuing the same, and shall bear interest at a rate not exceeding five per centum per annum and be in such sums as the board having charge and control of the finances of such city shall determine; which bonds shall be executed under the corporate seal of such city and the signature of the mayor, comptroller or other proper financial officer thereof, and may be either registered or coupon bonds, as said board may direct; *provided*, that in order to redeem said bonds at maturity, it shall be the duty of the board having charge and control of the finances of said city to establish a sinking fund, into which it shall be the duty of the board having the charge and control of such water works to pay annually, in the month of July in each year, out of the income derived from such water supply, a sum equal to two per centum of the bonds issued under the provisions of this act, which sinking fund shall be under the charge and control of the sinking fund commissioners of such city by whatsoever name they may be called.

3. *And be it enacted*, That the interest on the bonds hereby authorized to be issued shall be paid semi-annually out of the collections for water rents in such city for said year, before expenditures therefrom for other purposes.

4. *And be it enacted*, That the board having charge and control of the water works for the supply of such city shall, before making or incurring any obligation on behalf of such city against the water account thereof, lay aside and devote each year a sum sufficient to pay the interest upon all water bonds issued and to be issued by such city on behalf of the water supply thereof.

Term of bonds
and rate of
interest.

How issued.

Proviso.

Interest to be
paid before ex-
penditures for
other purposes

Board to lay
aside yearly a
sum sufficient to
pay interest.

How bonds to
be disposed of.

5. *And be it enacted*, That the board having charge and control of the finances of such city may dispose of the bonds hereby authorized to be issued at public sale for the best price that can be obtained for the same, or at private sale in case a more favorable bid can be obtained than shall have been bid publicly therefor, but in no case for less than par, and all moneys derived from the sale of said bonds shall be inviolably applied to and used for the payment of said temporary loans.

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

Approved April 17, 1891.

CHAPTER CCLXIV.

An Act to amend an act entitled "An act to provide for sewage and drainage in incorporated townships in which there is a public water supply," passed April fourteenth, one thousand eight hundred and ninety.

Title amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title of the act to which this is an amendment be amended to read as follows: "An act to provide for sewage or drainage, or both, in incorporated townships in which there is a public water supply."

Section to be
amended.

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

Authorized to
construct a sys-
tem of sewage
and drainage.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any incorporated township in this state in which a supply of water for public and domestic use is furnished or shall be furnished from water works, it shall be lawful for the board of township committee or other governing body of such township to provide for, obtain and cause to be constructed a system of sewage or drainage, or both.

3. *And be it enacted*, That section two of the said act be amended to read as follows : Section to be amended.

2. *And be it enacted*, That it shall be lawful for the said board of township committee or other governing body of such township to cause to be made surveys, plans and estimates by competent engineers and mechanics, sufficient to demonstrate a practicable and efficient system of sewage or drainage, or both, for such township, including the disposition of house sewage or waste, or both. Surveys, plans and estimates to be made.

4. *And be it enacted*, That section three of the said act be amended to read as follows : Section to be amended.

3. *And be it enacted*, That it shall be lawful for the said board of township committee or other governing body of such township, whenever in their opinion the public good demands it, by ordinance or ordinances, to cause sewers or drains, or both, to be constructed from time to time in such township, or any part thereof, as they may designate in the ordinance or ordinances which the said board of township committee or other governing body may for that purpose adopt and pass. May cause sewers and drains to be constructed.

5. *And be it enacted*, That section nine of the said act be amended to read as follows : Section to be amended.

9. *And be it enacted*, That the said assessments for benefits shall be a lien upon the lots and parcels of land respectively assessed from the date of the confirmation of the report thereof, except the assessments for prospective benefits, which shall only become a lien as hereinabove provided; that it shall be the duty of the board of township committee or other governing body of such township, in which such improvement shall have been made, to cause a copy of the report of the commissioners making such assessment, duly certified by the clerk of the county in which said township is situated, to be prepared and delivered to the township collector of such township, who shall enter the same in a book to be kept in his office for that purpose; and said collector shall give notice for four weeks in some newspaper circulating in said township, that said report has been delivered to him, and requiring payment of the several sums assessed against any owners of lands and real estate for such improvement within thirty days from and after the confir- Assessments for benefits to be a lien upon lands. Collector to give notice of payment.

Assessments unpaid to draw interest. mation of said report by the circuit court of said county; and, in case said assessment shall remain unpaid at the expiration of thirty days from and after the first publication of said notice, the said assessment shall draw interest thereupon from and after that time at the rate of one per cent. per month, except the assessments for prospective benefits, which shall draw interest only as in the manner hereinabove provided; and the said board of township committee or other governing body of such township, shall have the same remedies and rights to enforce the payment of said assessments as they have to enforce the collection of taxes in such township, and by like proceedings; *provided*, that the township committee shall have the power to make the said assessment for benefits payable by installments, instead of in the manner hereinbefore described, and in such case the owners of lands specially assessed may pay said assessments in such yearly payments, not exceeding ten, as the township committee may determine, with legal interest thereon, from the date of said commissioners' report, the interest on the whole assessment to be paid annually; the first of which said annual payments shall be made within three months after confirmation by said court of the report of said commissioners, and upon failure to make any of the annual payments or any installment of the interest upon the assessment when due, the whole of said assessment shall become and be immediately due and payable, and the notice to be given by the collector, as above provided, shall be to that effect; *provided*, that any party assessed shall have the privilege of paying the whole of any assessment with the interest at one time.

How payment of assessments can be enforced. Proviso.

Assessments may be made by yearly installments. Proviso.

Section to be amended. 6. *And be it enacted*, That section twelve of the said act be amended to read as follows:

To establish regulations, etc., for use of sewers and drains. 12. *And be it enacted*, That it shall and may be lawful for the said board of township committee or other governing body of such township to keep the sewers or drains or other works which may be constructed under the provisions of this act, in repair and working order, and to make, establish and enforce regulations and conditions as to the management and use of the same and as to connections therewith, and they shall have the power to enter into agreements with private persons or corporations

for the use of said sewers or drains, under such restrictions as said board of township committee or other governing body of such township may impose, and to establish a price to be paid for such use and to collect the same; *provided*, that all moneys derived from the use of said sewers or drains shall be applied to the payment of the debt incurred in building the same and the interest thereon. Proviso.

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

Approved April 17, 1891.

CHAPTER CCLXVI.

A Further Supplement to an act entitled "An act relative to sales of lands under a public statute, or by virtue of any judicial proceedings" (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 hereafter in all cases whatsoever where any sheriff is now or hereafter shall be authorized or required by any public statute or under the direction of any court of competent jurisdiction in this state, to make sales of any lands, tenements, hereditaments or real estate, such sheriff shall give notice by public advertisement signed by himself, and set up at five or more public places in the county, one whereof shall be in the township where such real estate is situate, of the time and place of such sale, at least four weeks next before the time so appointed, and he shall likewise have the power to cause the same to be published in two of Sheriff to give notice of sales of lands under public statute. By posting and Publishing.

the newspapers printed and published in the county in which the lands are situate, that are now or hereafter may be designated for the publication of the laws of this state; or if no designation has been made of newspapers to publish the laws in the year in which said advertisement is made, then in two of the newspapers designated for the publication of the laws of this state, in the year preceding such advertisement; such publication shall be at least four weeks successively once a week next preceding the time appointed for selling the said lands, tenements, hereditaments or real estate, and such publication, if so made, shall be deemed sufficient, without compliance with the provisions of any act heretofore passed in reference to such publication; and after the sheriff shall have made such publication in two of such newspapers as aforesaid, then such publication shall be as valid and as effectual as if made under the provisions of law now existing.

Repealer.

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

Approved April 17, 1891.

CHAPTER CCLXVIII.

An Act to amend an act entitled "An act for the better regulating of the poor-houses of this state," approved May six, one thousand eight hundred and eighty-nine.

Section to be amended.

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

Penalty for failure to comply with act.

3. *And be it enacted*, That for failure to comply with the provisions of this act any board of chosen freeholders shall be liable to an indictment for misdemeanor; and

the keeper of such institutions shall be liable to a penalty of twenty-five dollars, to be sued for in any court of competent jurisdiction by any taxpayer of the county, to be applied, when collected, to the use of such institution.

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

Approved April 17, 1891.

CHAPTER CCLXIX.

A Supplement to an act entitled "An act respecting conveyances," 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 every acknowledgment or proof of any deed or conveyance of lands, tenements or hereditaments lying and being in this state, heretofore made by any grantor or witness thereto, before or by any officers 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 was made or taken, to take the proofs and acknowledgments of deeds or conveyances of lands, tenements or hereditaments lying or being in such state or territory, shall be good, valid and effectual in law, and the record thereof admissible in evidence and good, valid and effectual in law for all purposes, notwithstanding the certificate accompanying such acknowledgment or proof, under the great seal of such state or territory, or under the seal of a court of record of the county in which it was made, does not certify that the officer before whom such proof or acknowledgment was made was, at the time of the taking thereof, authorized by the laws of such state or territory, to take the acknowledg-
Acknowledgments validated.

Proviso.

ments and proofs of deeds or conveyances for lands, tenements or hereditaments in such state or territory; *provided*, such certificate, and such acknowledgment or proof, and the certificate thereof, in all other respects conforms to the laws of this state.

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

Approved April 17, 1891.

CHAPTER CCLXX.

A Supplement to an act entitled "An act to provide for the construction of a state laboratory for the state agricultural experiment station," approved April 23rd, 1888.

Appropriation
for laboratory.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the further sum of eight thousand and eight hundred dollars be and hereby is appropriated for the purpose of paying the costs and expenses necessarily incurred in the construction and completion of the state laboratory for the use of the state agricultural experiment station, which sum of eight thousand and eight hundred dollars shall be paid by the treasurer of the state upon the warrant of the comptroller to the treasurer of the said New Jersey agricultural experiment station.

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

Approved April 17, 1891.

CHAPTER CCLXXI.

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

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter there shall not be assessed upon any inhabitant of this state more than one poll tax in any one year. One poll tax in any one year.

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

Approved April 17, 1891.

CHAPTER CCLXXII.

A Further Supplement to the act entitled "An act to establish and organize the state reform school for juvenile offenders," approved April sixth, one thousand eight hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of five thousand dollars is hereby appropriated to be used by the trustees of the state reform school for juvenile offenders in estab- Appropriation for manual training school.

lishing a manual training school, in which shall be taught carpentering, wood-turning, and such other industrial arts and pursuits as may be determined upon by said trustees.

Appropriation
for chapel.

2. *And be it enacted*, That the sum of seven thousand dollars is hereby appropriated to be used by said trustees in the erection of a chapel to the end that necessary facilities may be afforded for the religious and moral instruction of the inmates of said school.

How paid

3. *And be it enacted*, That the appropriation hereinabove made shall be paid by the treasurer of the state, on the warrant of the comptroller, out of any moneys in the state treasury not otherwise specially appropriated.

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

Approved April 17, 1891.

CHAPTER CCLXXIV.

A Further Supplement to an act entitled "An act respecting the compensation of the chancellor and the justices of the supreme court," approved March fourteenth, one thousand eight hundred and seventy-nine.

Amount of
annual salary.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the chancellor and chief justice of the supreme court of this state shall each be entitled to receive an annual salary at the rate of ten thousand dollars, and the associate justices of the supreme court shall each be entitled to receive an annual salary at the rate of nine thousand dollars; and that when the population of any judicial circuit or district in this state exceeds one hundred and eighty thousand, according to the latest state or federal census, taken or to be taken,

Annual salary
increased in cir-
cuit having popu-
lation of 180,000.

the annual salary of the justice to whom such circuit or district may be assigned shall be increased beyond the salary allowed to him as aforesaid by as many dollars as will equal two per centum of such excess of population over one hundred and eighty thousand; and said additional salary or compensation required by the provisions of this act to be paid to the justice assigned to any such judicial circuit or district shall be apportioned to him, according to said per centum of said excess of population as aforesaid, by the comptroller, treasurer and attorney-general of this state under their hands, which apportionment shall be filed in the office of said comptroller.

2. *And be it enacted*, That said salaries shall be paid in equal monthly payments by the treasurer of this state upon the warrant of the comptroller of the treasury, and shall be in full for all services by them respectively rendered as chancellor and justices of the supreme court, and as judges of the court of errors and appeals, and as judges of the circuit courts and all other courts in any county in this state, and that said chancellor and said justices of the supreme court shall not be entitled to receive any compensation, per diem, mileage, fees, pay or allowances whatsoever for any services performed by them or in connection with any of the courts in this state, or in any of their judicial capacities, in addition to the salary or compensation in or by this act fixed; *pro-* Salary to be paid monthly. *vided*, that this act shall only apply to the chancellor or justices of the supreme court whose term of office shall hereafter commence, or to those now in office who shall file their assent in writing, under their hands, to this act in the office of the secretary of state. Proviso.

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

Approved April 17, 1891.

CHAPTER CCLXXV.

A Supplement to the act entitled "A further supplement to the act entitled 'An act to regulate fees,' approved April fifteenth, one thousand eight hundred and forty-six," approved April third, one thousand eight hundred and eighty-eight.

Searches for soldiers, etc., in claims for pensions to be furnished without fee or charge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the searches and certificates of the medical superintendent of the bureau of vital statistics of this state, for the record of marriages, births and deaths in all cases of soldiers, their widows and children, and dependent parents, when required in their claims for pension, shall be furnished without fee or charge.

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

Approved April 17, 1891.

CHAPTER CCLXXVI.

A Supplement to an act entitled "An act for the government and regulation of the state prison," passed April second, eighteen hundred and eighty-five.

Section to be amended.

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

1. *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 order drawn on him by any two of the inspectors, together with his necessary fuel and light; and said keeper shall have sole power to appoint 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 board of inspectors shall deem just and proper; which shall be paid by the treasurer monthly upon the warrant of the comptroller, and upon orders drawn by any two of said inspectors; and the said keeper may dismiss any or all of the said deputies and assistants at any time that he shall deem it for the best interests of the institution to do so; and before the 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 the condition that he and his deputies shall well and faithfully perform the duties 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 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.

Keeper of the state prison residence, salary, etc.

Power to appoint assistants and deputies.

Salaries, how paid.

Keeper may dismiss.

Bond.

Recorded and filed.

Copies to be evidence.

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

Repealer

Approved April 17, 1891.

CHAPTER CCLXXVII.

A Supplement to "An act to regulate the practice of courts of law" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Circuit court judges in counties of the first class may fix salary of stenographers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the circuit court judge in counties of the first class in this state may in his discretion fix the compensation of the court stenographer at an annual salary in lieu of a per diem for attendance upon the courts of the county, which shall be paid by the collector of the county as the said judge shall order.

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

Approved April 18, 1891.

CHAPTER CCLXXVIII.

A Supplement to an act entitled "An act for the publication of the law and chancery reports" [Revision], approved February twenty-eighth, one thousand eight hundred and seventy-seven.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of the act entitled "An act for the publication of the law and chancery reports," approved February twenty-eighth, one thousand eight hundred and seventy-seven, be and the same is hereby amended so as to read as follows :

2. *And be it enacted*, That said reports shall be printed by said law and chancery reporters respectively at their own expense, upon good paper to be approved by the secretary of state; and whenever a number of said reports shall be printed, the said reporters shall each deliver to the superintendent of the state house and adjacent public grounds four hundred copies thereof, for which the treasurer shall pay each reporter per number such sum as shall be fixed by the chancellor and chief justice of the supreme court.

Reports to be printed at expense of the reporters.

2. *And be it enacted*, That section ten of the said act to which this act is a supplement be and the same is hereby amended so as to read as follows:

Section to be amended.

10. *And be it enacted*, That the superintendent of the state house and the adjacent public grounds shall on the receipt of said reports, after retaining one copy for himself, cause the residue to be distributed under the direction of the governor, as follows: to the governor of this state, two copies; to each member of the legislature, one copy; to the state librarian, to be deposited in the state library, twenty copies; to the department of state of the United States, for the congressional library, four copies; to the governor of each state and territory in the United States, one copy; to each senator and representative in congress from this state, one copy; to the chancellor of this state and each judge of the supreme court and of the court of errors and appeals, one copy; to the secretary of state, clerk of the supreme court, clerk in chancery and attorney-general, superintendent of public instruction, the state board of assessors, adjutant-general and quartermaster-general, for their respective offices, each one copy; to each county clerk, register and surrogate in this state, for their respective offices, one copy; to the New Jersey lunatic asylums and state prison, each one copy; to the librarian of the New Jersey historical society, for the use of said society, one copy; to the librarian of each incorporated college, the Burlington library and the Newark library association, for the use of their respective libraries, each one copy; to each incorporated library association in this state which has a law library at the county seat of the county in which the same is located, one copy; to every library provided by the board of chosen freeholders

Distribution of copies by superintendent of the state house and the adjacent public grounds.

of any county of this state at the court house of such county, one copy; the remainder to be reserved subject to the order of the legislature.

Repealer.

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

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

Approved April 18, 1891.

CHAPTER CCLXXIX.

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

State treasurer
to pay certain
amounts.

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

Item No. 1. To John L. Murphy Publishing Company, for gavels, inkstands, envelope opener and rubber bands, eighty-eight dollars and sixty-five cents,	\$88 65
Item No. 2. To Sutphin & Larue, for seven coaches for members of legislature to visit deaf and dumb school, twenty-eight dollars,	\$28 00
Item No. 3. To Charles and George M. Furman, for carriages for members to visit deaf and dumb school, thirty-five dollars,	\$35 00
Item No. 4. To Charles and George M. Furman, for carriages for members to visit state industrial school for girls, twenty dollars,	\$20 00
Item No. 5. To Charles and George M. Furman, for carriages for members to visit the New Jersey state prison, forty-five dollars,	\$45 00

- Item No. 6. To John J. Mathews, for senate and house calendars and blank-books furnished the house of assembly, session of one thousand eight hundred and ninety, one hundred and twenty-eight dollars, \$128 00
- Item No. 7. To each clergyman, for opening session of the legislature with prayer during session of one thousand eight hundred and ninety, ten dollars,
- Item No. 8. To each officer and page of the house of assembly, session of one thousand eight hundred and eighty-nine, who was not in the employ of the house of assembly of one thousand eight hundred and ninety, for services opening session, one thousand eight hundred and ninety, ten dollars,
- Item No. 9. To John L. Murphy Publishing Company, for articles furnished to the sergeant-at-arms, three dollars and fifty cents, \$3 50
- Item No. 10. To Patrick H. Cornish, for cash advanced for expressage on supplies, three dollars and thirty cents, \$3 30
- Item No. 11. To The Jordan Stationery Company, for stationery furnished to the sergeant-at-arms for the use of the members, one hundred and fifty dollars, \$150 00
- Item No. 12. To MacCrellish & Quigley, for articles furnished clerk of house and sergeant-at-arms, twenty dollars and fifty cents, \$20 50
- Item No. 13. To the Foye Letter File, Cabinet and Index Company, for bill files for members and officers for session of one thousand eight hundred and ninety, six hundred and sixty-nine dollars and forty-five cents, \$669 45
- Item No. 14. To Otto H. Heinz, for printing governor's message for one thousand eight hundred and eighty-nine, in German language, as per resolution of the house, one hundred and ninety-four dollars and fifteen cents, \$194 15
- Item No. 15. To W. H. Butler, for services changing combination on safe in clerk's room, twelve dollars, \$12 00

Item No. 16. To Fenn & Brozman, for articles furnished and time given in repairing electrical gas light in capitol, fifty-nine dollars and fifty cents,	\$59 50
Item No. 17. To Naar, Day & Naar, for stationery furnished the speaker of the house, three hundred and four dollars and fifty-five cents,	\$304 55
Item No. 18. To Naar, Day & Naar, for calendars and stationery furnished the secretary of the senate, eighty-nine dollars and seventy-five cents,	\$89 75
Item No. 19. To Naar, Day & Naar, for stationery, et cetera, furnished the engrossing clerk of the house, one hundred and eighty-one dollars and ninety-two cents,	\$181 92
Item No. 20. To Naar, Day & Naar, for stationery, et cetera, furnished the journal clerks of the house, seventy-seven dollars and seventy cents,	\$77 70
Item No. 21. To Naar, Day & Naar, for stationery, et cetera, furnished the clerk of the house, one hundred and five dollars and thirty cents,	\$105 30
Item No. 22. To Naar, Day & Naar, for stationery, et cetera, furnished the reading clerk of the house, forty-four dollars and eighty-five cents,	\$44 85
Item No. 23. To Naar, Day & Naar, for advertising notice of meeting of ballot reform committee, two dollars,	\$2 00
Item No. 24. To MacCrellish & Quigley, for stationery furnished sergeant-at-arms, twenty-seven dollars,	\$27 00
Item No. 25. To J. D. Payran, for gavel blocks furnished house and senate, five dollars,	\$5 00
Item No. 26. To Kessler Bros., for articles furnished and services performed repairing locks, et cetera, for house and senate, sixty-two dollars and twenty-five cents,	\$62 25
Item No. 27. To The Jersey City Argus, for stationery furnished each member of the house,	

per resolution of the same, fifty-nine members, five dollars each,	\$295 00
Item No. 28. To The Jersey City Argus, for stationery furnished officers of the house, per resolution of the same, five dollars each, one hundred and fifty dollars,	\$150 00
Item No. 29. To The Jersey City Argus, for stationery furnished legislative correspondents of the legislature, per resolution of the house, five dollars each, ninety dollars,	\$90 00
Item No. 30. To J. E. Fennell, for services as copyist, making copies ballot reform bill, by order of joint ballot reform committee, twenty dollars,	\$20 00
Item No. 31. To W. D. Wolfskul, for ser- vices as copyist, making copies ballot reform bill, by order joint ballot reform committee, thirteen dollars and seventy-six cents,	\$13 76
Item No. 32. To Knight & Gnichtel, for ser- vices copying notices of meetings of ballot reform committee, two dollars and seventy- seven cents,	\$2 77
Item No. 33. To W. Holt Apgar, for ser- vices rendered as clerk to the committee on incidental expenses, house of assembly, session one thousand eight hundred and ninety, one hundred dollars,	\$100 00
Item No. 34. To Jersey City Argus, for sta- tionery furnished to the sergeant-at-arms, house of assembly, for session one thousand eight hundred and ninety, five hundred and forty- three dollars and twenty-five cents,	\$543 25
Item No. 35. To Convery & Walker, for articles, furniture, et cetera, furnished house of assembly, session of one thousand eight hun- dred and ninety, seventy-one dollars and eighty- five cents,	\$71 85
Item No. 36. To Thomas K. Johnston, for parchment rolls and preparing oaths of officers and members of the senate and general assembly, session of one thousand eight hundred and ninety, fifty dollars,	\$50 00

Item No. 37. To Charles A. Schmidt, to printing governor's message in German language, as per resolution of the house, one hundred and ninety-four dollars and fifteen cents,	\$194 15
Item No. 38. To Albert Datz, for files furnished members of house of assembly, session of one thousand eight hundred and ninety, seventy-five dollars,	\$75 00
Item No. 39. To New Jersey Deutsche Zeitung, printing one thousand copies Governor Abbott's inaugural message of one thousand eight hundred and ninety,	\$143 09
Item No. 40. To Elizabeth Freie Press, to printing three thousand copies governor's message of one thousand eight hundred and ninety, and one thousand copies of governor's inaugural message of one thousand eight hundred and ninety,	\$343 96
Item No. 41. To New Jersey Deutsche Zeitung, for printing governor's message in German as per resolution of the house, one hundred and ninety-four dollars and fifteen cents,	\$194 15
Item No. 42. To Jeremiah J. Maher, for services rendered as sergeant-at-arms to house committee on elections, contested election, Haines vs. Turley, one hundred and eleventh session, seventy-six dollars and seventy cents,	\$76 70
Item No. 43. John L. Murphy Publishing Company, for stationery, &c., furnished John G. Shreve, eng. clerk, senate, session 1890,	\$231 75
Item No. 44. Robert J. Ingersoll, for services, engrossing resolutions of sympathy (Hon. B. F. Tracy) and resolutions in reference to world's fair, session 1890,	\$25 00
Item No. 45. Mary Dweyer, for taking care senate chamber for two weeks, opening session 1890,	\$10 00
Item No. 46. Ellen Meeley, for cleaning the senate and house of assembly chambers, president's, speaker's and committee rooms, for session 1887,	\$300 00

Item No. 47. Frank Huber, for services as assistant bill clerk, session 1890,	\$150 00
Item No. 48. John L. Murphy Pub. Co., for stationery, &c., furnished Wilbur F. Mott, secty. senate, session 1890,	\$187 30
Item No. 49. John L. Murphy Pub. Co., for stationery furnished senate committee engrossed bills, for session 1890,	\$37 25
Item No. 50. John L. Murphy Pub. Co., for stationery &c., furnished William S. Sharp, sergt.-at-arms of the senate, session 1890,	\$439 65
Item No. 51. John L. Murphy Pub. Co., for stationery, &c., furnished president of the senate, session 1890,	\$146 30
Item No. 52. Samuel Dickinson, for paper, brushes, &c., furnished Wm. S. Sharp, sergeant-at-arms, for the senate, session 1890,	\$42 00
Item No. 53. MacCrellish & Quigley, for blank-books furnished sergeant-at-arms of the senate, session 1890,	\$3 00
Item No. 54. Chas. A. Gundaker, treas., for bill-files furnished senate, session 1890,	\$252 00
Item No. 55. To Naar, Day & Naar, for stationery furnished to the sergeant-at-arms, house of assembly, for session one thousand eight hundred and ninety, one hundred and eighty-six dollars and sixty cents,	\$186 60
Item No. 56. To Wm. J. McCloud, services, comparing registry & poll lists of Atlantic City,	\$50 00
Item No. 57. To Reid & Beckwith, for board of house election committee at Atlantic City, \$82.50; to carriage hire, \$5.00,	\$87.50
Item No. 58. To James S. Beckwith, clerical services, serving subpoenas and expenses to Jersey City,	\$218 50
Item No. 59. To Knight & Gnichtel, services to house committee on election, \$20.00; railroad and hotel expenses, \$7.00; copies of testimony, 832 folios, \$83.20.	\$110 20
Item No. 60. To John Van Bussum, door-keeper of the senate, for services opening senate, session one thousand eight hundred and ninety, twenty-five dollars,	\$25 00

Item No. 61. To John S. McMaster, President's Secretary:

John Carpenter, Jr., Secretary of the Senate

John P. Flynn, Asst " " " "

Gabriel B. Dunning, Engrossing Clerk.

Mulford Ludlum, Asst. " "

Andrew J. Steelman, Journal " "

Asa K. Cole, Asst " "

Robert H. Ingersoll, Calendar " "

Robert A. Haggerty, Bill " "

John O'Rourke, Clerk of Comm on Eng. Bills.

John McCormick, Sergt. at arms.

Jacob Edelman, Asst. " " "

Joseph Haytor, Doorkeeper.

William J. Low, " "

Frederick H. Wildrick, " "

Geo. Keough, Page.

John J. Welch " "

John Courtade " "

Chas. DeHart " "

Herry Stone, " "

Joseph Bell, " "

Services for opening senate session one thousand eight hundred and ninety, each ten dollars, \$210 00

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

Approved April 18, 1891.

CHAPTER CCLXXX.

An act to amend an act entitled "An act concerning sheriffs" [Revision], approved March fifteenth, one thousand eight hundred and seventy-six.

Section to be amended.

1. **BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey, That that the fourteenth section of an act entitled "An act concerning sheriffs," approved

March fifteenth, one thousand eight hundred and seventy-six, be amended so that the same shall read as follows.

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 he shall be entitled to have and receive of and from the county the following fees: For every person committed to jail for any cause, twenty-five cents; and for every such person discharged therefrom, twelve cents; he 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 *provided, however*, nothing in this act shall be construed to prevent the board of chosen freeholders of any county from appointing at any time a warden or keeper of such jail or jails.

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

Fees.

Proviso.

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

Approved April 18, 1891.

CHAPTER CCLXXXI.

An Act relating to the appointment or election of attorneys or solicitors in certain townships and municipalities in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in every town, township, police, sanitary and improvement commission and borough in the counties of the second class in this state the police justice, attorney or solicitor of said town, township, police, sanitary and improvement commission and borough, appointed or elected after the passage of this act, shall hold their office for the term of three years, and upon the election of said police justice, attorney or solicitor the township committee, or the governing board of the town, township commission or borough shall de-

Township and borough police justices and solicitors to hold office for three years.

termine and fix the annual salary of said police justice, attorney or solicitor during said term of office.

How removed.

2. *And be it enacted*, That the police justice, solicitor or attorney appointed or elected as aforesaid may be removed from office by resolution of the governing body of such town, township, police, sanitary and improvement commission or borough for malfeasance, nonfeasance, disability or other good cause shown upon complaint in writing to the governing body of such town, township, police, sanitary and improvement commission and borough, setting forth such cause, and supported by one or more affidavits of the truth of the facts therein alleged; *provided*, that no such removal shall take place until the person sought to be removed has had an opportunity to be heard in his defense, nor unless a majority of all the members of such governing body shall vote for such removal.

Proviso.

Repealer.

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

Approved April 18, 1891.

CHAPTER CCLXXXII.

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

Fees for sheriffs.

1. **BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act the sheriffs of the several counties in this state shall be entitled to demand and receive for the services hereinafter named the following fees as compensation, to wit: for serving every writ of attachment, three dollars and fifty cents; for serving every execution against goods

or lands and making an inventory and return, three dollars and fifty cents; for mileage on serving every writ on which mileage is now allowed by law, four cents out and in for every mile of travel, to be computed from the court house; for serving writs or process in cases requiring personal service on defendant, twenty-five per centum in addition to the fees now fixed by law for such service.

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

Approved April 18, 1891.

CHAPTER CCLXXXIII.

Supplement to an act entitled "An act respecting the prerogative court, and the power and authority of the ordinary," approved April sixteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the register of the prerogative court to record all wills, proofs, probate, letters testamentary issued thereon and inventories hereafter proven, and in cases now pending in the prerogative court or before the ordinary, and all accounts of executors, administrators, trustees and guardians, letters of guardianship and letters of administration hereafter issued, granted or allowed by the ordinary, and all orders, decrees and other papers of a similar nature which are now required by law to be recorded in the surrogates' offices of the respective counties; and for all official services as register of the prerogative court he shall be entitled to charge and receive the same fees as are now allowed by law to the surrogates of the several counties of this state for like services; *provided*, that all expenses Register of the prerogative court to receive the same fees for recording wills, etc., as surrogates. Proviso.

incurred in carrying out the provisions of this act shall be paid by the register out of the fees so collected.

Repealer

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

Approved April 18, 1891.

CHAPTER CCLXXXIV.

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

Inventories and accounts to be proved and filed in offices of surrogates.

Transcript of will proved before ordinary to be filed in surrogate's court.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every inventory hereafter made of the estate of any deceased person, residing in this state at the time of his death, shall be exhibited, proved and filed in the office of the surrogate of the county in which said deceased resided at the time of his death; and that the account of every executor and administrator hereafter rendered shall be filed, stated and settled in the surrogate's office of the county in which the testator or intestate resided at the time of his death, and reported to the orphans' court of such county for settlement; and in all cases where any will has heretofore been admitted to probate, or letters of administration have heretofore been granted by the ordinary, it shall be the duty of the executor or administrator before filing such inventory or account as hereinabove directed, to file in said surrogate's office a transcript of the will and probate, or of his letters of administration duly certified by the register under the seal of the prerogative court;

and hereafter when any will shall be admitted to probate, or letters of administration shall be granted by the ordinary, a transcript of such will and probate, or of the letters of administration duly certified as aforesaid, shall within thirty days thereafter be filed by the executor or administrator in the office of the surrogate of the county in which the testator or intestate resided at the time of his death; which transcripts shall be recorded in such surrogate's office, and the same fees shall be allowed for the recording thereof as are now allowed for recording wills and the proofs thereof; *provided, nevertheless*, that the inventory of any administrator pen dente lite appointed by the prerogative court shall be exhibited to the register and his account settled before the ordinary in that court. ^{Proviso.}

2. *And be it enacted*, That the fees for auditing and reporting the accounts of executors, administrators, guardians, trustees and assignees shall be as follows, namely: on estates not exceeding five hundred thousand dollars as heretofore; where estates exceed five hundred thousand dollars, the court allowing the account shall fix and determine the fees on such excess; *provided*, that such further and additional fees may be allowed in any case as the court shall think reasonable. ^{Fees.} ^{Proviso.}

3. *And be it enacted*, That all acts and parts of acts consistent with the provisions of this act be and the same are hereby repealed. ^{Repealer.}

Approved April 18, 1891.

CHAPTER CCLXXXV.

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

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 ^{Certain expenses to be paid.}

warrant of the comptroller, to the several persons hereinafter named, the following amounts, that is to say:

- Item No. 1. To each clergyman, for opening sessions of the legislature with prayer during session one thousand eight hundred and ninety-one, ten dollars, \$10 00
- Item No. 2. To each officer of the senate and house of the session one thousand eight hundred and ninety, for services in opening the session one thousand eight hundred and ninety-one, ten dollars, \$10 00
- Item No. 3. To John J. Mathews, for senate and house calendar and blank books furnished the house of assembly, session one thousand eight hundred and ninety-one, one hundred and twenty-eight dollars, \$128 00
- Item No. 4. To Clarence Sackett, for services rendered to the committee appointed to investigate the affairs of the North River Construction company, as clerk and stenographer, session of the house of assembly, one thousand eight hundred and eighty-four, two hundred dollars, \$200 00
- Item No. 5. To Eugene M. Van Note, for services rendered as clerk to special committee appointed at the session of the legislature, one thousand eight hundred and ninety, to inquire into the condition of the farming industry of the state, two hundred dollars, \$200 00
- Item No. 6. To Kessler, for articles furnished and services rendered repairing locks, et cetera, for house and senate, fifty-seven dollars and twenty cents, \$57 20
- Item No. 7. To Convery & Walker, for articles furnished for sergeant-at-arms, thirty-eight dollars and seventy cents, \$38 70
- Item No. 8. To Naar, Day & Naar, for stationery furnished to the president of the senate, one hundred and twenty-five dollars and thirty cents, \$125 30
- Item No. 9. To Naar, Day & Naar, for sta-

tionery furnished the secretary of the senate, eighty-two dollars and seventy cents,	\$82 70
Item No. 10. To Naar, Day & Naar, for stationery furnished engrossing clerk of the senate, one hundred and three dollars and thirty-five cents,	\$103 35
Item No. 11. To Naar, Day & Naar, for stationery furnished journal clerk of the senate, thirteen dollars and five cents,	\$13 05
Item No. 12. To Naar, Day & Naar, for stationer furnished speaker of the house, one hundred and forty-three dollars and fifty cents,	\$143 50
Item No. 13. To Naar, Day & Naar, for stationery furnished clerk of the house, seven dollars and seventy cents,	\$7 70
Item No. 14. To Naar, Day & Naar, for stationery furnished sergeant-at-arms of the house, two hundred and six dollars and fifty-five cents,	\$206 55
Item No. 15. To Naar, Day & Naar, for stationery furnished to the engrossing clerk of the house, one hundred and seventy-five dollars and twenty-three cents,	\$175 23
Item No. 16. To Naar, Day & Naar, for stationery furnished journal clerk of the house, twenty-seven dollars and sixty cents,	\$27 60
Item No. 17. To Naar, Day & Naar, for stationery furnished bill clerk of the house, twenty-seven dollars and sixty cents,	\$27 60
Item No. 18. To Naar, Day & Naar, for advertising meetings of committee on incidental expenses, one dollar and seventy-five cents,	\$1 75
Item No. 19. To Henry Peterson, for services as special canvasser to special committee appointed at session of the house of assembly, one thousand eight hundred and ninety, to investigate frauds at Atlantic City, eighty dollars,	\$80 00
Item No. 20. To Benj. F. Lee, for services rendered to special committee appointed at session of the house of assembly, one thousand eight hundred and ninety, to investigate frauds at Atlantic City, seventy-one dollars and thirty-one cents,	\$71 31

Item No. 21. To Benjamin Godshalk, for services rendered as mail carrier, and delivering state officers' bills, for session of one thousand eight hundred and ninety-one, two hundred dollars,	\$200 00
Item No. 22. To Clark Brothers Company, for four students' lamps furnished house of assembly, twenty dollars,	\$20 00
Item No. 23. To C. J. Foster, for articles furnished house of assembly, twenty dollars and seventy-five cents,	\$20 75
Item No. 24. To Elizabeth Kucker, for services washing towels, for house and senate, sixty dollars,	\$60 00
Item No. 25. To William Doherty, for services rendered to house of assembly, two hundred dollars,	\$200 00
Item No. 26. To W. Holt Apgar, for services rendered as clerk of the committee on incidental expenses, house of assembly, session one thousand eight hundred and ninety-one, one hundred dollars,	\$100 00
Item No. 27. To James L. Griggs, for fees as master in chancery, taking depositions, swearing witnesses, marking exhibits, et cetera, in contested election case of Reed vs. Keys, one hundred and four dollars and twenty cents,	\$104 20
Item No. 28. To Clarence Sackett, for services as stenographer, in taking testimony, transcribing copy and preparing report of committee in contested election case of Reed vs. Keys, sixty-one dollars and fifty cents,	\$61 50
Item No. 29. To John Glenn, for services as secretary to the special committee on contested election of Reed vs. Keys, one hundred and fifty dollars,	\$150 00
Item No. 30. To Hon. W. J. Keys, for counsel fees paid by him in contested election case of Reed vs. Keys, five hundred dollars,	\$500 00
Item No. 31. To Knight & Gnichtel, for stenographic services rendered to the committee of the house of assembly on elections in the con-	

test between McAdams vs. Engard, including attendance and furnishing four copies of the testimony, two hundred and seventy-one dollars and eighty cents,	\$271 80
Item No. 32. To the Foye Letter File, Cabinet and Index Company, for bill files furnished members and officers of the senate, three hundred and seven dollars,	\$307 00
Item No. 33. To John L. Murphy Publishing Company, for stationery, &c., furnished secretary of senate, eighty-three dollars and seventy-five cents,	\$83 75
Item No. 34. To Thomas K. Johnston, for parchment rolls and preparing oaths of officers and members, session one thousand eight hundred and ninety-one, fifty dollars,	\$50 00
Item No. 35. To George K. Coleman, sergeant-at-arms of the senate, for cash advanced for expressage and postage stamps, twelve dollars and seventy-five cents,	\$12 75
Item No. 36. To John L. Murphy Publishing Company, for stationery furnished to the sergeant-at-arms of the senate, one hundred and seventy-four dollars and eighty-three cents,	\$174 83
Item No. 37. To Albert Datz, for stationery furnished to the sergeant-at-arms of the senate, two hundred and ten dollars and fifty cents,	\$210 50
Item No. 38. To William Harrigan, for services rendered committee on the judiciary, serving subpoenas, et cetera, at Bayonne, in relation to investigation of charges made against Overbeck and McDonald, twenty-five dollars,	\$25 00
Item No. 39. To the Paterson Labor Standard, for printing laws, session one thousand eight hundred and ninety, eight hundred and thirteen dollars and eighty cents,	\$813 80
Item No. 40. To MacCrellish & Quigley, for stationery furnished and printing performed for officers of house of assembly, seventy-four dollars and seventy-five cents,	\$74 75
Item No. 41. To MacCrellish & Quigley, for stationery furnished and printing performed for	

officers of senate, ten dollars and seventy-five cents,	\$10 75
Item No. 42. To John Degnan, for services as page during session one thousand eight hundred and ninety-one, one hundred dollars,	\$100 00
Item No. 43. To John Carr, for services as page during session one thousand eight hundred and ninety-one, one hundred dollars,	\$100 00
Item No. 44. To Albert Datz, for stationery furnished to the sergeant-at-arms of the house, session one thousand eight hundred and ninety-one, eight hundred and twenty-eight dollars and ninety cents,	\$828 90
Item No. 45. To Albert Datz, for stationery furnished to the speaker of the house, session one thousand eight hundred and ninety-one, sixty-two dollars and twenty-five cents,	\$62 25
Item No. 46. To Albert Datz, for printing subpoenas for election committee in contest between McAdams vs. Engard, twelve dollars,	\$12 00
Item No. 47. To county clerk of Camden county, for services, expenses and attendance with books, files and documents before committee on elections in contest between McAdams vs. Engard, fifteen dollars,	\$15 00
Item No. 48. To D. J. Bechtel, for ivory gavel, and engraving same for speaker of the house, thirty-four dollars,	\$34 00
Item No. 49. To D. J. Bechtel, for ivory gavel, and engraving same for president of the senate, thirty-four dollars,	\$34 00
Item No. 50. To William Harrigan, sergeant-at-arms, for extra services, one hundred and fifty dollars,	\$150 00
Item No. 51. To Charles and George M. Furman, for carriages for members of the legislature to visit deaf-mute school, sixty dollars,	\$60 00
Item No. 52. To Thomas Nolan, for extra services in the clerks department of the house of assembly, fifty dollars,	\$50 00
Item No. 53. To Philip Delaney, for extra services in the clerk's department of the house of assembly, fifty dollars,	\$50 00

Item No. 54. To Albert Datz, for stationery furnished to clerk of the house of assembly for clerk, reading clerk and journal clerk, three hundred dollars,	\$300 00
Item No. 55. William A. Beecroft, first assistant bill clerk of the house of assembly, session one thousand eight hundred and ninety-one, five hundred dollars,	\$500 00
Item No. 56. To James A. Malloy, second assistant bill clerk of the house of assembly, session one thousand eight hundred and ninety-one, five hundred dollars,	\$500 00
Item No. 57. To William J. Lowe, assistant bill clerk of the senate, session one thousand eight hundred and ninety-one, five hundred dollars,	\$500 00
Item No. 58. To Newkirk N. Wents, clerk of the committee on bill revision of the house of assembly, session of one thousand eight hundred and ninety-one, three hundred dollars,	\$300 00
Item No. 59. To William S. Howell, second assistant engrossing clerk of the house of assembly, session of one thousand eight hundred and ninety one, six hundred dollars,	\$600 00
Item No. 60. To James H. Mattison, second assistant engrossing clerk of the senate, session of one thousand eight hundred and ninety-one, six hundred dollars,	\$600 00
Item No. 61. To Robert A. Haggerty, for police service during the session of one thousand eight hundred and ninety-one rendered in senate chamber and cloak rooms, one hundred and fifty dollars,	\$150 00
Item No. 62. To Joseph M. Engard, for counsel fees, subpoenas, witness fees and other expenses paid by him in contested election case of McAdams vs. Engard, session of one thousand eight hundred and ninety-one, four hundred dollars,	\$400 00
Item No. 63. To Francis J. McAdams, for counsel fees, subpoenas, witness fees and other expenses incurred by him in contested election case of McAdams vs. Engard, session one thousand	

and eight hundred and ninety-one fifteen hundred dollars, \$1500 00

Item No. 64. To Albert Datz, for furnishing bill and minute files for use of house of assembly, session one thousand eight hundred and and ninety-one, six hundred and twenty-six dollars and forty-five cents, \$626 45

Item No. 65. To George K. Coleman, sergeant-at-arms, for extra services, one hundred and fifty dollars, \$150 00

Item No. 66. To William C. Astley, for services as clerk to committee on labor and industries, session eighteen hundred and eighty-seven, three hundred and fifty dollars, \$350 00

Item No. 67. To Allan L. McDermott, for services as counsel contested election case Reed vs. Keys, five hundred dollars, \$500 00

Item No. 68. To Craig A. Marsh, for services as counsel contested election case Reed vs. Keys, five hundred dollars, \$500 00

Item No. 69. To G. S. Cook, for witness fees and expenses in taking testimony before master in chancery contested election case Reed vs. Keys, two hundred and twenty-four and $\frac{24}{100}$ dollars, \$224 24

Item No. 70. To M. M. Steele, stenographer, for services taking testimony contested election case Reed vs. Keys, ninety dollars, \$90 00

Item No. 71. To Edgar R. Pearsall, bill clerk of the senate, session one thousand eight hundred and ninety, for services after adjournment of the legislature, fifty dollars, \$50 00

Item No. 72. To Thomas F. Noonan, Jr., as clerk of the committee on elections of the house of assembly, session eighteen hundred and ninety-one, in contested election case of McAdams vs. Engard, three hundred dollars, \$300 00

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

I approve this bill with the exceptions of Items Nos. 61, 66 and 72.

April 18, 1891.

LEON ABBETT,
Governor

Joint Resolutions.



JOINT RESOLUTIONS.

NUMBER I.

Joint Resolution providing for the expenses incurred by the Grand Army of the Republic of New Jersey in attending the funeral of the late General W. T. Sherman.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one thousand dollars be and the same is hereby appropriated for such expenses as may be incurred by the Grand Army of the Republic of New Jersey in attending the funeral of the late General Wm. T. Sherman, and that the treasurer of this state pay to the department commander of this state the same upon the warrant of the comptroller out of such funds in his hands not otherwise appropriated.

Appropriation for expenses incurred by the Grand Army of the Republic in attending the funeral of the late Gen. Sherman.

2. *And be it resolved*, That this joint resolution shall take effect immediately.

Approved March 9, 1891.

NUMBER II.

Joint Resolution authorizing the payment of certain employees of the senate.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That there be paid to Robert A. Haggerty and William H. DeKalb, assistant doorkeepers,

for services during the legislative session of 1891, the sum of three hundred and fifty dollars each.

2. *And be it resolved,* That this joint resolution shall take effect immediately.

Approved March 17, 1891.

NUMBER III.

Joint Resolution accepting the sum appropriated, and the trusts imposed, and authorizing the governor to receive said money for the uses and purposes of an act of congress approved March second, one thousand eight hundred and ninety-one, entitled "An act to credit and pay to the several states and territories, and the District of Columbia, all moneys collected under the direct tax levied by the act of congress approved August fifth, one thousand eight hundred and sixty-one."

Preamble.

WHEREAS, By an act of congress approved March second, one thousand eight hundred and ninety-one, entitled "An act to credit and pay to the several states and territories, and the District of Columbia, all moneys collected under the direct tax levied by the act of congress approved August fifth, one thousand eight hundred and sixty-one," there is appropriated to each state a sum equal to all collections by set off or otherwise made from said state, or from any citizen or inhabitant thereof, under the act of congress approved August fifth, one thousand eight hundred and sixty-one, and the amendatory acts thereto; *and whereas* it is provided that where the sums or any part thereof, credited to any state, have been collected by the United States from the citizens or inhabitants thereof, or any other

person, either directly or by sale of property, such sums shall be held in trust by such state for the benefit of those persons or inhabitants from whom they were collected, or their legal representatives; and it is also further provided that no part of the money thereby appropriated shall be paid out by the governor of any state or territory, or any other person, to any attorney or agent under any contract for services now existing or heretofore made, between the representative of any state or territory, and any attorney or agent, now, therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the sum appropriated by and under said act of congress to the state of New Jersey and the trusts imposed by said act be accepted in full satisfaction of all claims of this state against the United States on account of the levy and collection of said tax. Appropriation accepted.

2. *And be it resolved*, That the governor of this state be and is hereby authorized to receive said money for the uses and purposes aforesaid and subject to the trusts aforesaid; and he is hereby further authorized to execute receipts, vouchers or other instruments in writing, and do such other matters and things as may be necessary to the acceptance of the sum appropriated under the provisions of said act, and the trusts imposed in full satisfaction of all claims of this state against the United States, on account of the levy and collection of said tax, to do and perform all other acts in behalf of this state, which may be necessary or proper in order to enable this state to receive the full benefit of the provisions of said act. Governor authorized to receive and receipt for.

3. *And be it resolved*, That this joint resolution shall take effect immediately.

Approved March 19, 1891.

NUMBER IV.

Joint Resolution authorizing the governor to provide a suitable assembly chamber and committee rooms, for the transaction of public business, and appropriating money to defray the cost and expense thereof.

Preamble.

WHEREAS, The present room used for the meeting of the general assembly of the state of New Jersey is not of sufficient size for the comfortable transaction of public business, being poorly ventilated and constantly overcrowded, thereby endangering the health of the members and officers and greatly retarding public business, therefore,

Authorizing the governor to enlarge such portions of the state house as he may think proper for the meeting of the house of assembly and appropriating the necessary funds.

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 provide a suitable chamber and committee rooms for the use of the general assembly of this state, by enlarging such portions of the state capitol building as he may deem necessary to accomplish the purpose of this resolution, and that the governor be authorized and empowered to make such additions and alterations as will afford the necessary accommodations for the supreme court and court of errors and appeals or for other state officers, and sufficient money is hereby appropriated for that purpose to be paid by the treasurer of this state on the warrant of the comptroller, after approval by the governor; and that this resolution take effect immediately.

Approved March 20, 1891.

NUMBER V.

A Joint Resolution providing for the payment of expenses incurred by the committee of the senate on elections, session of eighteen hundred and ninety, in the contested election of William S. Stuhr against Edward F. McDonald.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the expenses incurred by the committee of the senate on elections, session of eighteen hundred and ninety, in and about the contested election of William S. Stuhr against Edward F. McDonald, as senator from the county of Hudson, session of eighteen hundred and ninety, be referred to the state treasurer and state comptroller, and that the state treasurer and state comptroller shall audit and report to the governor such bills as they may approve incurred in such contest, or by reason thereof, by the committee of the senate on elections, session of eighteen hundred and ninety, and that with the approval of the governor, any and all of said bills so reported to him by the state treasurer and state comptroller, shall be paid by warrant drawn therefor by the state comptroller upon the state treasurer, and the money necessary to pay the same is hereby appropriated and the same shall be paid from the state treasury from any moneys not otherwise appropriated.

Bills in the Stuhr-McDonald contested election case to be paid upon the approval of the governor.

2. *And be it resolved*, That this joint resolution shall take effect immediately.

Approved April 14, 1891.

NUMBER VI.

Joint Resolution in relation to the record of the officers and soldiers of the late war.

Preamble.

WHEREAS, The edition being exhausted of the record of officers and soldiers of the late civil war, published under the supervision of the governor, secretary of state, adjutant-general, comptroller and treasurer, pursuant to a joint resolution approved April sixth, one thousand eight hundred and seventy-one; *and, whereas,* there are many officers and soldiers whose records are contained therein, as well as many widows and children of deceased officers and soldiers, as well as many posts and members of the grand army of the republic, to whom copies of such records could not be furnished, because of the limited number published; therefore,

Record to be procured.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey,* That the officers named in the preamble hereto, together with the attorney-general, be authorized to procure not exceeding one thousand additional copies of the said record, to furnish one copy to each member of the present legislature and to make such disposition of the remainder upon such plan and in such manner as shall appear to them judicious and consistent with the public interest.

Appropriation for paying expenses.

2. *And be it resolved,* That the treasurer be directed to pay, upon the warrant of the comptroller, the expense incurred in carrying the foregoing resolution into effect, the total appropriation authorized by this resolution not to exceed four thousand dollars this fiscal year, and this resolution shall take effect immediately.

Approved April 16, 1891.

Proclamations.

PROCLAMATIONS.

PROCLAMATION BY THE GOVERNOR.

STATE OF NEW JERSEY.

In accordance with the law and established custom in this state, the Executive each year sets apart a day of thanksgiving and prayer, on which the people may rest from their labors, and assemble in their homes and places of religious worship, to acknowledge and return thanks to Almighty God for his goodness and mercy, and pray that he will continue to bless them with abundance and prosperity;

Therefore, I, LEON ABBETT, governor of the state of New Jersey, do hereby designate Thursday, the twenty-seventh day of November, instant, as a day of public thanksgiving and prayer, and recommend that the people of this state on that day abstain from all secular avocations, assemble in their usual places of worship and give thanks to God for his infinite goodness in the past, and invoke for the future his blessings upon the nation, the state, and the homes of our people.

Given under my hand and privy seal, at the executive chamber, in the city of Trenton, on
[L. s.] this eleventh day of November, in the year of our Lord one thousand eight hundred and ninety.

LEON ABBETT,
Governor.

Attest:

LEON ABBETT, JR.,
Private Secretary.

(531)

PROCLAMATION BY THE GOVERNOR.

Pursuant to the authority vested in me by a joint resolution of the legislature, relative to the planting of forest trees, approved February twenty-first, one thousand eight hundred and eighty-four, I do hereby set apart Friday, the seventeenth day of April, one thousand eight hundred and ninety-one, for the planting of forest trees, and recommend that the day be devoted by the people to that purpose.

In witness whereof, I have hereunto set my
[L. s.] hand and caused the great seal of the state to be
hereunto affixed, at Trenton, this twenty-fourth
day of March, eighteen hundred and ninety-one.

LEON ABBETT.

By the Governor,
HENRY C. KELSEY,
Secretary of State.

Special Public Acts.



SPECIAL PUBLIC ACTS

PASSED BY THE

One Hundred and Fifteenth Legislature

CHAPTER II.

An Act to annex to the village of South Orange, in the county of Essex, a part of the present township of South Orange.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That that part of the township of South Orange, in the county of Essex, described as follows: "Beginning at a point in the northwesterly line of Centre street where the same is intersected by the northerly boundary line of the said township of South Orange, which point is also the now easterly corner of said village of South Orange; from thence in an easterly direction along the division line between the townships of East Orange and South Orange to that point in said last mentioned line where the same will intersect with a line drawn parallel with the easterly line of Holland road and one hundred and fifty feet distant easterly therefrom when produced to said division line between the townships of East Orange and South Orange; thence in a southerly direction and parallel with said easterly line of Holland road and one hundred and fifty feet distant easterly therefrom, to the southerly side of South Orange avenue; thence in a straight line southwesterly to a point in the middle of Irvington avenue, which is an angle in the present boundary line of the said village of South Orange; and thence along the southeasterly boundary lines of said village of South Orange to the place of

Description of tract set off to the village of South Orange.

beginning," be and the same is hereby annexed to and made part of said village of South Orange.

Repealer.

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

Approved February 10, 1891.

CHAPTER XIV.

An Act to set off a portion of the township of Milburn in the county of Essex, and annex such portion so set off to the township of Springfield, in the county of Union.

Description of
tract set off to
Springfield town-
ship.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,* That all of that portion of the township of Milburn, in the county of Essex, described as follows, viz: Beginning in the center of the east branch of the Rahway river at a point where the same is intersected by the north line of the old Newark turnpike road, running thence westerly along the said north line of said turnpike road to the center of the small stream known as Wades race, thence southerly down the center of said race, its various courses, to the center of the west branch of the Rahway river, thence southerly down the center of said west branch of the Rahway river to where said west branch joins the aforesaid east branch of the Rahway river, thence easterly and northerly along the center of the said east branch of the Rahway river its various courses, to the place of beginning; be and the same is hereby set off from the township of Milburn, in the county of Essex, and annexed to and made a part of the township of Springfield, in the county of Union.

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

Approved February 17, 1891.

CHAPTER LXXX.

An Act to repeal an act entitled "An act to authorize the appointment of commissioners to lay out streets and avenues through certain lands in the township of Bloomfield, in the county of Essex, and for other purposes," approved the fourth day of April, one thousand eight hundred and seventy-two.

WHEREAS, Said commissioners above mentioned were ^{Preamble.}
appointed and had a map made laying out streets and
avenues through certain lands in said township of
Bloomfield, in the county of Essex, which map they
filed with the clerk of said township and a copy thereof
with the clerk or register of said county, thereby
apparently dedicated said streets and avenues to the
uses of the public; *and whereas*, the owners of the lands
over which said streets and avenues were laid out never
received any compensation in damages therefor, and
said commissioners ceased to act as a body about the
year one thousand eight hundred and seventy-four;
and whereas, other streets and avenues have been laid
out through portions of said lands since the date of said
act by the various owners thereof, without any reference
to said map filed as aforesaid by said commissioners,
which said streets and avenues are now in use by the
public, and said streets and avenues laid out by said
commissioners on said map have never in fact been
opened or used; *and whereas*, said act so entitled as
aforesaid is a cloud upon the title of all the lands

embraced within the limits defined in said act by reason of the fact that said act provides that said commission may be revived at any time; now, therefore,

Repeals act appointing a commission to lay out streets in Bloomfield.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to authorize the appointment of commissioners to lay out streets and avenues through certain lands in the township of Bloomfield, in the county of Essex, and for other purposes," approved the fourth day of April, one thousand eight hundred and seventy-two, be and the same is hereby repealed.

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

Approved March 10, 1891.

CHAPTER CXXXVIII.

An Act to annex the township of Little Egg Harbor, in the county of Burlington, to the county of Ocean.

Township of Little Egg Harbor, Burlington county, set off to the county of Ocean.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the county of Burlington comprising the township of Little Egg Harbor shall be and the same is hereby annexed to and made a part of the county of Ocean, and shall be subject to all laws applying to the said county of Ocean, and shall have all the privileges and immunities of the other portion of Ocean county, and the division line between the township of Bass River and the said township of Little Egg Harbor shall hereafter be the boundary line between the counties of Burlington and Ocean.

Justices of the peace and other officers to hold office until terms expire.

2. *And be it enacted*, That the justices of the peace and other officers within the township hereby annexed to the county of Ocean shall continue to hold, exercise and enjoy their several respective offices and appointments in and for said township, with the powers and privileges

thereto belonging until their terms of office shall expire.

3. *And be it enacted*, That all actions, suits, appeals, prosecutions and other legal proceedings commenced or depending in the supreme court of this state, or in any court or before any justice of the peace within the county of Burlington, as the same stood before the passing of of this act, shall be in no wise affected by this act, but the same shall and may be prosecuted in said county and before said courts in the same manner as if this act had not been passed; *provided*, that in all such cases pending in the supreme court where the defendant in any transitory action shall at the time this act takes effect reside within the township hereby annexed to the county of Ocean, or when in any local action the cause of action arose in the township hereby annexed, either party may, at his election, on application to the said court for that purpose, have the venue in said action changed to the said county of Ocean, and the same tried therein as if the said action had originally been commenced in said county.

4. *And be it enacted*, That all judgments obtained, or that may hereafter be obtained in any of the courts of the county of Burlington, upon any action, suit or proceeding actually commenced or depending before the approval of this act, shall be of the same force and effect within the limits hereby annexed to the county of Ocean as though this act had not been passed; and writs of execution or other legal processes may be issued therein and directed to the sheriff or other lawful officer of said county of Burlington, who is hereby authorized and directed to execute the same in the same manner that he should by law have done in case this act had not been passed; and upon such judgment or judgments a writ or writs of scire facias may issue as in other cases, directed as aforesaid, and thereupon such further proceedings shall be had therein as would have been had if this act had not been passed.

5. *And be it enacted*, That the chosen freeholder of the township hereby annexed to the county of Ocean, shall continue to hold, exercise and enjoy his respective office, with the powers and privileges thereto belonging, until his term of office shall expire, as a member of the board

Suits and proceedings not affected.

Proviso.

Judgments to be of the same force and effect as previous to the passage of this act.

Chosen freeholder to serve until his term of office expires.

of chosen freeholders of the county of Ocean, and shall cease to be a member of the board of chosen freeholders of the county of Burlington.

Exempted from
debt of Ocean,
but liable to debt
of Burlington.

Proviso.

6. *And be it enacted*, That the inhabitants of that part of the said county of Burlington hereby annexed to the county of Ocean shall be exempted from any part of the debt of the county of Ocean now contracted, but shall continue liable for the payment of their just quota or proportion of the debt of the county of Burlington, as if this act had not been passed; *provided*, that the full and just value of the county property and assets of said county of Burlington shall first be deducted from the amount of such debts, and such property shall then belong to the said county of Burlington; for the purpose of ascertaining the proper quota or proportion of said property and debt, the governor of the state be and he is hereby authorized to appoint one citizen and freeholder from each of said counties of Burlington and Ocean, and who shall make such appraisement and apportionment; when the amount due to the county of Burlington shall be determined by said citizens so appointed as aforesaid, they shall make an award of the same, and file a report of their proceedings in the office of the clerk of the county of Burlington, and shall thereupon be entitled to receive such compensation as shall be fixed for their services by the board of chosen freeholders of the said county; upon the filing of said report, the said township may and is hereby authorized and required to give to the county of Burlington its bond or notes for the payment of the amount so ascertained to be due to such county, payable at such times as may be agreed upon by the township committee of such township and the board of chosen freeholders of the county of Burlington.

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

Approved March 30, 1891.

CHAPTER CXLVII.

An Act entitled "An Act to set off a portion of Maurice River township in the county of Cumberland into Dennis township, county of Cape May, and change the boundaries between said counties."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Maurice River in the county of Cumberland butted and bounded and described as follows, to wit: Portion of township of Maurice River, Cumberland county, set off to the township of Dennis, county of Cape May. Beginning at a corner of the counties of Cumberland and Cape May in the road known as the old Cape road at its intersection with the Dorchester and Estellville road; thence along the several courses of the said old Cape road (the same being one of the present division lines between the said counties) to a stone monument standing in the division line established between the said counties of Cumberland and Cape May, by act of legislature of November 28th, eighteen hundred and twenty-two, said stone monument being now a corner to said two counties and also the beginning corner of the division line between the townships of Upper and Dennis in the county of Cape May; thence along the last mentioned division line between the said counties of Cumberland and Cape May (represented in said act of 1822 as bearing by the position of the compass at that time "south fifty-seven degrees and about thirty minutes west") to a stone monument standing on the northwestwardly side of the Leesburg and Dennisville road; thence by a direct line and a course of about north nine degrees and thirty minutes east to the beginning; be and the same doth and shall hereby cease to be included in and a part and parcel of the township of Maurice River, county of Cumberland, as aforesaid, but shall be and is hereby set off by the passage of this act and doth hereby become a part and parcel of the township of Dennis in the county of Cape May, and shall hereafter be included within the

boundaries of said Dennis township, county of Cape May aforesaid.

Division line
between Cape
May and Cum-
berland counties.

2. *And be it enacted*, That the division line between the counties of Cape May and Cumberland be and hereby is made to conform to the several courses enumerated in the preceding section of this act.

Persons residing
within the above
described terri-
tory to become
citizens of Cape
May county.

3. *And be it enacted*, That any or all persons who shall reside within the above described territory and who are now residents of the county of Cumberland, upon the passage of this act shall immediately become citizens and residents of the county of Cape May and shall be entitled to all rights, privileges and benefit of citizenship in said county.

Commissioners
of settlement.

4. *And be it enacted*, That Leaming M. Rice of the said township of Dennis, county of Cape May, and Benjamin F. McKeag of Maurice river township, county of Cumberland, be and are hereby appointed two commissioners with full power to choose a third person, who shall also be a commissioner when so chosen, so that said board shall consist of three members, whose duty it shall be to make a just and equitable settlement between the portion of said Maurice river township proposed to be set off by this act and the portion of the said township which this act does not affect so far as relates to the bonded indebtedness of said township and also of any and all taxes which have been assessed previous to the passage of this act for the benefit of said township.

Repealer.

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

Approved April 2, 1891.

CHAPTER CCXXII.

An Act to set off a part of the township of Atlantic, in the county of Monmouth, and annex such portion so set off to the township of Shrewsbury, in the county of Monmouth.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all of that portion of the township of Atlantic, in the county of Monmouth, described as follows, viz.: Beginning at the centre of Pine brook where the same is intersected by the Tinton Falls mill-pond brook, otherwise known as Hockhockson brook, thence southerly up the centre of Pine brook to the place where it strikes the westerly line of the property of Daniel H. Cook, thence northwesterly along the westerly line of the property of the said Daniel H. Cook, and in a straight line until the middle of Hockhockson brook is reached, thence easterly and northeasterly along the middle of Hockhockson brook, in its various courses, to the place of beginning, be and the same is hereby set off from the township of Atlantic, in the county of Monmouth, and annexed to and made a part of the township of Shrewsbury, in the county of Monmouth.

Description of
portion set off
into Shrewsbury
township.

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 14, 1891.

CHAPTER CCXXVIII.

An Act to set off a portion of the township of Tewksbury, in the county of Hunterdon, to the township of Clinton, in said county.

Description of
portion set off
into Clinton
township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Tewksbury, in the county of Hunterdon, included within the following boundaries, to wit: beginning at a point in the present boundary line between the township of Tewksbury and the township of Clinton, which point is one hundred feet in an easterly direction from the northeast corner of the dwelling house of Conrad Alpaugh, and running by said boundary line in a southeasterly direction to the keystone in the westerly arch of the bridge over Cold Brook; thence along the middle of the public road leading from Potterstown to New Germantown, one hundred and seventy-three feet, to a point in the middle of the same; thence in a northwesterly direction in a direct line to the place of beginning, be and hereby is set off from said township of Tewksbury, in the county of Hunterdon, to the township of Clinton, in said county.

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

Approved April 14, 1891.

CHAPTER CCLXI.

An Act to repeal an act entitled "A supplement to 'An act to facilitate the collection of taxes in the township of Cinnaminson, in the county of Burlington, approved March sixteenth, one thousand eight hundred and seventy.'" "

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Act repealed.} *the State of New Jersey,* That an act entitled "A supplement to 'An act to facilitate the collection of taxes in the township of Cinnaminson, in the county of Burlington,'" approved March sixteenth, one thousand eight hundred and seventy, which said supplement was approved March twentieth, one thousand eight hundred and seventy two, be and the same is hereby repealed; *provided, however,* ^{Proviso.} that where lands already sold under said act shall not be redeemed as in said act provided, deeds shall be executed for said lands in the same manner as if this law had not been enacted.

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

Approved April 16, 1891.

CHAPTER CCLXV.

An Act to set off part of the town of Hammonton, in the county of Atlantic, and to annex the same to the township of Mullica, in the county aforesaid.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Portion of town set off.} *the State of New Jersey,* That all that part of the town of Hammonton, in the county of Atlantic, lying and being

Boundaries

within the following boundaries, to wit: Beginning at a point in the mid-channel of the West's mill or Batsto forge stream, intersected by the southerly line of the said town of Hammonton as the same was located prior to March twenty-sixth, one thousand eight hundred and seventy-three; thence (first) in mid-channel of said stream by the several courses and distances thereof, down the same to a point at the mouth of Panther branch and in the middle of said stream; thence (second) up the said Panther branch by the several courses thereof, to the middle of the westerly county bridge in Nesco road, over the said Panther branch; thence (third) south, thirty-six degrees and thirty minutes west, to mid-channel of Clark's branch or Pleasant mills stream; thence (fourth) in mid-channel of the same, and up the same, by the courses thereof, to the point of intersection therein of the aforesaid Hammonton town line; thence (five) in a direct line to the place of beginning [embracing within said boundaries the same territory as was set off from the said township of Mullica and annexed to the said town of Hammonton by an act entitled "An act to set off part of the township of Mullica, in the county Atlantic, and to annex the same to the town of Hammonton in the county aforesaid," approved March twenty-sixth, one thousand eight hundred and seventy-three], be and the same is hereby set off from the town of Hammonton and annexed to and become a part of the township of Mullica; and the inhabitants with their taxable estates within the district above described and annexed, shall be entitled to all the rights, powers and privileges, and subject to the same government, regulation and liabilities as the other inhabitants of the said township of Mullica are or may be entitled or subject to by the laws of the state.

Commissioners
to make valua-
tion.

2. *And be it enacted*, That the township committee of Mullica township and the town council of Hammonton shall each select a member of their respective bodies, which two persons so selected shall designate some resident freeholder of the district annexed to be associated with them as commissioners, whose duty it shall be to meet at such times and places as a majority may determine upon, and then and there to allot and divide between the said township of Mullica and town of Ham-

monton, such property, if any there be, which now belongs to the said town of Hammonton, and to determine by a calculation based upon the relative proportion of the taxable value of the property within that portion of the town of Hammonton to be annexed to the township of Mullica and the assessed value of the entire taxable property of the said town of Hammonton, the amount of indebtedness of the town of Hammonton to be paid by the said town of Hammonton, and the proportion to be assigned to the township of Mullica for the territory to be annexed as aforesaid, which proportion of indebtedness, together with any costs or expenses attending the labors of the said commissioners, shall be assessed on and collected by the township of Mullica from the territory so annexed; and said commissioners are to make their report in writing, to be signed by a majority of their members, and file the same with the clerk of the township of Mullica, with fifteen days from the passage of this act.

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

Approved April 17, 1891.

CHAPTER CCLXVII.

An Act to facilitate judicial proceedings in the county of Gloucester.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the courts of common pleas,oyer and terminer and general jail delivery, general quarter sessions of the peace and orphans' court in and for the county of Gloucester shall hereafter consist of one law judge and two lay judges, in addition to the justice of the supreme court holding the circuit for said county, and said law judge shall be a counselor-at-law of this state Law judge to be appointed for Gloucester county.

- How appointed. and shall be appointed in the same manner as justices of
 Proviso. the supreme court are now appointed; *provided*, that the
 present number of lay judges may be continued until the
 number is reduced to two by expiration of term of office
 or other vacancy as to one of the number.
- Presiding judge. 2. *And be it enacted*, That whenever the justice of the
 supreme court holding the circuit court for said county
 shall be absent, the law judge provided for by this act
 shall be president judge of said courts of common pleas,
 oyer and terminer and general jail delivery, general
 quarter sessions of the peace and orphans' court of said
 county.
- Courts may hold 3. *And be it enacted*, That the courts of common pleas,
 special terms. general quarter sessions of the peace and orphan's court
 in and for said county of Gloucester may hold adjourned
 and special terms of said court, or either of them, under
 the regulations already provided by statute in case of the
 circuit court and court of oyer and terminer and general
 jail delivery.
- Indictments may 4. *And be it enacted*, That indictments for all crimes
 be handed down within the jurisdiction of the court of general quarter
 when necessary. sessions of the peace shall be handed down by the court
 of oyer and terminer and general jail delivery into and
 be tried in the said court of general quarter sessions of
 the peace whenever the said court of oyer and terminer
 and general jail delivery shall deem it necessary or proper
 in order to expedite the business of said court and to
 deliver the jail.
- Persons charged 5. *And be it enacted*, That whenever any person or per-
 with offense may sons shall be charged upon oath before any justice of the
 waive indictment peace, police justice or any other duly authorized officer
 and trial by jury. in the said county of Gloucester, with any offense now
 triable by law before the court of general quarter sessions
 of the peace of said county, and such person or persons
 shall, in writing, signed by him, her or them, addressed
 to the said law judge of said county, waive indictment
 and trial by jury, and request to be tried immediately, it
 shall be the duty of said law judge, unless he shall think
 the public interest will be benefitted by denying said re-
 quest, to call a court of special quarter sessions of the
 peace, to meet at the court house in said county, which
 court is hereby empowered and required to try such per-

son or persons with all due speed, having due regard to the circumstances of the case, the public interest and the possibility of obtaining necessary witnesses to determine the guilt or innocence of the person or persons charged; *provided, nevertheless,* that no person shall be convicted by said court of any offense unless a majority of the judges of said court before whom such person shall be tried, of which majority the said law judge shall be one; if such person or persons be acquitted by the said court, he, she or they shall be forthwith discharged; if he, she or they shall plead guilty or be convicted, said court shall thereupon forthwith render and record such judgment of imprisonment or crime, or both, as shall be authorized by law in case such person or persons had been duly indicted and convicted; and it shall be the duty of the prosecutor of the pleas of said county, in person or by deputy, to attend upon said trial, prefer to said court an allegation in writing alleging the time, place and nature of the offense with which such person or persons is or are charged, and to which said person or persons shall forthwith plead; and the proceedings for bringing such person or persons for trial before such court, the accusation, place, trial and sentence, shall be in conformity with law and the practice heretofore, except as the same are altered by this act; and the cost of all proceedings in said court under this act shall be taxed and paid in the same manner as costs of proceedings and indictments found in courts of oyer and terminer and general jail delivery of said county are now taxed and paid.

6. *And be it enacted,* That the clerk of the said county of Gloucester shall be clerk of the court hereby provided for, and shall issue all process, whether of *capias*, *subpœna* or execution, which shall be required in carrying out the provisions of this act, which process shall be delivered to the sheriff of the said county of Gloucester or to such other officer or officers as are now or may hereafter be authorized, who shall serve and return the same under the same regulations and penalties, and with the same compensation as heretofore; and the said sheriff shall be an officer of said court, and shall exercise the same supervision and direction of all constables and subordinate

Proviso.

Duties of clerk,
sheriff and other
officers.

officers attending said court, and in all things pertaining to the office as heretofore.

Persons charged
with larceny,
how tried.

7. *And be it enacted*, That hereafter no person charged with larceny in the said county of Gloucester shall be tried otherwise than before the said court of special sessions hereby provided for, or on regular indictment, according to the usual course of proceedings at law.

Law judge,
power and
authority.

8. *And be it enacted*, That in all matters within the jurisdiction of the said several courts relating to the practice and settlement of legal rules and questions, the said law judge shall, in the absence of the justice of the supreme court holding the circuit court for the said county have exclusive power and authority to determine such rules, questions and practice.

Compensation
of law judge.

9. *And be it enacted*, That the law judge provided for by this act shall receive such salary as is now or may be provided by law for counties of like population, to be paid in equal monthly installments by the collector of said county.

Repealer.

10. *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.

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

Approved April 17, 1891.

CHAPTER CCLXXIII.

An Act to establish a new township in the county of Gloucester, to be known as the township of Elk.

Portion to be
established as a
new township.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all that portion of the townships of Clayton, Glassboro and South Harrison, in the county of Gloucester, lying within the following boundaries, to-wit: beginning at a stone corner at the head of

Boundaries.

Oldmans creek, taking a northeasterly course along the line of South Harrison township to a bridge on the Franklinville and Swedesboro road near Stacy Cassady's: thence (2) about a northerly course along Cool run until intersected by the stream from the late Simpkins' mill in the old mill-pond of the late Samuel Langley; thence (3) about an east course along the stream from the late Simpkins' mill to the Harrison township line; thence (4) about a northeast course along the Harrison township line to the Reading railroad; thence (5) about a southeast course along the Reading railroad to the Millville and Cape May railroad near Glassboro; thence (6) still a southeast course along the Millville and Cape May railroad opposite stone on Clayton township line on turnpike road, thence in a direct line to cedar bridge on Buck road down Cedar creek to Still run, thence down Still run to the Franklin township line; thence (7) a southwest course along the Franklin township line to the line of Salem county near Monroe church; thence (8) about a northwest course along the Salem county line to the aforesaid stone at the head of Oldmans creek, the place of beginning, shall be and hereby is set off from the said respective townships of Clayton, Glassboro and South Harrison, in the county of Gloucester, and made a separate township, to be known by the name of the township of Elk.

2. *And be it enacted*, That the inhabitants of the township of Elk shall be and are hereby constituted a body politic and corporate in all, and shall be styled and known by the name of "the inhabitants of the township of Elk, in the county of Gloucester," and shall be entitled to all the rights, powers, authority, privileges and advantages, and subject to the same regulations, government and liberties as the inhabitants of the other townships in the said county of Gloucester are or may be entitled or subjected to by the laws of this state.

3. *And be it enacted*, That the inhabitants of the township of Elk aforesaid shall hold their first town meeting at the school house, Unionville, in said township of Elk, on any day within three months after the passage of this act, when fixed by the clerk of the township named herein by giving the usual notice, and the officers elected

at said town meeting shall hold their respective offices until the next annual town meeting.

Division and
valuation of
property

4. *And be it enacted*, That the township committees of the townships of Elk, Clayton, Glassboro and South Harrison shall meet on the first Monday next after the said first town meeting shall be held by the said township of Elk, at the town hall in Clayton, in the township of Clayton, in the county aforesaid, at ten o'clock in the forenoon of that day, and then and there proceed, by writing signed by a majority of those present, to allot and divide between the said townships all property, real and personal, moneys on hand, due or to become due, in proportion to the taxable property and ratables as taxed by the assessors of the said townships of Clayton, Glassboro and South Harrison, within the limits of the respective townships of Elk, Clayton, Glassboro and South Harrison at the last assessment, and may adjourn said meeting from time to time as a majority of those present may deem proper; and the inhabitants of the said respective townships shall be liable to pay their just proportion of the debts, if any there should be; and a majority of the persons comprising the township committees of said townships of Elk, Clayton, Glassboro and South Harrison shall constitute a quorum and may proceed to make said 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 above meeting to such time and place, within either of said townships, as a majority of those assembled as aforesaid may think proper.

Proviso.

Clerk, and duty.

5. *And be it enacted*, That William Brown shall be and hereby is constituted the clerk of the township of Elk until after the first town meeting of said township; and it shall be his duty as such clerk, to set up the notices required by law for holding said town meeting, together with all the several duties of township clerk.

Officers of
election.

6. *And be it enacted*, That at the first township election herein provided for James W. Hughes shall be the judge of election, and Samuel Mead and Thomas McClure shall be inspectors of election, and in case of the absence of one or more of them or of the township clerk, the defi-

ciency shall be filled by the electors present as in other township elections.

7. *And be it enacted*, That the provisions of any law in relation to the registering of voters shall not apply to the first election held under this act.

No registration for first election.

8. *And be it enacted*, That nothing in this act contained shall be construed so as to interfere with or impair the commissions of justices of the peace or of commissioners of deeds, until they shall expire by limitation, or so as to impair the rights of the said township of Elk in and to its just and legal proportion of the surplus revenue of the general government and the interest thereon.

Construction of act as to term of office of justices and commissioners.

9. *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.

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

Approved April 17, 1891.

Private Acts.

PRIVATE ACTS

PASSED BY THE

One Hundred and Fifteenth Legislature

CHAPTER XVI.

An Act for the relief of the African Methodist Episcopal
Zion Clinton Church of the Strangers.

WHEREAS, Matthew Knoells, of the city and county of ^{Preamble.}
New York, and state of New York, departed this life
in or about the year one thousand eight hundred and
fifty-one, intestate and without issue, leaving Rosana,
his widow, and no other lawful heir who could inherit
the estate of which he died possessed, being a vacant
lot in the city of Newark, New Jersey, bounded and
described as follows: Beginning on the northerly line
of Pennington street as the same has been extended
and continued through lands lately belonging to Her-
mon Vinson, deceased, and at a point in said line
four hundred feet easterly from the easterly line of
the New Jersey Railroad avenue; and running thence
along the northerly line of said Pennington street,
south, sixty degrees east, sixty feet; thence north,
thirty degrees east, eighty-nine feet two inches; thence
north, sixty-three degrees four minutes west, sixty
feet more or less to the line of lot number twenty-two;
thence along the line thereof south thirty degrees
west, eighty-four feet ten inches to the place of begin-
ning; being lots numbers twenty-three and twenty-
four on a map made by the commissioners appointed

to sell the real estate of Hermon Vinson, deceased; *and whereas*, the said widow deeded said premises by warranty deed to Charles Schmaelzle; *and whereas*, the said premises by mesne conveyances have been conveyed to divers parties, in each case by warranty deed, until the year one thousand eight hundred and eighty-eight, when the same was deeded by warranty deed to the African Methodist Episcopal Zion Clinton Church of the Strangers for a consideration of eleven hundred dollars; *and whereas*, the said church has occupied said premises since the year one thousand eight hundred and eighty-eight, and erected thereon a church edifice of the value of three thousand dollars; *and whereas*, the said church is largely in debt and unable to raise money by loan upon said premises on account of the interest of the state of New Jersey in and to said premises, arising from the fact that the said Matthew Knoells died intestate and left no heirs to inherit the same; *and whereas*, the said church is about to lose all the money invested in said property by reason of the state's interest; *and whereas*, the grantees of the said Rosana Knoells have been in the undisturbed possession of said premises since the year one thousand eight hundred and fifty-two; therefore,

Title of land
vested in the
church.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the estate, right, title and interest of the said Matthew Knoells in and to said property, and all the right, title, interest and estate of the state of New Jersey of, in and to the said lot of land and appurtenances be and the same hereby is vested in the said African Methodist Episcopal Zion Clinton Church of the Strangers, its successors and assigns, and to its and their only proper use, benefit and behoof forever.

Approved February 18, 1891.

CHAPTER LXVII.

An Act to repeal an act entitled "An act to incorporate the eclectic medical and surgical college of the state of New Jersey," approved March seventeenth, one thousand eight hundred and seventy.

WHEREAS, On the seventeenth day of March, one thousand eight hundred and seventy, an act entitled "An act to incorporate the eclectic medical and surgical college of the state of New Jersey" was approved; *and whereas*, on the twentieth day of December, one thousand eight hundred and eighty-eight, a certificate was recorded in the office of the clerk of the county of Hudson, state of New Jersey, by which the name of the eclectic medical and surgical college of the state of New Jersey was changed to the medical and surgical college of the state of New Jersey, and which said certificate was filed in the office of the secretary of state on the twenty-second day of December, one thousand eight hundred and eighty-eight; *and whereas*, the charter of the said college should, in the judgment of the legislature, be repealed; 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 the eclectic medical and surgical college of the state of New Jersey," approved March seventeenth, one thousand eight hundred and seventy, be and the same is hereby repealed.

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

Approved March 9, 1891.

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